
Central Valley Regional Water Quality Control Board

23 June 2021

Paul Stone
Kenneth Stone & Family Spreading Service, LLC
5175 Shaw Ave
Winton, CA. 95388

NOTICE OF APPLICABILITY

**WATER QUALITY ORDER 2020-0012-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMMERCIAL
COMPOSTING OPERATIONS
EL NIDO SITE 1
MERCED COUNTY**

Kenneth Stone and Family Spreading Service, LLC. (Discharger) was issued a *Notice of Applicability* (NOA), dated 13 September 2018, to obtain coverage under the *General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ* for composting operations at their El Nido Site 1 composting facility (Facility). Subsequent to the issuance of the NOA, the State Water Resources Control Board adopted *General Waste Discharge Requirements for Commercial Composting Operations, Order WQ 2020-0012-DWQ* (Revised General Composting Order) amending Order WQ-2015-0121-DWQ. [A copy of the Revised General Order can be found here:](#)

(https://www.waterboards.ca.gov/water_issues/programs/compost/)

A Notice of Intent (NOI) for the Revised General Order was received on 21 June 2021, which indicated that Discharger wanted to change its enrollment from a Tier II facility under Order WQ 2015-0121-DWQ to a Tier I facility that composts manure under the Revised General Order.

This revised NOA was developed after review of the NOI and the *Groundwater Protection Monitoring Plan* as described in the attached memorandum, which is a part of this NOA. The Facility meets the conditions of the Revised General Order. The previous NOA (2015-0121-DWQ-R5F012) and its Tier II requirements are hereby rescinded, except for enforcement purposes. The Facility is now covered under the Revised General Order as a **Tier I** facility that composts manure. **The new enrollee identification number is 2020-0012-DWQ-R5F001.** The Discharger must comply with all Tier I requirements for facilities that compost manure of the Revised General Order.

To fully comply with this NOA, be familiar with the contents of the enclosed memorandum and all requirements of the Revised General Order. The Discharger is responsible for implementing all operations in a manner that complies with the Revised General Order. Any noncompliance with the Revised General Order constitutes a violation of the Water Code, and is grounds for enforcement action, and/or termination of enrollment under this General Order.

El Nido Site 1 must comply with the following requirements:

1. Tier 1 composting operations that propose to compost manure as a feedstock must meet all specifications listed in PROHIBITIONS; SPECIFICATIONS 1(a); SPECIFICATIONS 2–9; and DESIGN, CONSTRUCTION, AND OPERATION REQUIREMENTS – ALL TIERS.
2. Within 90 days of issuance of this NOA, the Discharger shall implement the approved *Groundwater Protection Monitoring Plan*. Revisions to this plan may be required in the future if it is determined that additional wells are required.
3. Any grading and flood protection deficiencies must be addressed by 4 August 2022.
4. Submit a post-construction certification report to the Central Valley Water Board within 60 days of completing all construction activities associated with all applicable containment and monitoring structures, as required for compliance with this Revised General Order and the MRP.
5. Prior to any facility expansion, a technical report with design information will need to be submitted for approval at least 90 days prior to new construction of working surfaces, stormwater (detention) basins, berms, ditches, or any other water quality protection containment structure. The design information must include water balance calculations for detention ponds and wastewater conveyance features.
6. Any expansion of facility operation must meet the requirements of the Revised General Order prior to commencement of composting operations in any new area.
7. A revised NOI is required at least 90 days prior to:
 - adding a new feedstock, additive, or amendment;
 - changing construction material or construction specifications;
 - changing a monitoring program; or
 - changing an operation or activity not described in the approved NOI and technical report.

Attachment B of the General Order includes specific monitoring and reporting requirements that you must comply with, including routine monitoring and reporting to the Central Valley Regional Water Control Board. The *Annual Monitoring and Maintenance Report* as identified in the General Order must be submitted annually by 1 April each year.

All reports and other correspondence must be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents are to be uploaded to the Geotracker database with confirmation of the upload emailed to centralvalleyfresno@waterboards.ca.gov. The Geotracker facility identification number is **T10000012209**.

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Attention:	Title 27 Unit
Discharger Name:	Kenneth Stone & Family Spreading Service
Facility Name:	El Nido Site 1
County:	Merced County
CIWQS Place ID:	846252

If you have any questions regarding this NOA, please contact Elizabeth Welch at (559) 445-6127 or Elizabeth.Welch@waterboards.ca.gov.

Sincerely,

Original Signed by Clay L. Rodgers for:
Patrick Pulupa
Executive Officer

Enclosures: Staff Memorandum

cc: Brianna St Pierre Brianna.St.Pierre@waterboards.ca.gov
Esther Canal Esther.Canal@countyofmerced.com
Paul Stone stonespreading3@yahoo.com
Jill Stone jill@stonespreading.com
Jenny Weese jweese@groundzeroanalysis.com

Central Valley Regional Water Quality Control Board

TO: SCOTT J. HATTON
Supervising Water Resource Control Engineer

FROM: KRISTEN S. GOMES
Water Resource Control Engineer
PE No. 79025

ELIZABETH A.M. WELCH
Water Resource Control

DATE: 23 June 2021

**SUBJECT: REVIEW OF GROUNDWATER PROTECTION MONITORING PLAN
AND APPLICABILITY OF COVERAGE UNDER STATE WATER
RESOURCES CONTROL BOARD WATER QUALITY ORDER 2020-
0012-DWQ, EL NIDO SITE 1, MERCED COUNTY**

Kenneth Stone and Family Spreading Service, LLC. (Discharger) was issued a *Notice of Applicability* (NOA), dated 13 September 2018, to obtain coverage under the *General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ* for composting operations at their El Nido Site 1 composting facility (Facility). Subsequent to the issuance of the NOA, the State Water Resources Control Board adopted *General Waste Discharge Requirements for Commercial Composting Operations, Order WQ 2020-0012-DWQ* (Revised General Composting Order) amending Order WQ-2015-0121-DWQ. The Revised General Order was adopted on 7 April 2020 and contains several revisions. Order WQ 2015-0121-DWQ required all facilities that compost manure to enroll as a Tier II facility regardless of if they met the quantity restrictions and siting criteria of a Tier I facility. Furthermore, the Revised General Order modified Order WQ 2015-0121-DWQ to allow for facilities that compost manure to enroll as a Tier I facility if the following conditions are met:

1. The facility receives, processes, and stores less than 25,000 cubic yards of a combination of allowable Tier 1 feedstocks, compost, additives and amendments on site at any given time.
2. The percolation rate and depth to the highest anticipated groundwater level underlying the composting operation is consistent with Table 3 of the Revised General Order.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

3. If the facility implements a groundwater protection monitoring plan for the composting operation. Groundwater monitoring wells must be constructed and monitored in accordance with the requirements of Attachment D of the Revised General Order.

A NOI for the Revised General Order was received on 21 June 2021, which indicated that Discharger wanted to change its enrollment from a Tier II facility under Order WQ 2015-0121-DWQ to a Tier I facility that composts manure under the Revised General Order.

SITE CONDITIONS

The Facility is located at 1510 West Washington Road in El Nido, about two miles southwest of El Nido and 11 miles south of the City of Merced. The Facility is 36 acres in size. Compost windrows are constructed on the western portion of the facility, while the eastern portion of the facility is used for stockpiling the finished product and preparing it for transport. The Facility composts manure obtained from various dairies and the total facility capacity is 12,500 tons, which equates to 25,000 cubic yards. All stormwater flows via sheet flow and discharges into the stormwater detention pond in the northwest corner of the facility.

The surface soils were characterized as silty, clayey matrix to a fine to very fine-grained sand. The hydraulic conductivities of the upper five feet of working surface soils ranged from 4.6×10^{-4} to 3.9×10^{-8} centimeters per second (cm/s), with the average values of 8.0×10^{-5} cm/s. Depth to groundwater is estimated to be 70 feet below ground surface (bgs). These values indicate that the percolation rate and depth to the highest anticipated groundwater level underlying the composting operation meet the siting criteria for a Tier I facility.

GROUNDWATER PROTECTION MONITORING PLAN

Ground Zero Analysis, Inc. submitted the *Groundwater Protection Monitoring Plan*, dated 8 June 2021, on behalf of the Discharger to supplement the NOI. The *Groundwater Protection Monitoring Plan* proposes installing a groundwater monitoring network consisting of a total of three groundwater monitoring wells. Well MW-1 would be installed along the central portion of the southern boundary and serve as an upgradient well. MW-2 and MW-3 would be installed along the northern boundary, downgradient of the composting surface and the retention pond. Wells MW-2 and MW-3 would be used to evaluate changes in water quality that may be associated with composting activities. All three wells will be constructed according to California Well Standards and the monitoring well construction requirements of the Merced County Department of Environmental Health.

The proposed wells will have a 25-foot screened interval and would be screened across the upper 20 feet of the water table. With the groundwater anticipated at a depth of 70 feet bgs, the screened interval is proposed to be installed from 65 to 90 feet bgs. Well locations and top-of-casing elevations will be surveyed by a licensed surveyor.

Groundwater samples would be collected quarterly and analyzed for the required constituents listed in the *Monitoring and Reporting Program (MRP)*, which is included as *Attachment B* in the Revised General Order. The results of all monitoring activities would be reported annually, which is consistent with the reporting requirements of the MRP.

TIMELINE FOR COMPLIANCE

Within 90 days of the date of the NOA, the *Groundwater Protection Monitoring Plan*, dated 8 June 2021, must be implemented. If the groundwater flow direction is different than expected and the northern property boundary is no longer the suspected downgradient point of compliance, then the installation of additional monitoring wells may be required.

MONITORING AND REPORTING

The Discharger will regularly inspect and maintain all containment, control, monitoring structure, and monitoring systems in accordance with the MRP. The frequency of inspections should be sufficient to prevent discharges of feedstocks, compost (active, curing, or final product), or wastewater from creating, threatening to create, or contributing to conditions of contamination, pollution, or nuisance.

The Discharger is required to conduct a monitoring program as prescribed in the applicable portions of the MRP. Sections that apply are A1, A2, A4, A5, B and C. Results of monitoring will be reported annually in the *Annual Monitoring and Maintenance Report*, which will be submitted by **1 April** of each year as long as the NOA is in effect.

RECOMMENDATION

The El Nido Site 1 composting facility meets the criteria to enroll under the Revised General Order as a Tier I facility that composts manure. NOA 2015-0121-DWQ-R5F012, issued on 13 September 2018, should be rescinded and replaced with a NOA for the Revised General Order. *Order WQ 2015-0121-DWQ* required full compliance for existing facilities by 4 August 2022.

El Nido Site 1 must comply with the following requirements:

1. Tier 1 composting operations that propose to compost manure as a feedstock must meet all specifications listed in PROHIBITIONS; SPECIFICATIONS 1(a); SPECIFICATIONS 2–9; and DESIGN, CONSTRUCTION, AND OPERATION REQUIREMENTS – ALL TIERS.
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