



Central Valley Regional Water Quality Control Board

4 August 2022

George Morrow
Jim Brisco Enterprises, Inc
221 Airpack Rd, Suite A
Atwater, CA 95301

CERTIFIED MAIL
7022 0410 0001 5235 5106

NOTICE OF APPLICABILITY

CENTRAL VALLEY WATER BOARD RESOLUTION R5-2018-0085, APPROVING WAIVER OF REPORTS OF WASTE DISCHARGE AND WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE CENTRAL VALLEY REGION; JIM BRISCO ENTERPRISES, INC., ESCALON LAND APPLICATION SITE; AGRICULTURAL COMMODITY WASTE; MERCED COUNTY

On 31 May 2022, Jim Brisco Enterprises, Inc. (Discharger) submitted a Report of Waste Discharge (RWD) for coverage under Resolution R5-2018-0085, *Approving Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region* (or Low Threat Waiver) for application of agricultural commodity waste to land. Additional information to complete the application, including a check for the application fee, was received on 6 June and 24 June 2022.

After review of the RWD and supplemental material submitted by the Discharger, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the recurring application of agricultural commodity waste consisting of discarded settled solids from processing peppers and tomatoes from food processing facilities near Escalon for use as a soil amendment on agricultural land as described in the RWD qualifies for enrollment under the Low Threat Waiver. Therefore, the discharge to land, as described in the RWD, qualifies for coverage under Category 9 for recurring discharges of agricultural commodity waste as described in the Low Threat Waiver. You are hereby assigned **enrollee number R5-2018-0085-0073**. Please include this number on all correspondence related to this discharge.

A copy of the Low Threat Waiver is enclosed. You can also find a copy of the Low Threat Waiver [R5-2018-0085](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085) on the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf.

Coverage under the Low Threat Waiver R5-2018-0085 is valid until **7 December 2023**. Prior to this date, the Discharger shall contact the Central Valley Water Board and either cease the discharge or submit a new RWD and application fee to continue under a renewed waiver or to obtain individual waste discharge requirements.

PROJECT LOCATION

The Discharger proposes to land apply agricultural commodity waste as a soil amendment on property southwest of Sandy Mush Road and Highway 59 in southeastern Merced County (37.1625°, -120.5148°) as shown in **Attachment A**. The property consists of approximately 1,000 acres of farmland in Assessor's Parcel Number (APN) 074-090-036.

This portion of Merced County is within the Sacramento River and San Joaquin River Basins. The operative Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the basin.

PROJECT DESCRIPTION

The City of Escalon operates an industrial treatment facility that processes wastewater from food processing facilities near Escalon (Facility). The Facility is regulated under Waste Discharge Requirements Order 5-00-142. The Facility treats wastewater from local plants that process peppers and tomatoes. As part of the treatment process, solids are settled in aerated ponds. Following the processing season, the ponds are dried out and the settled solids removed on an annual basis and applied to farmland for use as a soil amendment. All domestic wastewater is treated separately and is not comingled at any time with industrial process wastewater at the Facility.

According to the RWD, the settled solids will be collected and screened to remove rocks and debris before being transported and land applied on approximately 1,000 acres of farmland in Merced County. Crops grown on the land application area include grains, silage corn, and alfalfa. The material will be spread at agronomic rates using a commercial spreader and disked into the soli prior to planting. Agronomic rates will be set based on crop type and annual sampling of the material.

The land application area is adjacent to a parcel that receives biosolids under the Biosolids General Order 2004-0012-DWQ-0031. According to the Discharger no biosolids will be applied on parcel 074-090-036 used for application of agricultural commodity waste.

SPECIFIC REQUIREMENTS

The Low Threat Waiver and this NOA covers the application of agricultural commodity waste on agricultural farmland as a soil amendment. The Discharger shall comply with the requirements specified in the Low Threat Waiver and the specific requirements listed below.

1. Application of agricultural commodity waste at a location or in a manner different from that described in the RWD and this NOA is prohibited.
2. The application shall not cause or threaten to cause conditions of contamination, nuisance, or pollution as defined in California Water Code section 13050.
3. The Discharger shall implement the necessary best management practices (BMPs) to preclude the potential for nuisance conditions.
4. Application of agricultural commodity waste or runoff from storage and/or application areas to adjacent lands, surface waters, or surface water drainage courses is prohibited.
5. Application of solids, sludge, or biosolids from domestic wastewater is not authorized by this NOA.
6. Failure to abide by the conditions of the Low Threat Waiver R5-2018-0085, and this NOA could result in enforcement actions, as authorized by provisions of the California Water Code.

All monitoring reports and other correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to centralvalleyfresno@waterboards.ca.gov. Documents that are 50MB or larger should be transferred to a disk and mailed to the appropriate Regional Water Board office, in this case 1685 E Street, Fresno, CA 93706.

To ensure that your submittal is routed to the appropriate staff, the following information block should be included in any email used to transmit documents to this office:

Program: Non-15;

Facility Name: Jim Brisco Enterprises, Inc. Escalon Land Application Site;

Place ID: 881681;

Order: R5-2018-0085-0073

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Dale Harvey. Mr. Harvey can be reached at (559) 445-6190 or Dale.Harvey@waterboards.ca.gov. Questions regarding the permitting aspects of the Waiver, and notification for termination of coverage under the Waiver, shall be directed, via the paperless office system, to the Waste Discharge Requirements Permitting Unit, attention Katie Carpenter. Ms. Carpenter can be reached at (559) 445-5551 or by email at Katie.Carpenter@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the internet or will be provided upon request.
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

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

Attachment: Attachment A – Site Map

Enclosure: Low Threat Waiver Order R5-2018-0085

cc w/o enclosure:

- Christopher Moskal, State Water Resources Control Board (via email)
- Dale Harvey, Central Valley Water Board, Fresno (via email)
- Tricia Wathen, State Water Board, Division of Drinking Water (via email)
- Amanda Duran, Merced County Environmental Health, Merced (via email)
- Pierre Perret, Mainstone Corp, 2930 Whitegate Drive, Merced, CA 95340
- Antonio Azevedo, Farm Manager, 1261 W. Roosevelt Road, El Nido, CA 95317

ATTACHMENT A - SITE MAP

NOTICE OF APPLICABILITY R5-2018-0085-0073
JIM BRISCO ENTERPRISES, INC.
ESCALON LAND APPLICATION SITE
MERCED COUNTY

