



Central Valley Regional Water Quality Control Board

31 October 2019

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7018 3090 0001 1080 3548

George Morrow, Owner
Jim Brisco Enterprises, Inc.
221 Airpark Road, Suite A
Atwater, CA 95301

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Edward J. Silva, Owner
P.O. Box 103
El Nido, CA 95317

NOTICE OF APPLICABILITY (NOA); STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2004-0012-DWQ-0025; GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE DISCHARGE OF BIOSOLIDS TO LAND FOR USE AS A SOIL AMENDMENT IN AGRICULTURAL, SILVICULTURAL, HORTICULTURAL, AND LAND RECLAMATION ACTIVITIES; JIM BRISCO ENTERPRISES, INC. AND EDWARD J. SILVA; ED SILVA BIOSOLIDS APPLICATION AREA; MERCED COUNTY

On 15 August 2019, Jim Brisco Enterprises, Inc., submitted a Notice of Intent (NOI) and application fee for coverage under the State Water Resources Control Board's Water Quality Order 2004-0012-DWQ, *General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities* (General Order). The August 2019 NOI was signed by George Morrow with Jim Brisco Enterprises, Inc. and Edward Silva with Ed Silva Farms.

According to the NOI, Jim Brisco Enterprises, Inc. plans to apply biosolids from various wastewater treatment facilities (WWTF's) throughout California, to approximately 1,040 acres of farmland owned by Ed Silva in Merced County. Both Jim Brisco Enterprises, Inc. and Ed Silva are collectively and jointly referred to as "Discharger" for the purpose of this Notice of Applicability (NOA). On 20 August 2019 and 4 October 2019, Jim Brisco Enterprises, Inc., submitted Pre-Application Reports. Supplemental information was provided in August and September 2019 to complete the NOI.

Central Valley Water Board's staff review of the 15 August 2019 NOI and the Pre-Application Reports is discussed in more detailed in the attached 31 October 2019 Central Valley Water Board staff memorandum. Based on the information provided in the NOI, Pre-Application Reports, and supplemental information, this project meets the

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conditions for enrollment under the enclosed General Order. All the requirements contained within the General Order described as applicable to Sewage Sludge – Class “B” biosolids apply to your application. The discharge is hereby covered under **enrollee number 2004-0012-DWQ-0025**. Please include this number on all correspondence related to this discharge.

PROJECT LOCATION

The proposed project includes applying 15,000 tons of biosolids on approximately 1,040 acres of biosolids application area owned by Ed Silva. The Ed Silva biosolids application area is west of El Nido, north of West El Nido Road (Assessor Parcel Numbers [APNs] 074-100-031-000, 074-110-054-000, and 074-110-023-000) in sections 15, 16, 17, 20, 21, and 23, Township 9 South, Range 13 East, Mount Diablo Base & Meridian in Merced County, as shown in Attachment A.

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

MONITORING AND REPORTING PROGRAM

The General Order includes Monitoring and Reporting Program (MRP) 2004-0012-DWQ. MRP 2004-0012-DWQ requires the submittal of an annual monitoring report by 15th February of each year identifying quantity of biosolids applied to the various fields and cumulative pollutant loading calculations. In addition, the General Order requires submittal of a Pre-Application Report at least 30-days prior to the application of biosolids. The Pre-Application Report shall include analytical data for the biosolids and specify loading that will be used to determine the rate at which biosolids will be applied.

SPECIFIC REQUIREMENTS

1. Application of biosolids at a location or in a manner different from that described in the NOI and this NOA is prohibited.
2. The application shall not cause or threaten to cause pollution as defined by California Water Code section 13050.
3. There shall be no discharge of biosolids from the storage or application areas to adjacent land areas not regulated by this General Order, to surface water, or to surface water drainage courses.
4. The staging and application of biosolids shall comply with all applicable setbacks contained in the General Order as specified in Discharge Specification B.11.
5. Biosolids with less than 75% moisture shall not be applied during periods when the surface wind speed exceeds 25 miles per hour as determined by the nearest calibrated regional weather station (e.g., airport, CIMIS).
6. The application of Class “B” biosolids containing a moisture content of less than 50% is prohibited.

7. The application of biosolids to water-saturated or frozen ground or during periods of precipitation that includes runoff from the permitted site is prohibited.
8. Application of biosolids at rates in excess of the nitrogen requirements of the crops or at rates that would degrade groundwater quality is prohibited.
9. In accordance with the General Order's Monitoring and Reporting Program, the Discharger shall submit the required annual monitoring report by **15th of February of each year.**
10. The Discharger shall submit the required annual fee (as specified in the annual billing statement issued by the State Water Resources Control Board) until this NOA is officially terminated.
11. Failure to abide by the conditions of General Order 2004-0012-DWQ, including its monitoring and reporting requirements, and this NOA could result in enforcement actions, as authorized by provisions of the California Water Code.

DOCUMENT SUBMITTALS

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 Central Valley Water Board office at 1685 E Street, Fresno, CA 93706. To ensure that your submittals are 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,
Place ID: 860458,
Place Name: Ed Silva Biosolids Application Area,
Order: 2004-0012-DWQ-0025

All documents, including responses to inspections and written notifications, submitted to comply with this General Order shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Russell Walls. Mr. Walls can be reached at (559) 488-4392 or russell.walls@waterboards.ca.gov. Questions regarding the permitting aspects of the General Order and notification for termination of coverage under the General Order, shall be directed, via the paperless office system, to the WDR Permitting Unit, attention to Denise Soria.

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 NOA 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 (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Coverage for your Facility under the General Order shall become effective subject to this Notice of Applicability immediately.

If you have any questions regarding this matter, please contact Denise Soria by phone at (559) 444-2488 or by email at dsoria@waterboards.ca.gov.

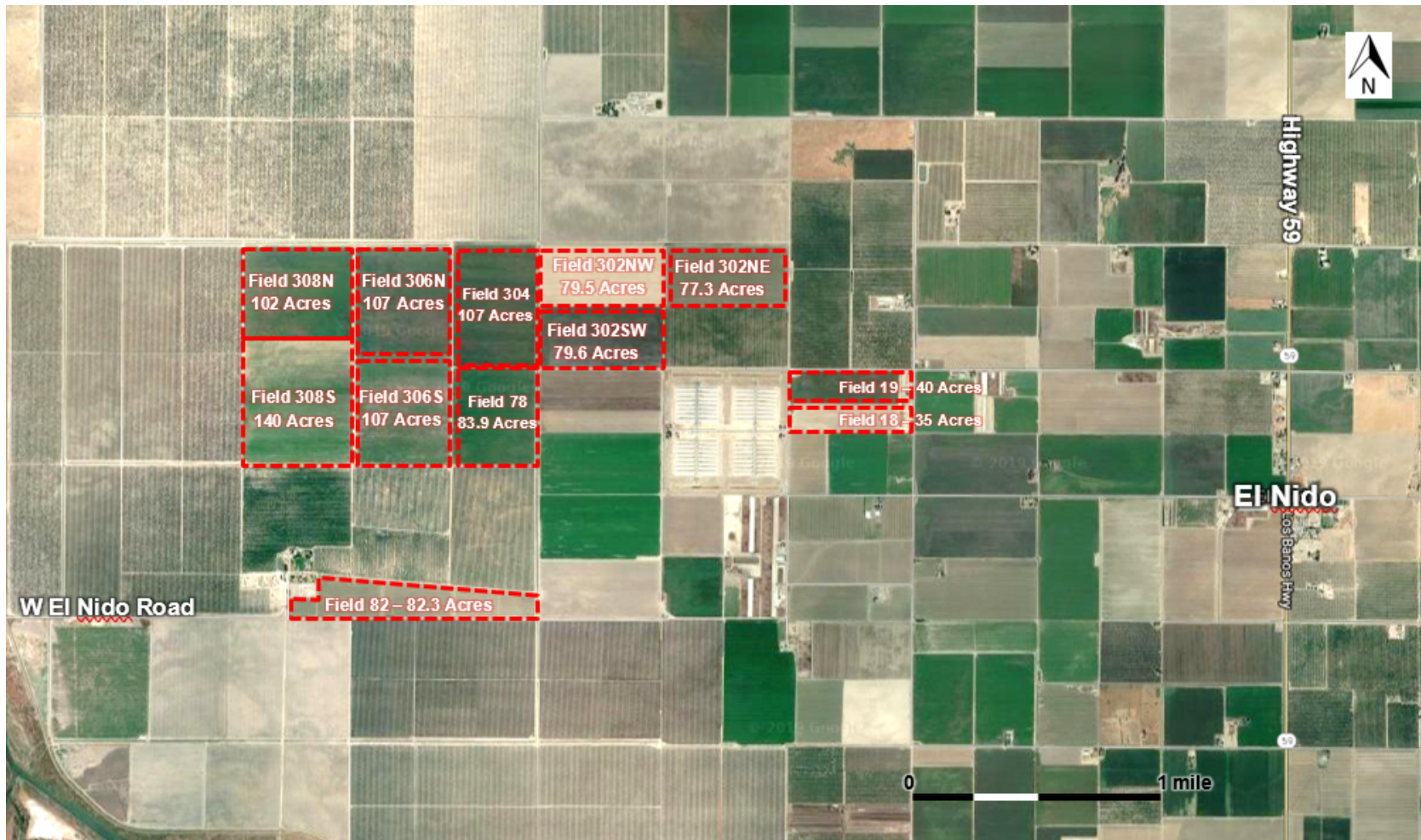
Original Signed by Clay Rodgers for:
Patrick Pulupa
Executive Officer

Attachments:

Attachment A – Biosolids Application Area Map
31 October 2019 Regional Water Board staff Memorandum
State Water Resources Control Board Order WQ 2014-0153-DWQ

cc:

Timothy O'Brien, State Water Resources Control Board, Sacramento (via email)
Chad J. Fischer, Division of Drinking Water, Fresno (via email)
Esther Canal, Merced County Environmental Health, Merced (via email)



ATTACHMENT A – BIOSOLIDS APPLICATION AREA MAP
 NOTICE OF APPLICABILITY 2004-0012-DWQ-0025
 FOR
 JIM BRISCO ENTERPRISES, INC.
 ED SILVA BIOSOLIDS APPLICATION AREA
 MERCED COUNTY

Central Valley Regional Water Quality Control Board

TO: Scott J. Hatton
Supervising Water Resource Control Engineer

FROM: Alexander S. Mushegan
Senior Water Resource Control Engineer
RCE 84208

Denise Soria
Water Resource Control Engineer

DATE: 31 October 2019

APPLICABILITY OF COVERAGE; STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2004-0012-DWQ; GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE DISCHARGE OF BIOSOLIDS TO LAND FOR USE AS A SOIL AMENDMENT IN AGRICULTURAL, SILVICULTURAL, HORTICULTURAL, AND LAND RECLAMATION ACTIVITIES; JIM BRISCO ENTERPRISES, INC AND EDWARD J. SILVA; ED SILVA BIOSOLIDS APPLICATION AREA; MERCED COUNTY

BACKGROUND INFORMATION

On 15 August 2019, Central Valley Water Board staff received a Notice of Intent (NOI) and application fee from Jim Brisco Enterprises, Inc. and Edward J. Silva, for coverage under State Water Resources Control Board's Water Quality Order 2004-0012-DWQ, *General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities* (General Order). On 20 August 2019 and 4 October 2019, Pre-Application Reports were submitted to the Central Valley Water Board. Supplemental information was provided in August and September 2019 to complete the NOI.

This memorandum provides a summary of Central Valley Water Board staff's review of the NOI and Pre-Application Reports and the applicability of the discharge to be covered under the General Order.

PROJECT DESCRIPTION

The biosolids application area was previously regulated by Merced County Department of Public Health (Merced County) under their biosolids application program. According to the NOI and Pre-Application Reports the Discharger receives Class "B" biosolids from

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various municipal wastewater treatment facility (WWTF) within California, these can vary from year to year but typically include the following:

- City of Atwater WWTF
- Caruthers Community Services District WWTF
- City of Chowchilla WWTF
- Delhi County Water District WWTF
- Del Rey Community Services District WWTF
- City of Dinuba WWTF
- City of Escalon WWTF
- City of Huron WWTF
- City of Kerman WWTF
- City of Lathrop WWTF
- City of Livingston WWTF
- Madera County Maintenance District No. 22A Oakhurst WWTF
- City of Mendota WWTF
- City of Orange Cove WWTF
- Salida Sanitary District WWTF
- City of San Joaquin WWTF
- City of Tracy WWTF
- City of Turlock WWTF

On 20 August 2019, the Discharger submitted a Pre-Application Report for the application of biosolids to 1,040 acres. The fields will be cropped with cotton, corn, alfalfa, wheat, and oats. The biosolids application area consists of 12 fields as shown in **Attachment A** of this NOA and listed in Table 1 below:

Table 1 - Biosolids Application Area

Field	Acreage	APN
302NE	77.3	074-110-054-000
302NW	79.5	074-110-054-000
302SW	79.6	074-110-054-000
78	83.9	074-100-031-000
82	82.3	074-100-031-000
304	107	074-100-031-000
308N	102	074-100-031-000
308S	140	074-100-031-000

Field	Acreage	APN
306N	107	074-100-031-000
306S	107	074-100-031-000
18	35	074-110-023-000
19	40	074-110-023-000
Total	1040.6	

The biosolids application area is relative flat with slopes less than three percent and depth to groundwater in the area ranges from 40 to 90 feet below ground surface and generally flows in the southern direction according to the *Lines of Equal Elevation of Water in Wells Unconfined Aquifer* map published by the Department of Water Resources in Spring 2008. Therefore, no erosion control plan or groundwater monitoring is required for the biosolids application area.

BIOSOLIDS TREATMENT AND SAMPLING

Jim Brisco Enterprises, Inc. proposes to apply 15,000 tons of biosolids to a total of approximately 1,040 acres of land owned by Ed Silva. Jim Brisco Enterprises, Inc. and Ed Silva are collectively and jointly referred to as “Discharger” for the purpose of this memorandum. The proposed application period is during the early fall of every year. In 2018, about 12,536 tons of biosolids were applied by Jim Brisco Enterprises, Inc., from April to November, at an application rate ranging from 5 to 50 tons per acres.

The submitted data characterizes biosolids generated from various municipal WWTF’s within California. The average metal concentration of the various municipal WWTF’s are summarized in Table 2 and compared to the 40 Code of Federal Regulations (CFR), Part 503 requirements for the application of biosolids to land.

Table 2. Biosolids Metal Concentration

Constituent/Parameter	Units	Average	Ceiling Concentration Limits	Pollutant Concentration Limits for Exceptional Quality and Pollutant Concentration Biosolids
Arsenic	mg/kg	6.7	75	41
Cadmium	mg/kg	0.76	85	39
Copper	mg/kg	218.4	4,300	1,500
Lead	mg/kg	11.4	840	300
Mercury	mg/kg	0.84	57	17
Molybdenum	mg/kg	9.3	75	---
Nickel	mg/kg	26.4	420	420
Selenium	mg/kg	5.7	100	100
Zinc	mg/kg	782.3	7,500	2,800

As shown in Table 1, the concentration of metals in the biosolids generated at the various municipal WWTF’s are below the Ceiling Concentrations Limits (Table 1,

section 503.13 CFR) and the Pollutant Concentration Limits for Exceptional Quality (Table 3, section 503.13 CFR).

The geometric mean of the density of fecal coliform (in most probable number per gram or MPN/g) for the various municipal WWTF's are as follows:

Table 3. Geometric Mean of the Density of Fecal Coliform

WWTF	Fecal Coliform (MPN/g)
City of Atwater	1,434
Caruthers Community Services District	<1,800
Chowchilla	1,083
Delhi County Water District	815
Del Rey Community Services District	73
City of Dinuba	536,465
City of Escalon	96.9
City of Huron	<1.9
City of Kerman	540
City of Lathrop	16,740
City of Livingston	109
Madera County Maintenance District No. 22A Oakhurst	44,158
City of Mendota	4
City of Orange Cove	<1.8
Salida Sanitary District	367
City of San Joaquin	<1.8
City of Tracy	180
City of Turlock	<1.8

As described, the geometric mean of the density of fecal coliform of the various municipal WWTF's is less than 2,000,000 MPN/g. Therefore, biosolids generated at the various municipal WWTF's meet the Class B Pathogen Reduction Requirements, Alternative 1 of section 503.32(b)(2), 40 CFR.

The Discharger is proposing to grow cotton, corn (silage), alfalfa, wheat, and oats. Most of the biosolids application areas (Fields 308N, 308S, 306N, 306S, 304, 78, 302NW, 302SW, and 302NE) are bounded on all four sides by either private roads or irrigation canals restricting public access. Field 19 is bounded by either private roads or irrigation canals on the east, west, and south side and by one public road (West Roosevelt Road) on the north side. Field 18 is bounded by Field 19 on the north side, private roads on the west and south side, and by one public road (South Vineyard Way) on the east side. Field 82 is bounded by either private roads or irrigation canals on the east, west, and north side and by one public road (West El Nido Road) on the south side. Therefore, the District meets the Site Restrictions for Class B biosolids of section 503.32(b)(5), 40 CFR.

According to the information provided by Jim Brisco Enterprises, Inc., biosolids generated at the various municipal WWTF's meet either Option 1 or 7 of the Vector Attraction Reduction Requirements of sections 503.33(b)(1) and 503.33(b)(7), 40 CFR, respectively.

COMMENTS

Based on the information presented in the 15 August 2019 NOI; 20 August and 4 October 2019 Pre-Application Reports; and supplemental information, the discharge of biosolids to land is consistent with the requirements of 40 CFR, Part 503 for the use of Class B biosolids.