



Central Valley Regional Water Quality Control Board

4 June 2021

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Patrick Ostly, District Manager
North of River Sanitary District No. 1
204 University Avenue
Bakersfield, CA 93308

Ben Sill, Site Operator Manager
Sill Properties
1508 18th Street, Suite 320
Bakersfield, CA 93301

AMENDED NOTICE OF APPLICABILITY (NOA); STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2004-0012-DWQ-0011; 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; NORTH OF RIVER SANITARY DISTRICT NO. 1 AND SILL PROPERTIES, INC.; NORSD BIOSOLIDS LAND APPLICATION AREA; KERN COUNTY

On 13 August 2013, the Central Valley Water Board issued North of River Sanitation District No. 1 (District) and Sill Properties, Inc. (collectively referred to as Discharger) a Notice of Applicability (NOA) enrolling the discharge of biosolids under 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 NOA assigned the Discharger an enrollee number 2004-0012-DWQ-0011 to apply biosolids produced from the District's wastewater treatment facility (WWTF) as soil amendment to 80 acres of District-owned land just south of its effluent storage ponds. Subsequently, on 13 January 2015, the Central Valley Water Board issued the District an amended NOA increasing the biosolids application area by an additional 45 acres of District-owned land north of the WWTF's sludge drying beds for a total of 125 acres.

On 23 May 2019, AECOM submitted a Notice of Intent (NOI) with accompanying technical memorandums and technical reports on behalf of the District requesting coverage under the General Order for an increase in the biosolids application area by an additional 300 acres for a total of 425 acres. The 300 acres are owned by the District. Sill Properties, Inc. will continue to be the site operator, responsible for applying biosolids to the biosolids application area.

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

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

The May 2019 NOI was signed by Ben Sill with Sill Properties, and Patrick Ostly, District Manager for the District. The technical memorandums are signed and stamped by Ms. Monique Y. Roberts, a California registered civil engineer (RCE 43779). A technical report discussing/evaluating the agronomic application of biosolids to the land application area was signed and stamped by Mr. Ian Matthew Vietti, a certified crop advisor (CCA 491468). The *Background Soil Investigation Report* was signed and stamped by Mr. On Man Lau, a California registered geotechnical engineer (RGE 2644).

Based on the information provided in the NOI, this project meets the conditions for approval under the enclosed General Order. The discharge is hereby covered **under enrollee number 2004-0012-DWQ-0011**. Please include this number on all correspondence related to this discharge. This NOA amends the previous NOA's issued on 13 August 2013 and 13 January 2015.

PROJECT LOCATION

The proposed project includes increasing the currently permitted 125 acres of biosolids application area by an additional 300 acres for a total of 425 acres. The currently permitted 125 acres and the additional 300 acres are in Assessor Parcel Numbers (APNs) 088-210-06-00-9 and 088-210-05-00-6, respectively, of section 36, Township 28 South, Range 24 East, Mount Diablo Base & Meridian in Kern County.

The operative *Water Quality Control Plan for the Tulare Lake Basin* (hereafter Basin Plan), designates 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.

PROJECT DESCRIPTION

Biosolids generated at the WWTF are dewatered by a mechanical screw press prior to being transferred to a concrete lined holding area. Biosolids are then transferred to the lined sludge drying beds. Transfer vehicles are used to move the biosolids from the lined sludge drying beds to the biosolids application area. The biosolids are transported to the application area via existing unpaved roads used by the District's personnel and farmers. The distance between the lined sludge drying beds and the application area ranges from 4,100 feet to 10,500 feet to the furthest parcel.

The fields are planted with wheat silage, corn silage, and alfalfa. The permitted biosolids application area consists of eight fields as shown in **Attachment A** of this NOA and detailed in Table 1 below:

Table 1. Biosolids Application Area

Field	Acreage	APN	Description
52W	40	088-210-06-00-9	Permitted in 2013 NOA
52E	40	088-210-06-00-9	Permitted in 2013 NOA
51W	18	088-210-06-00-9	Permitted in 2015 NOA
51E	27	088-210-06-00-9	Permitted in 2015 NOA
63	75	088-210-05-00-6	Proposed in 2019 NOI

Field	Acreage	APN	Description
64	75	088-210-05-00-6	Proposed in 2019 NOI
65	75	088-210-05-00-6	Proposed in 2019 NOI
66	75	088-210-05-00-6	Proposed in 2019 NOI

The biosolids application area is relatively flat with slopes less than one percent and depth to groundwater is approximately 250 feet below ground surface (bgs), according to the *Lines of Equal Depth to Water in Wells Unconfined Aquifer* map published by the Department of Water Resources in Spring 2010. Therefore, no erosion control or groundwater monitoring is required for the biosolids application area.

In 24 December 2018, ten soil samples were collected at a depth of 1 to 1.5 feet bgs and sampled for metals, pH, and cation exchange capacity. Soil sampling results provided in the NOI show that pH ranges from 7.97 to 8.51, the cation exchange capacity in the soil ranges from 12.8 to 23.0 meq/100g.

WELL SETBACK DISTANCES

A site map submitted as part of the May 2019 NOI identifies three irrigation wells and two domestic wells within the biosolids application areas. One domestic well is located on Wasco Ave (Wasco Ave Domestic Well) and another is located on Field 51E (Field 51E Domestic Well). General Order, Discharge Specification B.11. establishes setback distances for staging and biosolids application. The General Order establishes setback distances of 500 feet from domestic water supply wells¹ and 100 feet from non-domestic water supply wells. The General Order allows a lesser setback from domestic water supply wells if the Discharger can demonstrate that public health will be protected. The Discharger is proposing a minimum setback distance of 100 feet from the irrigation wells and 150 feet from the Field 51E Domestic Well. The Wasco Ave Domestic Well has recently been destroyed as discussed below.

On 14 September 2020, the District submitted supporting information to demonstrate that the proposed 150-foot setback distance from domestic wells is adequate to protect public health. Subsequently on 7 May 2021, supplemental information, such as a well destruction log (for the Wasco Ave Domestic Well) and well construction plans (for the Field 51E Domestic Well), were submitted to the Central Valley Water Board.

In December 2019, the District abandoned the Wasco Ave Domestic Well. This was confirmed by a well destruction log filed with Kern County Public Health Services Department. Furthermore, the May 2021 supplemental information submittal confirmed that water from the Field 51E Domestic Well is used only for WWTF equipment and surface wash down, clarifier spray water, polymer make up water, and toilet and sink water and not for drinking water (human consumption). Bottled water is provided for onsite consumption. In addition, the District will install signs at all water faucets

¹ The General Order defines “Domestic Water Supply Well” as a well that provides water used for human consumption.

indicating the water is not for human consumption and require the use of hand sanitizer after hand washing.

The District proposes to physically flag the 150-foot boundary in the field and review these restrictions with the farmer prior to application of biosolids. The District also proposes to provide oversight during biosolids application to ensure the boundary is maintained and will regularly test of the quality of water in Field 51E domestic well.

On 26 May 2020, the Central Valley Water Board received concurrence from the State Water Resources Control Board, Division of Drinking Water (DDW) staff indicating DDW did not have further objections to the proposed setback distance of 150 feet from the Field 51E domestic well. Therefore, the proposed setback distance of 150 feet for Field 51E Domestic well is sufficient.

MONITORING AND REPORTING PROGRAM

The General Order includes Monitoring and Reporting Program (MRP) 2004-0012-DWQ, which requires the submittal of annual monitoring reports by February 15th of each year identifying quantity of biosolids applied to the various fields and cumulative pollutant loading calculations.

In addition, the General Order requires the 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 or runoff from storage and/or application areas to adjacent lands not regulated by this General Order, surface waters, or surface water drainage courses.
4. The staging and application of biosolids shall comply with the applicable setbacks contained in the General Order as specified in Discharge Specifications 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.

SALT AND NITRATE CONTROL PROGRAMS

The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting (i.e., Salt and Nitrate Control Programs) as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (**CV-SALTS**) initiative. These Basin Plan amendments became effective on 17 January 2020.

On 6 January 2021, the Central Valley Water Board issued North of River Sanitary District No. 1 a Notice to Comply under the Salt Control Program for the NORSB Biosolids Land Application Areas (CV-SALTS ID 2916). As required by the Notice to Comply, you must submit a Notice of Intent by **15 July 2021** informing the Central Valley Water Board of your choice between Option 1 (Conservative Salinity Permitting Approach) or Option 2 (Alternative Salinity Permitting Approach).

For the Nitrate Control Program, the NORSB Biosolids Land Application Areas are within Groundwater Basin 5-22.14 (Kern County – Southeastern), a Priority 2 basin/sub-basin. Implementation within a Priority 2 basin/sub-basin will occur within two to four years after effective date of the Nitrate Control Program.

[More information on the Salt and Nitrate Control Programs](https://www.cvsalinity.org/public-info) may be found on the internet (<https://www.cvsalinity.org/public-info>).

DOCUMENT SUBMITTALS

The Central Valley Water Board is implementing a Paperless Office System to reduce paper use, increase efficiency, and provide a more effective way for our staff, the public, and interested parties to view documents in electronic form. All regulatory documents, submissions, materials, data, monitoring reports, and correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50MB should be emailed to our Electronic Content Management (ECM) system at 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: 798240,
Place Name: NORSB Biosolids Land Application Area,
Order: 2004-0012-DWQ-0011

In order to conserve paper and reduce mailing costs, a paper copy of the General Order has been sent only to the Discharger. Others are advised that the [General Order](#) is available on the State Water Resources Control Board's website (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0012.pdf).

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

Original Signed by Scott Hatton for:
Patrick Pulupa
Executive Officer

Attachments:

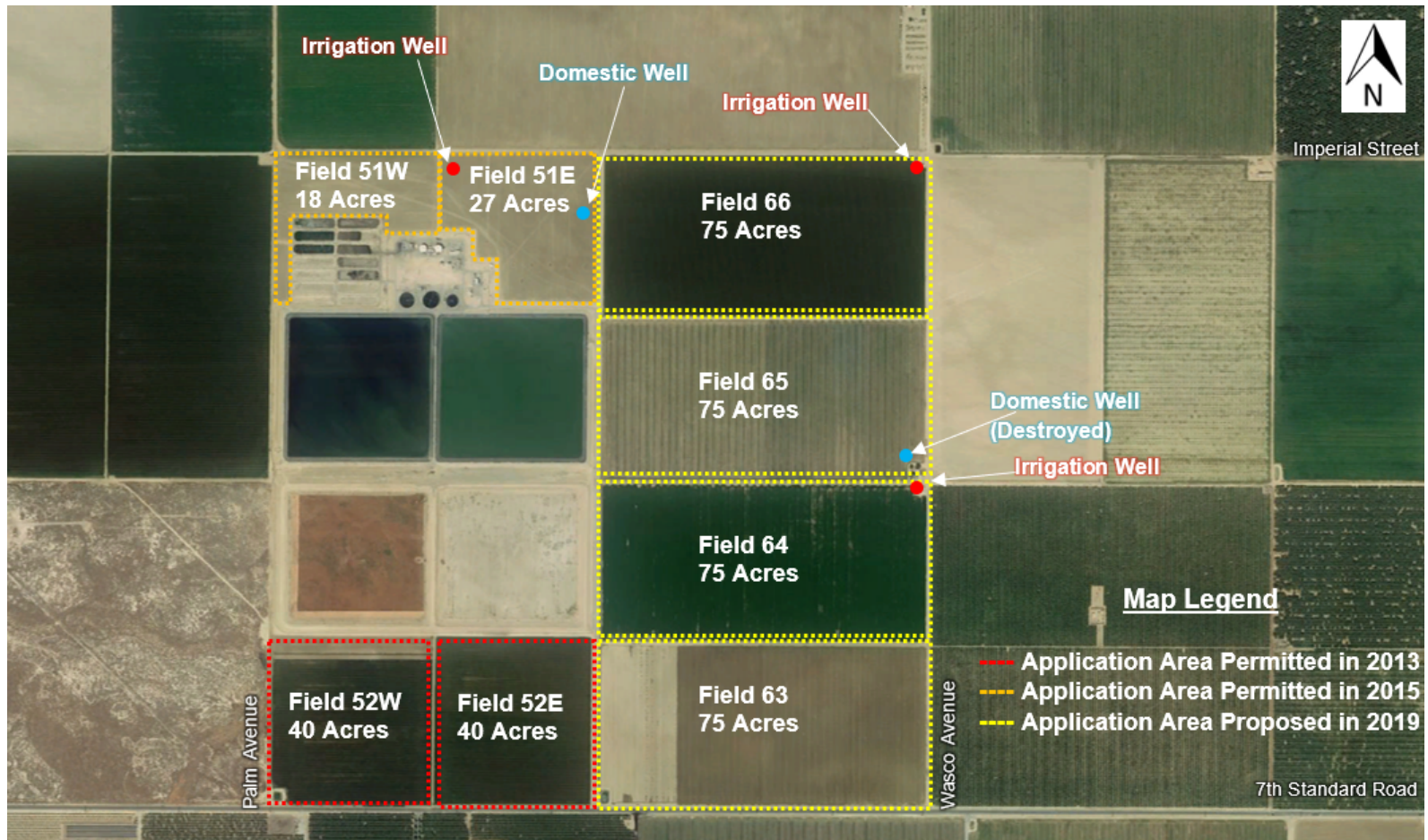
- Attachment A – Biosolids Land Application Area Map

Enclosures:

- 13 August 2013 NOA (Discharger Only)
- 13 January 2015 Amended NOA (Discharger Only)
- State Water Resources Control Board Order WQ 2004-0012-DWQ (Discharger Only)

cc:

- Chad J. Fischer, State Water Resources Control Board, Division of Drinking Water, Fresno (via email)
- Kern County Environmental Health Services Department, Bakersfield
- Kern County Planning Department, Bakersfield
- Nika Sill Morse, Sill Properties, Inc., Bakersfield (via email)
- Ramon Arredondo, North of River Sanitary District No. 1, Bakersfield (via email)
- Monique Roberts, AECOM, Bakersfield (via email)



ATTACHMENT A – BIOSOLIDS LAND APPLICATION AREA MAP
 NOTICE OF APPLICABILITY 2004-0012-DWQ-0011
 FOR
 NORTH OF RIVER SANITARY DISTRICT NO. 1 AND SILL PROPERTIES, INC.
 NORSD BIOSOLIDS LAND APPLICATION AREA
 KERN COUNTY