



Central Valley Regional Water Quality Control Board

22 August 2024

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NOTICE OF APPLICABILITY

**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, SILVICULTURE, HORTICULTURAL, AND LAND
RECLAMATION ACTIVITIES**

**SYNAGRO WEST LLC AND MERCED PROPERTY, LLC
DIAMOND J CUSTOM FARM
MERCED COUNTY
(ENROLLEE # 2004-0012-DWQ-0023-01)**

On 27 June 2024, Synagro West, LLC (or Synagro) submitted a Notice of Intent (NOI) 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* (or General Order). According to the NOI, Synagro plans to apply Class B biosolids from various wastewater treatment facilities throughout California to approximately 1,794 acres of farmland known as Diamond J Custom Farm, owned by Merced Property, LLC. Both Synagro and Merced Property, LLC are collectively and jointly referred to as "Discharger" for the purposes of this Notice of Applicability (NOA). Additional information to support the NOI was received on 18 July 2024.

Diamond J Custom Farm previously received Class B biosolids under the General Order, NOA 2004-0012-DWQ-0023 issued on 26 July 2019 to Denali Water Solutions, LLC (Denali) and Merced Property, LLC.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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

Based on the information provided in the NOI and supplemental information, this project meets the conditions for approval under the General Order. All requirements contained in the General Order applicable to “Sewage Sludge – Class B biosolids” applies to this NOA. You are hereby assigned **enrollee number 2004-0012-DWQ-0023-01**. Please include this number on all correspondence related to this discharge. A copy of the [General Order](#) is enclosed and available on the Central Valley Water Boards website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0012.pdf

Please familiarize yourself with the contents of the General Order. The discharge must be managed in accordance with the requirements contained in the General Order, the information submitted in the NOI, and this NOA.

LOCATION

Diamond J Custom Farm is approximately seven miles southeast of Merced, just south of Le Grand Avenue and west of Highway 99 in Merced County (37° 12' 51.69" N, 120° 22' 39.82" W) as shown in **Attachment A**. The biosolids application area is divided into 17 fields and includes all or portions of Merced County Assessor Parcel Numbers (APNs) 067-110-004, 067-160-001, 066-180-004, 066-180-008, 066-190-001, and 066-190-002.

This portion of Merced County is within the San Joaquin River Basin. 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

Diamond J Custom Farm has previously received Class B Biosolids under a NOA issued to Denali and Merced Property, LLC. A NOI was submitted on 13 July 2020 to include six adjacent fields also owned by Merced Property, LLC (N3, N5, N6, N17, N18, and N19), bringing the total available acreage for application of biosolids to 1,794 acres. On 31 May 2024, Denali submitted a request to terminate its coverage under NOA 2004-0012-DWQ-0023 and transfer its operations to Synagro.

According to Synagro, Diamond J Custom Farm will receive Class B biosolids from various municipal generators throughout California. These can vary from year to year but may include:

- City of Burlingame
- Daly City
- Delta Diablo Sanitation District

- San Francisco – Oceanside Plant
- San Francisco – Southeast Plant
- Union City Sanitation District
- Silicon Valley Clean Water (SVCW)
- City of Millbrae
- City of Manteca WWTP
- Calera Creek Water Recycling Plant
- City of Stockton
- City of San Jose
- City of Livermore
- Fresno-Clovis Regional Wastewater
- East Bay Municipal Utility District
- City of Manteca
- City of San Jose

Biosolids will be applied in the spring and/or fall depending on the crop being grown in the application area. According to Synagro, biosolids will be transported directly to Diamond J Custom Farm and incorporated into the soil within 24 hours, and will be applied to the fields at volumes of one to three tons per acre per year depending on crop requirements. Crops to be grown within the land application area will include wheat, corn silage, triticale, oats, and alfalfa, and associated nitrogen requirements range from 125 to 480 lbs/acre/year depending on the types of crops grown (Western Fertilizer Handbook). Table 1 provides a list of fields and approximate acreage available for application of biosolids.

Table 1. Biosolids Application Fields

Field ID	Acreage
A14	70
A15	60
A16	130
A16A	58

Field ID	Acreage
A17	147
A18	126
A19	119
A20	126.5
A21	79.5
A22	45
A23	149
N3	147
N5	114
N6	114
N17	108
N18	104
N19	97
TOTAL ACREAGE	1,794

The biosolids application area is relatively flat with slopes of less than three percent and depth-to groundwater is greater than 130 feet below site grade (based on Department of Water Resources interactive map plots from Spring 2020 and 2022); therefore, no erosion control plan or groundwater monitoring is required for the site. In an emergency, biosolids may be directed to an offsite permitted composting facility at 13757 South Harmon Road in Dos Palos.

There are 12 irrigation supply wells in the vicinity of the biosolids application area and an ephemeral stream (i.e., Deadmans Creek) along the southern boundary and adjacent to Field A23 as shown in Attachment A. This NOA requires the Discharger to maintain minimum setbacks from domestic and irrigation supply wells, surface waters, property lines, and occupied structures as specified in the General Order or Merced County Ordinance, whichever is more restrictive.

MONITORING AND REPORTING PROGRAM

The General Order includes Monitoring and Reporting Program (MRP) 2004-0012-DWQ. MRP 2004-0012-DWQ requires submittal of an annual monitoring report **by February 15th** of each year. The annual report shall identify the quantity of biosolids applied to individual fields, list of applicable generators, constituent concentrations, annual pollutant loading rates, and cumulative pollutant loading calculations for the preceding year.

An electronic copy of the annual monitoring report shall be sent to the Central Valley Water Board and United States Environmental Protection Agency (US EPA) Region 9 (fondahl.lauren@epa.gov or any future designee) as required.

SALT AND NITRATE CONTROL PROGRAMS

On 31 May 2018, as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments to incorporate new programs to address ongoing salt and nitrate accumulation in the Central Valley (Resolution R5-2018-0034). The amendments were conditionally approved and became effective on 17 January 2020. On 10 December 2020, the Central Valley Water Board adopted revisions to the Basin Plan amendments to incorporate the modifications requested by the State Water Resources Control Board ([Resolution R5-2020-0057](#) ; https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2020-0057_res.pdf). These revisions were approved and became effective on 10 November 2021.

For salinity, dischargers that are unable to comply with Basin Plan salinity requirements will instead need to meet performance-based requirements and participate in a basin-wide planning effort (Priority & Optimization Study or P&O Study) to develop a long-term salinity strategy for the Central Valley. Diamond J Custom Farm (**CV-SALTS ID 3033**) is enrolled in the P&O Study and has paid all applicable fees for the Salt Control Program as of 31 May 2024.

For nitrate, dischargers of nitrate to groundwater basins may comply with the Nitrate Control Program either individually (Path A) or collectively with other dischargers (Path B) as part of a local Management Zone Group. Diamond J Custom Farm is located in the Merced subbasin (5-022.04) a Priority 2 Basin. As a Priority 2 Basin Diamond J Custom Farm was issued a Notice to Comply for the Nitrate Control Program on 29 December 2023. Per the Notice to Comply, Synagro must submit a Notice of Intent and select a pathway for compliance with the Nitrate Control Program **by 26 February 2025**.

SPECIFIC REQUIREMENTS

The General Order and this NOA covers the application of Class B biosolids as an agricultural soil amendment to Diamond J Custom Farm in Merced County. The Discharger shall comply with the requirements specified in the General Order, and the specific requirements listed below.

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 or nuisance as defined by California Water Code section 13050.

3. There shall be no discharge or runoff of biosolids from storage or application areas to adjacent lands not regulated by this General Order, surface waters, or surface water drainage courses.
4. All biosolids subject to this order shall comply with one of the applicable vector attraction reduction requirements specified in 40 CFR Part 503.33.
5. The staging and application of biosolids shall comply with all applicable setbacks contained in the General Order as specified in Discharge Specifications B.11 or Merced County ordinance, whichever is more restrictive.
6. Application of biosolids at rates in excess of the nitrogen requirements of the crops or at rates that would degrade groundwater is prohibited.
7. Biosolids with less than 75% moisture content shall not be applied during periods when surface wind speeds exceed 25 miles per hour as determined by the nearest calibrated regional weather station (e.g., airport, or CIMIS).
8. Application of Class B biosolids with a moisture content of less than 50% is prohibited.
9. Biosolids shall not be stored onsite for more than seven consecutive days prior to application.
10. The Discharger shall submit an annual report as required by the General Order's MRP by **15th of February of each year**.
11. 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.

Please review this Notice of Applicability carefully to ensure that it completely and accurately reflects the Facility name, location, and details of the proposed discharge. Failure to comply with the requirements of the General Order and this NOA, including submittal of the annual monitoring reports, may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability.

DOCUMENT SUBMITTALS

All annual 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 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board - Fresno Office
1685 E Street,
Fresno, CA 93706

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

Program: Non-15
Facility Name: Synagro-Diamond J Farm Biosolids Application Site
Order: 2004-0012-DWQ-0023-01
CIWQS Place ID: 858872

Documents, including monitoring reports, 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 Omar Mostafa. Mr. Mostafa can be reached at (559) 445-5197 or Omar.Mostafa@waterboards.ca.gov. Questions regarding the permitting requirements or notification to terminate coverage under the General Order, shall be directed, via the paperless office system, to the WDR 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 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 or will be provided upon request. (http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

For Patrick Pulupa,
Executive Officer

Attachments: Attachment A – Location Map

Enclosure: General Order 2004-0012-DWQ

(See next page for list of cc's)

cc w/o enc.:

- Laurel Warddrip, State Water Resources Control Board, DWQ, Sacramento (via email)
- Chris Moskal, State Water Resources Control Board, OCC, Sacramento (via email)
- Laleh Rastegarzadeh, State Water Resources Control Board, DWQ, Sacramento (via email)
- Lauren Fondahl, EPA Region 9 Biosolids Coordinator (via email)
- Omar Mostafa, Central Valley Water Board, Fresno, (via email)
- Esther Canal, Merced County Division of Environmental Health, (via email)
- RB5S-cvsalts@waterboards.ca.gov (via email)
- Wes Bylsma, Diamond J Custom Farm, 602 E Sandy Mush Road, Merced CA, 95341

ATTACHMENT A – LOCATION MAP

