



Central Valley Regional Water Quality Control Board

5 November 2024

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Jose Valencia, Manager
Synagro West, LLC
3110 Gold Canal Drive, Suite E
Rancho Cordova, CA 95670

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Edward and Nancy Silva, Owner
Silva-Fagundes Ranch
P.O. Box 103
El Nido, CA 95317

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 EDWARD AND NANCY SILVA
SILVA-FAGUNDES RANCH BIOSOLIDS APPLICATION
MERCED COUNTY
(ENROLLEE # 2004-0012-DWQ-0030-01)

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 Discharge of Biosolids to Land for use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities* (General Order). According to the NOI, Synagro plans to apply Class B biosolids from various wastewater treatment facilities throughout California to approximately 1,487 acres of farmland identified as the Silva-Fagundes Ranch, owned by Edward and Nancy Silva. Both Synagro and Edward and Nancy Silva are collectively and jointly referred to as "Discharger" for the purposes of this Notice of Applicability (NOA).

The Silva-Fagundes Ranch previously received Class B biosolids under the General Order, NOA 2004-0012-DWQ-0030 issued on 13 September 2021 to Denali Water Solutions, LLC (Denali) and Edward and Nancy Silva.

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, 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-0030-01**. 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 and with the information submitted in the NOI and this NOA.

LOCATION

The Silva-Fagundes Ranch is approximately three miles west of El Nido in Merced County (37° 08' 05" N, 120° 33' 22" W) as shown in **Attachment A**. The application area is divided into individual fields and includes all or portions of Assessor Parcel Numbers (APNs) 074-100-031, 074-110-007, 074-110-023, and 074-110-054.

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

The Silva-Fagundes Ranch previously received Class B Biosolids under a NOA issued to Denali and Edward and Nancy Silva. On 31 May 2024, Denali submitted a request to terminate its coverage under NOA 2004-0012-DWQ-0030 and transfer its operations to Synagro. On 27 June 2024, Synagro submitted an NOI to assume coverage under the General Order.

According to Synagro, the Silva-Fagundes Ranch will receive Class B biosolids from various municipal generators throughout California. Generators typically vary from year to year but can 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 Livermore
- Fresno-Clovis Regional Wastewater
- East Bay Municipal Utility District

Biosolids will be applied to the fields depending on crop needs. According to Synagro, biosolids will be transported directly to the Silva-Fagundes Ranch where it will be applied and incorporated into the soil within 24 hours. Approximately one to three tons per acre per year will be applied to the fields depending on crop requirements and residual nitrogen levels. Crops grown within the land application area will include wheat, corn silage, alfalfa, and cotton, and associated crop nitrogen requirements range from 125 to 480 lbs/acre/year (Western Fertilizer Handbook). Table 1 lists the APNs with field identifications and total acreage.

Table 1. Biosolids Application Fields

APN	Field ID's	Available Acreage
074-100-031	Fields 74, 76, 78, 80, 81, 82, 304, 3061, 3062, 3081, and 3082	1,050
074-110-007	Fields 18 and 19	65
074-110-023	Fields 10 and 11	66
074-110-054	Fields 302NW, 302NE, 302SW, and 302SE	306
	TOTAL ACREAGE	1,487

The biosolids application area is relatively flat with slopes of less than three percent and depth to groundwater is greater than 60 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 several residences adjacent to Fields 10, 11, 18, 19, 74, 81, and 82 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 the 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).

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 (Resolution R5-2018-0034). The Basin Plan amendments became effective on 17 January 2020 and were revised by the Central Valley Water Board in 2020 with [Resolution R5-2020-0057](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2020-0057_res.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2020-0057_res.pdf). The revisions to the Basin Plan amendments became effective on 10 November 2021.

Under the Salt Control Program, dischargers that are unable to comply with the stringent salinity requirements may instead, to the extent, reasonable, feasible and practicable (and while accounting for conservation and drought, salinity levels in the water supply source, and some appropriate increment of growth), be subject to performance-based requirements as determined appropriate by the Central Valley Water Board, and participate in a basin-wide effort known as the Prioritization and Optimization Study (P&O Study) to develop a long-term salinity strategy for the Central Valley. The Discharger submitted a Notice of Intent electing to participate in the P&O Study in August 2021 and was issued an identification number for the Salt Control Program (**CVSALTS ID: 3592**).

The Nitrate Control Program is a prioritized program. The Facility is within Groundwater Basin 5-022.04 (San Joaquin Valley – Merced), which is a Priority 2 Basin. The Board issued Notices to Comply to dischargers in Priority 2 Basins in December 2023. These notices provided dischargers with a choice to participate in an individual permitting approach (Pathway A) or in a collective permitting approach (Pathway B). Under the collective approach, dischargers jointly form “Management Zones” that fulfill the requirements of the Nitrate Control Program. The Silva-Fagundes Ranch 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 the Silva-Fagundes Ranch 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 this 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 Silva-Fagundes Ranch Biosolids
Order: 2004-0012-DWQ-0030-01
CIWQS Place ID: 873469

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).

Digitally signed by Alex S. Mushegan
For Patrick Pulupa,
Executive Officer

Attachments: Attachment A – Location Map

Enclosure: General Order 2004-0012-DWQ

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)
- Jose Valencia, Synagro West, LLC, (via email)
- Corey Fagundes, Fagundes Ranch, P.O. Box 106, El Nido, CA, 95317

ATTACHMENT A – LOCATION MAP

