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## Central Valley Regional Water Quality Control Board

27 June 2024

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

**CERTIFIED MAIL**  
**7020 2450 0000 6785 3845**

### **NOTICE OF APPLICABILITY**

**RESOLUTION R5-2023-0061**  
**WAIVER OF WASTE DISCHARGE REQUIREMENTS, REPORTS OF WASTE**  
**DISCHARGE AND/OR WATER RECYCLING REQUIREMENTS**  
**FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE CENTRAL VALLEY REGION**

**JIM BRISCO ENTERPRISES, INC.**  
**ESCALON AGRICULTURE COMMODITY WASTE**  
**MERCED COUNTY**  
**(ENROLLEE # R5-2023-0061-0022)**

On 31 May 2024, George Morrow with Jim Brisco Enterprises, Inc. (hereafter Discharger) submitted a Report of Waste Discharge (RWD) for coverage under Resolution R5-2023-0061, *Waiver of Waste Discharge Requirements, Reports of Waste Discharge, and/or Water Recycling Requirements for Specific Types of Discharge Within the Central Valley Region* (Low Threat Waiver) to renew coverage for application of agricultural commodity waste consisting of discarded settled solids from pepper and tomato processing plants to land for use as a soil amendment. Additional information to support the RWD, including the application fee, was received on 3 June 2024.

Based on the information provided in the RWD, the discharge meets the required conditions for approval under the Low Threat Waiver. You are hereby assigned **enrollee number R5-2023-0061-0022**. Please include this number on all correspondence related to this discharge. A [copy of the Low Threat Waiver](#) is enclosed and available on the Central Valley Water Boards website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2023-0061.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2023-0061.pdf)

Please familiarize yourself with the contents of the Low Threat Waiver. The discharge must be managed in accordance with the requirements contained in the Low Threat

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

Waiver Conditions of Discharge (Attachment A, Table 1, Category 9 – Agricultural commodity wastes) and with the information submitted in the RWD and this Notice of Applicability (NOA). Note that the Low Threat Waiver will expire on **14 December 2028**. After which you will need to cease the discharge or submit a new RWD and application fee to seek coverage under a renewed waiver, general order, or individual waste discharge requirements.

## **LOCATION**

The Discharger plans to apply agricultural commodity waste from the Escalon Industrial Treatment Facility to farmland on approximately 52 acres at 16891 Deepwell Road (37° 2' 30.18" N, 120° 43' 43.22" W) about five miles west of Dos Palos, Assessor Parcel Numbers (APNs) 454-110-021 and 454-160-001, and on approximately 54 acres on Canton Road and Highway 59 (37° 12' 11.99" N, 120° 28' 19.65" W) about 6.5 miles south of Merced, APN 066-210-009 as shown in **Attachment A**.

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.

## **DISCHARGE DESCRIPTION**

The City of Escalon operates an industrial treatment facility (Facility) that handles wastewater from food processing plants in Escalon. The Facility and adjacent domestic wastewater treatment plant are regulated under Waste Discharge Requirements (WDRs) Order 5-00-142. The Facility handles wastewater from local food processing plants that process peppers and tomatoes. Solids from these plants are settled in aerated pits at the Facility. Following the processing season, the aerated pits are dried out and the settled solids removed on an annual basis and applied to farmland as a soil amendment. All domestic wastewater is treated separately and is not commingled at any time with industrial process waste streams.

According to the RWD, the settled solids are collected and screened to remove rocks and debris before being transported to the land application areas within Merced County. Crops grown on the land application areas include grains, silage corn, and alfalfa. The material will be spread at agronomic rates using a commercial spreader and disked into the soil prior to planting. Parcel 066-210-009 (Canton Road and Highway 59 Site) includes a feedlot enrolled under the Bovine General Order R5-2017-0058. However, according to the enrollment records and the farm manager (Cody Kingston), all waste (i.e., manure) from the feedlot is hauled off to a nearby dairy and no wastewater or manure waste is applied to farmland on the site. In addition, there are no ponds or manure storage areas present on the site.

The material from the pits is sampled annually prior to application and analyzed for nutrients and metals. The results of the most recent sampling event (April 2024) are presented below.

**Table 1. Sampling Results April 2024**

<b>Constituent</b>	<b>Unit</b>	<b>Result</b>
Percent solids	%	30.1
pH	Std. units	7.28
Salinity	Parts/trillion	1.07
Ammonia Nitrogen	mg/kg	88
Organic Nitrogen	mg/kg	11,100
Total Nitrogen	mg/kg	14,300
Potassium	mg/kg	6,320
Phosphorus	mg/kg	3,620
Arsenic	mg/kg	<4.3
Chromium	mg/kg	103
Copper	mg/kg	93.7
Lead	mg/kg	11.5
Molybdenum	mg/kg	3.47
Nickel	mg/kg	121
Vanadium	mg/kg	97.9
Zinc	mg/kg	145

### **FACILITY-SPECIFIC REQUIREMENTS**

The Low Threat Waiver and this NOA covers the application of agricultural commodity waste to land for use as a soil amendment. The Discharger shall comply with the requirements specified in the Low Threat Waiver and the facility-specific requirements listed below.

1. Application to a surface water, surface water drainage course, or biologically or culturally sensitive area is prohibited.
2. Application of waste material at a location or in a manner different from that described in the RWD, except as allowed in this NOA is prohibited.
3. Application of solids, sludge, or biosolids from the domestic wastewater treatment facility is not authorized by this NOA.
4. Application of agricultural commodity waste shall be at agronomic rates considering the climate, crop, and nutrient value of the waste material.
5. Prior to the annual application, the Discharger shall submit a pre-application report consisting of analytical testing results, calculated spreading rate, and application area and acreage. If additional acreage not identified in this NOA is

required a map and authorization letter signed by the property owner or authorized representative shall be provided.

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 Low Threat Waiver and this NOA including submittal of the pre-application report may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability.

## **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](mailto:centralvalleyfresno@waterboards.ca.gov).

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

**Facility Name:** Brisco – Escalon Agriculture Commodity Waste  
**Program:** NON-15.  
**Resolution:** R5-2023-0061-0022  
**CIWQS Place ID:** 881681

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

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 Omar Mostafa. Mr. Mostafa can be reached at (559) 445-5197 or [Omar.Mostafa@waterboards.ca.gov](mailto:Omar.Mostafa@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 WDR Permitting Unit, attention Katie Carpenter. Ms. Carpenter can be reached at (559) 445-5551 or by email at [Katie.Carpenter@waterboards.ca.gov](mailto: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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)).

*Original Digitally Signed by Alexander S. Mushegan*  
For Patrick Pulupa  
Executive Officer

Attachments: Attachment A – Location Map

Enclosure: Low Threat Waiver, Resolution R5-2023-0061

cc w/o enc.:

- Kennedy Knight, State Water Resources Control Board, OCC, Sacramento (via email)
- Omar Mostafa, Central Valley Water Board, Fresno (via email)
- Esther Canal, Merced County Division of Environmental Health (via email)
- James Sakugawa, 5832 S. Highway 59, Merced CA, 95341

**ATTACHMENT A – LOCATION MAP**

