



Central Valley Regional Water Quality Control Board

9 April 2020

**CERTIFIED MAIL:
7019 2970 0001 5206 3039**

Dale Denio, Owner
Rosedale Square, LLC
453 Lakeshore Boulevard
Incline Village, Nevada 89451

**CERTIFIED MAIL:
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William House, Director
Beer Billy's Brewery, LLC
4208 Rosedale Highway, Suite 208
Bakersfield, California 93308

NOTICE OF APPLICABILITY

WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL PROCESSORS WITHIN THE CENTRAL VALLEY REGION

RESOLUTION R5-2020-0002-0001

ROSEDALE SQUARE, LLC AND BEER BILLY'S BREWERY, LLC BEER BILLY'S BREWERY, KERN COUNTY

On 20 February 2020, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted the *Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region, Resolution R5-2020-0002* (Waiver). We are in receipt of your 12 February 2020 Notice of Intent (NOI) and 30 December 2019 Notice of Non-Applicability (NONA), which indicates you intend to comply with Tier 1 of the Waiver. Tier 1 allows land application irrigation of landscaping or crops and of up to 10,000 gallons of wastewater per year for land application of residual solids associated with that volume of wastewater. Any process wastewater or residual solids in excess of those amounts must be disposed of off-site at an appropriately permitted facility.

KARL E. LONGLEY ScD, P.E., 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, we have determined that the discharge meets the required conditions for approval under the Waiver. You are hereby assigned enrollee number **R5-2020-0002-0001**. A [copy of the Waiver](#) and the [Waiver Attachments](#) are enclosed and available on the Central Valley Water Board's website (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_wdrs.pdf and https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_atts.pdf).

Please familiarize yourself with the contents of the Waiver, including the Conditions of Discharge (Waiver Attachment A) and Monitoring and Reporting Program (Waiver Attachment B). The discharge must be managed in accordance with the requirements contained in the Conditions of Discharge and with the information submitted in the NOI.

DISCHARGE DESCRIPTION

Rosedale Square, LLC owns the property (APN 332-142-77-00-9) on which Beer Billy's Brewery, LLC (Brewery) will operate, and Beer Billy's Brewery, LLC owns the Brewery. Both are collectively referred to as Dischargers. The proposed Brewery is about 0.5 miles west of the intersection of Highway 58 (Rosedale Highway) and Highway 99 on the north side of Rosedale Highway. The Brewery is in the southwest quarter of Section 23, Township 29 South, Range 27 East, Mount Diablo Baseline and Meridian. The Brewery will be part of an existing shopping center located on a 2.45-acre parcel ([APN 332-142-77-00-9) owned by Rosedale Square, LLC. The proposed land application area is on APN 332-142-76-00-6, a 1.63-acre parcel also owned by Rosedale Square, LLC.

The area around the proposed Brewery is not serviced by a domestic wastewater treatment facility. Domestic wastewater at the proposed Brewery will be discharged to an onsite septic system regulated by Kern County.

The Dischargers indicate the Brewery will operate year round, and the NOI states that the Brewery will generate 808 gallons of wastewater monthly for a total of 9,696 gallons of wastewater annually. Brewery wastewater will be generated from the cleaning of the beer brewing equipment between batches of beer. The NOI notes that the following cleaning products will be used for the cleaning of the beer making equipment.

Table 1 - Clean Chemicals

Cleaning/Sanitizing Products (Liquid)	Cleaning/Sanitizing Products (Dry)
50 to 75% Phosphoric Acid	10 to 30% Sodium Carbonate
15% Dodecylbenzenesulphonic Acid.	10 to 30% Sodium Carbonate Peroxihydrate

Cleaning/Sanitizing Products (Liquid)	Cleaning/Sanitizing Products (Dry)
	10 to 30% Disodium Metasilicate

Wastewater will be stored temporarily in a 1,000-gallon tank and then discharged to a 0.05-acre land application area (LAA) north of the Brewery using a centrifugal pump and pumped through a micro-jet irrigation system at a rate of 15 gallons per minute (gpm) from the holding tank using an electric driven 1/2 hp pump. The Dischargers will grow ornamental plants and shrubs in the LAA. The discharge will add about 0.7 inches per month of wastewater to the LAA.

The Dischargers are not required to obtain coverage under the National Pollutant Discharge Elimination System Industrial Storm Water permit since all storm water runoff at the Brewery is reportedly retained onsite and does not discharge to a water of the U.S. The Discharger submitted a 30 December 2019 NONA for the project indicating all stormwater runoff will be contained onsite in a 17,600 cubic foot storm water retention basin.

Operational information indicates the Brewery will process 20 tons of produce (hops, barley, etc.) annually and will produce 53 tons annually (4.4 tons per month) of residual solids. The NOI indicates the solids will be stored temporarily in "rubberized trash cans" and used for animal feed. The Discharger also indicated solids could be disposed of at the Bena Landfill.

MONITORING AND REPORTING

Attachment B of the Waiver includes specific monitoring and reporting requirements that you must comply with, including routine monitoring and reporting to the Central Valley Water Board. Please review the Monitoring and Reporting Program closely and establish the appropriate record keeping system so that you are able to complete the required Annual Monitoring Report form, which is also contained in Attachment B of the Waiver. By **February 1 of each year**, the Annual Monitoring Report must be submitted to our office, even if there is no discharge during the reporting year. The 2020 Annual Monitoring Report is due by 1 February 2021.

GENERAL INFORMATION AND REQUIREMENTS

The Waiver includes specific and general conditions with which you must comply and you must maintain control over the discharge and operate in accordance with the information provided in your NOI and this Notice of Applicability.

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 Waiver may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability. Discharge of wastes not described in the NOI is prohibited. If the method of

waste disposal changes from that described in your NOI, you must submit an updated NOI to describe the new operation.

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.

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: Beer Billy's, LLC

Program: NON-15.

Resolution: R5-2020-0002-0001

CIWQS Place ID: 862367

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 Russell Walls. Mr. Walls can be reached at (559) 488-4392 or Russel.Walls@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 Jeff Pyle. Mr. Pyle can be reached at (559) 445-5145 or by email at Jeffrey.Pyle@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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the internet or will be provided upon request.
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

Original Signed by Clay L. Rodgers for:
Patrick Pulupa,
Executive Officer

Enclosure: Small Food Processor Wavier, Resolution R5-2020-0002

cc w/o enc.: Amy Rutledge, Kern County Environmental Health Department,
Bakersfield (via email)
Russell Walls, Central Valley Water Board, Fresno (via email)
Michael Chase, MC Environmental Solutions, Inc., Bakersfield
(via email)