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## Central Valley Regional Water Quality Control Board

14 July 2022

Nancy Fowler-Johnson, Johnson Revocable Trust  
Phillip Johnson, Branch Out, LLC  
525 Fowler Road  
Newcastle, CA 95658

**CERTIFIED MAIL**  
**7021-0950-0000-9918-6423**

### NOTICE OF APPLICABILITY

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

#### **ORDER R5-2020-0002-0099 FOWLER NURSERIES INC. AND JOHNSON REVOCABLE TRUST, FOWLER RANCH FARM BREWERY, PLACER COUNTY**

On 20 February 2020, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted the *Conditional Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region, Order R5-2020-0002* (the Waiver).

We are in receipt of your notice of intent (NOI) dated 25 May 2022, which states that you intend to comply with the Tier 1 conditions of the Waiver. Fowler Ranch Farm Brewery (the brewery) is located at 3111 Lincoln Newcastle Highway, Lincoln, in Placer County on assessor's parcel number (APN) 031-460-067-000. The land is owned by the Johnson Revocable Trust, the brewery building is owned by Fowler Nurseries, Inc., and the brewery business is owned and operated by Branch Out, LLC. Tier 1 allows land application of up to 10,000 gallons of wastewater per year for irrigation of landscaping or crops and land application of residual solids associated with that volume of wastewater. Any process wastewater or residual solids generated in excess of those amounts must be disposed of off-site at an appropriately permitted facility. If you wish to land-apply more wastewater or residual solids, you must submit a new application and the applicable fee and obtain coverage under Tier 2 or 3 of the Waiver prior to increasing the discharge volume.

Based on the information provided in your NOI, we have determined that the discharge meets the required conditions for continued approval under the Waiver. You are hereby

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

assigned Order R5-2020-0002-0099. A copy of the Waiver is enclosed and also available at the Central Valley Water Board's [Adopted Orders, Waivers webpage](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/#waivers) ([http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/#waivers](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/#waivers)).

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). Winery waste must be managed and discharged in accordance with the requirements contained in the Conditions of Discharge and with the information submitted in the NOI.

## **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 2022 Annual Monitoring Report is due by **1 February 2023**.

## **GENERAL INFORMATION AND REQUIREMENTS**

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

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 Conditions of Discharge (Waiver Attachment A) is prohibited.

Note that the Waiver will expire on **20 February 2025**, after which you must do one of the following:

1. Submit a new NOI with a filing fee (if required) to obtain coverage under a subsequently adopted waiver,
2. Submit a NOI with a filing fee to apply for individual or general Waste Discharge Requirements, or
3. Cease the discharge.

## **CENTRAL VALLEY SALINITY ALTERNATIVES FOR LONG-TERM SUSTAINABILITY (CV-SALTS) 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. The Basin Plan Amendments were conditionally approved by the State Water Board on 16 October 2019 and the Office of Administrative Law on 15 January 2020.

- a. For the Nitrate Control Program, the facility falls within a Non-Prioritized Groundwater Basin, so no action is required at this time.
- b. For the Salt Control Program dischargers that are unable to comply with stringent salinity requirements for EC of 700  $\mu\text{mhos/cm}$  to protect AGR beneficial uses or 900  $\mu\text{mhos/cm}$  to protect MUN beneficial uses will need to meet performance-based requirements and participate in a basin-wide planning effort to develop a long-term salinity strategy for the Central Valley (i.e., participate in the Priority and Optimization Study per Option 2).

Although review of water quality data for wineries with process water design flows less than 10,000 gallons per year (Tier 1) indicate that the discharge from these facilities is generally in compliance with the requirements of the Central Valley's Salt and Nitrogen Control programs, not enough data has yet been submitted or reviewed for breweries. Therefore, this facility does need to comply with the requirements of the Salt Control program. Should the Central Valley Water Board become aware of site-specific information indicating that a discharge does not comply with the requirements of the Salt Control Program, it will follow up on a site-specific basis to ensure compliance with the program. The Discharger has been assigned **CV-SALTS ID 3618** and has opted to pursue the P&O Study.

As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of the Waiver to ensure the goals of the Salt and Nitrate Control Programs are met. This order may be amended or modified to incorporate newly applicable requirements.

### **DOCUMENT SUBMITTALS**

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@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:	Fowler Ranch Farm Brewer, Placer County
Program:	Non-15
Order:	R5-2020-0002-0099
CIWQS Place ID:	881655

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

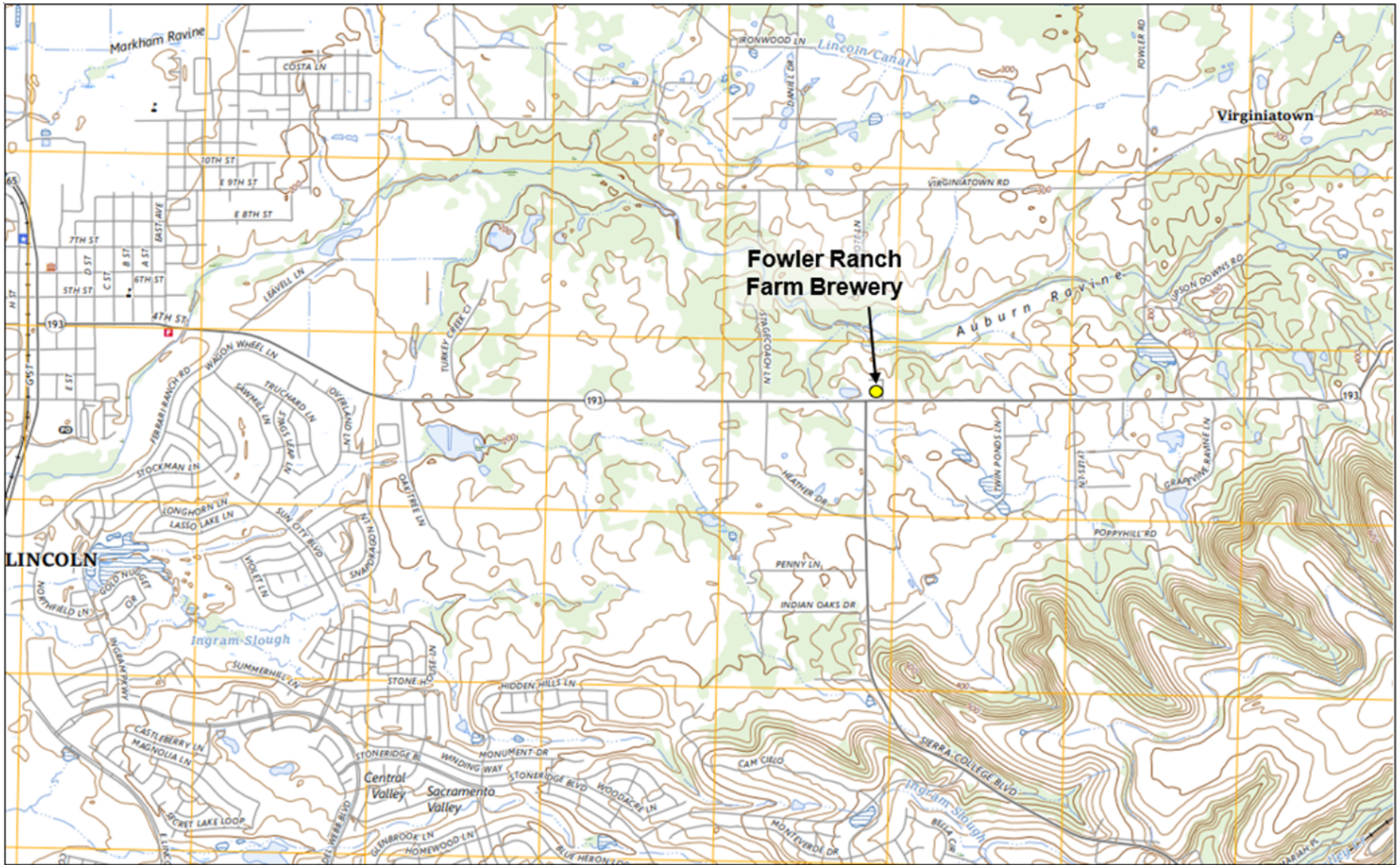
Central Valley Regional Water Quality Control Board  
ECM Mailroom  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Now that the Notice of Applicability has been issued, the Board's Compliance and Enforcement section will take over management of your case. Guy Childs is your point of contact for any questions about the Waiver. If you find it necessary to make a change to your permitted operations, he will direct you to the appropriate Permitting staff. You may contact Guy at [Guy.Childs@waterboards.ca.gov](mailto:Guy.Childs@waterboards.ca.gov) or by phone at (916) 464-4648.

for Patrick Pulupa  
Executive Officer

Enclosure: Conditional Waiver of WDRs, Order R5-2020-0002

cc: Mohan Ganapathy, Placer County Environmental Health Dept. (via email)  
Guy Childs, Central Valley Water Board, Rancho Cordova (via email)



Source:  
USGS 7.5-minute Topographical Map

**SITE LOCATION MAP**  
Fowler Ranch Farm Brewery  
Placer County

Scale:  
1 in. = approx. 0.5 mile