
Central Valley Regional Water Quality Control Board

23 February 2022

Ray Richards
Agromin
201 Kinetic Drive
Oxnard, CA 93030

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11609 Hereford Road
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NOTICE OF APPLICABILITY

**WATER QUALITY ORDER 2020-0012-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMPOSTING
OPERATIONS
AGROMIN-BOWLES GREEN MATERIALS COMPOSTING OPERATION
MERCED COUNTY**

On 6 December 2021, Agromin (hereafter Discharger) submitted a *Notice of Intent* (NOI) and technical report for its composting facility (Facility) to obtain coverage under *Water Quality Order 2020-0012-DWQ, General Waste Discharge Requirements for Composting Operations* (hereafter General Order), for composting operations at the above-referenced site. The filing fee was submitted separately on 21 January 2022. [The complete General Order](#) can be accessed at: (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0012_dwq.pdf)

This *Notice of Applicability* (NOA) was developed after the review of the NOI and technical report as described in the attached *Staff Memorandum*, which is a part of this NOA. Based on staff's review, the proposed Facility will meet the conditions of the General Order, and is hereby covered under General Order **2020-0012-DWQ-R5003** as a **Tier I** composting operation. The Discharger must comply with all Tier I requirements of the General Order.

The filing fee for the Facility is based on Threat to Water Quality and Complexity rating of 3C. The submitted \$3,326 filing fee covers the first year permitted by this NOA. The Discharger shall submit the required annual fee (as specified in the annual billing issued by the State Water Resources Control Board) until the NOA is officially terminated.

To fully comply with this NOA, please read the contents of the enclosed *Staff Memorandum* and all of the requirements of the General Order. The Discharger is responsible for implementing all operations in a manner that complies with the General Order. Any noncompliance with this General Order constitutes a violation of the Water Code, and is grounds for enforcement action, and/or termination of enrollment under this General Order.

Conditions of this Composting General Order include but are not limited to:

1. A post-construction report must be submitted **within 60 days** of completing all construction activities associated with all applicable containment and monitoring structures, as required for compliance with this General Order and the MRP.
2. Prior to any facility expansion, a technical report with design information will have to be submitted **at least 90 days prior** to new construction of working surfaces, detention ponds, berms, ditches, or any other water quality protection containment structure for approval by the Central Valley Water Board staff.
3. A revised NOI is required to be submitted for review and approval **at least 90 days prior** to:
 - adding a new feedstock, additive, or amendment;
 - changing material or construction specifications;
 - changing a monitoring program; or
 - changing an operation or activity not described in the approved NOI and technical report.
4. A report certifying that all necessary facility upgrades to comply with the stormwater requirements listed in Items 4, 5, 10, and 11 of the DESIGN, CONSTRUCTION, AND OPERATION REQUIREMENTS – ALL TIERS section of the General Order have been completed and the results of a site-specific percolation test must be submitted for review and approval by **4 August 2022**.

Attachment B of the General Order includes specific monitoring and reporting requirements that must be complied with, including routine monitoring and reporting to the Central Valley Regional Water Control Board. The first year Annual Monitoring and Maintenance Report as identified in the General Order must be submitted to the Central Valley Water Board no later than **1 April 2022**, and then annually by 1 April each year.

All reports and other correspondence must be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB are to be emailed to: centralvalleyfresno@waterboards.ca.gov. Documents that are

50 MB or larger are to be transferred to a portable data storage device and mailed to this office at the address provided on the cover page.

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:

Attention:	Title 27 Unit
Discharger Name:	Agromin
Facility Name:	Agromin-Bowles Green Waste Composting Operation
County:	Merced
CIWQS Place ID:	838798

If you have any questions regarding this letter or the attached *Staff Memorandum*, please contact Daniel Benas at (559) 445-5500 or Daniel.Benas@waterboards.ca.gov.

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

Enclosure: Staff Memorandum

cc: Esther Canal (Esther.Canal@countyofmerced.com)
Drew Taylor, Sespe Consulting, Inc., Ventura (dtaylor@sespeconsulting.com)
German Cervantes (german@agromin.com)

Central Valley Regional Water Quality Control Board

TO: Kristen S. Gomes 
Senior Water Resource Control Engineer

Scott J. Hatton
Supervising Water Resource Control Engineer

Clay L. Rodgers
Assistant Executive Officer

FROM: Daniel B. Benas
Water Resource Control Engineer

DATE: 23 February 2022

SUBJECT: APPLICABILITY OF COVERAGE UNDER STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER 2020-0012-DWQ, AGROMIN-BOWLES GREEN MATERIALS COMPOSTING OPERATION, MERCED COUNTY

REPORT OF WASTE DISCHARGE

On 6 December 2021, Agromin (Discharger) submitted a Notice of Intent (NOI) and technical report for the Agromin-Bowles Green Materials Composting Operation (Facility). The technical report, NOI, and filing fee were submitted to obtain coverage under *Water Quality 2020-0012-DWQ, General Waste Discharge Requirements for Composting Operations* (General Order) for composting operations at the Facility. The technical report, dated 15 November 2021, was titled *General Waste Discharge Requirements for Composting Operations Technical Report Order WQ 2020-0012-DWQ, Agromin-Bowles Green Material Composting Operation* (Technical Report) and was prepared on behalf of the Discharger by Sespe Consulting, Inc. The Technical Report was signed and stamped by Pearce Swerdfeger (RCE 87466).

On 22 March 2017, Agromin submitted a *Notice of Non-Applicability* (NONA) for coverage under *State Water Resources Control Board General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ*, which was subsequently revised by the General Order. The NONA was submitted on the basis that the composting operation met the requirements for exemption found in Finding 30.f of WQ 2015-0121-DWQ. A 14 July 2017 Central Valley Water Board letter provided a review of the NONA and confirmed that the Agromin composting operation was exempt from coverage under WQ 2015-0121-DWQ. The 14 July 2017 Central Valley Water

Board letter instructed Agromin to submit a NOI, technical report, and appropriate filing fee to the Central Valley Water Board if the composting operation exceeded 5,000 cubic yards per year of allowable Tier I and II feedstocks, additives, and amendments. Since Agromin now exceeds the 5,000 cubic yard requirement, the NOI, technical report, and filing fee were submitted.

SITE CONDITIONS

The Facility is located at 13000 Carlucci Road (a portion of APN 085-290-034-000) near the City of Dos Palos in Merced County. The 10-acre Facility is owned by the Bowles Farming Company and operated by Agromin.

The Technical Report describes depth to groundwater in the vicinity of the Facility as typically eight feet below ground surface (bgs) with the groundwater flow direction being variable. A review of the Department of Water Resources (DWR) SGMA Data Viewer shows that area groundwater ranges between 10-20 feet bgs using spring 2021 data.

The Technical Report provided annual maximum (22.3 inches), minimum (3.80 inches), and average (9.95 inches) precipitation data for the area based on data from the NOAA. The average annual pan evaporation is 108 inches (Los Banos Detention Reservoir station). The magnitude of the 25-year 24-hour design storm water is estimated to be 2.5 inches according to the NOAA Atlas 14 Point Precipitation Frequency Estimates data server.

Land uses within one mile of the Facility include agricultural land in all directions with a house and two agricultural barns being within 0.2 miles to the west of the Facility. Water is supplied to the Facility by an on-site well located in the northwest corner of the site. Composting operations are prohibited within 100 feet of the well. In addition, the well is surrounded by an earthen berm to prevent impacts with facility operations. Water is stored in an adjacent 12,000-gallon storage tank. The closest named surface water bodies are the San Joaquin River (2.4 miles northwest), Sault Slough (1.6 miles northwest), and Arroyo Canal (3.5 miles southwest). In addition to the named surface water bodies, an irrigation drainage ditch which is part of a larger drainage ditch network exists outside of and parallel to the Facility's northern boundary. The Facility property is bermed to minimize the potential for storm water run-on and run-off.

Based on U.S. Department of Agriculture's (USDA's) Natural Resource Conservation Service (NRCS) soil survey soils in the vicinity of the Facility consists of Alros and Dos Palos clay loam.

A site-specific study of onsite percolation rates was not conducted. However, the soil survey included in the Technical Report indicates that Alros and Dos Palos clay loam have a percolation rate of approximately 300 minutes per inch, which does not exceed the percolation rate requirements for a Tier I facility in Table 3 of the General Order. The Discharger will submit the results of an on-site percolation test to verify the percolation rates are in accordance with the General Order.

COMPOSTING OPERATIONS

On 26 October 2016, the Merced County Department of Environmental Health, Solid Waste Local Enforcement Agency (LEA), issued EA Notification 24-AA-0042 (Permit) which authorized Agromin to operate the composting facility. The Permit allows the

composting of agricultural green waste materials such as agricultural byproduct material, agricultural material, wood waste, and yard trimmings. The Permit allows for the handling of up to 200 tons per day with less than 12,500 cubic yards onsite at any time. The allowable annual loading is 62,000 tons per year. The Facility does not store or utilize any additives or amendments in the composting process.

The Facility utilizes the open windrow composting technique. Incoming material arrives at the facility in bulk. After processing (removal of unwanted contaminants and grinding), the material will be placed into open windrows where it will be monitored for temperature and moisture and be periodically turned. The active composting and curing process will produce a stabilized compost which is screened and separated into unders and overs. Unders are stockpiled as finished compost while the overs are transferred back to the grinder for further processing.

The Facility has an existing detention pond with a capacity of approximately 2.6 acre-feet. The Technical Report indicates that the detention pond capacity has not yet been verified to contain a 25-year, 24-hour storm and that if needed relevant design documents will be prepared to appropriately size the pond and a Final Post-Construction Report will be provided to the Central Valley Water Board.

MONITORING AND REPORTING

Agromin will conduct a monitoring program as prescribed in the applicable portion of Attachment B of General Order Monitoring and Reporting requirements. Sections that apply are A.1, A.2, A.5, B, and C. Results of monitoring will be reported annually in the Annual Monitoring and Maintenance report, which will be submitted by **1 April** of each year as long as the *Notice of Applicability* is in effect.

SITE CLOSURE

At least 90 days prior to ceasing composting operations, Agromin shall submit a *Site Closure Plan* to the Central Valley Water Board for approval. The site restoration shall include work necessary to protect public health, safety, and the environment.

RECOMMENDATIONS

The Facility was inspected on 4 February 2022 to verify facility operations. Based on staff review of the Technical Report, it is anticipated that the Discharger can meet the requirements of the General Order. The *Notice of Applicability* can be issued and stay in effect as long as the Discharger implements all operations in a manner that complies with the requirements of the General Order.

Agromin must comply with the following items:

1. A post-construction report must be submitted to the Central Valley Water board within 60 days of completing all construction activities associated with all applicable containment and monitoring structures, as required for compliance with this General Order and MRP.
2. Prior to any facility expansion, a technical report with design information shall be submitted at least 90 days prior to new construction of working surfaces,

detention ponds, berms, ditches, or any other water quality protection containment structure for approval by the Central Valley Water Board.

3. A revised NOI is required to be submitted for review and approval at least 90 days prior to:
 - Adding a new feedstock, additive, or amendment;
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4. A report certifying that all necessary facility upgrades to comply with the stormwater requirements listed in Items 4, 5, 10, and 11 of the DESIGN, CONSTRUCTION, AND OPERATION REQUIREMENTS – ALL TIERS section of the General Order have been completed and the results of a site-specific percolation test must be submitted for review and approval by **4 August 2022**.

ATTACHMENT A

