



Central Valley Regional Water Quality Control Board

6 November 2020

Stanley Kaufman
KY Packing
8686 S. Rio Vista Ave.
Reedley, CA 93654

CERTIFIED MAIL
7018 1830 0001 0015 4755

NOTICE OF APPLICABILITY

RESOLUTION NO. R5-2020-0002 WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL PROCESSORS WITHIN THE CENTRAL VALLEY REGION

**KY PACKING, LLC,
KY PACKING FACILITY
FRESNO COUNTY
(ENROLLEE # R5-2020-0002-0053)**

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

The Central Valley Water Board is in receipt of your Report of Waste Discharge (RWD), which states KY Packing, LLC intends to comply with the Tier 1 conditions of the Waiver. Tier 2 allows land application of up to 100,000 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 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 to obtain coverage under Tier 3 of the Waiver or obtain individual waste discharge requirements prior to increasing the discharge volume.

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

enrollee number R5-2020-0002-0053. 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 information submitted in the RWD.

DISCHARGE DESCRIPTION

KY Packing, LLC owns and operates the KY Packing Facility (Facility) at 8686 South Rio Vista Avenue near Reedley as shown in Attachment A. The Facility occupies a 21.35-acre parcel about 1.86 miles north west of Reedley in Fresno County (Section 3, Township 14 South, Range 27 East, MDB&M).

The Facility processes approximately 1,200 tons of cherries during the processing season, which is from April through May. The Facility generates wastewater from the cooling and packing of cherries and defrost water from cold storage rooms. The estimated discharge flow from the Facility is 9,000 gallons in April, 78,000 gallons in May, and 200 gallons per month from June through December, for an annual total discharge of 88,400 gallons. Wastewater flows via gravity pipe directly to a 5-acre land application area (LAA). The 5-acre LAA (APN: 363-330-01S) is planted with cherry trees and irrigated via flood irrigation. The total nitrogen concentration of wastewater discharged to the LAA is approximately 5 mg/L. Supplemental irrigation water is provided by an irrigation well. The Discharger does not expect wastewater flow to exceed 100,000 gallons over the next five years.

Chemicals used in the packing process include sodium hypochlorite (105 gallons with a concentration of 30 mg/L), Scholar® a fungicide (1 gallon with a concentration of 150 mg/L), phosphoric acid as a buffer (80 gallons), Sanacor® a corrosion inhibitor (110 gallons with a concentration of 20 mg/L). The Facility generates approximately 200 tons of residual solids (stems and leaves) annually from the packing operation. Residual solids are collected in plastic trash bags, which are hauled off and disposed of by Miramonte Sanitation.

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 **1st February 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 **1 February 2021**.

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 RWD 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 Conditions of Discharge (Attachment A) of the Waiver is prohibited.

Please note that the Waiver will expire on **20 February 2025**, after which you must either cease the discharge or do one of the following:

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

SALT AN NITRATE CONTROL PROGRAMS

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution 2019-0057 approving the Central Valley Water Board Basin Plan amendments and also directed the Central Valley Water Board to make targeted revisions to the Basin Plan amendments within one year from the approval of the Basin Plan amendments by the Office of Administrative Law. The Office of Administrative Law approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03).

For the Salt Control Program, dischargers will receive a Notice to Comply with instructions and obligation for the Salt Control Program within a year of the effective date of the amendments. The Salt Notice to Comply letters should be issued in the next couple of months. Upon receipt of the Notice to Comply, the Discharger will have no more than six months to submit their Notice of Intent informing the Central Valley Water

Board of their choice between Option 1 (Conservative Salinity Permitting Approach) or Option 2 (Alternative Salinity Permitting Approach).

For the Nitrate Control Program, the KY Packing Facility is within Priority 1 Groundwater Basin 5-22.08 (San Joaquin Valley – Kings) and was issued a Notice to Comply on 29 May 2020 (CV-SALTS ID# 2425). The Notice to Comply requires you to submit a Notice of Intent **by 7 May 2021** to comply with the Nitrate Control Program.

[More information on the Salt and Nitrate Control Program](https://www.cvsalinity.org/public-info) may be found on the internet (<https://www.cvsalinity.org/public-info>).

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: 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: KY Packing LLC

Program: Non-15

Order: R5-2020-0002-0053

CIWQS Place ID: 252283

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 Russell.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 Daniel Benas. Mr. Daniel Benas can be reached at (559) 445-5500 or by email at Daniel.Benas@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 Order 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)

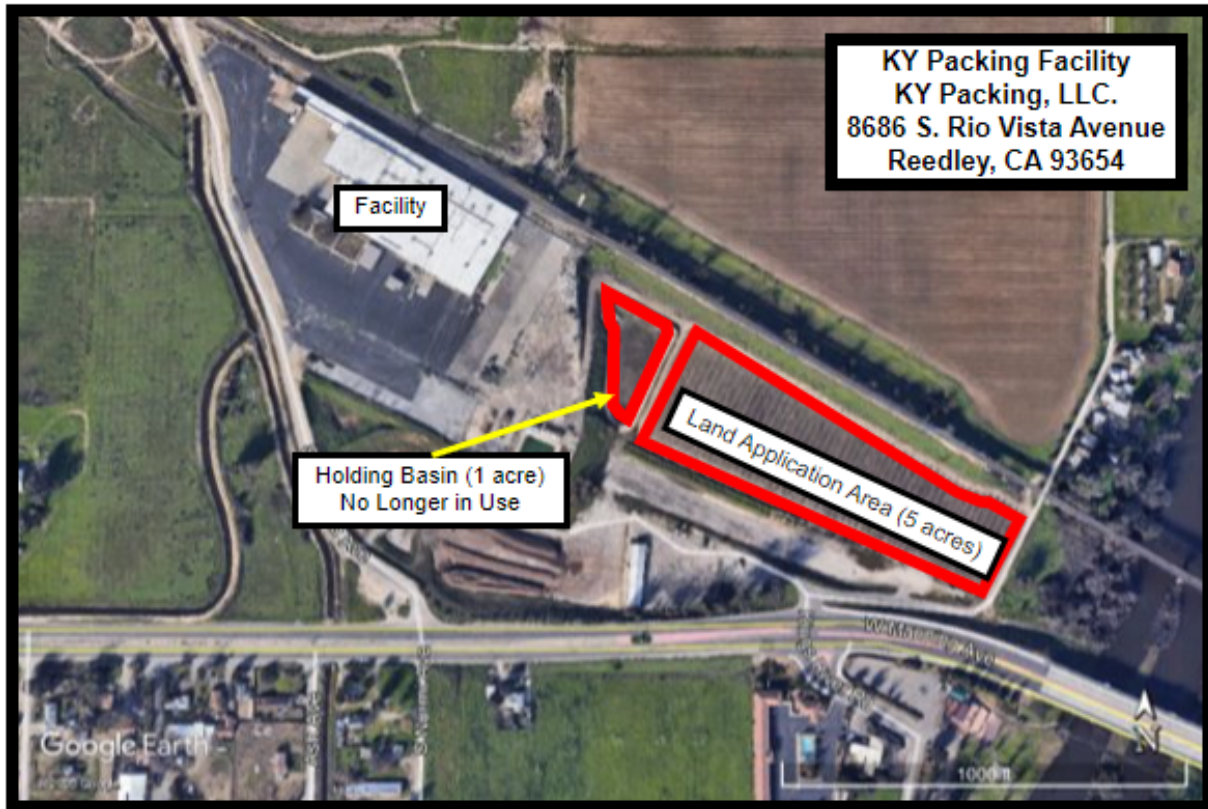
Original Signed by Scott Hatton for:
Patrick Pulupa
Executive Officer

Attachment A: Site Map

Enclosure: Resolution R5-2020-0002 (Discharger only)

cc w/o encl: Russell Walls, Central Valley Water Board, Fresno (via email)

Fresno County Environmental Health, 1221 Fulton Street, 3rd Floor, P.O.
Box 11867, Fresno, CA 93775



ATTACHMENT A – SITE MAP

**ORDER R5-2020-0002-0053
KY PACKING, LLC
KY PACKING FACILITY
FRESNO COUNTY**