



Central Valley Regional Water Quality Control Board

23 February 2023

Cyrus Haroonian
Lebec Brewery
P.O. Box 3
Van Nuys, California 91401

CERTIFIED MAIL
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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**

**CYRUS HAROONIAN
LEBEC BREWERY
KERN COUNTY
(ENROLLEE # R5-2020-0002-0110)**

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 8 December 2022 application including the Notice of Intent (NOI), which indicates you intend to comply with Tier 1 of the Waiver.

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 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 2 or Tier 3 of the Waiver or obtain individual waste discharge requirements prior to increasing the discharge volume above 10,000 gallons per year.

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 **R5-2020-0002-0110**. A [copy of the Waiver](#) and [Waiver Attachments](#) are enclosed and available on the Central Valley Water Board's website.

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

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

(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. Note that the Waiver will expire on **20 February 2025**. After which you will need cease the discharge or reapply to continue discharging under a new waiver or submit a report of waste discharge to apply for individual waste discharge requirements.

DISCHARGE DESCRIPTION

Cyrus Haroonian (Discharger) owns and operates the Lebec Brewery (or Brewery) at 658 Lebec Road in Kern County, Assessor's Parcel Number (APN) 255-310-083 as shown in **Attachment A**. The Brewery is approximately 38 miles south of Bakersfield just north of the intersection of Interstate 5 and Frazier Mountain Park Road. The Brewery is part of an existing bar and restaurant.

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

The Discharger states the Brewery will operate year-round producing about three batches per month (or 800 barrels per year) and generating approximately 720 gallons of wastewater per month for a total of 8,640 gallons of wastewater annually. Brewery wastewater will be generated from cleaning of the brewing equipment between batches. Wastewater will be stored temporarily in a 5,250-gallon holding tank. From the holding tank wastewater will be pumped into the irrigation system for landscape irrigation of ornamental plants and shrubs on approximately 0.3 acres of land around the Brewery.

The Discharger is 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 16 November 2022 NONA for the project indicating all stormwater runoff will be contained onsite in a 20,892 cubic foot storm water retention basin.

According to the Discharger all solids from brewing operations will be stored in a rubberized collection bin and hauled offsite for disposal at the local landfill operated by the Kern County Waste Management Department.

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 (Resolution R5-2018-0034). The Basin Plan amendments became effective on 17 January 2020 and were revised by the Central Valley Water Board in 2020 with ([Resolution R5-2020-0057](#)). These Basin Plan amendments created the new Central Valley-Wide Salt and Nitrate Control Programs to address ongoing salt and nitrate accumulation in the Central Valley. The new programs were the result of a collaborative stakeholder initiative, known as Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS).

For salinity, dischargers that are unable to comply with stringent salinity requirements will instead need to meet performance-based requirements and participate in a basin-wide effort to develop a long-term salinity strategy for the Central Valley. On 17 January 2023 the Discharger (CV-SALTS ID #3622) signed up for the Prioritization & Optimization Study (or P&O Study) under the Alternative approach (Path 2) for the Salt Control Program and submitted its Notice of Intent to the Central Valley Water Board.

For the Nitrate Control Program, the Facility and land application area are not in a prioritized basin. Implementation within an unprioritized basin/sub-basin will occur at the direction of the Executive Officer.

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 2023 Annual Monitoring Report is due by 1 February 2024.

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: Lebec Brewery
Program: NON-15.
Resolution: R5-2020-0002-0110
CIWQS Place ID: 885165

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. 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.

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).

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

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

cc w/o enc.: Christopher Moskal, State Water Resources Control Board, OCC,
Sacramento (via email)
Kern County Environmental Health Department, Bakersfield
Kern County Planning Department, Bakersfield
CV-SALTS, Central Valley Water Board (via email)
Omar Mostafa, Central Valley Water Board, Fresno (via email)
Carly Miser, EnviroTech Consultants, Inc., (via email)

ATTACHMENT A – SITE PLAN

