
Central Valley Regional Water Quality Control Board

DATE

CERTIFIED MAIL NUMBER

XXXX XXXX XXXX XXXX

NAME

NAME (multiple as needed)

ADDRESS

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CITY, STATE ZIP CODE

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NITRATE CONTROL PROGRAM NOTICE TO COMPLY

COMPOSTING FACILITIES IN PRIORITY 1 BASINS

This letter contains legal requirements that must be followed. Failure to respond may result in enforcement action(s) being taken against you. Please note that you may also receive a separate Notice to Comply for the new Salt Control Program that will also require your response.

You are receiving this Notice to Comply because you operate the following composting facility:

<FACILITY INFO>

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Nitrate Control Program

This Notice to Comply (NTC) requires that you choose one of two nitrate compliance options, or “pathways,” established by new regulations. Regardless of which compliance option you choose, **your permit requirements will change**. If the address or ownership information on the first page is incorrect, please contact the Board so that we may correct our records. If you have questions please contact us by telephone, email, or mail. Our contact information is at the end of the letter.

Background

In May 2018, the Central Valley Water Board approved new Salt and Nitrate Control Programs. The Nitrate Control Program was developed to address widespread nitrate pollution in the Central Valley. Nitrate in drinking water can reduce the blood's ability to carry oxygen, which can result in brain damage and death. Infants and pregnant women are most at risk of nitrate toxicity. Nitrate is a risk when it is above 10 parts per million (ppm) of nitrate nitrogen, which is the Primary Maximum Contaminant Level (MCL), also known as the nitrate drinking water standard.

The Board identified areas, referred to as Priority 1 and Priority 2 basins, where nitrates in groundwater are more prevalent and therefore pose a higher risk to persons who rely on groundwater as a source of drinking water. Priority 1 and Priority 2 basins have timelines under which permittees, such as you, are required to implement Nitrate Control Program requirements. **You are receiving this Notice to Comply (NTC) because your facility is located in a Priority 1 basin for the Nitrate Control Program.** See Attachment 1 for a map of priority groundwater basins/sub-basins.

Composting facilities are exempt from this NTC when:

- 1) All composting treatment and storage occurs on surfaces designed and constructed to prevent leachate or other fluids that have contacted compost materials from infiltrating into the subsurface, and;
- 2) Compost applied to property owned by the permittee(s) is covered by the Irrigated Lands Regulatory Program (ILRP).

All other composting facilities are required by this NTC to choose between two compliance pathways:

Pathway A: New individual permitting options. The Board will set more stringent nitrate permit requirements to ensure that nitrate impacts will not cause a problem for drinking water users.

Pathway B: Form or Join a Local Management Zone with other Permittees. A Management Zone is an association of permittees that work together to reduce nitrate loading and to provide replacement water to communities and individuals whose wells are impacted by nitrates.

Pathway A offers several individual permitting options, all of which set stringent nitrate requirements on all dischargers that have nitrates in their wastewater. The Board expects that, for many permittees, Pathway A will require significant upgrades,

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extensive monitoring, and a rigorous technical justification that wastewater will not result in any exceedances of the nitrate standard over a 20-year planning horizon. Pathway B is a new permitting approach that allows multiple permittees to form or join in a Management Zone in order to comply with the Nitrate Control Program. Pathway B provides a collaborative, locally managed, cost-effective and flexible approach to program compliance.

If you operate a composting facility where leachate or fluids that have contacted compost materials could infiltrate into the subsurface and/or the compost applied to your property is not regulated under the Central Valley Water Board's ILRP, it is important that you take action now by following the steps below. If you feel that your operation meets the requirements for an exemption, please send any technical documents and associated support material that can provide justification of an exemption by **May 7, 2021**.

Step 1 - Before You Decide on a Pathway

Before you decide on a permitting pathway, the Board recommends that you visit the website cvsalts.info for more information on the Nitrate Control Program, including:

1. Nitrate Control Program requirements and timelines
2. Conducting an initial assessment (individually or collectively with other permittees) of your discharges and nearby groundwater conditions
3. Forming or participating in a Management Zone in your area
4. Requirements and templates for deliverables (e.g. Early Action Plans, Management Zone Proposals and Alternative Compliance Project proposals)
5. Answers to Frequently Asked Questions

The cvsalts.info website will be updated regularly, so be sure to check back frequently for the latest information. You can also check the website for upcoming webinars that will provide guidance information. Questions and information requests can also be made by sending an email to: cvsalts@waterboards.ca.gov.

A full copy of the Salt and Nitrate Control Program Basin Plan language (Attachment 1 of Resolution R5-2018-0034), can be found at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2018-0034_res.pdf.

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Step 2 – Make a Pathway Choice and Begin Meeting Program Requirements

IF YOU CHOOSE PATHWAY A

General Requirements for Pathway A (Individual Approach) are as follows:

1. Assess your nitrate impacts to shallow groundwater.
2. Prepare a Nitrate Assessment Report that categorizes the impact of your discharge over a 20-year horizon. There are five categories for permittees choosing to comply under Pathway A.
3. Complete the Notice of Intent (NOI) that indicates your election of Pathway A.

An electronic fillable PDF version of the NOI is available at:

http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/forms_templates_guide/#notice_of_intent. A hardcopy can be sent to you by sending a request to cvsalts@waterboards.ca.gov.

4. Prepare an Early Action Plan (EAP) that will provide affected residents interim drinking water solutions where drinking water exceeds nitrate water quality objectives.
5. If a discharger is in Category 4 or 5, develop a proposed Alternative Compliance Project (ACP) as an additional condition. Any proposed Alternative Compliance Project must be in addition to activities that a permittee would implement to achieve their individual discharges full compliance with the nitrate water quality objective. An example ACP could include connecting septic systems to a wastewater treatment plant.
6. Submit your NOI and Nitrate Assessment Report to the Central Valley Water Board no later than **May 7, 2021**. Permittees that are required to complete an EAP and/or ACP proposal must also submit these documents with the NOI.
7. Obtain Central Valley Water Board evaluation and approval.
8. Initiate EAP (if applicable) within **60 days** following submittal of the plan, unless otherwise directed by the Central Valley Water Board.

IF YOU CHOOSE PATHWAY B

General Requirements for Pathway B (Management Zones) are as follows:

1. Permittees in a Management Zone work collectively to develop a Preliminary Management Zone Proposal and Early Action Plan (if applicable). The Early Action Plan must describe how the Management Zone entity will provide affected residents interim drinking water solutions where drinking water exceeds nitrate water quality objectives. Management Zone submits these documents to the Central Valley Water Board no later than **March 8, 2021**.

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2. Management Zone initiates EAP within 60 days following submittal of the plan, unless otherwise directed by the Central Valley Water Board.
3. Permittees submit an individual NOI that indicates their selection of Pathway B to the Central Valley Water Board no later than **May 7, 2021**. **Permittees who are named as a Management Zone member in the Preliminary Management Zone Proposal do not need to submit an NOI.**

An electronic fillable PDF version of the NOI is available at:

http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/forms_templates_guide/#notice_of_intent. A hardcopy can be sent to you by sending a request to cvsalts@waterboards.ca.gov.

4. Permittees working together as a Management Zone develop and submit a Final Management Zone Proposal, **180 days** after Central Valley Water Board's review of the preliminary proposal.
5. Permittees working together as a Management Zone develop and submit a Management Zone Implementation Plan, **6 months** after the Final Management Zone Proposal is accepted by the Executive Officer of the Central Valley Water Board.

Document submissions can be sent via email to cvsalts@waterboards.ca.gov or by mail to:

Central Valley Water Board
CV-SALTS Program
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

The Central Valley Water Board recommends that the documentation be submitted in electronic format to the email or as a CD mailed to the address above. If you choose to submit documentation as a CD or hardcopy, USPS Certified Mail is the preferred mailing method to ensure receipt of delivery by the Central Valley Water Board.

This NTC requires your response under Water Code section 13260. If you do not respond to this request with the materials specified above by May 7, 2021, you may be subject to enforcement actions, including actions under Water Code section 13261, which authorizes the Board to impose liability of up to \$1,000 per day for failure to submit a report. **After May 7, 2021, discharges of nitrate are prohibited unless the permittee is implementing the Nitrate Control Program through either Pathway A (Individual Approach) or Pathway B (Management Zone Approach).**

For general information about the Central Valley Water Board's Salt and Nitrate Control Program, please visit: <https://www.waterboards.ca.gov/cvsalts/>.

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If you have any further questions about what is required of you, please email cvsalts@waterboards.ca.gov or call (916) 464-4675.



Patrick Pulupa
Executive Officer

Enclosure: Attachment 1: Priority Groundwater Basins/Sub-basins

Para obtener una versión traducida de este documento, envíe un correo electrónico a cvsalts@waterboards.ca.gov. (Spanish)

如需本文档翻译版· 请发送邮件至 cvsalts@waterboards.ca.gov. (Chinese)

Để nhận phiên bản dịch của tài liệu này, vui lòng gửi email đến cvsalts@waterboards.ca.gov. (Vietnamese)

Yog koj xav tau daim ntaub ntauv no txhais ua lus Hmoob, thov xa email rau cvsalts@waterboards.ca.gov. (Hmong)

ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਪੰਜਾਬੀ ਅਨੁਵਾਦ ਲਈ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਾਨੂੰ ਇਸ ਪਤੇ ਉਪਰ ਈ – ਮੇਲ ਭੇਜੋ cvsalts@waterboards.ca.gov. (Punjabi)

To obtain a translated version of this document in a language other than what is provided above, please email cvsalts@waterboards.ca.gov.

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Attachment 1: Priority Groundwater Basins/Sub-basins

