

## Background

Rio Bravo Fresno (RBF) is located at 3350 South Willow Avenue Fresno, Fresno Co. CA 93725-9005. The facility is ranked as the 13th biggest stationary source of fine particulate matter (PM 2.5) in the San Joaquin Valley Air District. In addition to PM, it is also a source of nitrogen oxides (NOx), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and various hazardous air pollutants like lead and mercury. RBF is a renewable biomass facility consisting mainly of agricultural pruning's and urban wood are the two major sources of biomass used at the facility. The facility is located less than a half mile from Malaga Elementary School and the Malaga Community Park.

## Is the facility subject to environmental requirements?

Rio Bravo Fresno is subject to federal, state, and local requirements related to air emissions, water quality, and hazardous materials and wastes.

## Who is involved in this matter?

Multiple environmental agencies at the federal, state, and local level are responsible for regulating Rio Bravo Fresno and have been engaged in inspection and enforcement activities, including:

- San Joaquin Valley Air Pollution Control District (San Joaquin Valley APCD)
- Fresno County Certified Unified Program Agency (CUPA)
- California Air Resources Board (CARB)
- California Department of Resources Recycling and Recovery (CalRecycle)
- State Water Resources Control Board (SWRCB)
- Central Valley Regional Water Quality Control Board (RWQCB)
- California Environmental Protection Agency (CalEPA)
- United States Environmental Protection Agency (US EPA)

## San Joaquin Valley (APCD) Actions

The San Joaquin Valley APCD is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective, and entrepreneurial air quality management strategies, which include the adoption and enforcement of rules intended to

control sources of air pollution. In addition to public complaint investigations and compliance inspections of permitted equipment, District enforcement staff's field inspections at Rio Bravo ensure the facility's strict adherence to all applicable District Rules, as well as state and federal regulations, which include the District's Dust Control Rules, also referred to as Regulation VIII, as well as District Rules 2520, 4101, and 4352.

The District takes enforcement action whenever violations are found. Following an enforcement action, the District works with the facility to expedite their return to compliance, which is often accomplished on the same day a violation is discovered.

From January 2021 through December 2023, District staff conducted eleven onsite compliance inspections and other field operations at the Rio Bravo facility. Over that time, Rio Bravo has been issued one Notice to Comply for failing to include information on a Report of Required Monitoring, and four Notices of Violation for operating without a portion of their emission control device, failing to submit a permit application on time for rule compliance, and two for source testing failures. The District worked closely with Rio Bravo after issuing each notice to ensure a prompt return to compliance, which has been achieved in all cases.

Additionally, Rio Bravo is located in the Assembly Bill 617 (AB 617) community of South Central Fresno. AB 617 requires the California Air Resources Board (CARB) to select communities who are being disproportionately impacted by pollution and to work with air districts to develop and implement additional emissions reporting, monitoring, emissions reduction programs, and measures in an effort to reduce localized air pollution exposure in these communities, and in 2018, South Central Fresno was selected for investment of additional resources under AB 617. After extensive coordination with community members over the following months, the District's Governing Board unanimously voted to adopt the South Central Fresno AB 617 Community Emissions Reduction Program (CERP), which includes strategies for reducing air pollution impacts from sources of pollution that are of particular concern to community members.

Furthermore, USEPA maintains the Enforcement and Compliance History Online (ECHO) database that focuses on compliance- and enforcement-related information for EPA-regulated facilities. ECHO includes permit data,

inspection/compliance evaluation dates and findings, violations of environmental regulations, enforcement actions, and penalties assessed for federally regulated sources of pollution, including Rio Bravo. The ECHO page for Rio Bravo can be accessed through the below link:

<https://echo.epa.gov/detailed-facility-report?fid=110000523755>

## Fresno County CUPA Actions

The Fresno County Environmental Health Services Department operates as the Certified Unified Program Agency (CUPA) for Fresno County. The CUPA ensures compliance with requirements related to hazardous materials, hazardous waste, and storage tanks through triannual inspections.

- Fresno County CUPA conducted an inspection of Rio Bravo Fresno on April 21, 2023. The inspection reviewed:
  - Hazardous Materials Business Plan,
  - Aboveground Storage Tank (APSA)
  - Hazardous Waste Generator Program - Large Quantity Generator (LQG)
  - California Accidental Release Program (CalARP)

The Fresno County CUPA conducted an inspection of Rio Bravo Fresno on April 21, 2023. Two violations were observed during the inspection. The violations are as follows:

- Rio Bravo Fresno failed to ensure that containment systems of diked areas in all bulk storage tank installations are either sufficiently impervious to contain discharged oil until cleaned up or any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond until cleaned up.
- Rio Bravo Fresno failed to provide a current Compliance audit Due every 3 years. Failure of the owner or operator to certify that they have evaluated compliance.

All above identified compliance issues and violations were corrected.

## CARB Actions

CARB is responsible for protecting the public from the harmful effects of air pollution and reducing emissions that cause climate change. CARB enforces emission standards and requirements to ensure mobile sources are as clean as possible. Additionally, CARB supports and oversees air district stationary source programs. CARB has not

completed any formal investigations directed at the Rio Bravo Fresno facility.

## CalRecycle Actions

CalRecycle, in partnership with local enforcement agencies (LEA), regulates the operation of solid waste handling, processing, and disposal activities to protect public health and safety and the environment. Solid Waste Facilities include Landfills, Transfer/Processing Facilities, In-Vessel Digestion Facilities, Compostable Material Handling Facilities, EMSW Conversion Facilities, and Transformation Facilities. Biomass Conversion Facilities such as Rio Bravo, are excluded from the Solid Waste Facilities permitting requirements. CalRecycle and the LEA's have authority to inspect excluded activities to verify that they do not qualify for a Solid Waste Facilities Permit.

Senate Bill 498 (Lara, Chapter 746, Statutes of 2014) requires biomass conversion facilities to submit an annual report to CalRecycle by April 1<sup>st</sup> of each year. This includes the total amount of material accepted by the facility. Rio Bravo Fresno's reports for the last three years are as follows:

- 2021: 191,556 tons
- 2022: 186,459 tons
- 2023: 234,051 tons

## State and Regional Water Board Actions

The State and Regional Water Boards regulate storm water at Rio Bravo. Rio Bravo Fresno is subject to compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Storm Water Discharges Associated with Industrial Activity, Water Quality No. 97-03- DWQ (General Permit). The facility is not located within an impaired watershed (as defined by the permit). Rio Bravo Fresno is only required to sample stormwater discharge, and facility reported no discharges from 2019-2023. All stormwater events were reported to be contained in an on-site infiltration basin. Non-stormwater discharge may occur from the fire suppression system, and irrigation water reported as generally <100 gallons per day.

The 2013-2014 storm water sample results exceeded the U.S. EPA benchmark values (shown in parenthesis) for Iron, zinc: zinc 0.25 mg/L (0.117 mg/L) , Iron 4.9, 1.7 mg/L (1.0 mg/L)

Central Valley Regional Water Quality Control Board staff conducted an inspection in October 2014, to evaluate compliance with permit requirements. The facility had implemented the following stormwater control measures: secondary containment at fuel area and hazardous waste area, overhead waste coverage, spill response, stormwater



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drains to retention basin on site. No permit violations were identified on this inspection.

Other potential water quality pollution sources identified in the current SWPP are as follows; Biomass Unloading and Storage Areas and Bottom Ash Storage Biomass Bottom Ash and Fly Ash Areas , Diesel Equipment, Storage and Vehicle Refueling , Vehicle Maintenance Area , Turbine/ Generator Area , Transformer Areas , Maintenance Building Area , Chemical Storage Areas , Used Oil Storage Area , Various Parts and Materials Storage Area , Shipping / Receiving Storage Area

## CalEPA Actions

CalEPA is the parent agency to six boards, departments, and offices charged with protecting public health and the environment, including CalRecycle, CARB, and the Water Boards. CalEPA has not exercised independent enforcement authority over activities at Rio Bravo Fresno but helps to ensure enforcement and compliance activities are consistent, effective, and coordinated.

## US EPA Actions

USEPA Region 9 (Pacific Southwest Region) provides regulatory oversight over states, tribes, and territories. USEPA works with state and local agencies to ensure private and public facilities maintain compliance under environmental statutes. On February 24, 2020, USEPA conducted a CAA Title V Permit records review of the Rio Bravo Biomass Facility – Fresno. No enforcement follow up was identified as a result of this records review. Communities can use USEPA’s Enforcement and Compliance History Online (ECHO) to search the compliance history for facilities like Rio Bravo Biomass Facility – Fresno. ECHO may be accessed at: <https://echo.epa.gov/>

## For More Information Contact:

### San Joaquin Valley APCD

John Stagnaro – Director of Compliance

[John.Stagnaro@valleyair.org](mailto:John.Stagnaro@valleyair.org)

### Fresno County CUPA

Cindy Sauls – Supervising Environmental Health Specialist

[csauls@fresnocountyca.gov](mailto:csauls@fresnocountyca.gov)

Ted Piarcey – Supervising Environmental Health Specialist

[tpiarcey@fresnocountyca.gov](mailto:tpiarcey@fresnocountyca.gov)

### California Air Resources Board

Nancy Fletcher – Staff Air Pollution Specialist

[Nancy.Fletcher@arb.ca.gov](mailto:Nancy.Fletcher@arb.ca.gov)

### CalRecycle

Shyenne Lewis – Environmental Justice Enforcement Liaison

[Shyenne.Lewis@CalRecycle.ca.gov](mailto:Shyenne.Lewis@CalRecycle.ca.gov)

### State Water Resources Control Board

Selina Cole – Senior Environmental Scientist, Specialist

[Selina.Cole@Waterboards.ca.gov](mailto:Selina.Cole@Waterboards.ca.gov)

### CalEPA

Trevor Anderson – Environmental Justice Enforcement Manager

[trevor.anderson@calepa.ca.gov](mailto:trevor.anderson@calepa.ca.gov)

### US EPA

Savannah Merritt – Life Scientist, Enforcement and Compliance Assurance Division

[merritt.savannah.l@epa.gov](mailto:merritt.savannah.l@epa.gov)