

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 21-22, 2017
Prepared on August 21, 2017

ITEM NUMBER: 15

SUBJECT: Update of General Waste Discharge Requirements for Discharges of Winery Waste and Categorical Waiver of Waste Discharge Requirements and Waiver of Requirement to Submit Report of Waste Discharge for Certain Small Wineries, Central Coast Region, Order No. R3-2017-0020

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KEY INFORMATION

Location:	Locations throughout the Central Coast Region
Discharger:	Winemaking and bottling facilities that discharge winery process water
Type of Discharge:	Liquid and solid winery process waste
Treatment/Recycling/Disposal:	Discharges to surface water are prohibited
Existing Orders:	R3-2008-0018

This Action: Adopt Order No. R3-2017-0020

SUMMARY

In 2008, the Water Board adopted Order No. R3-2008-0018 to more efficiently and consistently regulate waste discharges from multiple wineries across the Central Coast region. Order No. R3-2008-0018 promulgated general waste discharge requirements to regulate winery waste (also known as "General Winery WDRs"). The existing General Winery WDRs are over five years old and they include waiver provisions for qualifying facilities. Since waivers must be renewed every five years, staff proposes a WDR renewal that reaffirms Order No. R3-2008-0018's waiver and continues the Water Board's program to regulate waste discharges from multiple wineries. The proposed WDRs are similar to the existing WDRs with only minor changes (e.g. dates, Order/MRP number, typographic errors, and revised antidegradation finding). Central Coast Water Board staff is working with State Board staff to develop a more-comprehensive, statewide General Winery Permit. The goal for the release of the draft statewide General Winery Permit is fall of 2018.

DISCUSSION

The California Water Code recognizes that discharges with similar characteristics such as those generated by winery facilities are appropriately regulated under general waste discharge requirements. Both the Water Board and winery industry benefit from adoption of general waste discharge requirements as they provide regulatory uniformity and streamline the application process. Obtaining coverage under general waste discharge requirements typically requires

only a few weeks versus up to five months for individual waste discharge requirements. General waste discharge requirements help reduce the administrative burden of issuing individual winery waste discharge requirements.

Although winery waste may vary slightly from facility to facility, many of the wastewater handling, treatment, and disposal options are similar. Most waste is generated during the “crush” season. The wastewater is characterized by fluctuations in flow and pH and typically has high organic material content. Nearly all wineries employ similar treatment and disposal methods: mechanical solids separation, settling, pH neutralization, biological stabilization (often with aerated ponds), subsurface soil absorption systems, and recycling. Because of the similar issues and threat to water quality, winery waste is well suited for general waste discharge requirements.

The Water Board adopted Order No. R3-2008-0018 to regulate winery waste (General Winery WDRs). The General Winery WDRs were intended for new and existing winery waste discharges to land. The General Winery WDRs contain a comprehensive collection of requirements, including:

- Discharge Prohibitions
- Pollutant Source Control Guidelines
- Design Guidelines
- Design Specifications
- Effluent Limitations
- Groundwater Limitations
- Operation Specifications
- Solids Disposal Specifications
- Recycling Specifications

The 2008 General Winery WDRs also included Monitoring and Reporting Program No. R3-2008-0018 (MRP), which was designed to monitor a discharge’s effect on water quality and promote progressive, environmentally safe waste management and water conservation practices. The MRP generally requires regular monitoring of water supply, production, chemical usage, wastewater treatment systems, effluent, disposal areas, soil, and solid waste disposal. Groundwater and disposal area soils monitoring may be required to measure a particular discharge’s effect on underlying groundwater. The MRP is flexible and requires different monitoring based on three different facility size categories: less than 3,000 gallons per day (GPD), from 3,000 GPD to 50,000 GPD, and greater than 50,000 GPD. Those facilities having low threat and low organic-strength wastewater may also receive reduced monitoring, if deemed appropriate. As is the case with site-specific MRPs, a general MRP may be modified by the Executive Officer. If a winery manages its wastewater in a manner that protects water quality to the maximum extent practicable, it will be rewarded with less stringent monitoring requirements. For example, if a winery uses peracetic acid or ozonated water to clean equipment rather than chlorine, it may not be required to monitor its effluent for disinfection byproducts associated with chlorine use. If wastewater is treated and disposed of in a manner that is protective of underlying groundwater quality, groundwater monitoring would likely not be required.

Obtaining coverage under the General Winery WDRs is a streamlined process. Rather than submitting a Report of Waste Discharge, wineries seeking coverage must submit a complete *Notice of Intent (NOI) to Comply with the Terms of the General Waste Discharge Requirements for Discharges of Winery Waste*. Water Board staff reviews each NOI and determines a filing

fee, if applicable. Discharges deemed appropriate for coverage under the General Winery WDRs are authorized in writing by the Executive Officer. Discharges deemed inappropriate may be regulated with individual WDRs. Water Board staff provides notice to the Board of each winery authorized for coverage under the General Winery WDRs as a regular Board meeting agenda item.

The existing General Winery WDRs also include waiver provisions for qualifying facilities. Qualifying facilities are small wineries that produce 10,000 cases¹ of wine or less per year and have adequate² separation to groundwater. Section 13269 of the California Water Code allows Water Boards to waive the requirements to submit a report of waste discharge and to obtain waste discharge requirements for specific discharges or specific types of discharges. Such waivers must be conditional, in the public interest, consistent with the Water Quality Control Plan (Basin Plan), and five years or less in duration (but may be renewed by a Water Board). Prior to renewing a waiver, the Water Board must review the terms of the waiver at a public hearing. Proposed Order No. R3-2017-0020 includes a waiver to obtain waste discharge requirements in order to continue the Water Board's program to efficiently and consistently regulate waste discharges from multiple wineries. The proposed Order includes the same requirements and prohibitions as the 2008 General Winery WDRs with only minor changes such as modified dates, Order/MRP number, typographic errors, and revised antidegradation findings.

Should the proposed item be adopted, all existing dischargers enrolled under the previous General Winery WDRs' waiver will remain active and, as stated in Standard Provision E.16 of Order No. R3-2008-0018, dischargers enrolled under Order No. R3-2008-0018 will be automatically enrolled under reissued General Winery WDRs.

ENVIRONMENTAL SUMMARY

Each winery must comply with the requirements of the California Environmental Quality Act prior to coverage under the proposed Order.

The action to adopt this proposed Order is intended to maintain water quality and ensure compliance with laws and regulations administered by the Water Board. Pursuant to Sections 15307 and 15321 of the Resources Agency Guidelines, this action is categorically exempt from the provisions of the California Environmental Quality.

COMMENTS

1. Dhruv Khanna, Owner, Kirigin Cellars - I respectfully request that you issue a categorical exemption from all of your regulations for wineries who satisfy the following criteria:
 1. A winery has been in continuous operation for over 15 years without any legitimate complaints about their winery waste operations;
 2. A winery uses their own groundwater for farming and drinking and the groundwater sampling shows a clean record;
 3. Employ one or more winemakers with at least five years of experience.

¹ The production of 10,000 cases of wine results in the generation of approximately 120,000 gallons of wastewater.

² Documentation that groundwater first occurs in a disposal area at least 50 feet below ground surface or 8 feet below ground surface in a reuse area

Response: Proposed Order No. R3-2017-0020 is a re-issuance of WDRs No. R3-2008-0018. A renewal of the 2008 General Winery Order is required because waivers must be renewed every five years. Therefore, the proposed Order includes the same waiver requirements with only very minor changes. At this time, we are not revising the requirements as you requested, but Water Board staff is currently working with the State Water Board to develop and evaluate a new set of statewide requirements for winery processing wastewater. Central Coast Water Board staff will provide your comments to the State Board for consideration during the development of the statewide requirements.

ATTACHMENTS

Proposed Order No. R3-2017-0020, including Monitoring and Reporting Program No. R3-2017-0020

RECOMMENDATION

Adopt Order No. R3-2017-0020 as proposed.

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