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## Central Valley Regional Water Quality Control Board

31 January 2021

Dan R. Costa  
Dan R. Costa, Inc.  
1269 Spring Creek Drive  
Ripon, CA 95366

**CERTIFIED MAIL**  
7020 0640 0000 7627 4117

### **NOTICE OF APPLICABILITY**

**WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL PROCESSORS WITHIN THE CENTRAL VALLEY REGION  
ORDER R5-2020-0002  
DON R. COSTA, INC., SAN JOAQUIN COUNTY**

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

We are in receipt of your Notice of Intent (NOI), dated 6 January 2021, which stated that you intend to comply with Tier 1 conditions of the Waiver for discharge of winery waste at 17239 E. Louise Avenue, Escalon, San Joaquin County. The winery is owned and operated by Dan R. Costa (Discharger). The NOI states that less than 10,000 gallons of wastewater will be produced per year, and that the wastewater will be applied to land owned and operated by the Discharger. 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 generated 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 and the applicable fee and obtain coverage under Tier 2 or 3 of the Waiver prior to increasing the discharger volume.

Based on information provided in the NOI, we have determined that the discharge meets the required conditions for approval under the Waiver. You are hereby assigned Order R5-2020-0002-0068. A copy of the Waiver is enclosed and also available on the [Water Board's adopted orders web page](#)

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KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2020-0002\\_waiver\\_wdrs.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_wdrs.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). Wine waste must be managed and discharged in accordance with the requirements contained in the Conditions of Discharge and with the information submitted in the NOI.

### **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 2021 Monitoring Report is due by **1 February 2022**.

### **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 the Notice of Applicability.

Please review this Notice of Applicability carefully to ensure 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. Discharges 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 do one of the following:

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

### Document Submittals

All monitoring reports and other correspondences should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents less than 50 MB should be emailed to:

[centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@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: Dan R. Costa, Inc., San Joaquin County		
Program: Non-15 Compliance	Order: R5-2020-0002-0068	CIWQS Place ID: 754572

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  
ECM Mailroom  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Now that the NOA has been issued, the Board's Compliance and Enforcement section will take over management of your case. Brendan Kenny is your new point of contact for any questions about the Waiver. If you find it necessary to make a change to your permitted operations, Brendan will direct you to the appropriate Permitting staff. You may contact Brendan at [bkenny@waterboards.ca.gov](mailto:bkenny@waterboards.ca.gov).



for Patrick Pulupa, Executive Officer

Enclosure: Conditional Waiver of WDRs, Order R5-2020-0002

cc w/o encl: San Joaquin County Environmental Health Department, Stockton