



Central Valley Regional Water Quality Control Board

1 September 2021

CERTIFIED MAIL
7020-1810-0002-0569-1200

Rick Kennedy
Happy Dayz Vineyard
2338 Mandarin Hill Lane
Penryn, CA 95663

CERTIFIED MAIL
7020-1810-0002-0569-1217

Tom Aguilar
P.O. Box 96
Penryn, CA 95663

NOTICE OF APPLICABILITY

WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL PROCESSORS WITHIN THE CENTRAL VALLEY REGION

ORDER R5-2020-0002-0085 RICK KENNEDY, HAPPY DAYZ VINEYARD PLACER 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 5 May 2021, which stated that you intend to comply with the Tier 1 conditions of the Waiver. Happy Dayz Vineyard (the winery) is located at 2338 Mandarin Hill Lane, Penryn, in Placer County on assessor's parcel number (APN) 032-171-071. The land is owned by Tom Aguilar, while the winery is owned by Rick Kennedy and operated by Happy Dayz Vineyard. 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 (pomace and lees) 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 discharge volume.

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

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

Order R5-2020-0002-0085. A copy of the Waiver is enclosed and also available at the [State Water Boards Adopted Orders: Waivers webpage](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/#waivers) (http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/#waivers).

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). Winery 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.

DISCHARGE DESCRIPTION

The winery is a new facility which is planning to conduct all winemaking processes on an outdoor concrete slab with a drain. The drain will connect to a wastewater storage container. The wastewater will have constituents typical of small-winery process operations. The collected wastewater will be applied for dust control as needed to the 2-acre vineyard on the winery property.

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 Annual 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 this Notice of Applicability (NOA).

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 Conditions of Discharge (Waiver Attachment A) is prohibited.

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.

CENTRAL VALLEY SALINITY ALTERNATIVES FOR LONG-TERM SUSTAINABILITY (CV-SALTS)

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. The Basin Plan Amendments were conditionally approved by the State Water Board on 16 October 2019 and the Office of Administrative Law on

15 January 2020. Review of water quality data for wineries with process water design flows less than 10,000 gallons per year (Tier 1) indicate that the discharge from these facilities is generally in compliance with the requirements of the Central Valley's Salt and Nitrogen Control program. Therefore, this facility does not need to comply with the requirements of the Salt and Nitrate Control program. Should the Central Valley Water Board become aware of site-specific information indicating that a discharge does not comply with the requirements of the Salt and Nitrate Control Program, it will follow up on a site-specific basis to ensure compliance with the program.

DOCUMENT SUBMITTALS

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: 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:	Happy Dayz Vineyard, Placer County
Program:	Non-15
Order:	R5-2020-0002-0085
CIWQS Place ID:	875954

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 Notice of Applicability has been issued, the Board's Compliance and Enforcement section will take over management of your case. Guy Childs 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, Guy will direct you to the appropriate Permitting staff. You may contact him at (916) 464-4648 or at Guy.Childs@waterboards.ca.gov.

Original Signed by John J. Baum on
Date: 2021.09.01 09:37:58 -07'00'

for Patrick Pulupa,
Executive Officer

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

cc: Placer County Environmental Health Department (via email)
Guy Childs, Central Valley Water Board, Rancho Cordova