



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Arnold
Schwarzenegger
Governor

August 18, 2010

In the Matter of

**Notice of Coverage, Waiver of Waste Discharge Requirements for
On-Site Domestic Waste Treatment and Disposal Activities**

for

EJ Gallo Winery
WDID No. 1B08136RSON

APPLICANT: Mr. Lou Presley, EJ Gallo Winery
RECEIVING WATER: Groundwater
HYDROLOGIC AREA: Middle Russian River Hydrologic Area, Warm Springs
Hydrologic Subarea 114.24
COUNTY: Sonoma County
FILE NAME: EJ Gallo Winery OWTS

BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Individual Sewage Disposal Systems and Small Community, Commercial, Institutional, and Industrial Operations Which Utilize On-Site Wastewater Treatment and Disposal for Domestic Wastes (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution R1-2007-0098. The Waiver is conditional, may not exceed five years in duration, and may be terminated at any time.
2. On October 23, 2006, Guadalupe Chavarria, P.E., on behalf of the EJ Gallo Winery (hereafter Discharger), submitted a conceptual proposal for the expansion and redesign of an existing onsite wastewater treatment system (OWTS), and after receiving feedback from Regional Water Board staff, submitted a Report of Waste Discharge (ROWD) with a description of the revised project on September 8, 2008 and an application fee of \$981.00. Additional information was submitted on May 13, 2009 to complete the report of waste discharge.

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3. The EJ Gallo Winery (hereinafter Facility) is an existing commercial vineyard and winery located at 3387 Dry Creek Road in Healdsburg, Sonoma County. On June 9, 2005, the County of Sonoma approved a use permit (UPE-00-0035) to increase the Facility's annual production rate to 4.9 million cases of wine per year and to construct a 71,500 square foot barrel cellar building, a 26,500 square foot operations facility, a 41,000 square foot bottling facility, a 10,500 square foot maintenance building, and other associated infrastructure. Process wastewater from the vineyard and winery is regulated under Waste Discharge Requirements Order No. 85-136.
4. The Facility's existing OWTS for domestic waste consists of three separate septic tank/leachfield systems serving specific areas within the winery. Each system consists of a pump station that delivers measured doses of effluent to an individual leachfield. Two leachfields (Leachfield 1 and Leachfield 2) are located south of the winery and one is located in the center of the site.
5. The Discharger proposes to expand and redesign its existing OWTS for domestic waste to provide waste disposal for 155 employees and 15 seasonal employees working at the vineyard (hereafter Project). As described in the ROWD, the Discharger will continue to use Leachfield 1 and Leachfield 2 and construct a new leachfield (Leachfield 3) north of the site. The existing centrally located leachfield will be abandoned. Future domestic wastewater flows will be collected at a new 10,000 gallon sump tank and distributed equally between the three leachfields. However, under a new mode of operation, the Discharger will alternate discharges of domestic wastewater between each leachfield. This operational design is anticipated to increase the efficiency and expected life of the leachfields. The anticipated daily flow of domestic waste to the OWTS is 2,550 gallons per day (gpd). A safety factor of 20% has been applied to arrive at a design flow of 3,060 gpd.
6. The discharge of any waste not specifically regulated by the Waiver described herein is not authorized by this Waiver. Any change to the operation of the OWTS that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
7. This action waiving the issuance of Waste Discharge Requirements for the discharge of domestic waste from the vineyard facilities a) is conditional, b) may be terminated at any time, c) does not permit an illegal activity, d) does not preclude the need for permits which may be required by other local or governmental agencies, and e) does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the Water Code.

Receiving Water: Groundwater within the Warm Springs Hydrologic Subarea
114.24

Location: 3387 Dry Creek Road in Healdsburg, Sonoma County

Expiration: August 18, 2015

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE GALLO VINEYARDS ONSITE WASTEWATER TREATMENT SYSTEM (FACILITY NO. 1B08136RSON), as described in the Application, is hereby covered under the Waiver, provided that the Project complies with the following terms and conditions:

1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. The Discharger shall obtain an appropriate septic system permit from the County of Sonoma and comply with any other requirements prescribed by the Sonoma County Permit and Resource Management Department.
3. Under the oversight of a licensed professional engineer, geologist, soil scientist, or registered environmental health specialist, the Discharger shall implement Monitoring and Reporting Program Order No. R1-2010-0074.
4. In the event that there is evidence of surfacing effluent, the presence of wastewater pollutants in groundwater above background conditions, or other signs of system failure, the Discharger shall submit a contingency plan for Executive Officer approval, for the modification of waste discharge and or system design in a manner that complies with Basin Plan criteria.
5. Wastewater and graywater treatment and disposal activities meet the eligibility criteria for coverage under the Waiver and, if conducted as described in the ROWD and in compliance with the above-listed conditions, the OWTS will adhere to applicable water quality standards.
6. The operation of the OTWS must meet all of the standard Waiver provisions, including the following:
 - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
 - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."

- c. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
 - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution R1-2007-0098."
 - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
7. Failure to construct and operate the OWTS according to the ROWD and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice, may result in the revocation of coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code including section 13350, which states that discharging in violation of waste discharge requirements may subject the discharger in civil liabilities to up to \$10 for each gallon of waste discharged or \$5,000 for each day the violation occurs.

Please contact Charles Reed of our staff at creed@waterboards.ca.gov (707) 576-2752 if you have any questions.

Catherine Kuhlman
Executive Officer

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Enclosures: Waiver Policy (Res. R1-2007-0098), Monitoring and Reporting Program No. R1-2010-0074

Original sent to: Mr. Lou Presley, EJ Gallo Winery, 26691 3387 Dry Creek Road, Healdsburg, CA 95448

Copies sent to: Elsa Frick, Sonoma County PRMD, 2550 Ventura Avenue, Santa Rosa, CA 95403-2829

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