

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, January 28, 2016
Regional Water Board Office
Santa Rosa, California

- ITEM: 3
- SUBJECT: Public Hearing to consider adoption of Order No. R1-2016-0002 General Waste Discharge Requirements (WDRs) and Order No. R1-2016-0003 Conditional Waiver of WDRs for Wine, Beverage, and Food Processor (WBFP) Waste to Land and Associated Mitigated Negative Declarations (*Rachel Prat & Rhonda Raymond*)
- BOARD ACTION: The Board will consider adoption of proposed Order No. R1-2016-0002, General Waste Discharge Requirements for Wine, Beverage, and Food Processor Waste to Land (Proposed WBFP WDRs) and proposed Order No. R1-2016-0003, Conditional Waiver of WDRs for Wine, Beverage, and Food Processor Waste to Land, (Proposed WBFP Waiver) and the associated Mitigated Negative Declarations.
- BACKGROUND: On March 28, 2002, the Regional Water Board adopted Order No. R1-2002-0012, General WDRs for Discharges of Winery Waste to Land (2002 Winery Order). The 2002 Winery Order authorizes discharges to land from winery wastewater treatment and disposal systems.
- Since 2002, discharges of process waste to land from wineries have typically been authorized under the 2002 Winery Order. However, Regional Water Board staff has deferred enrollment under the 2002 Winery Order for a winery that produces less than 1,500 gallons per day of process wastewater, and whose discharge poses a minimal risk to groundwater quality. These smaller wineries were advised of the deferral of coverage under the 2002 Winery Order, and that a waiver of WDRs would be developed in the future.
- Discharges of process waste to land by beverage and food processing facilities, other than wineries, have historically been authorized under individual facility-specific WDRs. Many of these WDRs are decades old and need updating. Additionally, the Regional Water Board does not currently regulate certain type of beverage and food processing facilities such as cheese and potato processors.
- In June 2014, Regional Water Board staff began to update the 2002 Winery Order to extend permit coverage to include beverage and food processors not currently regulated, and to include current laws, regulations and water quality control plan (Basin Plan) policies enacted after the adoption of the 2002 Winery Order. Additionally,

staff developed a draft Conditional Waiver of WDRs for small wine, beverage and food processors.

On July 7, 2014, staff made the first draft of the Wine, Beverage and Food Processor (WBFP) WDRs and Conditional Waiver available for public comment. On July 15, 2014, staff held a public workshop to discuss the draft WDRs and Conditional Waiver.

A total of fourteen comment letters were received on the 2014 draft of the WBFP WDRs and Conditional Waiver. Rather than provide a written response to the comments received, staff met on six different occasions with industry representatives to discuss their comments. Based on written comments received and subsequent discussions with industry representatives, staff made appropriate revisions to the WBFP WDRs and Conditional Waiver. In addition, staff prepared California Environmental Quality Act (CEQA) Mitigated Negative Declarations for the Proposed WBFP WDRs and Conditional Waiver.

The revised draft WBFP WDRs, Conditional Waiver and associated Mitigated Negative Declarations were circulated for a second public comment period from October 23, 2015, to November 23, 2015.

DISCUSSION:

The Proposed WBFP WDRs and Conditional Waiver are intended to update and expand the 2002 Winery Order. The major differences between the 2002 Winery Order and the Proposed WBFP WDRs and Conditional Waiver are summarized below:

1. The Proposed Conditional Waiver waives WDRs for (1) wine, beverage and food processing facilities that produce less than 1,500 gallons per day (gpd) of process wastewater, as averaged over a 30-day period during peak production, and for (2) wineries that produce 3,000 gpd of wastewater, as averaged over a 30-day period during peak production, and which produce no more than five gallons of wastewater for every gallon of wine produced. On the other hand, the 2002 Winery Order finds that wineries associated with commercial operations or operations producing over 200 gallons of wine per year are inappropriate for a waiver of WDRs and must be covered by WDRs.
2. The Proposed WBFP WDRs require dischargers to address nutrients in their discharge by either (1) meeting water quality based effluent limits for ammonia, nitrate, and nitrite, (2) applying nutrients in the treated process wastewater at rates not exceeding agronomic rates, or (3) meeting the Basin Plan groundwater water quality objective for nitrate. On the other hand, the 2002 Winery Order does not require dischargers to

address nutrients in their waste streams or to conduct nutrient monitoring.

3. The Proposed WBFP WDRs require dischargers to address salinity in their discharges by either (1) meeting water quality based effluent limits for sodium and chloride, or (2) meeting the Basin Plan groundwater water quality objectives for sodium and chloride. On the other hand, the 2002 Winery Order does not require dischargers to address salinity in their waste streams nor to conduct salinity monitoring.
4. The Proposed WBFP WDRs require groundwater monitoring for dischargers utilizing land treatment systems that rely on the soil matrix to treat process wastewater, including septic tank leach field systems, spreading basins, and overland flow treatment systems. On the other hand, the 2002 Winery Order does not require groundwater monitoring unless the discharger is directed by the Executive Officer to implement a groundwater monitoring program. To date, no discharger enrolled under the 2002 Winery Order has been directed by the Executive Officer to implement a groundwater program.

Staff received timely comments on the Draft WBFP WDRs. Staff did not receive any comments on the Draft WBFP Conditional Waiver or either of the Mitigated Negative Declarations. A full explanation of the comments and responses is in the attached Response to Comments.

A general concern expressed by the commenters was the need to clarify WBFP Conditional Waiver eligibility and applicable requirements in WBFP WDRs for specific types of treatment and disposal systems. In response to this comment, staff revised the language of the WBFP WDRs and included in the Response to Comments a flow chart (Attachment 1) and reference guide (Attachment 2) to aid dischargers in determining Conditional Waiver eligibility and identifying applicable requirements for specific types of treatment and disposal systems under the WBFP WDRs.

Commenters were specifically concerned with the cost of groundwater monitoring for WBF processing facilities utilizing septic tank leach field systems and recommended that these facilities be able to rely on wastewater pretreatment technologies rather than bear the expense of installing wells and monitoring groundwater quality. Staff anticipates that most of such facilities would likely be eligible for coverage under the Proposed WBFP Conditional Waiver, which does not require groundwater monitoring. For processing facilities that are not eligible for coverage under the Proposed Conditional Waiver, and rely on soil matrix to treat process wastewater, groundwater

monitoring is required to ensure protection of the beneficial uses of the groundwater.

Commenters recommended that the effluent limit of 115 mg/L for sodium be based on an agricultural supply threshold. Effluent limits must be set at levels consistent with water quality objectives and protective of the most sensitive beneficial use. Staff proposed a sodium effluent limit of 60 mg/L to protect domestic and municipal supply based on taste. Facilities that are not able to meet this limit may apply for individual WDRs, after providing documentation that an alternative effluent limit for sodium would still be protective of the taste objective.

Staff made several other changes to the Proposed WBFP WDRs in response to comments received, as summarized below:

-) Added language to clarify requirements or findings;
-) Changed the reporting frequency from quarterly to semiannual to reduce costs;
-) Removed the prohibition of overflow pipes and instead required minimum freeboard between the water surface and the bottom of the overflow pipes for process wastewater treatment and storage ponds;
-) For dischargers who are unable to meet the Proposed WBFP WDRs, added language to provide the dischargers with options to either (1) apply for individual WDRs, or 2) make the appropriate modifications to the treatment and disposal system to meet the requirements of the Proposed WBFP WDRs no later than six months after Proposed WBFP WDRs adoption date; and
-) Provided up to two years for dischargers to begin groundwater monitoring if required.

RECOMMENDATION: Adopt Order No. R1-2016-0002, Order No. R1-2016-0003, and the associated Mitigated Negative Declarations

**SUPPORTING
DOCUMENTS:**

1. Proposed Order No. R1-2016-0002
2. Proposed Order No. R1-2016-0003
3. Mitigated Negative Declarations
4. Staff Response to Comments with Attachments
5. Comment Letters
6. Public Notice