



CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

30 April 2020

Dan Panella
Oak Farms Vineyards, LLC
23627 N. Devries Road
Lodi, CA 95242

CERTIFIED MAIL
7019 2280 0001 9243 5227

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
OAK FARM VINEYARDS, SAN JOAQUIN COUNTY**

On 21 April 2015, the Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued a Notice of Applicability to Oak Farm Vineyards for coverage under the Conditional Waiver of Waste Discharge Requirements for Small Food Processors and Small Wineries within the Central Valley Region, Order R5-2015-0005. Order R5-2015-0005 expired on 5 February 2020 and was subsequently replaced by Resolution R5-2020-0002, which was adopted by the Central Valley Water Board on 5 February 2020.

We are in receipt of your letter dated 17 April 2020, which stated that you intend to comply with the conditions of the new Waiver for Tier 2 enrollees and that the discharge description in your 10 September 2013 Report of Waste Discharge (RWD) is still applicable.

The facility and property are owned and operated by Dan Panella (Discharger). Based on the information you provided in your 17 April 2020 letter, the discharge qualifies for coverage under Tier 2 of the Waiver, which allows for a land application of up to 100,000 gallons of wastewater per year for irrigation of landscaping or crops. You are hereby assigned Order R5-2020-0002-0002. A copy of the Waiver is enclosed and is also available on the [Central Valley Water Board's web page](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). 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 RWD.

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

Discharge Description

Oak Farm Vineyards is located at 23627 N. Devries Road, near Lodi, San Joaquin County. The winery is located on approximately 73 acres (San Joaquin County APN 003-040-03 and 003-040-20). The property consists of 60 acres of vineyards and a cluster of rural agricultural buildings configured to accommodate winery production activities and public access marketing events. According to the RWD, the winery currently consists of a 4,400 square foot wine production building and an 800 square foot crush pad. Future development phases are planned to include the construction of a 2,000 square foot multipurpose winery building, two 4,000 square foot wine production buildings, an 800 square foot covered dock, a kitchen, and wine tasting room to accommodate marketing events.

The RWD stated that the winery generates approximately 55,000 gallons of wastewater annually and wastewater flows will increase to 60,500 gallons per year in the next five years. Wastewater generated during crushing, bottling, and equipment cleaning is collected on a concrete paved crush pad that drains into a sump. Wastewater is then conveyed from the sump into two 1,500-gallon aboveground storage tanks for later discharge into an adjoining 25 acres of vineyards either via flood irrigation through a series of checks, or with a water truck for spray application. The remainder of the 60-acre vineyard is drip irrigated from an on-site agricultural supply well.

Because the crush pad is covered and crushing does not occur during rain events, storm water generated at the winery does not come in contact with raw materials. Storm water is collected and managed separately from winery process wastewater.

Sanitation chemicals used during facility operations include sodium percarbonate (300 gallons per year), citric acid (300 gallons per year) peroxide acetic acid (500 gallons per year), and sodium carbonate (300 gallons per year). Facility operations are performed to manage the proper use, storage, and disposal of these materials.

The RWD indicated that approximately 7 tons of pomace (stems, seeds, and skins) would be generated from grape crushing activities conducted between August and November each year. Crushed solids and skimmed solids recovered during fermentation (pomace and lees) are stored in half-ton containers and then spread evenly and disked into the soil at vineyards owned by the Discharger.

Domestic wastewater is discharged to an on-site septic system permitted through the San Joaquin County Environmental Health Department. Winery wastewater is not discharged into the on-site septic system.

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 2020 Annual Monitoring Report is due by **1 February 2021**.

General Information and Requirements

The Order 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 RWD and this Notice of Applicability.

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 RWD is prohibited. If the method of waste disposal changes from that described in your RWD, you must submit an updated RWD to describe the new operation.

You must pay an annual fee to maintain coverage under the waiver for each State fiscal year. You will receive an invoice from the State Water Resources Control Board, typically in the late fall for the current fiscal year (e.g., invoices for fiscal year 2019/2020 will be mailed in November or December).

Please note that the Waiver will expire on **5 February 2025**, after which you must do one of the following:

1. Submit a new RWD with a filing fee to obtain coverage under a subsequently adopted waiver; or
2. Submit a RWD 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 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: Oak Farm Vineyards, San Joaquin County		
Program: Non-15 Compliance	Order: R5-2020-0002-0002	CIWQS Place ID: 803714

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 (916) 464-4635 or at bkenny@waterboards.ca.gov.

PATRICK PULUPA, Executive Officer

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

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