



Central Valley Regional Water Quality Control Board

15 August 2022

John and Cindy Sweigart
7400 Perry Creek Road
Fair Play, CA 95684

Certified Mail
7021-0950-0000-9918-5297

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- 0109
JOHN & CINDY SWEIGART
PERRY CREEK WINERY
EL DORADO 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 Report of Waste Discharge (RWD) dated 2 August 2022, which stated that you intend to comply with the conditions of the new Waiver for Tier 2 enrollees. The facility is owned and operated by John & Cindy Sweigart (“Discharger”). Based on the information submitted in your RWD, the discharge qualifies for coverage under Tier 2 of the Waiver, which allows 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- 0109. A copy of the [Adopted Orders: Waivers webpage](#) is enclosed and is also available on the internet at:

(https://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 RWD.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

DISCHARGE DESCRIPTION

Perry Creek Winery (the winery) is located at 7400 Perry Creek Road in Fair Play, El Dorado County. The winery processes about 400 tons of grapes and makes approximately 20,000 cases of wine annually. The operation that generates wastewater includes crushing, fermenting, pressing, finishing, and bottling. Approximately 53,000 gallons of winery process wastewater are generated on an annual basis. Process wastewater is collected into two 2,500-gallon tanks and then is applied to 10.8 acres of vineyard by a tanker truck.

The Discharger estimates that approximately 90 tons (wet weight) of solids (grape stems, seeds, and skins) is produced annually. Solid waste is applied to the onsite land application areas as a soil amendment.

In addition, the RWD indicates that the Discharger is planning to expand the winery to process about 1000 tons of grapes and will generate 133,000 gallons of wastewater per year in the future. The RWD also states that future expansion may require additional acreage to adequately dispose of all liquid and solid wastes. The proposed annual flow rate of 133,000 gallons will exceed the maximum annual flow rate of 100,000 gallons in Tier 2 and the discharge shall move from Tier 2 to Tier 3, which has a flow limit of 1,000,000 gallons per year.

Finding No. B.4 of Attachment A Conditions of Discharge Resolution R5-2020-0002 states:

*Any discharger issued a NOA under this Waiver whose facilities or operations subsequently expand such that coverage under a higher tier of the Waiver is appropriate shall submit a new RWD for the appropriate tier at least **120 days** before the anticipated date of increased discharge volume. For discharges that move from Tier 2 to Tier 3, a new fee is not required to apply for coverage under Tier 3, but the discharger will become subject to the annual fee beginning in the first State fiscal year in which the tier change takes place.*

The Discharger shall be aware that the Waiver will expire on **20 February 2025**. If the discharger completes expansion before the above expiration date, then the Discharger shall submit a RWD to move from Tier 2 to Tier 3. Notice of Applicability R5-2020-0002-0109 will be revised to reflect the updated information.

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 2022 Annual Monitoring Report is due by **1 February 2023**.

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.

Please note that the Waiver will expire on **20 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: Perry Creek Winery, El Dorado County
Program: Non-15 Compliance
Order: R5-2020-0002-0109
CIWQS Place ID: 248062

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. Kenny Croyle 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, Kenny will direct you to the appropriate Permitting staff. You may contact Kenny at (916) 464-4676 or at Kenny.Croyle@waterboards.ca.gov.

Original Digitally Signed by John J. Baum
on Date: 2022.08.15 11:34:54-07'00'

for Patrick Pulupa
Executive Officer

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

cc: Bryan Vyverberg, El Dorado County Environmental Health Department,
Placerville
Kenny Croyle, Central Valley Regional Water Quality Control Board (via
email only)