

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2019-0035

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0031  
FOR

GOLDSTONE LAND COMPANY, LLC  
KURT AND SANDRA KAUTZ  
BEAR CREEK WINERY  
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds:

**Waste Discharge Requirements Order R5-2016-0031**

1. Goldstone Land Company, LLC owns and operates Bear Creek Winery, and Kurt and Sandra Kautz (Kautz Family Vineyards) own Vineyards 4, 5 and 6. Therefore, Goldstone Land Company, LLC, and Kurt and Sandra Kautz are jointly referred to as “Discharger” and are responsible for compliance with the WDRs.
2. On 21 April 2016, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2016-0031, prescribing requirements for Bear Creek Winery (Facility) in San Joaquin County.
3. Planned Facility changes were described in WDRs R5-2016-0031 and were to be completed in phases. The Discharger planned to install a wastewater treatment system and to increase vineyard land application areas (LAAs) to accommodate a production increase from 50,000 to 60,000 tons of grapes annually over the next ten years.

**Proposed Amendment**

4. On 8 November 2018, the Discharger requested to amend WDRs Order R5-2016-0031 to change the type of liner for the aeration ponds from a high-density polyethylene liner (HDPE) fitted with a leak detection system to a synthetic geotextile liner.
5. Although a leak detection system will not be installed, Discharge Specification 14 in WDRs Order R5-2016-0031 nevertheless provides that:

The Discharger shall maintain the integrity of all pond liners and repair all significant leaks as needed. Every five years beginning on the date of Executive Officer approval of Wastewater System Improvement Phase II Completion Report submitted pursuant to Provision H.1.g, the Discharger shall test the integrity of all pond liners and repair all significant leaks in accordance with an approved workplan pursuant to Provision H.1.f

6. Due to construction delays, the Discharger requested an extension on the deadline for the *Wastewater System Improvements Phase II Completion Report*.

### California Environment Quality Act

7. The adoption of this Order, which imparts minor revisions to previously-issued WDRs for an existing facility, and does not authorize any expansions in use, is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. (See Cal. Code Regs., tit. 14, § 15301.)
8. Additionally, the revision of WDRs for the subject facility is a regulatory action for protection of the environment (protection of groundwater resources) where: (a) the regulatory process involves procedures for protection of the environment; (b) there is no authorization of new construction activity; and (c) there is no relaxation of environmental standards. This Order is therefore further exempt from CEQA procedural requirements. (Cal. Code Regs., tit. 14, § 13308.)

### CV-SALTS

9. In the absence of specific numerical water quality limits, the Basin Plan methodology is to consider any relevant published criteria. General salt tolerance guidelines, such as Water Quality for Agriculture by Ayers and Westcot and similar references indicate that yield reductions in nearly all crops are not evident when irrigation water has an electrical conductivity (EC) less than 700 µmhos/cm. However, there is an eight-to-ten-fold range in salt tolerance for agricultural crops and the appropriate salinity values to protect agriculture in the Central Valley are considered on a case-by-case basis. It is possible to achieve full yield potential with waters having EC up to 3,000 µmhos/cm if the proper leaching fraction is provided to maintain soil salinity within the tolerance of the crop.
10. 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. These programs, once effective, could change how the Central Valley Water Board permits discharges of salt and nitrate. For nitrate, dischargers that are unable to comply with stringent nitrate requirements will be required to take on alternate compliance approaches that involve providing replacement drinking water to persons whose drinking water is affected by nitrates. Dischargers could comply with the new nitrate program either individually or collectively with other dischargers. For salinity, dischargers that are unable to comply with stringent salinity requirements would instead need to meet performance-based requirements and participate in a basin-wide effort to develop a long-term salinity strategy for the Central Valley. This Order may be amended or modified to incorporate any newly-applicable requirements.

### Public Notice

11. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Central Valley Water Board, in a public meeting, heard, and considered all comments pertaining to the discharge.

**IT IS HEREBY ORDERED THAT** Order R5-2016-0031 is amended (per the table below) to: (a) explicitly authorize use of an alternative pond liner; (b) no longer require installation of a leak detection system; and (c) extend the deadline for submission of the *Wastewater System Improvements Phase II Completion Report*.

The specific revisions to Order R5-2016-0031, reflected in the redlined **Attachment A** to this Order, are as follows:

<u>Finding/Section</u>	<u>Update</u>	<u>Reason(s)</u>
Finding 15.b	REVISED	Changed the approved liner type for the aerated ponds from an HDPE liner to a synthetic geotextile liner, and removes any references to the leak detection system.
Findings 42, 43	ADDED	Findings updated to reflect subsequent adoption of CV-SALTS in May 2018.
Provision H.1.g	REVISED	Deadline for submission of <i>Wastewater System Improvements Phase II Completion Report</i> extended from 1 February 2019 to 1 September 2019 due to construction delays.
Information Sheet	ADDED	New language for the CV-SALTS program added.

**IT IS FURTHER ORDERED THAT** pursuant to Water Code sections 13263 and 13267, the Discharger, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, shall comply Order R5-2016-0031-01 (as revised by this Order).

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5 pm on the 30th day after the date of this Order, except that if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5 pm on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below), and will be provided upon request.

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 April 2019.

--original signed by--  
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PATRICK PULUPA, Executive Officer