



# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams  
Secretary for  
Environmental  
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

Arnold  
Schwarzenegger  
Governor

17 August 2010

Mr. Tom Besemer  
Besemer Cellars  
16535 Footehold Drive  
Grass Valley, CA 95949

CERTIFIED MAIL  
7010 0290 0000 8536 4001

**NOTICE OF APPLICABILITY (NOA); CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SMALL FOOD PROCESSORS AND SMALL WINERIES WITHIN THE CENTRAL VALLEY REGION; ORDER NO. R5-2009-0097-0033; BESEMER CELLARS; NEVADA COUNTY**

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff received your application including the Report of Waste Discharge (RWD) and application fee of \$1,226 submitted for Besemer Cellars for regulatory coverage under the *Conditional Waiver of Waste Discharge Requirements for Small Food Processors and Small Wineries within the Central Valley Region, Order No. R5-2009-0097* (Order). Besemer Cellars is located at 16535 Footehold Drive, Grass Valley in Nevada County (APN 54-080-49). Based on the information in the application, we have determined that the Discharger meets the required conditions for approval under this Order for your facility and the proposed waste discharge. You are hereby assigned Order No. R5-2009-0097-0033.

The Order, adopted by the Central Valley Water Board on 8 October 2009, is a conditional waiver of waste discharge requirements for small wineries and small food processors. The Order is enclosed and may be viewed on our website at [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/#Waivers](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/#Waivers). You are urged to familiarize yourself with the contents of the entire Order which prescribes mandatory discharge and monitoring requirements. The facility must be operated in accordance with the requirements contained in the General Order, Standard Provisions and Reporting Requirements for Waste Discharge Requirements, and with the information submitted in the RWD.

**DISCHARGE DESCRIPTION**

Tom Besemer (referred to as Discharger) owns Besemer Cellars. The winery will crush approximately 10 tons of grapes per year. The Discharger has estimated that approximately 5,000 gallons of winery process wastewater will be produced on an annual basis. Therefore, no more than 100,000 gallons of wastewater per year will be land applied. The Discharger estimates that no more than three tons (wet weight) of solids (grape stems, seeds, and skins) will be produced annually based on the expected volume (10 tons) to be crushed each year. The land application area is approximately 12 acres consisting of naturally growing vegetation.

**California Environmental Protection Agency**



Process wastewater is captured in a 1,500 gallon underground storage tank with an alarm system set for 80% capacity. Tank levels and frequency of dispersion will be measured to estimate the volumes of wastewater generated per month. Wastewater is disposed of by a trailer/tank system to be evenly distributed over the land application area. The land application area is not irrigated or harvested and receives only the generated wastewater. The rate of wastewater applied to the land application area will not exceed 250 gallons per acre.

On a daily basis during the crush season, the solid waste will be temporarily stored in covered bins, then transported by truck to be applied to the land application area as a soil amendment. Portions of the seeds and skins will be added to a compost pile for use in the garden at a later date.

### **MONITORING AND REPORTING**

This Order includes specific monitoring requirements that you must implement and reporting requirements you must comply with, including routine monitoring and reporting to the Central Valley Water Board. Please review the Monitoring and Reporting Program (MRP) closely and establish the appropriate record keeping system so that you are able to complete the required *Annual Monitoring Report* form, contained in the Order. The *Annual Monitoring Report* form must be submitted to our office by **1 February of each year**, even if there is no discharge during the reporting year.

### **GENERAL INFORMATION AND REQUIREMENTS**

This Order includes specific and general conditions required for your operation. In addition, you must maintain control over the discharge and operate in accordance to the information provided in your application.

Please review this Notice of Applicability carefully to ensure that it completely and accurately reflects the facility name, location, and discharge. Failure to comply with the requirements in the Order may result in an enforcement action as authorized by provisions of the California Water Code. If the discharge violates the terms or conditions above, the Central Valley Water Board may take enforcement action, including assessment of administrative civil liability which is a monetary penalty.

Discharge of waste material other than described in the application is prohibited. If the method of waste disposal changes from that described in your application, you must submit a new *Report of Waste Discharge Technical Information* form describing the new operation.

Please note that the Order will expire on 8 October 2014, at which time either (1) a new application with a filing fee will be necessary for regulatory coverage under a subsequently adopted new Order, or (2) the discharge must cease.

If you have any questions regarding submitting an updated report of waste discharge, or questions about making changes to your permitted operations, please contact Mr. Robin Merod at (916) 464-4697 or [rmerod@waterboards.ca.gov](mailto:rmerod@waterboards.ca.gov).

All compliance and enforcement questions should be directed to Mr. Guy Childs of the Compliance and Enforcement Section at (916) 464-4635 or [gchilds@waterboards.ca.gov](mailto:gchilds@waterboards.ca.gov). All monitoring reports should be submitted to Mr. Childs by the compliance due date.

- Original Signed by Ken Landau for -

Pamela C. Creedon  
Executive Officer

Enclosures (Discharger Only): General Conditional Waiver, Order No. R5-2009-0097  
Electronic Copy of Annual Report Form (Compact Disc)  
Standard Provisions and Reporting Requirements for  
Waste Discharge Requirements, 1 March 1991

cc (Without Enclosure): Nevada County Environmental Health Department, Nevada City