

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 7-8 August 2014**

**Response to Written Comments for The Wine Group LLC
Franzia Sanger Winery
Tentative Waste Discharge Requirements and
Time Schedule Order**

At a public hearing scheduled for 7 and 8 August 2014, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) and a Time Schedule Order (TSO) for The Wine Group LLC, Franzia Sanger Winery. This document contains responses to written comments received from interested parties regarding the Tentative WDRs (TWDRs) initially circulated on 14 May 2014. Written comments from interested parties were required by public notice to be received by the Central Valley Water Board by 16 June 2014 to receive full consideration. Comments were received by The Wine Group LLC, and Ms. Jo Anne Kipps.

Written comments from the above interested parties are summarized below, followed by the response of the Central Valley Water Board staff.

THE WINE GROUP LLC (DISCHARGER) COMMENTS

On 13 June 2014, The Wine Group LLC, submitted comments regarding the TWDRs and TSO Orders for the Franzia Sanger Winery.

DISCHARGER COMMENT NO. 1: The Discharger indicates that the Wine Institute Study has shown that five-day Biochemical Oxygen Demand (BOD) loadings up to 734 lbs/acre/day from a non-stillage winery waste stream can be applied to lands within the Central Valley with the successful removal of 80 to nearly 100 percent of the concentration of applied BOD. The Discharger also states the California League of Food Processors (CLFP) Manual notes loading rates higher than 100 lbs/acre/day can successfully be applied when detailed planning, good operation, and even distribution is employed. Therefore, the Discharger is requesting the cycle average BOD loading rate limit to the new 53-acre LAA prescribed in the Effluent and Mass Loading Limitations B.2 of the TWDRs be increased from 100 lbs/acre/day to 150 lbs/acre/day to allow flexibility for the widely varying flows encountered within the Franzia Sanger Winery operation through the harvest and non-harvest seasons.

RESPONSE: Field studies of land application of stillage and winery process water were conducted by the Wine Institute in 2002 and 2003 (Kennedy/Jenks 2004. *Land Application of Winery Stillage and Non-Stillage Process Water: Study Results and Proposed Guidelines*). The Wine Institute Study average results show substantial removal of wastewater BOD in percolate collected at soil depths of five feet; however, results from sample location to sample location were highly variable. While some lysimeter samples showed almost 100 percent removal of BOD, others contained BOD concentrations of 1,300 mg/L, which, if allowed to percolate to groundwater, would be high enough to cause reducing conditions and associated groundwater pollution with iron, manganese, and arsenic. It is also not clear that site conditions at Franzia Sanger Winery are consistent with the area studied by the Wine Institute. Site conditions at Franzia Sanger Winery include close proximity to Byrd Slough, which is a part of the Kings River distributary

system. Soils are generally coarse grained and groundwater is shallow, ranging 7 to 30 feet below ground surface. The CLFP Manual notes that with detailed planning, good operation, and the even distribution of wastewater, loading rates higher than 100 lbs/acre/day can be employed. However, the 53-acre LAA is to be flood irrigated with winery wastewater using long checks – the same method that caused pollution in the 150-acre LAA. The Wine Institute Study and the CLFP Manual, while useful, do not demonstrate that application rates of more than 100 lbs/acre/day will be protective of groundwater underlying the new 53-acre LAA at the Franzia Sanger Winery site.

DISCHARGER COMMENT NO. 2: The Discharger requests that the language in the Soil Monitoring of the Monitoring and Reporting Program be modified to read as follows:

“...The Discharger shall submit a map to the Central Valley Water Board with the identified sample locations no fewer than **30 days** prior to the first sampling event in October following adoption of this Order...”

RESPONSE: The change has been made.

JO ANNE KIPPS COMMENTS

On 15 June 2014, Ms. Jo Anne Kipps, submitted comments via email regarding the TWDRs and TSO for the Winery.

JO ANNE KIPPS COMMENT NO. 1: Ms. Kipps requests that the Discharger be required to expand its groundwater monitoring efforts to delineate the vertical and horizontal extent of groundwater degraded by iron, manganese, and arsenic (as well as other relevant constituents of concern).

RESPONSE: Task 2.a of the TSO requires the Discharger to submit a Work Plan that identifies methods proposed (i.e., installation of additional groundwater monitoring wells, lysimeters) to assess the vertical and horizontal extent of elevated iron, manganese, and arsenic in groundwater beneath and downgradient of the 150-acre LAA. Proposed methods must include sampling of a suitable well network. While in some cases existing wells may be used, in this case expansion of the existing monitoring well network will likely be necessary. The final contents of the Work Plan are subject to Executive Officer approval.

JO ANNE KIPPS COMMENT NO. 2: Ms. Kipps states that the Discharger should be required to perform a survey of domestic wells potentially impacted by the discharge.

RESPONSE: The TSO has been modified to require the Discharger to complete a well survey of domestic wells within a one mile radius from the 150-acre LAA and the new 53-acre LAA, and to propose a strategy and schedule for sampling wells that could be adversely affected by the discharge. The strategy and schedule will be subject to Executive Officer Approval.

JO ANNE KIPPS COMMENT NO. 3: Ms. Kipps comments that the Discharger should be required to monitor potentially impacted domestic wells for iron, manganese, and arsenic (and other constituents of concern).

RESPONSE: See response to Comment No. 2.

JO ANNE KIPPS COMMENT NO. 4: Ms. Kipps states that the TSO does not discuss why the Discharger is allowed three years to implement changes in its wastewater delivery system to meet the discharge specifications such as the cycle average BOD loading rate of 100 lbs/acre/day prescribed in the TWDRs. Ms. Kipps states that the Discharger could rent temporary sprinklers while it installs permanent sprinklers to comply with the TWDRs; therefore, the Discharger should be able to comply with the TWDRs within one year.

RESPONSE: Setting a compliance deadline of one year would limit the compliance options available to the Discharger; Board Staff proposed three years so that the Discharger would be given the flexibility to effectuate the best practicable technical solution. The Discharger may decide to implement a different compliance method other than installing sprinklers, such as installing additional waste treatment. One year would not give sufficient time for the Discharger to explore its options, design, fund and implement a proposed technical solution to meet the tasks of the TWDRs.

JO ANNE KIPPS COMMENT NO. 5: Ms. Kipps requests that various Assessor Parcel Numbers cited in Finding 7 of the TWDRs be identified on Attachment A, Facility Map of the TWDRs.

RESPONSE: The change has been made.

JO ANNE KIPPS COMMENT NO. 6: Ms. Kipps requests that the TWDRs and the TSO be revised to respond to comments and be recirculated for public comment, including the distribution by U.S. Postal Service to residences and businesses within a one mile radius from the LAA's

RESPONSE: The Board has met the requirements of Water Code section 13167.5, which requires that the Board make its draft Orders (such as the TWDRs and TSO) available for public comment for 30 days, and that the Board notify each person who has requested notice of the specific item that the Orders are available for their inspection and comment.

The revisions proposed by Regional Water Board staff are minor, and therefore the revised TWDRs and TSO do not need to be recirculated for a second round of public comments.