Response to Written Comments

In Consideration of Adoption of Order No. R1-2016-0002 General Waste Discharge Requirements (WDRs) and Order No. R1-2016-0003 Conditional Waiver of WDRs for Wine, Beverage, and Food Processor (WBFP) Waste to Land and Associated Mitigated Negative Declarations

Regional Water Quality Control Board, North Coast Region
January 28, 2016

Comment Letters Received

The deadline for submission of public comments regarding the draft Order No. R1-2016-0002 General Waste Discharge Requirements (WDR) and Order No. R1-2016-0003 Conditional Waiver of WDRs for Wine, Beverage, and Food Processor (WBFP) Waste to Land and Associated Mitigated Negative Declarations was November 23, 2015. The Regional Water Board received two letters providing timely comments on the draft General WDRs. Brelje and Race Consulting Engineers provided a letter dated November 23, 2015, on behalf of Sonoma West Holdings and the Wine Institute provided a letter dated November 23, 2015. In this document, Regional Water Board staff has directly quoted the comments received and has responded to each comment. Regional Water Board staff was able to accommodate several of the requested modifications, as discussed below. No other comments were received.

General

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Memo, Page 1, Paragraph 2

Comment 1: "The attached questions and comments are offered in the hope that the final general WDRs will be a clear document that is effective in protecting groundwater quality without imposing unnecessary financial burden on food and beverage processors. Our major concerns about the document include a lack of clarity regarding who is subject to these WDRs, confusion regarding who is subject to submitting a Facility-specific Nutrient Management Plan and required to monitor groundwater, and that the new constituent limits, specifically for Sodium and Chloride, may not be appropriate for all dischargers. The Regional Board staff may need more time to clarify the document and come to an understanding with the community of food and beverage processors as to what requirements are appropriate before the Order is adopted and any of its ambiguities become onerous for the dischargers and the Board staff."

Response 1: Additional language has been added to draft Order No. R1-2016-0002, General Waste Discharge Requirements for Discharges of Wine, Beverage, and Food Processor Waste to Land (WBFP WDRs) to clarify its use and to explain that not all dischargers of wine, beverage and food processor waste will be subject to the WBFP WDRs. Certain processing facilities may be more appropriately regulated under individual WDRs. Processing facilities that are unable to meet the requirements of the WBFP WDRs and

ineligible processing facilities such as slaughter houses would need to obtain individual WDRs. Additionally, smaller wine, beverage and food processing facilities may be eligible to apply for coverage under the WBFP Conditional Waiver. Two reference guides have been developed to assist Regional Water Board staff and other interested parties determine discharger eligibility for the WBFP Conditional Waiver (Attachment 1), and to summarize key requirements for the different types of discharges covered by the WBFP WDRs (Attachment 2).

The WBFP WDRs does not require those wine, beverage and food processing facilities with existing individual WDRs to apply for coverage under the WBFP WDRs. However, such facilities may apply for coverage under the WBFP WDRs if they choose to apply. The intent of the general WBFP WDRs is to allow a more streamlined process for wine, beverage and food processors to obtain permit coverage for their discharges.

Response No. 8 of this document addresses the question of which type of discharger is subject to the WBFP WDRs to submit a Facility-specific Nutrient Management Plan.

Facilities discharging untreated process wastewater to land treatment systems such as an at-grade spreading basin or septic tank leach field system are required to monitor groundwater. This requirement is further discussed in Response No. 5.

Groundwater monitoring is also required for those facilities that produce greater than 10,000 gpd of process wastewater, as averaged over a calendar month, that land apply treated process wastewater for the purpose of reuse or disposal, and that apply nitrogen nutrients at the agronomic rate identified in an approved facility specific nutrient management plan (FNMP). The timeline or schedule for developing these monitoring wells is discussed in Response No. 48.

Response No. 18 addresses those dischargers required to monitor effluent and groundwater for sodium and chloride.

The language added to the WBFP WDRs, along with this Response to Comments document, clarify the requirements of the WBFP WDRs.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Memo, Page 2, Paragraph 4

Comment 2: "Brelje & Race would recommend the Board's consideration of the draft be delayed until the issues discussed in the comments can be comprehensively addressed. Further, the draft General Permit should be amended to allow those existing non-winery discharges with existing individual WDRs to opt out in favor of continuing with new individual WDRs if, in the opinion of the discharger, the new General Permit cannot be reasonably applied."

Response 2: Staff does not agree that a delay is necessary. The comments received on the draft WBFP WDRs are being addressed by this document.

The WBFP WDRs does not require any wine, beverage or food processor with existing individual WDRs to apply for coverage under the WBFP WDRs. Dischargers with individual WDRs may continue to operate under their existing individual, facility and discharge specific, WDRs.

The WBFP WDRs only require those wineries currently covered under Order No. R1-2002-0012, *General Waste Discharge Requirements for Discharges of Winery Waste to Land* (2002 Winery Order) to apply for coverage under the WBFP WDRs. The reason for this requirement is that the 2002 Winery Order are being replaced with the WBFP WDRs. If a winery that is enrolled under the 2002 Winery Order and wants to maintain permit coverage it needs to apply for coverage under the new WBFP WDRs, the WBFP Conditional Waiver or individual WDRs within 6 months from January 28, 2016.

Tim Schmelzer (Wine Institute); Wine Institute Letter, Page 1, Paragraph 2

Comment 3: "Wine Institute serves as the voice for the California wine Industry, representing over 1,000 California wineries and affiliated members. Our members uphold a strong commitment to protecting the environment. The comments we are providing are intended to ensure an appropriate balance of environmental protection and practicability."

Response 3: Comment noted.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 1, Findings (pages 1 and 2)

Comment 4: "Reuse activities covered by this Order include the use of treated process wastewater as irrigation or frost protection water on agricultural land or landscaping and the use of nonhazardous decomposable solid waste as a soil amendment pursuant to best management practices.

The list of reuse opportunities is incomplete. Please consider expanding the definition to include dust control on vineyard alleyways, clean-up wash down for certain areas, cooling towers, etc."

Response 4: The WBFP WDRs cover discharges of process wastewater and waste solids to land. Treated process wastewater reuse activities authorized under the WBFP WDRs are limited to irrigation and frost protection on agricultural land and landscaping, and are further limited to use at agronomic rates to prevent impacts to groundwater and surface water quality. Reuse activities where process wastewater may be applied to land in excess of the agronomic rates, such as for dust control, or where there is no vegetation are beyond the scope of the WBFP WDRs and would require permitting under individual WDRs.

Internal process water reuse activities that do not result in a discharge to land are encouraged because they reduce the volume of wastewater discharged, but are not otherwise regulated by the WBFP WDRs.

Land Treatment Systems and Septic Tank Leach Field Systems

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 3, No. 1

Comment 5: "The permit states "This Order covers the discharge of WBF processing waste to land for the purpose of disposal or reuse. Reuse activities covered by this Order include the use of treated process wastewater as irrigation or frost protection water on agricultural land".

It is not clear from this and other language in the draft permit if this Order would cover facilities relying on land treatment systems, such as overland flow, which dispose of water that would be considered untreated process wastewater. If land treatment systems are covered under this Order, effluent limitations for these systems should be imposed in a way to reflect that the land application is part of the treatment process. Three ways that land treatment could be recognized:

1.) Establish land treatment system specific limits imposed on the effluent being applied to land,

2.) Imposing effluent limits in the Order to water collected from the subsurface and therefore after treatment or

3.) Developing individual WDRs for the specific discharger."

Response 5: The WBFP WDRs authorizes discharges of WBF processing waste to land from spreading basins, overland flow treatment systems, or septic tank leachfield systems. These types of systems, which rely on land application for treatment of the raw process wastewater, are not required to meet effluent limits. The effluent limits cited in Table 1 of the WBFP WDRs apply only to facilities that discharge treated effluent to the ground surface for either: reuse as irrigation or frost protection water; or disposal.

The WBFP WDRs require dischargers with spreading basins, overland flow or septic tank leachfield systems to sample subsurface groundwater to demonstrate compliance with the groundwater limitations cited in the WBFP WDRs.

As addressed above in the Response No. 1, the WBFP WDRs are intended to allow for a more streamlined permitting process for those eligible wine, beverage and food processing facilities that discharge process wastewater and process solids to land to obtain WDRs coverage. The WBFP WDRs and WBFP Conditional Waiver are tools that can be used by Regional Water Board staff to permit a majority of the wine, beverage and food processing facilities in the region while protecting water quality.

In certain circumstances, individual facility specific WDRs may be more appropriate for a discharge, such as when the type of processing facility is not eligible for coverage under the WBFP WDRs, or the discharger demonstrates during the application process that the discharge will not be able to meet the requirements of the WBFP WDRs. These processing facilities would need to obtain individual WDRs from the Regional Water Board.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 3, No. 2

Comment 6: "The draft WDR does not address dischargers who are currently operating under individual permits.

Under what conditions may a permittee retain individual WDRs? Will permittees currently permitted for overland treatment be required to change to the General WDRs? If permittees have individual WDRs and are required to be permitted under this general order, what will be the time frame and submittal requirements for conversion to the General Permit? Will a 6 month time period to submit the Form 200 and TIF, similar to wineries currently enrolled under the Winery Order be required?"

Response 6: As discussed in Response No. 2 of this document the WBFP WDRs do not require any wine, beverage and food processing facilities operating under individual WDRs to apply for coverage under the WBFP WDRs or the WBF Conditional Waiver. Such dischargers will continue to operate in accordance with their existing individual WDRs. Upon application by any affected person, or on its own motion, the Regional Water Board may review and revise WDRs. In fact, all WDRs shall be reviewed periodically. (Wat. Code § 13263(e)(2)).

A discharger currently regulated under individual WDRs may however, choose to apply for coverage under the WBFP WDRs. Regional Water Board staff will review the application, including the Form 200 and Technical Information Form (TIF), and determine the appropriate permit for the discharger, on a case by case basis.

Tim Schmelzer (Wine Institute); Wine Institute Letter, Page 2, Paragraph 4

Comment 7: "Groundwater monitoring for all subsurface and at-grade treatment systems. This proposed requirement fails to recognize well designed and operated septic systems. Rather than impose this "one-size-fits-all" requirement, the Board should attenuate the monitoring requirement with the environmental risk posed by the treatment system. We recommend eliminating the groundwater monitoring requirement for systems that include pre-treatment of screening, and aeration.

Further, in light of the significant expense of groundwater monitoring systems (we estimate a minimum of $40,000 to design, construct, and commission the wells), any

imposition of this requirement should be limited to larger sized facilities, and include the option of participation in a regional groundwater monitoring program."

Response 7: The WBFP WDRs require groundwater monitoring for all subsurface and at-grade treatment and disposal systems that primarily rely on soil matrix to treat process wastewater. Such systems are not required to meet effluent limits prior to discharge. Groundwater monitoring is the only mechanism to confirm that the discharge is in compliance with the requirements of the WBFP WDRs, including design specifications and groundwater limitations. Group monitoring to verify facility compliance with groundwater limitations is not feasible due to site specific conditions (e.g., soil types, soil permeability, groundwater depth, rainfall pattern, and type of dispersal system) at each of the subsurface and at-grade treatment and disposal systems.

The assertion of imposing a "one-size-fits-all" requirement to all septic tank leachfield systems treating and disposing of process wastewater and the need to commensurate the monitoring requirements with the environmental risk being posed by these systems is addressed with the development of the new WBFP Conditional Waiver. The small dischargers utilizing a septic tank leachfield system to treat and dispose of raw process wastewater, that are eligible for enrollment under the WBFP Conditional Waiver, are not required to conduct groundwater monitoring. These small volume dischargers, covered by the new WBFP Conditional Waiver, have been identified as systems that do not pose as significant of an environmental threat, and as such groundwater monitoring is not required.

It is expected that a majority of the existing septic tank leachfield system in the north coast region that are used for the treatment and disposal of wine, beverage and food processing wastewater will be covered by the WBFP Conditional Waiver. The remaining eligible wine, beverage and food processor septic tank leachfield systems that are covered by the WBFP WDRs pose a significant environmental risk due to the larger volume of wastewater being treated and discharged. Based on this potential environmental risk, groundwater monitoring is required of these dischargers to verify compliance with the requirements of the proposed WBFP WDRs.

Regional Water Board staff maintain that the requirement of groundwater monitoring should not be eliminated for those septic tank leachfield systems, covered by the WBFP WDRs, that include pre-treatment of screening and aeration. Such systems were designed to include the pretreatment, in order to function correctly and to not cause groundwater to exceed the groundwater limitations in the WBFP WDRs. If the pretreatment is needed based on the unique characteristic of the process wastewater being treated, or the disposal method or disposal location, these systems still pose a potential environmental risk and as such require groundwater monitoring to demonstrate compliance with the WBFP WDRs.

Therefore, the proposed WBFP WDRs include groundwater monitoring for facilities with subsurface at at-grade treatment systems that solely or primarily rely on soil matrix for treatment.

Staff has considered the costs associated with the groundwater monitoring. Only those septic tank leachfield systems serving dischargers that produce larger volumes of process wastewater and are covered by the WBFP WDRs are required to conduct groundwater monitoring. The potential threat to groundwater quality from these discharges triggers the need to monitor groundwater to confirm that groundwater is not being impacted. Those septic tank leachfield systems covered by the WBFP Conditional Waiver that are considered less of a threat to groundwater quality due to their overall discharge volume, are not required to conduct groundwater monitoring.

Facility-specific Nutrient Management Plan (FNMP)

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 8, No. 9

Comment 8: "The draft WDRs states "the preferred method of nitrogen control is left to the wastewater system designer and must be documented in the required Facility-specific Nutrient Management Plan". The draft WDR then states "A Discharger proposing to either: 1) apply treated process wastewater exceeding limits for ammonia, nitrate or nitrite; …shall submit a FNMP for approval by the Regional Water Board Executive Officer." And then the draft Order later states that "The Discharger shall discharge process wastewater effluent in a manner consistent with the approved FNMP."

1.) These statements about when an FNMP is required are contradictory. In two passages the draft WDR implies that all dischargers must submit a FNMP and in another location the draft WDR implies that only certain dischargers need to submit FNMPs. The wording requires clarification and reconciliation across the entire draft and associated documents as to who is required to submit FNMP to be covered under the new General Permit.

2.) The proposed requirement of developing FNMPs entails considerable effort on the permit-holder. We can see that the effort may lead to improvements in production practices that may reduce nutrient concentrations in wastewater, but Brelje & Race doubts the value of incremental changes to small discharges. It may be more reasonable to limit to FNMP requirement to larger producer-dischargers.

3.) The MRP still refers to a "Facility-Specific Salt and Nutrient Management Plan"."

Response 8: Not all dischargers covered by the WBFP WDRs are required to submit an FNMP.

The type of Discharger required to submit an FNMP is identified in the WBFP WDRs, Application Process No. 3. , "A Discharger seeking authorization to discharge under this Order and either: 1) applies treated process wastewater to land at concentrations exceeding the effluent limits in Table 1 for ammonia, nitrate or nitrite; or 2) applies non-hazardous solid, decomposable processor waste to land as a source of nutrients and a soil

amendment; shall submit a FNMP for approval by the Regional Water Board Executive Officer."

A discharge of raw process wastewater to a land treatment system such as a spreading basin, overland flow or septic tank leachfield system does not require submittal of an FNMP.

Language has been added to the WBFP WDRs Antidegradation Analysis Finding No. 18.b to clarify that submittal of an FNMP is required when discharges of treated process wastewater exceeding the effluent limits in Table 1 for ammonia, nitrate or nitrite, or process solids that rely on crop uptake and removal for nitrogen concentration reduction are taking place.

An alternative to the requirement to develop and implement a FNMP is to comply with the treated effluent limitations for ammonia, nitrite, and nitrate and to not reuse process solid waste on-site as a soil amendment.

The Regional Water Board disagrees with the contention that there would be little value in requiring an FNMP for "small discharges". The FNMP is needed to demonstrate that the agronomic nutrient uptake rate is being implemented by the Discharger in order to decrease the nutrient levels in the treated process wastewater or process solids that have the potential to degrade groundwater quality. Nonetheless, small discharges will likely be covered by the WBFP Conditional Waiver, and as such are not required to develop an FNMP.

Correction is made to the proposed MRP to reference FNMP rather than "Facility-Specific Salt and Nutrient Management Plan".

Discharge Prohibitions and Specifications

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 4, Discharge Prohibitions

Comment 9: "Within 24 hours after a precipitation event of a 1/2 or more or that results in a storm water discharge from the land application area; and…..

Please note the word "inch" is missing from this sentence."

Response 9: Discharge Prohibition No. 8 is updated to include the missing word "inch".

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 4, Discharge Prohibitions

Comment 10: "The application of treated WBF process wastewater or processing solids to the land application area is prohibited during the following times:

a. Within 24 hours of a forecasted precipitation event with a greater than 50-percent probability of occurring;

b. During a precipitation event;

c. Within 24 hours after a precipitation event of a 1/2 or more that results in a storm water discharge from the land application area; and

d. When the land application area surface soil is saturated.

Suggested modification to further clarify what qualifies as a "precipitation event" (and differentiate fog events) by adding underlined:

The application of treated WBF process wastewater or processing solids to the land application area is prohibited during the following times:

a. Within 24 hours of a forecasted precipitation event <u>of a 1/2 inch or more precipitation</u> with a greater than 50-percent probability of occurring;

b. During a precipitation event <u>of a 1/2 inch or more precipitation</u>;

c. Within 24 hours after a precipitation event of a 1/2 <u>inch</u> or more <u>precipitation</u> or that results in a storm water discharge from the land application area; and

d. When the land application area surface soil is saturated."

Response 10: Staff disagrees. The main purpose of the Discharge Prohibition is to eliminate or reduce the potential for treated wastewater and solids to be discharged via runoff to the surface water. Pursuant to b., during a precipitation event, no matter how much rain, any irrigation or solid application shall stop. Pursuant to a. and c., prohibiting application of treated wastewater or solids 24 hours prior to a likely precipitation event (i.e., 50 percent probability) and 24 hours after an actual precipitation event is to allow the soil to dry up to prevent the co-mingling of the treated wastewater or solids with any runoff. How much rain is forecasted is irrelevant due to the unpredictable and variable antecedent conditions from site to site within the entire region.

The WBFP WDR MRP has been revised to include the following definition regarding precipitation: "The National Oceanic and Atmospheric Administration (NOAA) defines a chance of precipitation as a probability of precipitation of 30% to 50% chance of producing precipitation in the project area. Precipitation is water that falls to the ground as rain, snow, etc. at a measurable amount of 0.01 inch or more."

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 6, Discharge Specification

Comment 11: "Disposal systems that are classified as Class V wells must be registered with U.S. EPA either by completing the online form at:

http://www.epa.gov/region9/water/groundwater/uic.html, or by completing and submitting Form 7520-16: Inventory of Injection Wells.

It seems inappropriate for the draft Order to single out this particular registration."

Response 11: Class V wells are regulated under the authority of Part C of the Safe Drinking Water Act. The State of California does not have a U.S. EPA approved primacy program for authority over Class V injection wells. Therefore, the U.S. EPA maintains primary enforcement authority for Class V wells located in California via the Underground Injection Control (UIC) program.

Regional Water Board staff finds it is appropriate to notify owners of such systems, seeking coverage under the WDRs that their subsurface disposal system may be classified as a Class V well and as such must register with the U.S. EPA.

Wastewater Discharge Specification No. 8 has been changed to Finding No. 13 of the WBFP WDRs.

It has come to staff's attention that the previously cited links to the online registration form and the Form 7520-16 are no longer valid. The new link for registration of Underground Injection Wells in U.S. EPA, Region 9 is, http://www.epa.gov/uic/forms/underground-injection-wells-registration. The proposed WBFP WDRs is revised to reflect the current functioning link.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 7, Solids Discharge Specification

Comment 12: "During wet weather conditions when the solid WBF processing wastes cannot be incorporated into the soil or hauled off-site for disposal, the wastes shall be temporarily stored in a designated, **covered,** solids storage area.

Please clarify that a tarp is adequate to meet the covered requirement."

Response 12: Staff agrees**.** In consideration of the comment received, Solids Discharge Specification No.4 of the WBFP WDRs is revised to include tarping as an approved option for coverage of solids under temporary storage.

Design Specifications

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 7, Design Specification

Comment 13: "Process wastewater treatment and storage ponds shall be designed with a storage capacity adequate to contain process wastewater flows and precipitation.

We suggest the following language change: "...adequate to contain process wastewater flows, precipitation falling directly on the ponds, and storm water flows that may be directed to the ponds."

Response 13: Staff agrees. Design Specification No. 4 of the WBFP WDRs has been revised to read: "Process wastewater treatment and storage ponds shall be designed with a storage capacity adequate to contain process wastewater flows, precipitation falling directly on the ponds, and storm water flows directed to the ponds.**"**

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 7, Design Specification

Comment 14: "Process wastewater ponds shall have a foundation or base capable of providing support for the structure and capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake, as certified by a registered civil engineer or certified engineering geologist.

Please clarify that this is for new systems that must show engineering support; however, this requirement is not required for existing systems. Also, we suggest that rather than the "foundation of the ponds," this requirement should focus on the embankments of the ponds."

Response 14: In consideration of the comment received, Design Specification No.5 of the WBFP WDRs has been revised to read: "Process wastewater ponds shall have the physical integrity to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake, as certified by a registered civil engineer or certified engineering geologist."

This requirement applies to all pond systems covered under R1-2016-0002. This requirement was included in the previous general Winery WDR, No. R1-2002-0012. Those wineries enrolled under R1-2002-0012 with process wastewater ponds should already be in compliance with this requirement. Existing pond systems not enrolled under R1-2002-0012 or new pond systems seeking coverage under R1-2016-0002 are required to meet this requirement.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 7, Design Specification

Comment 15: "Process wastewater treatment and storage ponds are prohibited from having an overflow pipe.

Please note that this does not represent good engineering practice and may not be consistent with the standard of care. In some cases, ponds may need some control over where the overflow will occur to minimize collateral damage. Without an overflow pipe, it

is possible to lose control of where the emergency overflow goes and may cause public safety issues."

Response 15: Staff agrees that incorporation of an overflow pipe in storage pond design is common practice to minimize the potential for a catastrophic failure of a pond embankment when pond contents exceed maximum holding capacity, and leaves it to the discretion of the design engineer whether to include this safety feature in their pond design. Accordingly, the prohibition of an overflow pipe is deleted from the draft WBFP WDRs.

That said, the process wastewater being held in the pond is classified as waste according to section 13050 of the Water Code. Discharges from a process wastewater pond via an overflow pipe are not authorized by the WBFP WDRs. Any unauthorized discharge of waste is subject to enforcement action, including civil liability, under the Water Code. To minimize the potential of a discharge from waste storage pond from an overflow pipe, the WBFP WDRs has been revised to establish a freeboard requirement for wastewater storage ponds with an overflow pipe. Wastewater Discharge Specification No. 6 of the WBFP WDRs is revised to include the following underlined changes:

"Process wastewater ponds <u>without an overflow pipe</u> shall maintain at least two (2) feet of freeboard, defined as the elevation difference between the liquid level in the pond and the top of the bank, at all times, except with prior authorization from the Regional Water Board Executive Officer. <u>Process wastewater ponds with an overflow pipe shall maintain at least two (2) feet of freeboard, defined as the elevation difference between the liquid level in the pond and the bottom of the overflow pipe, at all times, except with prior authorization from the Regional Water Board Executive Officer."</u>

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 7, Design Specification

Comment 16: ""Infiltration surface shall be sized based on organic loading, or hydraulic loading, whichever results in a more conservative design."

The Order should state and/or define guidelines for the required loadings."

Response 16: Due to variability in site conditions and processing facility conditions, the infiltration surface area required will likely be different for each facility. Rather than prohibit the use of subsurface systems for the treatment and disposal of high organic load wastewater, the WBFP WDRs require that the design of the subsurface disposal system consider the organic concentration and volume of the wastewater when calculating the needed infiltration surface area of the disposal field and that the most conservative of these results be applied. A licensed professional, experienced in the design of high organic load subsurface systems, should be able to perform such calculations.

Effluent and Groundwater Limits

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 4, No. 3

Comment 17: "The permit states "Consequences of BOD overloading may result in an impact to groundwater quality by lowering the oxidation/reduction potential in the underlying soil resulting in potential mobilization of naturally present contaminants in soil such as iron and manganese."

We appreciate that the Regional Board staff is aware of issues with potential metals mobilization that can result from over-application of BOD-rich wastewater in soils that are prone to minerals leaching and recognize that the proposed limits have been increased from 60 pounds per acre per day to 100 pounds per acre per day since we last commented. However, land treatment of BOD in wastewater is a long practiced and proven method. We are concerned that this valuable, low tech, and low-energy-using method may be dismissed due to concerns about metals mobilization that may not be well-founded in science or recognition of particular dischargers' practices.

1.) Has the potential leaching of minerals due to changing oxidation/reduction potential from overloading with BOD been demonstrated to occur in Region 1? If so, at what location? Are conditions at this location applicable to all dischargers' land application sites?
2.) Could the limits be tailored to recognize the difference between different application methods (spray will oxidize the water as it is applied) and timing (application on an intermittent schedule can allow vadose zone to oxidize)?"

Response 17: The WBFP WDRs do not prohibit the use of land treatment systems for BOD-rich wastewater. Such systems are eligible for coverage under the WBFP WDRs. Land treatment systems, enrolled under the WBFP WDRs, are not required to meet the treated effluent limits cited in Table 1 of the WBFP WDRs, including the 100 pounds per acre per day limit. Instead land treatment systems, where raw wastewater is directly discharged to the soil for the purpose of reducing the BOD load, are required to monitor groundwater to demonstrate that the treatment system is functioning as designed and is in compliance with the WBFP WDRs groundwater limitations.

Only those dischargers applying *treated process wastewater* effluent to land are required to comply with the 100 pound per day per acre effluent limit. The reason is the treated effluent has already undergone treatment for BOD reduction, via a pond, or other sort of package treatment plant, and the final disposal or reuse of the effluent on land is not considered part of the treatment process. The effluent limit is intended to protect against odor nuisances in addition to possible metals mobilization.

The monthly average BOD effluent limit of 100 pounds per day per acre, for discharges of treated process wastewater is a conservative limit intended to prevent nuisance

conditions. It is a nuisance threshold referenced in the Pollution Abatement in the Fruit and Vegetable Industry, United States Environmental Protection Agency (USEPA Publication 625/3-77-0007). Regional Water Board staff is not aware of existing groundwater data demonstrating the occurrence of leaching metals due to changing oxidation/reduction potential from overloading with BOD in Region 1.

As referenced previously in this response, the monthly average BOD effluent limit of 100 pounds per day per acre applies to discharges of treated process wastewater to land for the purpose of reuse or disposal. The BOD effluent limit does not apply to spreading basins or overland flow treatment systems, seeking coverage under the WBFP WDRs, where raw process wastewater, with a high BOD concentration is applied to land for the purpose of treatment. Overland flow treatment field systems, spreading basins and septic tank leachfield disposal systems, are designed to use site soils to treat and dispose of process wastewater. These systems are designed to be operated in a manner that will not result in adverse impacts to groundwater and take into consideration disposal site criteria including but not limited to, type and depth of soils, and depth to groundwater. The WBFP WDRs require such systems to comply with the WBFP WDRs groundwater limits by conducting groundwater monitoring.

The BOD effluent limit for treated process wastewater reuse or disposal is not dependent on the irrigation or disposal method. The Discharger may apply treated process wastewater via drip irrigation, spray irrigation or some other method as long as it meets the effluent limits and does not result in a discharge to surface waters. If a treatment system, other than a spreading basin, overland flow system or septic tank leachfield system, is unable to meet the BOD load effluent limit in the WBFP WDRs, it may be more appropriately regulated by individual WDRs that would recognize the additional treatment taking place via spray irrigation oxidation and or a specific application rate and schedule based on site specific soil conditions.

The WBFP WDRs are intended to offer a more streamlined permitting option for those processing facilities that meet the eligibility requirements. Dischargers that are not eligible to apply for coverage under the general WBFP WDRs may apply for individual WDRs, which will be tailored for the specific discharge, including application method and timing.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 5, No. 4

Comment 18: "The draft permit imposes limits for ammonia, nitrate, nitrite, sodium and chloride.

1.) The draft Order lists references in order to provide a basis for each constituent limit. The basis for some of the limits appear to be misplaced and the setting of limits may be premature. Virtually none of the permittees have previously been required to test for

these constituents in their effluent. Dischargers do not know whether they will be able to comply with the new limits. Based on our experience with permits for municipal dischargers, we suggest that the WDR establish an initial testing period of five years for gathering data, followed by an evaluation of the data, and if necessary a period to reach compliance prior to implementation of limits.

2.) The limit placed on Sodium may be more appropriately based on the agricultural supply threshold (from Ayers and Westcott). The draft Order now includes a limit for Chloride that is based on the agricultural supply threshold.

3.) Agricultural supply thresholds for setting limits for sodium and chloride appear appropriate but single limit values for Sodium and Chloride are viewed inappropriate. Thresholds are not the same for all crop types, as explained in Ayers and Westcott (1985). The limits listed in the draft Order are based on sensitive crops such as avocado, lentil, and cotton. It is unlikely that WBF processors discharging to land would be irrigating crops such as these. Therefore Chloride limits set based on the cover crop type would be more appropriate and Sodium would be more appropriately regulated through a sodium adsorption ratio (SAR) limit and/or crop specific limits on concentration. Using an SAR limit would reflect how Sodium toxicity can be reduced if sufficient calcium is available in the soil."

Response 18: The effluent limits are based on: primary Maximum Contaminant Levels (MCLs), or taste and odor thresholds required to protect the municipal and domestic supply (MUN) beneficial use of groundwater; chemical constituent thresholds required to protect the agricultural supply (AGR) beneficial use of groundwater; or a threshold for the prevention of nuisances. To clarify what options dischargers have when they cannot comply with the above limits, staff added Provision 4 under the Application Process section of the WBFP WDRs. As specified in Provision 4 of the Application Process section of the WBFP WDRs, a discharger that applies for coverage under the WBFP WDRs for the land application of treated process wastewater for the purpose of reuse or disposal, and demonstrates during the application process that the discharge will not be able to meet the treated process wastewater effluent limitations for sodium, chloride, pH or BOD, the groundwater limitations and other permit requirements of the WBFP WDRs, has the option to no later than six months after the date of the adoption of this Order to either (1) apply for coverage under individual WDRs that includes an approved schedule for compliance with effluent limitations, or (2) make the appropriate modifications to their treatment and disposal system so that the discharge would be able to meet the effluent limitations.

The monthly average sodium effluent limit of 60 mg/l, for discharges of treated process wastewater aboveground for the purpose of reuse or disposal, is to protect the MUN beneficial use of groundwater and based on the Basin Plan's groundwater objective for Taste and Odors. The EPA Office of Water issued a Drinking Water Advisory, dated February 2003, that recommends reducing sodium concentrations in drinking water to

between 30 and 60 mg/l based on aesthetic effects such as taste. The sodium limit was not based on a Basin Plan groundwater objective for agricultural supply protection.

The chloride effluent limit of 106 mg/l is based on a Basin Plan groundwater objective for agricultural supply protection. The limit pertains to not only current agricultural uses of groundwater but to future uses also, including the growing of different crops that may be more chloride sensitive than the current cover crop being grown in the disposal area.

As stated above, a discharger that is unable to meet the effluent limitations for sodium, chloride, pH or BOD should apply for coverage under individual WDRs, which could include an approved schedule for compliance with effluent limitations.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 7, No. 6

Comment 19: "The permit requires that "collection, treatment, storage, reuses and disposal of process wastewater and solids shall not cause groundwater to:
1. Exceed a total coliform organism level of 1.1 MPN/100mL as a 7-day median"

Coliform exists in the soil and groundwater to the depth where the groundwater is oxygenated. When there is no oxygen, coliform die. Title 22 recognizes the need to use shallow groundwater, and surface water, for drinking water, through the "Surface Water Treatment Rule." Surface water treatment includes filtration and disinfection for coliform removal. Shallow groundwater is not expected to be free of coliform. When the Regional Board requires monitoring wells to assess the impact of discharges on groundwater, the wells are expected to be shallow, to pick up on immediate impacts. Groundwater from these shallow wells is virtually certain to contain coliform.

1.) If the natural concentration of coliform in the groundwater exceeds 1.1 MPN/100mL, there is no concentration of coliform in the process wastewater that could "cause" the groundwater to exceed this limit? How would this situation be addressed?

2.) The MRP does not require testing, monitoring, or reporting for coliform levels, so how would a discharger know if they were in compliance with the Order? How will it be determined that the reuse and disposal of process wastewater and solids caused groundwater to exceed this total coliform limit?"

Response 19: The WBFP WDRs must be in compliance with the Basin Plan, which is the reason the water quality objective is included as a groundwater limitation. However, the discharges of process wastewater and process solids that are eligible for coverage under the WBFP WDRs are not expected to be a significant source of coliform bacteria. Thus, the Monitoring & Reporting Program (MRP) does not require dischargers covered by the WBFP WDRs to monitor localized groundwater for coliform bacteria.

The WBFP WDRs require that the collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause groundwater to exceed the Basin Plan coliform water quality objective. Compliance with groundwater limitations for coliform will be assessed on available site-specific information, including monitoring data collected by another entity such as the Division of Drinking Water of the State Water Resources Control Board. This approach recognizes that natural sources of bacteria may cause or contribute to exceedances of water quality objectives. However, including a coliform limit of 1.1 MPN/100ml reduces or prevents controllable water quality factors from causing any further degradation of water quality.

If coliform in the localized groundwater exceeds 1.1 MPN/100mL, and there is no coliform in the discharged process wastewater that could "cause" the groundwater to exceed this limit, the discharge would not be considered a source of the exceedance. An evaluation of the status and trend of coliform in localized groundwater along with identification of nearby potential sources of coliform bacteria would likely be the appropriate first step in addressing that type of situation.

The MRP does not require routine testing, monitoring, or reporting for coliform levels, as the discharge is not expected to be a source of coliform bacteria. During the initial enrollment, the dischargers are required to fully characterize the treated process wastewater including coliform to demonstrate the discharges are in compliance with the WBFP WDRs and are not sources of coliform.

A determination that the reuse or disposal of process wastewater and solids, as authorized under the WBFP WDRs, caused groundwater to exceed the Basin Plan total coliform limit, could be based on groundwater monitoring data generated during the sampling of adjacent drinking water, agricultural or process water supply wells, following a complete and thorough groundwater investigation.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 7, No. 7

Comment 20: "The permit requires that the "collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause or contribute to levels of chemical constituents in groundwater that exceed the levels specified in California Code of Regulations"

1.) This statement is unclear. It could be interpreted in multiple ways and should be clarified regarding intent. Do the chemical constituents already have to exceed the "levels"? Could the process wastewater and solids cause levels up to the "levels" specified as long as they do not exceed them?

2.) Again, how will causation be determined and regulated? This is an issue with all of the Groundwater limitations, especially since the MRP does not require monitoring of all chemical constituents and radionuclides listed in these articles of Title 22. Required monitoring of all constituents in the listed Title 22 articles would be viewed unreasonable, due to the high costs for testing."

Response 20: In consideration of the comment received, Groundwater Limitations No.3 and No.5 of the WBFP WDRs have been revised as follows:

"3. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause groundwater used for domestic or municipal supply to contain levels of chemical constituents in excess of the limits specified in California Code of Regulations, title 22, division 4, chapter 15, article 4 and article 5.5."

"5. The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause groundwater used for domestic or municipal supply to contain levels of radionuclides in excess of the limits specified in California Code of Regulations, title 22, division 4, chapter 15, article 5, section 64443."

The wording "or contribute to" has been removed. However, these groundwater limitations do not negate the requirement to maintain higher quality water to the maximum extent possible consistent with the Antidegradation Policy, and to demonstrate implementation of Best Practicable Treatment or Control.

Although the discharge must comply with applicable groundwater limitations at all times, the monitoring and reporting program requires monitoring only for chemical constituents of concern associated with process wastewater and solids for facilities.

The issue of how causation will be determined is addressed in Response No. 19.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race, Page 9, No. 10

Comment 21: "The draft WDR states "This Order requires the characterization of the TDS content of the process wastewater" and "this Order requires WBF processing facilities to identify sources of salinity and to implement practices to minimize discharges of salinity".

1.) What does it mean by "characterization of the TDS content"? How will this be regulated if there is no limit for TDS? How often does the TDS content have to be "characterized"?

2.) When and how are the sources of salinity reported? What does it mean to "minimize discharges of salinity" and how is this regulated other than through sodium and chloride limits?

These issues need to be explained and clarified in the Order to ensure Dischargers can completely comply."

Response 21: Characterizing the TDS content means providing the chemical concentration of TDS. The WBFP WDRs require the characterization of the chemical concentration of TDS in process wastewater when applying for WDRs coverage.

TDS monitoring is a requirement of the WBFP WDRs MRP.

The MRP requires the characterization of the chemical concentration of TDS in treated process wastewater effluent on a monthly basis and for those dischargers with a leachfield, spreading basin or overland flow system, the characterization of the chemical concentration of TDS in groundwater on a quarterly schedule.

The sources of salinity would be identified in the Technical Information Form, when applying for coverage under the WBFP WDRs. The characterization of the wastewater for TDS, along with identification of the type of processing facility, and the schematic of the process wastewater system from source to final disposal will provide information on sources of salinity.

Examples of implementation practices to reduce discharges of salinity to the wastewater treatment and disposal system includes but is not limited to: reduction in the use of water softeners and the generation of highly saline brine; segregation and off-site disposal of boiler blow down, high salinity waste streams; and changes in use of cleaning chemicals.

In consideration of the comment received, Antidegradation Analysis Finding 19.a of the WBFP WDRs will be updated to read: "Additionally, this Order requires WBF processing facilities to identify and control sources of salinity and requires process wastewater treatment and disposal systems to be designed, operated and maintained to control salinity in the effluent."

Tim Schmelzer (Wine Institute); Wine Institute Letter, Page 1, Paragraph 5

Comment 22: "The requirement for sodium is unreasonably restrictive, and based upon an *advisory* for aesthetic properties of drinking water. This effluent limit seems arbitrary as no information is given to the back ground concentration of sodium in North Coast groundwater basins. In addition, the Order does not address the known process of groundwater blending with percolation through the root zone and the significant effects of dilution caused by the precipitation amounts and patterns in many parts of the North Coast. We propose instead that Regional Water Board remove the effluent limit for sodium, but keep sodium as a parameter to monitor in the MRP. By doing so, facilities will collect water quality data and based on that data, the Regional Water Board can set informed and balanced effluent limits in the future.

Alternatively, an effluent limit of 115 mg/1, which is an agricultural based standard should be considered. This standard is based upon work developed by Ayers, R.S. and D. W. Westcott. We believe it is reasonable to keep sodium as a parameter to be monitored."

Response 22: Staff disagrees that the effluent limitation for sodium is unreasonably restrictive. Groundwater in the North Coast Region is used for domestic, municipal, agricultural and industrial water supply. The WBFP WDRs monthly average sodium effluent limit of 60 mg/l, for discharges of treated process wastewater for the purpose of reuse or disposal, is to protect the designated beneficial uses and the groundwater objective for Taste and Odors of the Basin Plan. This effluent limitation is consistent with a Drinking Water Advisory issued by the EPA Office of Water in February 2003 that recommends reducing sodium concentrations in drinking water to between 30 and 60 mg/l, based on aesthetic effects such as taste. An alternative effluent limit of 115 mg/l, as proposed by the commenter, would not be protective of the municipal and domestic supply beneficial use set forth in the Basin Plan.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 5, Effluent Limitations for Above Ground Reuse or Disposal

Comment 23: "The following effluent limitations apply to facilities covered under this Order that discharge treated WBF process wastewater effluent to the ground surface for the purpose of reuse or disposal.
a. The treated effluent shall not contain constituents in excess of the following limits:

Suggested modification to clarify when the FNMP may modify the limits, as follows:

"The treated effluent shall not contain constituents in excess of the following limits, <u>with the exception of the ammonia, nitrate, and nitrite limits which may be modified as identified in the FNMP with a reasonable, articulated basis for such modification:" and then delete the "OR as identified in the FNMP" from the table.</u>"

Response 23: Staff agrees with the need for clarification of when the agronomic rate effluent limit applies for a discharge of treated process wastewater effluent to land.

Effluent Limitations 1.a and 1.b have been revised to read as follows:

a. The treated effluent shall not contain constituents of BOD, Sodium, or Chloride in excess of the limits in Table 1.

b. The treated effluent shall not contain constituents of ammonia, nitrate, and nitrite in excess of limits in Table 1 or, alternatively, in excess of the agronomic rate in a FNMP approved by the Executive Officer.

Additionally, the wording "as identified in the FNMP" have been removed from Table 1-Effluent Limitations of the WBFP WDRs.

H. Tim Schmelzer (Wine Institute); Wine Institute Table, Page 5, Effluent Limitations for Above Ground Reuse or Disposal

Comment 24: "a. The treated effluent shall not contain constituents in excess of the following limits:

- Ammonia as N = 1.5 mg/l
- Nitrate as N = 10 mg/l
- Nitrite as N = 1.0 mg/l

Packaged treatment systems *(e.g.,* activated sludge), often only convert organic nitrogen to nitrate/nitrite. It will be difficult for facilities with package systems to meet the Nitrogen limits."

Response 24: Only facilities seeking coverage under the WBFP WDRs for discharges of treated process wastewater effluent to land for the purpose of reuse or disposal are required to meet the treated effluent limits for nutrients in Table 1 or alternatively, demonstrate compliance with the limits in Table 1 by implementing the agronomic rate application of nutrients as identified in an Executive Officer approved FNMP. Wastewater treatment systems that include a denitrification step and operate within design specifications for such treatment should be able to achieve the nutrient limitations in Table 1.

The WBFP WDRs are intended to offer a more streamlined permitting option for those processing facilities that meet the eligibility requirements. Dischargers that are not eligible to apply for coverage under the WBFP WDRs should apply for individual WDRs, which can include facility-specific requirements.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 5, Effluent Limitations for Above Ground Reuse or Disposal

Comment 25: "a. The treated effluent shall not contain constituents in excess of the following limits:

- Sodium= 60 mg/1
- Chloride = 106 mg/1

The Monitoring and Reporting Program (MRP) states that Chloride and Sodium only apply to those facilities identified in the Notice of Coverage letter as being required to monitor for

these constituents. Is it our understanding that these constituents will apply to non-winery facilities, only. Please confirm or clarify in the Order.

The proposed effluent limit for sodium is very restrictive and based on an advisory. Drinking water regulations do not currently contain a primary or secondary maximum containment level (MCL) for sodium. And, footnote #4 in Table 1 is from Ayers, R. S. and D. W. Westcott, which allows for a 115 mg/1 for agriculture.

We recommend the Regional Water Board remove the effluent limit for sodium, but keep sodium as a parameter for monitoring in the MRP. By doing so, facilities will collect water quality data and based on that data, the Regional Water Board can set informed and balanced effluent limits in the future.

Response 25: Staff disagrees. Response 22 addresses the need for the sodium effluent limit. Treated process wastewater from WBF processing facilities such as cheese processors and potentially some wineries may contain elevated levels of sodium and chloride which can pose a threat to water quality. As such, all facilities that discharge treated process wastewater for the purpose of reuse or disposal will be required to characterize for sodium and chloride in the process wastewater in order to determine the eligibility under WBPF WDRs. For facilities that are eligible for WBFP WDRs coverage, the Executive Officer will notify the discharger in the Notice of Coverage (NOC) letter if the discharger is required to monitor for sodium and chloride to determine compliance with the respective effluent limitations in Table 1 of the WBFP WDRs. Finding 19.a of the Order was modified to clarify this point.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 5 & 6, Effluent Limitations for Above Ground Reuse or Disposal

Comment 26: "The treated effluent shall not contain constituents in excess of the following limits:

- BOD= 100 lbs/ac/day
- Ammonia as N = 1.5 mg/l
- Nitrate as N = 10 mg/l
- Nitrite as N = 1.0 mg/l
- Sodium = 60 mg/l
- Chloride = 106 mg/l

pH between 6 and 9

We recommend the Regional Water Board use its discretion in applying effluent limits in cases where the background concentrations of the constituents are near or above the proposed limits. For example, sodium and chloride effluent limits stated in the draft Order could be exceeded in some locations with geothermal or marine deposit influences.

Response 26: In certain circumstances, localized groundwater in the vicinity of the discharge may exceed water quality objectives. In situations where the constituent in groundwater is already at or exceeding the water quality objective, with certain exceptions, it is appropriate for the Regional Water Board to set limitations no higher than the objectives. The effluent limits in the WBFP WDRs are consistent with this approach.

Determinations of whether a facility should be covered by the WBFP WDRs or an Individual WDRs will be made on a case-by-case basis. Where compliance with the WBFP WDRs is impossible because of site-specific conditions, the facility operator could seek permit coverage under individual WDRs.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 6, Effluent Limitations for Above Ground Reuse or Disposal

Comment 27: "The following effluent limitations apply to facilities covered under this Order that discharge treated WBF process wastewater effluent to the ground surface for the purpose of reuse or disposal.

c. The treated effluent shall not have an instantaneous pH of less than 6.0 or greater than 9.0.

As written, the language in the draft Order does not take into account dilution or recognize the buffering capacity of soil. The language needs to exclude "instantaneous." As written, instantaneous pH readings could result in exceedances and/or result in the unintended consequence of increasing salinity in discharge water as pH adjustment in most systems is accomplished by adding salts."

Response 27: The effluent limitations for pH represent a larger range of allowable pH values than set forth as groundwater limitations, in recognition that some buffering will occur within the soil matrix. Further, the effluent limitations only apply to facilities that apply treated process wastewater to ground surface for the purpose of reuse or disposal. Such dischargers are not required to conduct groundwater monitoring if they meet all effluent limitations in Table 1.

Dischargers that dispose process wastewater effluent at grade or below grade to a spreading basin, leachfield or other type of dispersal system for treatment and subsurface discharge are not required to meet the effluent limits cited in the WBFP WDRs. Such systems are required to implement groundwater monitoring to verify compliance with the WBFP WDRs groundwater limitations, including the limit for pH of not less than 6.5 or greater than 8.5.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 6, Groundwater Limitations

Comment 28: "The collection, treatment, storage, reuse and disposal of process wastewater and solids shall not cause groundwater to:

a. Exceed a total coliform organism level of 1.1MPN/100ml a 7-day median.
b. Exhibit an instantaneous pH of less than 6.5 or greater 8.5 pH units.

As written, the language in the draft Order does not define which groundwater this refers to. Please provide clarification.

It is not clear why coliform organisms are included in the Order. Typically, this is used when there are concerns about pathogens in septic waste. Is this necessary for a facility that discharges process water with no domestic waste? Additionally, there are naturally occurring soil coliform bacteria that may show up in analytical sample results. The Order needs to provide clarity and guidance on what facilities will be held to this coliform organism standard and on how to differentiate coliform bacterial results.

Also, the MRP does not address coliform organisms. See response to #lc regarding "instantaneous" pH readings."

Response 28: Response 19 of this document addresses the coliform groundwater limitation in the WBFP WDRs.

Costs and Reporting

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 6, No. 5

Comment 29: "The draft WDR requires monthly testing for potential constituents in effluent, during months when discharge takes place.

1.) Monthly costs for laboratory testing alone, disregarding costs of sample collection, travel, and reporting, have been quoted at $350 for each month that land application is taking place. Land application can reasonably be expected to take place 12 months during a year, leading to an annual cost of $4,200 for testing alone. For a 5,000 case winery producing wine that retails for $35 per bottle, and operating at the industry average 6.9% profit, laboratory testing costs would reduce the net pre-tax income from wine sales by 6 percent. Is this reasonable? Additionally, this testing frequency is greater than required for some NPDES permits. Semiannual or quarterly testing would be viewed as adequate for year round land appliers.

2.) If testing indicates that one or more of the subject constituents does not occur at levels in exceedance of the proposed limits, could the permit provide for testing frequency to be reduced after an initial year of sampling?"

Response 29: The previous General Winery WDRs, which are being replaced by the WBFP WDRs also required monthly sampling and analysis of the constituent of concern. As a result, many dischargers covered under the permit will not see a significant increase in cost associated with laboratory testing.

A small winery producing less than 5,000 cases of wine (12,000 gallons of wine) annually would produce less than 1,500 gallons per day of process wastewater as averaged over a calendar month, and as such would be eligible for coverage under the WBFP Conditional Waiver. The WBFP Conditional Waiver does not require laboratory analysis of effluent or groundwater samples.

Monthly testing is appropriate and necessary in this circumstance to determine compliance with the WBFP WDRs. The concentration of constituents in the waste stream may vary throughout the year based on the type of processing activities occurring at the facility. The requirement to monitor treated effluent prior to disposal or reuse on a monthly basis will ensure that any activities taking place at the processing facility during that month are not resulting in an exceedance of an effluent limit.

The WBFP WDRs MRP does not allow for a reduction in monitoring based on historical sampling data of a year or more. However, in the future if monitoring data for all the facilities enrolled under the WBFP WDR indicates that a lower monitoring frequency is warranted, then the WBFP WDRs MRP could be revised by the Regional Water Board Executive Officer or Regional Water Board at a future date.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 8, Groundwater Monitoring

Comment 30: "The draft permit states "Groundwater monitoring is required for all subsurface and at-grade treatment and disposal systems" and "for WBF processing facilities that produce 10,000 gallons per day (gpd) or greater of process wastewater" Later in the document it states "groundwater limitations apply to all facilities covered under this Order including those that dispose or reuse treated effluent aboveground". The draft permit also states "groundwater monitoring is required for those WBF processing facilities that produce 10,000 gpd or greater of process wastewater and discharge the wastewater at a rate equal to the agronomic rate."

The wording from these different parts of the draft Order is confusing and potentially contradictory. Does the permit require all dischargers to monitor groundwater? Or do only

select dischargers have to monitor groundwater quality? The wording requires clarification and reconciliation across the entire draft and associated documents."

Response 30: Response 7 of this document addresses those dischargers required to monitor groundwater.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 9, No. 11

Comment 31: The draft MRP includes reporting of information such as processing season and volumes, production volumes, chemical use (types and volumes).

These requirements go beyond wastewater quality or flows. They impose additional information collection, organization and reporting on the processors. What is the purpose of these requirements? Under what authority is the Regional Board privileged to collect this sort of information?

Response 31: The TIF for coverage under the WBFP WDRs requires that the discharger provide the following information: the Primary processing season with start and end dates; the Annual processing volume; the annual production volume. The MRP requires the annual reporting of; chemicals used (types and volumes), the processing season, the processing volume (in tons/year, pounds/year, or gallons/year), and the production volume (in cases/year, barrels/year, gallons/year, tons/year or pounds/year).

This information is to be reported on an Annual basis and be included with the 1st semi-annual monitoring report. The purpose of reporting these thresholds in the MRP is first to confirm that the information reported in the TIF still applies and second to gain information on volume of product processed or produced versus wastewater flow volumes.

The WBFP Conditional Waiver will expire in 2021. At that time Regional Water Board staff will be considering a possible change in the 1,500 gallons per day (gpd) and 3,000 gpd eligibility threshold volume for WBFP Conditional Waiver coverage. Based on the information received by Dischargers enrolled under the WBFP WDRs, modifications to the WBFP Conditional Waiver may include eliminating the gallons per day eligibility threshold volume and replacing it with an annual flow volume, and/or annual production volume eligibility threshold.

Except where the Regional Water Board waives monitoring requirement for discharges that do not pose a significant threat to water quality, a waiver of waste discharge requirements must include monitoring requirements. (Wat. Code § 13269(a)(2).) These requirements "shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions." (Wat. Code § 13269(a)(2).)

The Regional Board can also include monitoring requirements in WDRs in order to investigate the quality of any waters of the state. (Wat. Code § 13267.). These monitoring requirements can include information " on the condition and operation of the facility or injection well . . . ." (Wat. Code § 13267(d).)

The value of obtaining information, such as processing season and volumes, production volumes, chemical use (types and volumes), is proportional to the cost of the monitoring and reporting. This information will be used to determine compliance with the conditions of this Order and to determine the discharges impacts, if any, on groundwater. For example, information on processing season and volumes can help determine whether there are adequate systems on the property to handle wastewater associated with those production levels.

Sophia Grubb and Richard Ingram (Brelje & Race); Brelje & Race Table, Page 9, No.12

Comment 32: The draft MRP requires measurement of the depth of solids accumulation in the bottom of each pond annually.

If a pond has accumulated a lot of settled solids, the effective processing volume can be reduced. This will become apparent as gradually decreasing effluent quality. Why is the measurement of solids needed each year? Measurement of the depth of sludge requires use of a boat and "sludge judge" or more elaborate and expensive means. To obtain an accurate assessment of the volume of accumulated solids, one must take multiple measurements. This not a task that a food or beverage processor can be expected to perform accurately, and the cost for a meaningful technical assessment could easily be several thousand dollars. Could the measurement be performed at longer intervals, perhaps five years? Could the requirement be based upon previous years' results? If a pond is oversized, a deeper accumulation of solids may not cause deterioration of effluent quality. Could the requirement be based upon changes in pond effluent quality?

Response 32: Staff agrees. The WBFP WDRs and MRP have been revised to require measurement of depth of settled solids in a treatment pond to once every 5 years.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 4, Application Process

Comment 33: "A Discharger proposing to either: 1) apply treated process wastewater to land at concentrations exceeding effluent limits for ammonia, nitrate or nitrite; or 2) apply non-hazardous solid, decomposable processor waste to land as a source of nutrients and a soil amendment; shall submit a FNMP for approval by the Regional Water Board Executive Officer.

We recommend that the Regional Water Board involve a third party group with expertise in farming and nutrient balance to assist in reviews. Or, provide clear non-subjective guidelines as to what is approved."

Response 33: Appendix D, of the WBFP WDRs describes the purpose of and the minimum required content of a Facility Specific Nutrient Management Plan in a clear and non-subjective manner. Facilities required to develop and submit FNMPs are encouraged to use consultants with expertise in farming and nutrient balances to prepare FNMPs. Regional Water Board staff will review submitted FNMPs.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 7, Monitoring and Reporting Program (MRP)

Comment 34: "Chemical Usage; A. Monitoring: An estimate of the volume(s) and type(s) of chemical(s) used at the facility that could be either included in the process wastewater being treated and/or in the process waste solids being reused on lands as a soil amendment.

The wine industry has supported several studies over the years and understands the challenges in collecting usable and meaningful data. We are asking that you work with industry and develop a thoughtful plan for data collection. Simply collecting a lot of data with uncertain value will be frustrating for your staff and frustrating for wineries."

Response 34: Comment noted.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 8, Monitoring and Reporting Program (MRP)

Comment 35: "Monitoring Periods and Reporting Schedule. All monitoring results shall be reported in the quarterly monitoring reports which are to be received by the Regional Water Board by the first day of the second month after the three-month reporting period.

Please consider semiannual reporting. Given the nature and timing of winery operations, no increase in water quality protection is achieved from quarterly versus semiannual reports. The additional work associated with developing two additional reports a year will add little value to water quality protection."

Response 35: Staff agrees with the proposed change in report frequency. The WBFP WDRs and MRP have been revised accordingly.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 8, Technical Information Form (TIF)

Comment 36: "Primary processing season. Please define "primary processing *season."* Some winery facilities do not receive fruit and may only accept wine. How does the Regional Water Board want to address facilities that barrel only or facilities that receive wine and bottle only?"

Response 36: In consideration of the comment received, Section 6 of the WBFP WDRs, Appendix B – TIF, has been revised from "Primary Processing Season" to "Processing Season:".

Wineries that apply for coverage under the WBFP WDRs and barrel only, or receive wine and barrel only, should identify the season for this type of processing. If processing takes place year round, this should be identified.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 8, Technical Information Form (TIF)

Comment 37: "Treatment, Disposal, and/or Reuse. Please add the words "and at grade disposal" following "subsurface disposal"."

Response 37: In consideration of the comment received, Section 9 of the WBFP WDRs, Appendix B – TIF, has been revised to include the suggested wording "and at grade disposal" following "subsurface disposal".

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 8, Technical Information Form (TIF)

Comment 38: "Characterization of Discharge. The wine industry has supported several studies over the years and understands the challenges in collecting usable and meaningful data. We are asking that you work with industry and develop a thoughtful plan for data collection. Simply collecting a lot of data with uncertain value will be frustrating for your staff and frustrating for wineries."

Response 38: Comment noted.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 8, Technical Information Form (TIF)

Comment 39: "Industrial Storm Water Permit Coverage. Please include facilities that qualify for a NONA (Notice of Non Applicability) in this section."

Response 39: The Industrial Storm Water Permit Coverage Section of the Appendix B - TIF of the WBFP WDRs has been revised to include identification of those facilities qualifying for receipt of a Notice of Non Applicability.

Antidegradation

Tim Schmelzer (Wine Institute); Wine Institute Letter, Page 2, Paragraph 2 through 6

Comment 40: "The anti-degradation analysis in the Draft Order is not adequate for the reasons outlined below:

1. The language throughout the Draft Order is confusing with respect to effluent limits, including BOD loading rates for land application. Specifically, there is confusion on when the BOD loading rate applies (i.e., above ground, at grade, subsurface, etc.). These provisions are in need of clarity.

2. The anti-degradation provisions indicate that a nutrient analysis will be required rather than conducting such an analysis as part of the Draft Order. We are concerned that without such analysis, the anti-degradation provisions may not withstand legal scrutiny.

3. As discussed above, the Order needs to reflect and address the process of groundwater blending with percolation and treatment through the root zone and the significant effects of dilution caused by the precipitation.

4. The anti-degradation provisions set an agronomic rate as the effluent limit but there is no mechanism that allows dischargers to demonstrate that soil processes also treat and remove constituents. This mechanism should be recognized and incorporated into the Draft Order."

Response 40: Response 17 of this document addresses the WBFP WDRs, BOD effluent limit for discharges of treated process wastewater and the applicability of the effluent limit for designed land treatment systems such as at grade spreading basins, overland flow systems, and subsurface leach fields.

The Antidegradation Analysis findings of the WBFP WDRs address nutrients as a constituent of concern in process wastewater and process solids and analyze their potential impact when the discharge is authorized under the WBFP WDRs. A nutrient analysis is required of those Dischargers proposing to discharge nutrients to land at concentrations exceeding the WBFP WDRs treated process wastewater effluent limits for Ammonia, Nitrate and Nitrite, or when applying process waste solids to land as a soil amendment.

Dischargers who discharge raw process wastewater to a treatment system that relies on land application for treatment are required to provide information on groundwater protection including engineering plans describing the treatment system, and projected treatment nutrient concentrations. Such Dischargers are required to implement groundwater monitoring to confirm the discharges' compliance with WBFP WDRs groundwater limitations. Therefore, while a nutrient analysis is only required for certain dischargers, protections are still in place to prevent the degradation of water quality.

Effluent limitations for treated process wastewater effluent are consistent with water quality objectives and the protection of beneficial uses. Groundwater blending with percolation, additional treatment through the root zone, and effects of dilution caused by precipitation are site specific criteria that may be considered by the Regional Board when seeking coverage under the WBFP WDRs for discharges to land treatment systems. In such cases groundwater monitoring would be required to confirm these additional site specific criteria are taking place and the discharge is not causing an exceedance of the WBFP WDRs groundwater limitations.

Discharges to land treatment systems that rely on soil processes to treat and remove constituents are eligible for enrollment under the WBFP WDRs. Such dischargers are required to monitor groundwater to demonstrate that the treatment is taking place as described in the design plans and that the discharge is not causing an exceedance of the WBFP WDRs groundwater limitations.

The purpose of the WBFP WDRs is to offer a more streamlined permitting option for those processing facilities located throughout Region 1 that meet the eligibility requirements. The WBFP WDRs allow the discharge of nutrients at agronomic rates. A Discharger wishing to demonstrate that application of nutrients beyond the agronomic rate is protective of the beneficial uses of groundwater via soil processes would more appropriately be regulated by individual WDRs. Further discussion on anti-degradation issues raised are addressed in Responses 41-50 below.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 1, Antidegradation Analysis

Comment 41: "When seeking permit coverage under this Order, the Discharger must demonstrate the Best Practicable Treatment or Control necessary to maintain the highest water quality consistent with the maximum benefit to the people of the state will be implemented.

Please provide language clarifying that a completed Technical Information Form (TIF) meets the BPTC requirements. Please provide language on the TIF that by completing the form, the discharge meets the BPTC requirements."

Response 41: A completed TIF that documents water conservation, waste minimization and the use of a treatment and disposal system and method designed to either: 1) achieve the treated process effluent limits cited in the WBFP WDRs, when applying treated process wastewater to land for reuse, or 2) a sub-surface or at-grade treatment system designed to not cause or contribute to an exceedance of the WBFP WDRs groundwater limitations, will satisfy the BPTC requirements.

The Antidegradation analysis finding No. 22 of the WBFP WDRs has been revised to read: "The Discharger is required to submit to the Regional Water Board a complete Form 200 (Appendix A) and Technical Information Form (TIF) (Appendix B) when applying for coverage under this Order. The technical information required in the TIF will disclose sufficient information about the operations of the facilities and the waste being generated to demonstrate best practicable treatment and control is being implemented and allow Regional Water Board staff to determine whether the proposed discharge qualifies for coverage under this Order."

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 1, Antidegradation Analysis

Comment 42: "Additionally, this Order requires WBF processing facilities to identify sources of salinity and to implement practices to minimize discharges of salinity.

We are asking for the following replacement language: "Additionally, this Order requires WBF processing facilities to evaluate options that may be implemented to minimize discharges of salinity." Not all salinity reduction opportunities may be financially, technically, or operationally feasible."

Response 42: In addition to source control measures such as water conservation and waste minimization, process wastewater treatment and disposal systems should be

designed and operated to minimize chemical addition. This will minimize discharges of salinity.

In consideration of the comment received, Antidegradation Analysis Finding 19.a of the WBFP WDRs has been revised to read: "Additionally, this Order requires WBF processing facilities to identify and control sources of salinity and requires process wastewater treatment and disposal systems to be designed, operated and maintained to control salinity in the effluent.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 1, Antidegradation Analysis

Comment 43: "The FNMP must include Nutrient Budget Calculations that will establish the application practices for the reuse of WBF process wastewater or process solids based on the nutrient need of the vegetation being grown in the land application area.....If the nutrient budget shows that the nutrients in the process wastewater and process solids exceed the amount needed by crops in the land application area, then the Discharger must implement management practices that will prevent impacts to surface water or groundwater due to application of excess nutrients.

It is not clear how this program will work with the Agricultural Waiver program as there maybe redundancy and overlap.

Please note that packaged treatment systems, such as activated sludge, often only convert organic nitrogen to nitrate/nitrite. Thus, it may be difficult for facilities with package systems to meet the Nitrogen requirements without having to add expensive additional treatment processes."

Response 43: The WBFP WDRs are region-wide general WDRs that eligible WBFP Dischargers may apply for coverage under rather than needing to apply for an individual, facility specific WDRs. The adoption of the WBFP WDRs should not be identified as the adoption of a "program". The WBFP WDRs are simply an option available to WBFP Dischargers for obtaining WDRs that authorize the discharge of waste to land.

Dischargers seeking coverage under the WBFP WDRs that either: 1) apply treated process wastewater to land in excess of the WBFP WDRs effluent limits, or 2) apply nutrients to land in the form of process solids for the purpose of reuse as a soil amendment, are required to submit an FNMP.

In the future, Dischargers with an FNMP, may be subject to a region-wide "Agricultural Waiver program", however as this program has yet to begin development, it is difficult to anticipate or address redundancy and overlap that may or may not occur.

Response 24 of this document addresses package treatment plants that are unable to meet treated process wastewater nitrogen effluent limits.

Dischargers seeking coverage under the WBFP WDRs with package wastewater treatment plants, such as activated sludge, that treat process wastewater and reuse the effluent for irrigation, are required to meet the nutrient effluent limits in Table 1 of the WBFP WDRs or not exceed the nutrient agronomic rate identified in a FNMP approved by the Regional Water Board Executive Officer . If a discharge is unable to meet the requirements of the WBFP WDR it would be considered ineligible for coverage under the WBFP WDRs and would need to obtain individual WDRs.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 2, Antidegradation Analysis

Comment 44: "Biochemical Oxygen Demand (BOD) is a measure of the amount of dissolved oxygen needed by aerobic organisms to break down the organic material present in wastewater. This Order establishes an effluent limit for BOD of 100 pounds per acre per day for aboveground reuse or disposal.

Please provide absolute clarity that the BOD effluent limits do not apply to facilities that are using soil/land for treatment (e.g., spreading basins) or are using subsurface treatment systems (e.g., septic systems). A flow chart would be helpful."

Response 44: Response 17 of this document addresses those dischargers subject to the treated effluent BOD limits.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 2, Antidegradation Analysis

Comment 45: "This Order requires the characterization of the TDS content of the process wastewater and the nutrient content of the process wastewater and solids.

The wine industry has supported several studies over the years and understands the challenges in collecting usable and meaningful data. We are asking that you work with industry and develop a thoughtful plan for data collection. Simply collecting a lot of data with uncertain value will be frustrating for your staff and frustrating for wineries.

Item #18b above mentions fixed dissolved solids. This item should also use fixed dissolved solids rather than TDS."

Response 45: Regional Water Board staff has been working closely with wine industry representatives since 2014 for the development of the WBFP WDRs and WBFP Conditional Waiver. It is our hope to continue this working relationship into the future.

During one of the development meetings with wine industry representatives the issue of monitoring for TDS and FDS was discussed. The draft WBFP WDRs MRP would include a requirement for the laboratory analysis of the concentration of TDS in effluent and groundwater samples. After discussion with industry representatives, Water Board staff concluded that additional FDS monitoring not be included in the MRP because of the extra cost for laboratory analysis and the lack of support by industry representatives.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 2, Antidegradation Analysis

Comment 46: "This Order requires that either nutrient effluent limitations based on water quality objectives be met prior to discharge; that the waste be applied at a rate equal to the nutrient up-take level of the vegetation being grown (i.e., the agronomic rate); or that the subsurface or at- grade treatment and disposal system be designed to treat nutrients to a level meeting water quality objectives.

As noted above, packaged treatment systems, such as activated sludge, often only convert organic nitrogen to nitrate/nitrite. Thus, it may be difficult for facilities with package systems to meet the Nitrogen requirements without having to add expensive additional treatment processes."

Response 46: Response 24 and 43 of this document address package treatment plants that are unable to meet treated process wastewater nitrogen effluent limits; apply effluent at agronomic rates, or treat nutrients to a level meeting water quality objectives.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 1 & 2, Antidegradation Analysis

Comment 47: "Groundwater monitoring is required for all subsurface and at-grade treatment and disposal systems to confirm compliance with conditions and requirements in this Order.

The Draft Order does not recognize that well designed and operated septic systems represent a low threat to groundwater quality. A well designed system includes (pre)treatment consisting of screening, and aeration.

According to the OWTS policy, Tier 0 facilities should not need GW monitoring. Specifically, well designed systems should be able to meet the BOD requirement in Section 6.1.2 of the OWTS policy. Thus, groundwater monitoring requirement in this Draft Order should be discretionary.

It costs a minimum of $40,000 to design, construct, and commission three groundwater monitoring wells. This is a significant expense for smaller facilities.

Rather than making smaller facilities spend upwards of $40,000 to develop groundwater wells, the Regional Water Board should encourage wineries to maintain and/or develop (pre) treatment on their septic systems. Larger sized facilities should be given the option to join a regional groundwater monitoring program."

Response 47: Response 7 of this document addresses the WBFP WDRs groundwater monitoring requirement for all subsurface and at-grade treatment and disposal systems relying on land treatment. It also addresses the cost of groundwater monitoring and a third party groundwater monitoring program to assess compliance with the WBFP WDRs.

Coverage under the OWTS Policy and the OWTS Policy's waiver of waste discharges is limited to onsite wastewater treatment systems (OWTS) accepting and treating flows of domestic wastewater or OWTS that accept high-strength wastewater from commercial food service operations if the wastewater does not exceed 900 mg/L BOD and there is a properly sized and functioning oil/grease interceptor (a.k.a grease trap).

The OWTS Policy, and the conditional waiver of requirements to submit reports of waste discharge, obtain waste discharge requirements and pay fees for discharges from onsite wastewater systems covered by the Policy, do not apply to process wastewater onsite systems.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 3, Antidegradation Analysis WI-Table-9

Comment 48: "Groundwater monitoring is additionally required for those WBF processing facilities that produce 10,000 gallons per day (gpd) or greater of process wastewater. The Draft Order does not include a timeline or schedule for developing the groundwater monitoring wells. Please propose a reasonable time schedule guideline for compliance."

Response 48: The monitoring well design plans submitted with the TIF should include a proposed reasonable time schedule for the construction of the monitoring wells.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 3, Antidegradation Analysis

Comment 49: "Suggest additional paragraph to be added between items #20 and #21as follows:

Consistent with SWRCB's Administrative Procedure Update (APU #90-004) *"Antidegradation Policy Implementation for NPDES Permitting"* (available at http://www.swrcb.ca.gov/water_issues/programs/npdes/docs/apu_90_004.pdf , see the section on *Simple Antidegradation Analysis Sufficient)* we recommend that the following additional Finding be added to the *Antidegradation Section* of Proposed Order No. Rl-2016-0002:

This Order is consistent with the Antidegradation Policy because, to the extent the discharger has also demonstrated that any lowered water quality occurs, the reduction in water quality will be spatially localized or limited with respect to the waterbody or it will not result in any long term deleterious effects on water quality or will not result in a significant reduction of water quality or has been approved in the General Plan of a political subdivision."

Response 49: State Water Board's Administrative Procedure Update (APU #90-004) *"Antidegradation Policy Implementation for NPDES Permitting"* refers to the Federal Antidegradation Policy. These Orders do not involve discharges into waters of the U.S. and are not NPDES permits. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters of California, requires the disposal of waste into waters of the state be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the state. The quality of some waters is higher than established by adopted policies and that higher quality water shall be maintained to the maximum extent possible consistent with the Antidegradation Policy.

The WBFP WDRs are consistent with the State Water Board Resolution 68-16 because it includes specific requirements and conditions of discharge to minimize water quality degradation. In particular, the Order is expected to improve water quality because it establishes additional requirements as compared to the Winery Order. Any lowering of water quality that occurs when complying with the WBFP WDRs is expected to be consistent with the maximum benefit of the people of the state. The WBFP WDRs and WBFP Conditional Waiver have been revised to further discuss this point.

Tim Schmelzer (Wine Institute); Wine Institute Table, Page 3, Antidegradation Analysis

Comment 50: "Reporting of the Discharger's efforts to achieve sustained water quality protection is required in the quarterly monitoring reports, as per MRP No. R1-2016-0002 (Appendix C) that are due to the Regional Water Board on a quarterly schedule. The Annual Summary, to be included with the first quarter monitoring report, shall document compliance with the conditions of this Order.

Please consider semiannual reporting. Given the nature and timing of winery operations, no increase in water: quality protection is achieved from quarterly versus semiannual reports. The additional work associated with developing two additional reports a year will add little value to water quality protection."

Response 50: Response 35, of this document addresses the request to change from quarterly to semiannual reporting.
