

Regional Water Quality Control Board
North Coast Region
Executive Officer's Summary Report
February 4, 2021

ITEM: 3

SUBJECT: Public Hearing on Order No. R1-2021-0001 to consider adoption of proposed Conditional Waiver of Waste Discharge Requirements for Discharges of Wine, Beverage and Food Processor Waste to Land in the North Coast Region (Rachel Prat).

BOARD ACTION: The Board will consider adoption of Conditional Waiver of Waste Discharge Requirements Order No. R1-2021-0001 (Proposed Order).

BACKGROUND: On January 28, 2016, the Regional Water Board adopted Order No. R1-2016-0003, Conditional Waiver of Waste Discharge Requirements for Discharges of Wine, Beverage and Food Processor Waste to Land in the North Coast Region (2016 Order). The purpose of the 2016 Order was to establish a streamlined permitting process for Dischargers to receive authorization from the Regional Water Board for the discharge of small volumes of wine, beverage, and food processing waste to land in the North Coast Region. For purposes of both the 2016 Order and this Proposed Order, the types of wine, beverage and food processing facilities that are eligible to apply for coverage under this Order include wineries, breweries, cider houses, non-alcoholic beverage producers, distilleries, post-slaughter cut and wrap meat processing facilities, fruit and vegetable processors, and dairy product manufacturers.

The 2016 Order waives waste discharge requirements for (1) wine, beverage and food processing facilities that produce less than 1,500 gallons per day (gpd) of process wastewater, as averaged over a 30-day period during peak production, and (2) wineries that produce 3,000 gpd or less of process wastewater, as averaged over a 30-day period during peak production; discharge that process wastewater to land; and which produce no more than five gallons of wastewater for every gallon of wine produced annually. The 2016 Order covers the discharge of wine, beverage, and food processing waste to land for the purpose of disposal or reuse. Reuse activities covered by the 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. To date, thirty-one Dischargers are enrolled under the 2016 Order.

Pursuant to Water Code section 13269(a)(2), the 2016 Order may not exceed five years in duration and is scheduled to expire on January 28, 2021.

Regional Water Board staff has reviewed the conditions established in the 2016 Order to assess whether the 2016 Order remains in the public interest when the authorized discharges meet the conditions specified within it. Based on the assessment, it was

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determined that these conditions do remain in the public interest and it is appropriate to extend them another five years via adoption of the Proposed Order.

DISCUSSION: The Proposed Order includes all the conditions of the 2016 Order. It additionally allows for the automatic enrollment of the Dischargers currently enrolled under the 2016 Order. Automatic enrollment allows for continued discharge authorization for small wine, beverage, and food processor facilities operating in the North Coast Region. Larger wine, beverage and food processor facilities that are not eligible for coverage under the 2016 Order (a Waiver) are authorized to discharge process waste to land via individual Waste Discharge Requirement (WDR) Orders or enrollment under General Waste Discharge Requirements for Discharges of Wine, Beverage and Food Processor Waste to Land (Order R1-2016-0002).

On January 20, 2021, the State Water Resources Control Board (State Water Board) adopted a new general statewide Waste Discharge Requirements Order for Winery Process Water, Order No. WQ 2021-000X-DWQ¹ (SWRCB Winery Order). Regional Water Board staff have been in contact with State Water Board staff concerning the possible overlap of discharge authorization between the SWRCB Winery Order and the Proposed Order. State Water Board staff agreed with Regional Water Board staff's proposal to extend the 2016 Order conditional waiver coverage another five years via the Proposed Order, considering that:

1. Only process wastewater from wineries, not process wastewater from other types of beverage or food processor facilities, are eligible for coverage under the SWRCB Winery Order. If the 2016 Order were not renewed with the Proposed Order, other small beverage and food processors currently enrolled under the 2016 Order would need to obtain individual waiver or waste discharge requirement authorization from the Regional Water Board.
2. The SWRCB Winery Order allows Dischargers covered by individual WDRs, general WDRs, or a conditional waiver of WDRs to continue discharging under that authority until those orders expire or come up for renewal.
3. The Proposed Order, if adopted, will expire on February 4, 2026. Upon expiration of the Proposed Order in 2026, Regional Water Board staff will request that the small wineries enrolled under the Proposed Order apply for coverage under the SWRCB Winery Order and will assess whether the Proposed Order remains in the public interest for other small beverage and food processor waste discharges.

A draft copy of the Proposed Order was posted on the Regional Water Board website and was available for public comment from October 30, 2020 through November 10, 2020. No comments were received on the draft Proposed Order. Staff anticipates that the Proposed Order will be uncontested.

¹ Final Order number still pending.

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RECOMMENDATION: Adopt Order No. R1-2021-0001, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order R1-2021-0001
2. Order Appendices A, B, and C
3. Notice of Public Hearing

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