

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2012-0078
AMENDING WASTE DISCHARGE REQUIREMENTS ORDER R5-2009-0073
FOR
SUTTER HOME WINERY
SUTTER HOME WINERY WESTSIDE FACILITY
SAN JOAQUIN COUNTY

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

1. On 13 March 2009, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2009-0073, prescribing requirements for Sutter Home Winery (hereafter Discharger) in San Joaquin County.
2. Winery process wastewater is screened then treated in three high-density polyethylene lined wastewater treatment ponds. Ponds 1 and 2 receive the wastewater and discharge to Pond 3. Treated wastewater is drawn from Pond 3 for crop irrigation and is supplemented with fresh water from the Woodbridge Irrigation District canal as needed.
3. Wastewater application to land application areas (LAAs) occurs throughout the year. A combined total of approximately 183 acres of LAAs is available. However, approximately 104.5 acres are actively used. The remaining 78.5 acres is identified as backup irrigation during extremely wet years or when flooding occurs in the western portion of the active LAAs.
4. The Discharge Specification B.1 of Order R5-2009-0073 states:
“The discharge to the wastewater treatment ponds shall not exceed 3.8 million gallons per month. In addition, the discharge to the wastewater treatment ponds shall not exceed an annual total of 30 million gallons of wastewater and/or stormwater mixtures...”
5. On 9 March 2012, the Discharger requested changes to the flow limits of the WDRs as follows:

	<u>Proposed Flow Limit</u>	<u>Current Flow Limit</u>
Annual Flow, Mgal	30	30
Monthly Flow, Mgal	7.0	3.8

6. A water balance was submitted on 17 April 2012 for the wastewater treatment, storage, and land application system. The water balance was based on an annual wastewater discharge of 35.0 Mgal, 100-year annual return rainfall amounts, and a total of 122.5 acres of LAAs. The water balance indicates that the facility has adequate hydraulic capacity to accommodate the proposed flow limits, including the maximum monthly flow of 7 Mgal if total annual flow does not exceed 30 Mgal.
7. Order R5-2009-0073 prescribes the following effluent limits:

“Treated wastewater applied to land shall not exceed the following effluent limits, or other concentrations as determined in accordance with Provision G.1.g to ensure compliance with the Groundwater Limitations.

<u>Constituent</u>	<u>Units</u>	<u>Daily</u>	<u>5-day Average</u>	<u>Monthly Average</u>	<u>Annual Average</u> ¹
Biochemical Oxygen Demand	lbs/ac/day	300	100	NA	NA
Fixed Dissolved Solids	mg/L	1,500	NA	1,500	1,100
Total Nitrogen	lbs/ac/year	NA	NA	NA	300

¹ Annual average for Fixed Dissolved Solids shall be calculated as described in the Monitoring and Reporting Program and shall be based on calendar year.
 NA denotes Not Applicable.”

Because winery operations did not occur prior to adoption of the WDRs, the annual average FDS limit of 1,100 mg/L was a performance-based limit based on an estimate of effluent quality that relied in monitoring data from another winery owned by the Discharger. Since adoption of the WDRs, the Discharger has not been able to consistently comply with the current FDS effluent limit.

8. On 9 May 2012 the Discharger requested that the annual average FDS limit be increased to 1,500 mg/L. The antidegradation study prepared by the Discharger in support of Order R5-2009-0073 was based on an average effluent FDS of 1,500 mg/L, therefore the requested effluent limit revision is within the scope of the Antidegradation Analysis presented in Order R5-2009-0073.
9. There is no reason to regulate the daily maximum or monthly average FDS effluent concentration when a flow-weighted annual average concentration is sufficient to ensure that salinity loading rates are consistent with the Antidegradation Analysis.
10. The action to amend WDRs Order R5-2009-0073 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) because it involves no expansion of the project and is consistent with the existing Use Permit (Cal. Code Regs, tit. 14, § 15301).

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

IT IS HEREBY ORDERED that, pursuant to sections 13263 and 13267 of the California Water Code, Order R5-2009-0073 is amended solely to change the Discharge Specifications and the Effluent Limitations. Sutter Home Winery, its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, shall comply with amended Order R5-2009-0073 as follows:

1. The Discharge Specification of WDRs Order R5-2009-0073 shall be amended as follows:

The discharge to the wastewater treatment ponds shall not exceed the following:

<u>Flow Measurement</u>	<u>Unit</u>	<u>Flow Limit</u>
Total Annual Flow ¹	million gallons per year	30
Monthly Flow ²	million gallons per month	7.0

¹ As determined by the total flow for the calendar year.

² As determined by the total flow each calendar month.

2. The Effluent Limitations of WDRs Order R5-2009-0073 shall be amended as follows:

Treated wastewater applied to land shall not exceed the following effluent and loading rate limits, or other concentrations as determined in accordance with Provision G.1.g to ensure compliance with the Groundwater Limitations.

<u>Constituent</u>	<u>Units</u>	<u>Daily</u>	<u>5-day Average</u>	<u>Monthly Average</u>	<u>Annual Average</u>
Biochemical Oxygen Demand	lbs/ac/day	300	100	NA	NA
Fixed Dissolved Solids	mg/L	NA	NA	NA	1,500 ¹
Total Nitrogen	lbs/ac/year	NA	NA	NA	300

¹ Flow-weighted annual average.
 NA denotes Not Applicable.

Compliance with the annual average FDS concentration requirement shall be determined using the formula listed below:

$$C = \frac{\sum_{i=1}^n (C_i \cdot V_i)}{\sum_{i=1}^n V_i}$$

Where C = flow weighted average annual FDS concentration in milligrams per liter (mg/L);

C_i = FDS concentration monitoring result for the calendar month i in mg/L;

V_i = total effluent discharged to the LAAs during calendar month i in Mgal;

i = the number of the month (i.e.; January = 1, February = 2, etc.);

n = 12

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

This Order is effective as of the date of adoption.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 3 August 2012.

Original signed by

PAMELA C. CREEDON, Executive Officer