

**REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION BOARD MEETING
13 DECEMBER 2024**

**RESPONSE TO WRITTEN COMMENTS FOR THE
BOGLE VINEYARDS INC AND BOGLE FAMILY LIMITED PARTNERSHIP
BOGLE DELTA WINERY
YOLO COUNTY
TENTATIVE WASTE DISCHARGE REQUIREMENTS**

At a public hearing scheduled for 13 December 2024, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of waste discharge requirements (WDRs) for Bogle Vineyards, Inc. and The Bogle Family Limited Partnership (collectively, Discharger), for the Bogle Delta Winery (Facility) in Yolo County. This document contains responses to written comments received from an interested person and the Discharger regarding the tentative WDRs circulated on 27 September 2024. Written comments were required by public notice to be received by the Central Valley Water Board by 30 October 2024 to receive full consideration. Comments were received prior to the deadline from:

1. Summit Engineering, Inc on behalf of Bogle Vineyards Inc (Discharger)
2. Jo Anne Kipps

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff have made changes to the tentative WDRs and MRP in response to the comments.

The following additional revisions were made to the tentative WDRs and MRP:

1. Finding numbers of the WDRs has changed due the following:
 - Previously Finding 53 was combined with Finding 52,
 - Previously Finding 57 was duplicative of Finding 52 and therefore deleted, and
 - Previously Finding 65 was deleted.
2. Discharge Specification F.15.a. was revised to reflect a setback from 50 to 100 feet from any water supply well in accordance with Title 22, section 60310.
3. Discharge Specification F.15.d was revised from 5 to 100 feet in accordance with Title 22, section 60310.
4. Recycled Water Land Application Area Specifications I.10 and I.11 were deleted as they are duplicative of I.7 and I.8.

BOGLE (DISCHARGER) COMMENTS

COMMENT 1: Finding 13.e. of the WDRs, the hydraulic residence time (HRT) of the pond system during peak flow conditions is 117.6 days instead of 142.5 days.

RESPONSE: Revised per comment.

COMMENT 2: Based on review of final pond drawings and as-built conditions, Pond 1 as shown in Table 1 is 8.0 mgal instead of 6.47 mgal.

RESPONSE: Revised per comment.

COMMENT 3: In 2019, pond sludge was removed and distributed to the LAAs. Bogle would like the option to continue using this disposal method for pond solids/sludge. Pond solids would be evaluated for organic and nutrient concentrations prior to disposal to be within discharge limits (ex. pounds per acre per day of biochemical oxygen demand (BOD)).

RESPONSE: Due to the domestic component of the waste that is discharged to the ponds, reuse of the pond solids/sludge to condition the soil or fertilize crops or other vegetation in the LAAs is subject to the U.S. EPA's Biosolids Rule (see 40 C.F.R. § 503), which imposes requirements for the management of sewage sludge (biosolids). The WDRs have been revised to allow land application of pond solids, with the condition that the pond solids meet the vector attraction and pollution concentration limits for heavy metals specified in 40 C.F.R. Part 503 and pathogen reduction standards specified in 40 C.F.R. Part 503.32(b). Finding 39 and Discharge Specifications F.12 was revised to state that sludge and solids from the ponds may be applied to the LAAs.

COMMENT 4: Finding 26, disinfected effluent will be stored in two 10,000-gallon tanks instead of one 16,000-gallon tank.

RESPONSE: Revised per comment. Also revised Attachment D to reflect tank capacity from 16,000 gallons to 20,000 gallons.

COMMENT 5: Please clarify if both an annual loading rate and an effluent concentration limit (as described in Finding 67 and Requirements D.1.) will be applied to fixed dissolved solids.

RESPONSE: The WDRs prescribes a Performance Based Salinity Limit for FDS as a flow-weighted annual effluent average. The WDRs do not prescribe an annual loading rate limitation. However, the WDRs require the Discharger to apply wastewater at agronomic rates designed to minimize the percolation of wastewater and to preclude the degradation of groundwater. Finding 35 was revised to state that the previous FDS effluent limit of 900 mg/L is replaced with a Performance Based Salinity Limit of 1,960 mg/L for FDS as a flow-weighted annual effluent average.

COMMENT 6: Please confirm that supplemental irrigation water is not required to be discharged at the same time as effluent disposal and is only applied for crop viability.

RESPONSE: The Performance Based Salinity Limit for FDS only applies to effluent discharged from the Ponds to the LAAs. Supplemental irrigation water is not required to be discharged at the same time as effluent. However, the MRP requires supplemental irrigation water monitoring (volume, application rate, and water quality) when applied to the LAAs.

COMMENT 7: Finding 39 states sludge and solids collected in the ponds will be removed as needed to ensure optimal facility operation. Bogle would like the option to continue onsite disposal of pond solids.

RESPONSE: See response to comment 3.

COMMENT 8: Our understanding is that the 4.9 million gallons per day flow limit is being updated to a monthly flow limit as permitted under R5-2011-0033.

RESPONSE: There was a typographical error with the flow limit. The flow limit is 4.9 million gallons per month as permitted under WDRs Order R5-2011-0033.

COMMENT 9: Please clarify if both an annual loading rate and an effluent concentration limit (as described in Finding 67 and Requirements D.1.) will be applied to fixed dissolved solids. Please confirm that supplemental irrigation water is not required to be discharged at the same time as effluent disposal and is only applied for crop viability.

RESPONSE: See response to comment 5 and 6.

COMMENT 10: As referenced in Finding 76, the BOD loading to the LAAs of 60 lb/ac/day/irrigation cycle was retained from WDR R5-2011-0033. Bogle is requesting that the limit of 100 lb/ac/day/irrigation cycle as per the Winery General Order WQ-2020-0002-DWQ be applied.

RESPONSE: The 2011 WDRs prescribes a BOD loading limit as a daily maximum. Historical BOD loading rates referenced throughout the WDRs reflect instantaneous rates and not on an irrigation cycle. In consideration of the shallow groundwater and thin vadose zone, the BOD loading limitation will remain instantaneous, consistent with the current WDRs. However, the BOD loading limit was increased from 60 to 75 lb/ac/day. This loading limit is still protective of groundwater quality, since the land application areas have doubled in size, BOD concentrations in the effluent have been consistently low and available groundwater data show no significant impacts. This higher loading limit allows some flexibility when pond sludge/solids are applied to the LAAs, which is performed infrequently. Finding 73 (previously Finding 76) was revised to reflect a maximum daily BOD limit of 75 lb/ac/day. The MRP was revised to include the formula to calculate the daily BOD loading rate.

COMMENT 11: Pond Sludge/Biosolids Disposal Specification L.2 prohibits the application of biosolids to the LAAs. Bogle requests to land apply pond solids/sludge to the LAAs.

RESPONSE: See response to comment 3

COMMENT 12: Revise Table Note 1 under Section II, B.1. Table 3 of the Monitoring and Reporting Program (MRP) regarding total coliform sampling, to state, "If no discharge occurs for over a week, then sampling should occur over 24 hours prior to the next planned discharge."

RESPONSE: Monitoring downstream of the disinfection system and before post-disinfection holding tank is to determine performance of the UV system. Table Note 1 was revised to state sampling once per week when the UV disinfection system is operating. If the system did not operate for the week, the monitoring report shall so state.

COMMENT 13: Revise Table Note 1 under Section II, B.2, Table 4 of the MRP similar to comment 12.

RESPONSE: Monitoring post disinfection holding tank is the compliance sampling location for total coliform when discharging to the pond. Table Note 1 was revised to remove weekly monitoring.

COMMENT 14: Section II, J.1, Table 10 of the MRP lists at a minimum the constituents that need to be analyzed for the source water. Nitrate as N is an existing monitoring requirement of the Facility's Public Water System. The Discharge requests that this section include a statement allowing data collected from the PWS to be submitted to meet this requirement.

RESPONSE: Revised per comment. Revised Table Note 1 to allow submittal of a copy of the most current Consumer Confidence Report or analytical results submitted to the County Environmental Health Division or State Water Resources Control Board Division of Drinking Water, as applicable, as an alternative to sampling. In addition, Table 10 of the MRP was revised to include monitoring for dissolved arsenic in the source water twice per year.

COMMENT 15: The rotary screen that was originally installed for the process wastewater system was replaced with a wedge wire screen in 2019. Revise references to a rotary screen to a generic "solids removal screen".

RESPONSE: Revised per comment.

JO ANNE KIPPS COMMENTS

COMMENT 1: Revise Finding 68 to explain why a new discharge of disinfected secondary-2.2 recycled water to winery wastewater ponds does not represent a new discharge and why doubling of authorized LAAs does not equate to an expanded discharge.

RESPONSE: The Facility's winery wastewater discharge is regulated under existing WDRs. With respect to the Nitrate Control Program, discharges of nitrate that are already authorized under WDRs or waivers of WDRs are not considered to be new or expanded discharges of nitrate. Due to the high quality and low volume of recycled water, the addition of recycled water to the wastewater pond would not result in an increase of the quantity or concentration of nitrate being discharged by the Facility in accordance with the WDRs. The tentative Order is not authorizing a flow increase or increased nitrate discharges and doubling the size of the LAAs does not equate to an increase in the level of nitrate being discharged to groundwater from the Facility. No revisions to Finding 65 (previously Finding 68) were made.

COMMENT 2: Please explain why the anticipated annual discharge flow of 29.5 MG is appreciably greater than current flow conditions.

RESPONSE: The tentative Order is not authorizing a discharge flow increase. The current Order already prescribes a 4.9 million gallons (MG) per month and 30.3 MG

per year. The Discharger's water balance showed that the facility has the capacity to treat and dispose of these volumes. The 30.3 MG per year allows the Discharger flexibility when there are years with higher wine production. Finding 37 was revised to state that discharge flows is not anticipated to increase beyond the previously authorized flow limitations. To the extent that the Facility's future operations/activities result in a material change in the character, location, and/or volume authorized in the tentative Order, the Discharger is required to submit a new Report of Waste Discharge.

COMMENT 3: Please correct the tentative Order to prescribe the 4.9 MG flow limitation for maximum monthly discharge flow (i.e. Flow Limitation C.1, Information Sheet page 54).

RESPONSE: Revised per comment.

COMMENT 4: Please revise the Discharger's names ("Bogle Vineyards, Inc" and "The Bogle Family Limited Partnership") to match those on the California Secretary of State Business Search website.

RESPONSE: Revised per comment.

COMMENT 5: Please correct the subject winery's street address and include state and zip code to be consistent with other recently adopted template-based WDRs.

RESPONSE: Revised per comment.

COMMENT 6: Please revise the tentative Order to provide the elevations of pond berms and bottoms and to disclose the vertical separation distance from pond bottoms to highest occurring groundwater determined from MW-1 monitoring data.

RESPONSE: Revised Finding 13.e. Table 1 to include elevations of pond berms and pond bottoms and to note that the ponds were built above grade. Review of the groundwater elevation data from 2021 through 2023 show that the vertical separation from pond bottom to highest occurring groundwater at MW-1 (December 2021) was less than a foot. The ponds were built above grade, which provides additional separation and lined with a 60-mil HDPE liner which minimizes potential impacts to groundwater.

COMMENT 7: When did the above-grade system fail? Is the MBR system online? If not, when will it become fully operational? How did the Discharger dispose of domestic wastewater after the above-grade system failed and before start-up of the new MBR system?

RESPONSE: The earliest record available shows that the Discharger has been hauling domestic wastewater offsite starting in April 2018. Finding 11 was revised to include the April 2018 date. Construction of the new MBR system is estimated to begin around January 2025.

COMMENT 8: Please confirm whether the MBR system and inline UV disinfection system provides a level of treatment that meets the requirement of CCR, title 22, section 60301.230(a). If the sprinkler-irrigated winter wheat crop is used for human consumption without undergoing a commercial pathogen-destroying process, revise Discharge Specification F.1 to reflect disinfected tertiary recycled water in accordance with CCR, title

22, section 60301 prior to discharge to the ponds and land application areas. Also, revise the tentative Order elsewhere as necessary to reflect this change (e.g., Flow Limitation C.2, Monitoring and Reporting Program, Table1). Translate the tentative Order's narrative effluent limitation for recycled water to numerical limitation by adding total coliform organism limitations.

RESPONSE: The winter wheat crop is for animal feed only; the crops may be used to feed animals that produce milk for human consumption. Since the proposed required recycled water use requires at a minimum to be disinfected secondary 2.2, the tentative Order requires that the domestic wastewater be treated to this standard. Per Finding 10, the Discharger submitted a Title 22 Engineering Report for review by the State Water Resources Control Board, Division of Drinking Water (DDW). DDW issued a conditional acceptance letter on a 2 October 2024, which replaced a 13 September 2024 letter due to a typographical error. Nonetheless, DDW's October 2024 letter stated that the proposed wastewater treatment and disinfection system is adequate for producing disinfected secondary 2.2 recycled water and meets the proposed recycled water uses per CCR, Title 22, Recycled Water Criteria. In addition, recycled water specifications included in the Order were based on DDW recommendations. Finding 10 was revised to include the October 2024 DDW letter. No changes were made to Flow Limitations C.1, Discharge Specification F.1, or Monitoring and Reporting Program Table 1. Total Coliform Organisms requirements are in Recycled Water General Requirements Section H.7 of the tentative Order.

COMMENT 9: The current order requires the Discharger to report BOD loadings for each day of application, not cycle average. Please clarify whether the values presented in Finding 17 represent annual averages of daily (i.e., instantaneous) BOD loadings or something else. If staff confirms the BOD loading's time unit is day (i.e., on the day of application), then correct the BOD loading limits cited in Findings 17 and 84.

RESPONSE: BOD loading as reported in the MRP is instantaneous. Values shown in Finding 17 of the tentative Order is cumulative of instantaneous BOD loadings for the year. Revised per comment.

COMMENT 10: Provided the BOD loadings presented in Finding 17 represent annual averages of instantaneous BOD loadings, then please revise the tentative order's Mass Loading Limitation E.2 to carry over the current order's instantaneous BOD loading limitation of 60 lb/ac/day. And revise the MRP specifying BOD loading calculation accordingly. Alternatively, please explain why the tentative order's relaxation of the current order's instantaneous BOD loading limitation reflects the current discharge and is otherwise protective of groundwater quality, especially when groundwater depth is less than 10 feet below ground surface (Finding 46) and concentrations of nitrate, iron, and manganese in shallow groundwater appear to reflect anoxic conditions created or otherwise exacerbated by BOD loadings in excess of typical agricultural land use

RESPONSE: The BOD loadings in Finding 17 represent cumulative instantaneous BOD loading values. In consideration of the shallow groundwater and thin vadose zone, the BOD loading limitation will continue to be instantaneous, consistent with the 2011 WDRs. However, the BOD loading limit was increased from 60 to 75 lb/ac/day. This loading limit is still protective of groundwater quality, since the land application areas have doubled in size, BOD concentrations in the effluent have

been consistently low, and available groundwater data show no significant impacts. This slightly higher loading limit allows some flexibility when pond sludge/solids are applied to the LAAs, which is performed infrequently.

COMMENT 11: Revise Table 3 to note that boron values are presented as µg/L. The apparent elevated concentrations of boron in the Facility's winery wastewater are notable. WDRs for winery wastewater discharges do not typically require discharge monitoring for boron, with the exception of several discharges within the Tulare Lake Basin. Is the supply well water also monitored for boron? If so, what are the ranges and average for boron in supply well water? If it is determined that the elevated concentration of boron in the discharge is attributable to crushed grapes and not source water, then this Regional Board should routinely require monitoring for boron in winery wastewater.

RESPONSE: Revised Table 3 per comment. The current WDRs do not require the supply well to be sampled and analyzed. Based on available groundwater quality data (Department of Water Resources Water Data Library), dissolved boron concentrations in groundwater near the vicinity of the Facility varies from approximately 300 to 1,100 ug/L. The MRP requires that the supply well and winery wastewater be sampled and monitored for boron.

COMMENT 12: To evaluate the extent to which the discharge is impacting groundwater for sodium, potassium, chloride, sulfate, total alkalinity, and hardness, please revise Finding 15 to include these constituents in the data summary. Since the main objectives of the tentative Order include characterizing the quality of the discharge and of groundwater potentially impacted by the discharge, please do not dismiss this request with a response that the requested data is available in Discharger's self-monitoring reports, which are not available online and must be procured by a site visit to a Regional Board office. At a minimum, revise the finding to characterize the discharge for all the constituents presented in Finding 49, Table 13 Average Groundwater Quality.

RESPONSE: Revised Table 3 to include available analytical data for EC, chloride, and sodium, the constituents presented in Finding 49, Table 13.

COMMENT 13: Please describe the canal that runs north-south near the eastern border of the Facility's wastewater treatment ponds, and the canal that runs east-west near the Pomace Storage Area. Are they unlined? Do they convey high-quality irrigation water supplied by Reclamation District 999 or agricultural drainage water? Is there a vertical separation distance between canal bottom elevations and highest anticipated groundwater? Please discuss the potential for canal seepage to influence the quality of groundwater passing through MW-1 and MW-5. And, in case this canal is not used to convey Reclamation District 999 deliveries, consider revising the MRP to include a monitoring location of the canal immediately east of the treatment ponds and require quarterly monitoring of canal water for EC and chloride, and annual monitoring for general minerals.

RESPONSE: The irrigation canals located along the eastern border of the treatment ponds are managed by RD 999. Based on a site visit conducted on 15 September 2023, the canals are unlined. The canals are approximately 4 feet deep and typically filled with about 12 to 18 inches of water. The canals convey RD water and agricultural drainage water depending on the season. Review of the groundwater data between 2021 and 2023, show highest depth to groundwater at

MW-1 in December 2021 and at an elevation of 2.48 feet amsl. Therefore, there is no vertical separation distance between canal bottoms and groundwater. Irrigation canals surround the property along all boundaries. The monitoring wells are likely influenced by shallow groundwater and seasonal variations due to proximity to the Sacramento River Deep Water Ship Channel and Sacramento River. The MRP requires supplemental irrigation water to be sampled once during the processing season of June through September for EC, TDS, TKN, ammonia as N, nitrate + nitrite, total nitrogen, dissolved boron, dissolved iron, and dissolved manganese. Revised Table 1 of the MRP to state that supplemental irrigation water shall be sampled from the irrigation canal immediately east of the treatment ponds.

COMMENT 14: Did staff review and approve the Discharger's proposed groundwater monitoring well locations? If so, why didn't staff recognize that the proposed locations for MW-1 and MW-5 make them potentially unsuitable for use as compliance downgradient wells given their proximity to the canal?

RESPONSE: Water Board staff conditionally approved the Groundwater Monitoring Well Installation Work Plan submitted for wells MW-1, MW-2, and MW-3. A separate Groundwater Monitoring Well Installation Plan was submitted for wells MW-4 and MW-5, and the well locations and design were found acceptable. Irrigation canals that are managed by Reclamation District 999 surround the property along all boundaries. Well placement downgradient from the LAAs will likely be influenced by agriculture, shallow groundwater, seasonal variations due to proximity to the Sacramento River Deep Water Ship Channel and Sacramento River. Well placement outside of the LAAs or off property was not feasible. In situations where an interwell analysis is challenging due to site conditions, an intrawell analysis can be conducted to evaluate a Facility's impact on underlying groundwater.

COMMENT 15: The tentative order indicates that groundwater concentrations of dissolved iron were non-detect prior to the initiation of the discharge (Finding 50.d). Yet, its Finding 51, Table 14, Baseline Groundwater Quality for Wells MW-1, MW-2, and MW-3, indicate results for dissolved iron as "NA" or not available. Please revise Finding 51, Table 14, to indicate baseline iron results of "ND" (i.e., non detect) in MW-1, MW-2, and MW-3.

RESPONSE: Revised per comment.

COMMENT 16: To be meaningful from a regulatory perspective, the groundwater characterization in Finding 49 should be based on data collected after the discharge was initiated and preferably reflecting recent conditions (i.e., the last three years). Please revise Finding 49, Table 13, to cite average concentrations based on data obtained from 2019 to 2022 (preferably from 2020 to 2023). And use these averages in Finding 51, Table 14.

RESPONSE: Finding 49, Table 13; Finding 51, Table 14; and Finding 78 (previously Finding 81), Table 15 were revised to reflect the average of available data between 2019 through 2023, which includes at least a year prior to the pandemic. Trend analysis discussed in Finding 49 was based on available data from 2010 through 2023.

COMMENT 17: Please review the sampling protocol for iron in groundwater sampled from MW-4 and MW-5. Were the samples acidified prior to filtration? If so, please revise the finding to indicate this. If not, please explain the reason(s) for the elevated concentrations.

RESPONSE: Per the Discharger's sampling protocol, samples for metals analysis are filtered in the field at the time of collection. Iron concentrations are suspect and continued monitoring is required.

COMMENT 18: Please revise Finding 49 to include alkalinity, hardness, chloride, potassium, and sulfate. Again, since the main objectives of the tentative order include characterizing the quality of the discharge and groundwater potentially impacted by the discharge, please do not dismiss this request with a response that the requested data is available in Discharger's self-monitoring reports. Alkalinity, hardness, and sulfate data are particularly important as groundwater was characterized for these constituents prior to the initiation of the discharge (current order Finding 26.a).

RESPONSE: Finding 49, Table 13 already includes chloride and was not revised to include alkalinity, hardness, potassium, and sulfate. Review of the groundwater data show chloride and sulfate concentrations are similar with a few occurrences where concentrations of sulfate were higher than chloride. TDS is comprised of inorganic salts including chlorides and sulfate and is sufficient to determine overall impacts to groundwater quality. Potassium-based cleaning products are used in lieu of sodium based products and therefore potassium is expected to be in the wastewater. Review of the groundwater data with respect to potassium show groundwater trends not significant and therefore not expected to negatively impact groundwater. There are no water quality objectives for alkalinity or hardness and therefore groundwater monitoring for these constituents is not required. Historical data for alkalinity, hardness, potassium, and sulfate were included in the Information Sheet.

COMMENT 19: Unless staff can provide a convincing technical and regulatory justification for including baseline data in the average values presented in Table 14, revise Finding 49 and its Table 14 to compare baseline quality in MW-1, MW-2, and MW-3 to average values determined from data collected from 2019 through 2022 or, better yet, from 2020 through 2023.

RESPONSE: Finding 49 and Table 13 was revised to reflect available groundwater data from 2019 through 2023, which includes data pre- and post-pandemic. Finding 51 and Table 14 reflect average data from 2019 through 2023.

COMMENT 20: Nitrogen gas (N₂) is not synonymous with gaseous ammonia (NH₃). Consider revising the first sentence Finding 83 with "For nutrients such as nitrate, the potential for groundwater degradation depends on wastewater quality and the ability of the vadose zone below the land application areas to support the biological conversion of organic nitrogen to nitrate and subsequent denitrification to nitrogen gas in the percolating wastewater before it reaches the water table.

RESPONSE: Finding 80 (previously Finding 83) was revised per the comment.

COMMENT 21: Consider revising the data requirements in the MRP's annual (4th quarter) report to include a determination of the extent to which the discharge may have caused groundwater degradation that impacts beneficial uses (e.g., for dissolved iron and manganese) and, as appropriate, proposed actions to minimize the groundwater degradation.

RESPONSE: No revisions were made. Fourth Quarter Monitoring Report Section C.8.b of the MRP requires an evaluation of the groundwater quality beneath the site

and determination of compliance with the Groundwater Limitations. Also, Section C.12.b of the MRP requires a discussion of compliance and corrective actions taken, as well as any planned or proposed actions needed to bring the discharge into full compliance with the WDRs.

COMMENT 22: The correct units for the values presented are µg/L. Consider converting these values to mg/L and revise the boron values presented in Finding 15, Table 3 Process Wastewater Quality, to mg/L, as the table does not note that the units for boron values are µg/L.

RESPONSE: Finding 82 (previously Finding 85) was revised to show the correct units as µg/L. Finding 15, Table 3 revised to reflect units as µg/L

COMMENT 23: Please revise the tentative order to include a summary of protocols and results of the wastewater treatment pond lining system tests that the Discharger was required to perform in 2016 and 2021 pursuant to the current order's MRP.

RESPONSE: A pond liner leak detection test was performed on the three ponds in February 2016. A geoelectric leak detection survey using the dipole method for geomembranes was conducted. Information on the pond leak liner testing was submitted in the 2016 Annual Report as Enclosure E. Thirteen leaks were identified in the liner at Pond 3. Repairs were made during July and August 2016. Finding 13.e. of the WDRs was revised to state pond liner repairs were made at Pond 3 as a result of the Pond Leak Test conducted in 2016.

COMMENT 24: Are the "pomace pad" referenced in Finding 18.b, the "pomace loading area" referenced in Finding 22.h, and the "Pomace Storage Area" depicted in Attachment C the same area? If so, consider revising the tentative order to use only one designation for this area throughout. When was the concrete pad constructed in the "pomace loading area?" If staff determines that the "Pomace Storage Area" depicted in Attachment C is not equipped with a concrete liner, then it would appear that the Discharger would be violation of Discharge Specification F.2 immediately upon order adoption. If this is the case, consider revising the tentative order to include a provision establishing a time schedule for the Discharger to comply with Discharge Specification F.2.

RESPONSE: The "pomace pad" referenced in Finding 18.b and "pomace loading area" located north of Pond 3 as shown in Attachment B are the same area. The WDRs were revised to replace "pomace pad" with "pomace loading area". A site visit was conducted on 15 September 2023 where staff confirmed a concrete pad was in place at the subject area.

COMMENT 25: How will enforcement staff determine compliance with Land Application Area Specification D.6 if the MRP does not require soil monitoring? Many WDRs for winery wastewater discharges require soil monitoring for soil pH and buffer pH, as well as nitrogen compounds (i.e., nitrate, ammonia, TKN), potassium, chloride. Many, if not most, of these WDRs were prepared by Fresno Office staff. More recent WDRs for winery and food processing wastewater discharges prepared by all offices typically omit soil monitoring. This is unfortunate because soil monitoring provides a canary-in-the-coal-mine early warning for potential groundwater impacts. It appears that training on the need for soil monitoring in WDRs for high-strength discharges to land would be helpful to educate staff on the kind of constituents that should be monitored in soil and how to interpret the resulting data.

RESPONSE: Land Application Area Specification D.6 was deleted. The tentative Order does not require soil monitoring but requires groundwater monitoring to determine any impacts to from the discharge.

COMMENT 26: Revise Table 1 of the MRP to correct the description of MW-1 through MW-5 by indicating they are part of the Discharger's existing monitoring well network (e.g., existing groundwater monitoring wells in the Discharger's groundwater monitoring network).

RESPONSE: Revised to correct description.

COMMENT 27: The MRP's Table 5, Wastewater Flow Monitoring, identifies the sample type for annual flow as "Continuous" when it is a calculated value. Also, include the parameter "Monthly flow" as a "Calculated" sample type to allow for quick determination by enforcement staff of compliance with the monthly discharge flow limitation.

RESPONSE: Revised per comment.

COMMENT 28: Please revise Table 6 to require effluent BOD monitoring be performed twice monthly in non-consecutive weeks. And, include monitoring of effluent monthly for pH and once every six months for general minerals.

RESPONSE: The existing WDRs requires monthly monitoring of BOD. Based on available data, BOD concentrations ranged from an annual average of 23 to 49 mg/L and an annual average of 34 mg/L. BOD concentrations over the last 10 years have been low and concentrations stable. No changes were made to BOD monitoring frequency. Table 7, Pond Monitoring of the MRP, includes monthly monitoring for pH. The current WDRs required general mineral monitoring on a quarterly basis. Based on available data (10 years), general minerals were reduced to boron, iron, and manganese.

COMMENT 29: Unless federal regulations do not allow any discretion for the applicability of Part 503 monitoring requirements, please reconsider the need to analyze pond sludge for Part 503 metals.

RESPONSE: Pond Sludge/Biosolids Monitoring Section H.2 of the MRP requires metals monitoring in accordance with Part 503.

COMMENT 30: By now staff and management should be aware that excessive organic loading may also mobilize arsenic oxides naturally occurring in the soil. The primary MCL for arsenic is 0.010 mg/L. Given that groundwater contains high concentrations in dissolved manganese, it is possible that it also contains detectable concentrations of dissolved arsenic. To assess the extent to which the discharge's organic loading may cause arsenic to exceed the primary MCL, please revise Table 9 to include quarterly monitoring for dissolved arsenic and specify in Section I.7 the necessary filtration requirements for this constituent. And, to assess the amount of TOC in groundwater that is the "fuel" for mobilizing soil metals such as iron, manganese, and arsenic, please revise Table 9 to require quarterly groundwater monitoring for TOC.

RESPONSE: The current WDRs requires quarterly monitoring of general minerals. Based on available data (10 years), general minerals analysis was reduced to boron, iron, and manganese. Chloride, sodium, and sulfate are a form of salts and

are representative in TDS. The Discharger's domestic well is monitored for arsenic. Based on available 2023 data, arsenic was detected at 11.5 ug/L in Supply Well #1. Table 9 in the MRP was revised to include quarterly monitoring for dissolved arsenic in groundwater. Monitoring for dissolved boron, iron, manganese, and arsenic is sufficient to assess the mobilization of soil metals. Revised Table 9 of the MRP to include semi-annual monitoring for TOC in groundwater.

COMMENT 31: Revise Section L to remove section L.1.b of the MRP as an alternative method to demonstrate compliance with Discharge Specification F.2.

RESPONSE: Pond Liner Leak Testing Section L.1.b was deleted. The tentative Order was revised to require the Discharger to perform a Pond Liner Leak Test by the end of calendar year 2026.