

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 2001-159

WASTE DISCHARGE REQUIREMENTS
FOR
PHILLIPS B. & CAROL J. BAILY
BAILY VINEYARD & WINERY
RIVERSIDE COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Phillips B. and Carol J. Baily (hereinafter dischargers) own and operate the Baily Vineyard & Winery located 8 miles west of Temecula in the NW ¼ of Section 6, T8S, R1W, SBB&M in the Gertrudis Hydrologic Subarea of the Auld Hydrologic Area of the Santa Margarita Hydrologic Unit.
2. The winery generates waste from washing of barrels, tanks and interior floors and the grape crushing operation. Winery washwater contains high concentrations of biological oxygen demand, suspended solids, organic material and nutrients that pose a threat to surface water quality.
3. The discharger has developed a waste management plan that consists of discharging all wastewater to two percolation ponds having a combined storage capacity of approximately 19,790 gallons. The ponds are protected against rainfall runoff. Stem, seed and skin wastes separated during the crush and diatomaceous earth used to filter the wine are spread in the vineyard.
4. Baily Vineyard & Winery is in an area of Riverside County for which the County of Riverside prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the State Guidelines. The Negative Declaration was prepared for a zone change from Rural/Residential to Citrus/Vineyard. The Negative Declaration and Notice of Determination were certified by the Riverside Board of Supervisors on November 8, 1994.
5. The Regional Board, acting in accord with Section 13244 of the California Water Code, adopted the "Comprehensive Water Quality Control Plan Report, San Diego Basin (9) (Basin Plan) on March 17, 1975. The State Water Resources Control Board (SWRCB) subsequently approved the Basin Plan on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the SWRCB. The Basin Plan contains beneficial uses and water quality objectives, and a policy for regulating the discharge of recycled water to comply with water quality objectives. The requirements of this Order are consistent with the Basin Plan.

6. The Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste.
7. The Regional Board has notified the discharger and all known interested parties of the intent to prescribe waste discharge requirements for the proposed discharge.
8. The Regional Board in a public meeting heard and considered all comments pertaining to its proposed action.

IT IS HEREBY ORDERED, that Phillips B. & Carol J. Baily, Baily Vineyard & Winery, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264 is prohibited. (Basin Plan Prohibition No. 2)
2. The discharge of any radiological, chemical or biological warfare agent into waters of the state is prohibited. (Basin Plan Prohibition No. 12)
3. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board. (Basin Plan Prohibition No. 6)
4. Bypassing or direct discharge of treated or untreated liquid or solid wastes to Temecula Creek or tributaries thereto, or beyond the limits of lands specifically designated for waste handling or disposal is prohibited.
5. Discharges of domestic wastes into the percolation ponds are prohibited. All domestic wastes shall be discharged to a subsurface disposal system for disposal in accordance with all applicable ordinances of the Riverside County Department of Public Health.
6. The discharge of wastewater shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
 - b. Cause the occurrence of objectionable tastes and odors in water pumped from the basin;
 - c. Cause waters pumped from the basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the basin;

- e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
- f. Cause this Regional Board's objectives for the ground or surface waters of the Auld Hydrographic area as established in the Basin Plan, to be exceeded;
- g. Cause odors, septic conditions, mosquitoes or other vectors, weed growth or other nuisance conditions in any inland watercourse;
- h. Cause a surface flow recognizable as sewage in any inland watercourse;
- i. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters of the Auld Hydrographic area as established in the Basin Plan.

B. DISCHARGE SPECIFICATIONS

- 1. Six inches of freeboard minimum must be maintained at all times in the percolation ponds unless the discharger obtains revised waste discharge requirements for the proposed increased flow.
- 2. All waste treatment, containment and disposal facilities (including percolation ponds) shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year frequency 24-hour storm.
- 3. All waste treatment, containment and disposal facilities (including percolation ponds) shall be protected against 100-year peak stream flows as defined by the Riverside County flood control agency.

C. SOLIDS DISPOSAL

- 1. Cultivated lands that receive solid wastes from the wine making process shall be managed to prevent ponding, runoff and erosion.
- 2. During wet weather conditions when solid wastes cannot be incorporated into the soil or hauled off-site for disposal, the solid wastes may be temporarily stored in a designated solids storage area out of the flood plain.

D. PROVISIONS

- 1. Neither the treatment nor the discharge of waste shall create pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.

2. The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
3. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. The provision applies for example, when the primary source of power of the treatment facility fails, is reduced, or is lost.
4. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
5. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.
6. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order;
 - b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
7. The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
8. This Order is not transferable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and

- reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Order's responsibility and coverage to a new discharger as described under Reporting Requirement E.3.
9. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.
 10. The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order;
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.
 11. A copy of this Order shall be maintained at Baily Vineyard and Winery and shall be available to operating personnel at all times.
 12. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
 13. The discharger shall comply with the Monitoring and Reporting Program No. 2001-159 as specified by the Executive officer.
 14. The wastewater disposal facilities shall have adequate capacity for the full design flow of 450 gallons per day.

15. Waste discharge requirements shall remain applicable regardless of changes in ownership or lessee. A change in ownership shall be reported promptly to this Regional Board by letter.
16. The above prescribed waste discharge requirements are established only for (a) a discharge to lands owned by the discharger and specifically reserved for the purpose of effluent disposal; (b) a waste disposal operation as described in the Report of Waste Discharge; and (c) a waste discharge volume not in excess of 450 gallons per day.
17. Prior to initiating discharges of wastes from Baily Vineyard and Winery at locations other than those provided for by this Order or prior to initiating any material change in characteristics or volume of discharge, the discharger shall (a) submit a supplementary Report of Waste Discharge describing the proposed changes, and (b) obtain waste discharge requirements for the proposed changes.
18. The discharger shall implement an operation and maintenance program to maintain the pond liners and pond berms and embankments. This program shall include a schedule of routine inspections of the pond linings and berms, control of weeds, insects, and burrowing animals, and periodic removal of solid materials that accumulate on the bottom of the percolation ponds.

E. REPORTING REQUIREMENTS

1. The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:
 - a. The addition of a new process or product by the discharger that results in a change in the character of the wastes;
 - b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste);
 - c. Change in the disposal area from that described in the findings of this Order;
 - d. Increase in flow beyond that specified in this Order;
 - e. Other circumstances which result in a material change in character, amount, or location of the waste discharge;
 - f. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

2. The discharger shall furnish, to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish, to the Executive Officer, upon request, copies of records required to be kept by this Order.
3. The discharger must notify the Regional Board, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on.
4. The discharger shall comply with the attached Monitoring and Reporting Program No. 2001-159, and further revisions thereto as specified by the Regional Board. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2001-159.
5. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.
6. If a need for a discharge bypass is known in advance, the discharger shall submit prior notice and, if at all possible, such notice shall be submitted at least 10 days prior to the date of the bypass.
7. The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Regional Board within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:
 - a. Any bypass from any portion of the treatment facility;
 - b. Any discharge of treated or untreated wastewater resulting from pipeline breaks, obstruction, surcharge or any other circumstances.

8. All applications, reports or information submitted to the Regional Board shall be signed and certified as follows:
 - a. The Report of Waste Discharge shall be signed as follows:
 - (1) For a corporation - by a principal executive officer of at least the level of vice-president;
 - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
 - b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Executive Officer.
 - c. Any person signing a document under this Section shall make the following certification:

"I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
9. The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite B
San Diego, CA 92124-1331

E. NOTIFICATION

1. California Water Code Section 13263(g) states:

"No discharge of waste into waters of the state, whether or not such discharge is made pursuant to waste discharge requirements shall create a vested right to continue such discharge. All discharges of waste into waters of the state are privileges, not rights."

2. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.
3. The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.
4. The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor.
5. This Order becomes effective on the date of adoption by the Regional Board.

I, John H. Robertus, 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, San Diego Region, on July 18, 2001.


JOHN H. ROBERTUS
Executive Office

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

MONITORING AND REPORTING PROGRAM NO. 2001-159
FOR
BAILY VINEYARD & WINERY
PHILLIPS B. & CAROL J. BAILY TRUST
RIVERSIDE COUNTY

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this. Monitoring points shall not be changed without notification to and the approval of the Regional Board.
2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act" as amended, unless other test procedures have been specified in this Order.
3. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Regional Board.
4. Monitoring results must be reported on discharge monitoring report forms approved by the Regional Board.
5. If the discharger monitors any pollutants more frequently than required by this Order, using test procedures approved under 40 CFR, Part 136, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.
6. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurements, report or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.
7. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or method used; and
 - f. The results of such analyses.
8. All monitoring instruments and devices which are used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
 9. The discharger shall report all instances of noncompliance not reported under Reporting Requirement D.7 of Order No. 2001-159 at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement D.7.
 10. The monitoring reports shall be signed by an authorized person as required by Reporting Requirement D.8 of Order No. 2001-159.
 11. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24 hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.
 12. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

B. EFFLUENT MONITORING

1. The volume of wastewater discharged to the percolation ponds monthly shall be reported semiannually.

C. PERCOLATION PONDS

1. A monthly log of freeboard in each pond shall be reported.
2. A grab sample from the percolation ponds shall be analyzed for the following constituents and reported semiannually:

Constituent	Unit
Total Dissolved Solids	mg/l
Chloride	mg/l
Percent Sodium	%
Sulfate	mg/l
Nitrate (as NO ₃)	mg/l
Potassium	mg/l
Boron	mg/l
pH	----

Note: mg/l = milligrams per liter

D. OPERATION AND MAINTENANCE PROGRAM IMPLEMENTATION

- By January 30 of each year the discharger shall submit a statement certifying that the operation and maintenance program developed pursuant to Provision D.18 of Order No. 2001-159 was implemented by the operating personnel throughout the previous year.

E. REPORT SCHEDULE

<u>Report Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Semiannual	January-June	July 30
	July-December	January 30
Annual	January-December	January 30

I, John H. Robertus, Regional Board, do hereby certify the foregoing is a full true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on July 18, 2001.


JOHN H. ROBERTUS
 Executive Officer