



California Regional Water Quality Control Board

San Francisco Bay Region



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Arnold Schwarzenegger
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MEMORANDUM

DATE: September 22, 2006 **FILE No.:** 2139.3102

TO: Bill Hurley, Section Leader, North Bay Counties Section,
North Bay Watershed Management Division

FROM: Blair Allen, North Bay Watershed Management Division

SUBJECT: **Waste Discharge Requirements for Mustards Grill Wastewater System, Napa County – Responses to Comments Received About First Draft Tentative Order**

This memo is about revised Waste Discharge Requirements (WDRs) for Mustards Grill (MG), in Napa Valley, north of Yountville, along St. Helena Highway (Hwy 29). MG is a commercial restaurant. The area is unsewered. MG is served by a managed on-site wastewater system. The old system failed. A new system was constructed in late 2005, and is currently in use. The old WDRs, adopted in 1989, do not address the new system, and need to be updated. A draft Revised WDR Order with draft self-monitoring program (draft WDR) was circulated for public review and comment in mid-2006. The Board received three letters with review comments. Copies of the letters are attached. For reference to the response discussions below, the letters are labeled A, B and C, and comments are labeled letter-numerically, e.g., A.1, A.2, A.3, etc., in the left margins. The response discussions below are also so numbered. Each discussion typically includes, "Reference" - specific section of draft WDR or subject issue; "Comment" - summary, sometimes paraphrased from original comment(s); and "Response" - Board staff response to the comment issue, often with notes about any revisions made to the first draft WDR.

A. COMMENT DOCUMENT "A": Draft Letter From Discharger's Engineering Consultant, Riechers Spence And Associates, Dated May 26, 2006.

- A.1. Reference: Finding 10, Discharge Quantity.
Comment: Discharger comments that discharge flow values may be different than reported in ROWD, due to old water meter and under-registered water consumption data, and that new meter has shown higher flows. Notes further discussion, later. Here, see item A.11 below.
- A.2. Reference: Finding 13, Wastewater Sources and Flows.
Comment: Request for revision of flow numbers. This matter is addressed here below at Item A. 11.
- A.3. Reference: Finding 14, Septic Tanks and Grease Traps.
Comment: Updated information about the tanks actually installed in the new wastewater system.
Response: The draft WDR has been revised to include the updated information. See Finding 14.
- A.4. Reference: Finding 16, Membrane Biological Reactor (MBR) Treatment Unit.
Comment: The chemical injection units have not been installed, as there is no need for the chemicals at present, but draft WDR language is acceptable as is.
Response: Comment noted.

A.5. Reference: Finding 17, Treatment System Building.

Comment: The Treatment System Building was built without the roll-up door described in ROWD.

Response: The draft WDR has been revised accordingly. See Finding 17.

A.6. Reference: Finding 19, Dispersal Area.

Comment: Updated information - net area of installed dispersal system pipe network is 40,000 square feet; gross area of prepared system bed area is 45,000 sq ft; Discharger proposes authorization to install additional network in a separate operational zone in the 5,000 sq ft remainder area.

Response: The draft WDR has been revised to address this. See Findings 19 and 20. The concept is OK, but specific authorization is not appropriate at this time. Installation of additional pipe network would be useful for increased redundancy and reliability, and improved flexibility in managing the design dispersal flow, 40,000 gpd. A Report of Waste Discharge would be needed.

A.7. Reference: Finding 20.

Comment: Clear well capacity is 5,000 gallons (versus 1,500 stated in ROWD).

Response: The draft WDR has been revised to address this. See Finding 20.

A.8. Reference: Finding 25, Wastewater Monitoring.

Comment: Descriptions here should be revised, to correspond to proposed revisions to monitoring stations and requirements, if accepted.

Response: Some changes in monitoring stations have been incorporated into the revised draft WDR, but no revision was needed for this Finding, since all described monitoring occurs, either way.

A.9. Reference: Finding 26, Ground Water Monitoring.

Comment: Discharger proposes to further discuss this monitoring and notes further discussion below.

Response: Here, that further discussion and responses are at item A.24.b, below.

A.10. Reference: Finding 32, Old Wastewater Pond.

Comment: Draft WDR states that sludge would be removed from the pond for offsite disposal, but actually sludge will be dried, lime-treated and buried in place (as described in ROWD Transition Plan).

Response: The draft WDR, at Finding 32, describes that the pond will not be used as part of the new wastewater system, and would be drained and backfilled as part of construction of the new system. The draft WDR described that sludge would be removed for offsite disposal. That was based on information given in the ROWD technical report. However, a later component of the ROWD - the March 17, 2005 Third Modified Transition Plan for Converting the Combined Wastewater Treatment System to Separate Wastewater Treatment Systems (Transition Plan) - states that, after pond draining, accumulated sludge would be treated with lime and buried in place. Board staff has previously found this to be an acceptable practice for decommissioning domestic wastewater ponds at other facilities, and previously found the practice acceptable for this facility, by acceptance of the Transition Plan. The description of steps to be taken for decommissioning the pond given in the first draft WDR was incorrect, and should have included the lime-treatment and burial actions. The draft WDR has been revised, and now addresses the planned actions for pond decommissioning, which were described in the Transition Plan.

A.11. Reference: Discharge Specification B. 2., Authorized Wastewater Flows.

Comment: This is the further detailed discussion of matters from comment A.1 above. Presented here below as three items, a, Source Flows, b, MBR Unit Flow and c, Dispersal System Flows.

11.a. Source flows.

Reference: The draft WDR identifies source wastewater flows, i.e., wastewater flow from the Mustards Grill facility into the wastewater system, as 3,106 gpd, and specifies an annual discharge flow limit of 1,137,000 gallons per year. The 3,106 gpd discharge value is from the Report of Waste Discharge (ROWD). The 1,137,000 value is based on 3,106 gpd and 366 days.

Comment: The Discharger comments that flow data reported in the ROWD may have under-reported actual water consumption at the facility, that the old water meter was inaccurate, and the new water meter shows slightly higher flows. The comments are in support of wastewater flow limits that afford some margin of larger values. Discharger requests to have the plant rated at 1.4 million gallons per year, based on a rounded down annual value derived from the 4,000 gpd dispersal system design flow rate (4,000 gpd x 366 = 1.46 mgd). Discharger also requests flexibility in the flow limit to account for Inflow and Infiltration.

Response: The proposal is not entirely acceptable. Nevertheless, based on further review of the matter, the draft WDR has been revised to include a slightly higher authorized flow value than stated in the first draft WDR: 1,171,000 gallons per year (gpy) based on 3,200 gpd versus prior 1,137,000 gpy based on 3,106 gpd. The intent of this flow limit is to establish a specific wastewater flow that is representative of current facility uses, a flow that the Discharger's operations should not exceed (until or unless increased facility use is permitted by the County). This limit is not derived from the design capacity of the treatment or discharge systems - those are addressed separately. The design values for those systems were chosen as higher values, in part to provide a margin of safety in the overall system designs. The Discharger did not provide water meter data to substantiate the asserted higher water consumption values. In any case, the issue of concern is wastewater flows. The data provided in the ROWD was a mix of wastewater flow data and water meter data. The latter was used as substitute for unavailable wastewater data due to wastewater meter failures during 9 months of 2002. The ROWD presented a total of 33 months of data (April 2002 through December 2004). Elimination of the water meter data leaves 24 months of data, with an average flow of 3,179 gpd. As noted by the Discharger, the facility has had I & I problems that have affected measured flows. Some of these have been corrected in the course of recent wastewater system improvements. As a result, the most recent wastewater flow data is likely more accurate than older data. The average flow for the 12-month 2005-2006 monitoring year, April 2005 to March 2006, is 3,177 gpd. The average for the most recent 12 months available, September 2005 through August 2006 is 3,122 gpd. Based on the preceding, a rounded value of 3,200 gallons per day appears to provide a reasonable value for characterization of current wastewater flows and for use in establishing a limitation of facility wastewater flows. The equivalent annual flow, based on 366 days, is 1,171,200 gallon per year. The draft WDR has been revised to specify a wastewater system flow limit of 1,171,000 gallons per year.

11.b. MBR Unit Flows.

Reference: The draft WDR includes a peak flow of 25,000 gallons per day, based on the unit manufacturer's data given in the ROWD.

Comment: The Discharger comments that a more realistic nominal flow is 5,500 gallons per day.

Response: The draft WDR has been revised, to use 5,500 gpd. See Discharge Specification B.2.b.

11.c. Dispersal System Flows.

Reference: The Draft WDR includes a flow limit for discharges to the dispersal system, of 4,000 gpd. This value is the design flow capacity of the dispersal system reported in the ROWD.

Comment: The Discharger comments that the dispersal system is the physical limiting factor of the system, and, in order to afford operational flexibility, proposes a dispersal system flow limit of 5,333 gpd and 4,000 gpd 3-day running average limit.

Response, Part 1: The proposal is not acceptable. The dispersal system has a design soil application rate of 0.1 gallons per square foot per day, and installed dispersal area of 40,000 square feet.

These criteria are consistent with identified site and soil evaluations, dispersal system equipment manufacturer's design criteria, and concept approvals by Napa County and the Water Board. The resultant allowable daily flow for the installed dispersal system remains at 4,000 gpd maximum.

Response, Part 2: The defining limits for the dispersal area are the soil application rate (0.1 gpd/sq ft), and installed dispersal system area (currently 40,000 sq ft). Discharge Specification B.2.c. has been augmented and revised to clarify this matter.

A.12. Reference: Discharge Specification B. 4. Discharge Effluent Limits. Draft WDR includes effluent limits of 10 mg/L for BOD and TSS, and 10 mg/L as Nitrogen for Total Nitrogen.

Comment: Discharger notes that, based on operational experience to date, the treatment system can meet the identified BOD and TSS limits, but Nitrogen values have been observed to fluctuate. Discharger proposes a Nitrogen limit of 17 mg/L, which is derived from a nitrogen mass loading to the dispersal area based on typical nitrogen uptake rate of 200 pounds per acre per year.

Response: The proposed 17 mg/L limit is acceptable. One objective of the WDRs is to control and minimize nitrogen loading to groundwater. One means to achieve this is to match nitrogen loading (i.e., the quantity of nitrogen discharged to land via the wastewater discharges) with the nitrogen removal capability of the site. For a vegetated dispersal area such as the one at hand, uptake by plants is the major pathway of nitrogen removal, although some degree of transformations to atmospheric nitrogen are also likely to occur in the soil. Here, with the nitrogen concentration limit of 17 mg/L, a wastewater flow limit of value of 1,137,000 gallons per year, and 40,000 square feet of dispersal area, the maximum annual nitrogen loading is 176 pounds per acre per year. This is below the referenced 200 pounds per year, which indicates an appropriate safety factor. The Nitrogen limit in draft WDR Discharge Specification B.4.c. has been revised to 17 mg/L as N.

A.13. Reference: Finding 10.

Comment: Typo corrections, two places.

Response: Corrections made, per comments.

A.14. Reference: Provision C.5., O&M Manual; Part c., Submittal. Draft WDR requires submittal within 30 days of Order adoption.

Comment: Discharger proposes submittal schedule of 60 days.

Response: Proposal is not appropriate. System is currently installed and in operation. An O&M Manual is essential, and should be available at all times during wastewater system operation. 30 days is more than adequate. No revision needed.

Note: Some Provisions were renumbered. Provision C.5. of first draft is now Provision C.6.

A.15. Reference: Provision C.7., Ground Water Monitoring Program

Comment: Two-paragraph discussion about Groundwater Monitoring Program requirements addressed in draft WDR. No specific suggestions for revisions made in these paragraphs.

A.16. Reference: Self-Monitoring Program (SMP) Part III, F., Standard Observations, 1. Dispersal Area, items (f) and (g), re perimeter fence integrity and warning signs that dispersal system water is not potable, respectively.

Comment: Since the pond will be abandoned, these two items could be deleted.

Response: Board staff concur, also because dispersal system water is entirely below ground. SMP III. F.1.(f) and (g) have been deleted.

A.17. Reference: SMP IV., Description of Monitoring Stations, B., Wastewater, items 1 and 2 - station A-1, Mustards Grill Wastewater, and M-1, MBR Influent, respectively. The draft WDR requires flow monitoring at both of these stations, as well as sampling for analyses at station M-1.

Comment: Discharger asserts that the station A-1 is directly connected to station M-1, via 500 feet of 2-inch PVC force main pipe, and a duplex pumping station, and since there is no flow into or out of the system between these two points, sampling and analysis at only one station is needed.

Response: The intent of Station A-1 is to monitor the total flow of wastewater from the facility, and for purposes of evaluating compliance with the facility annual wastewater flow limit specified in the draft WDR. The Discharger has elsewhere commented about existence of inflow and infiltration (I & I) problems, in the context of rationale for an increased flow limit value. If flow monitoring is including flows from I & I, then that monitoring does not accurately reflect the intended flow measurement. Station A-1 should be located so as to be upstream of I & I sources. Both stations A-1 and M-1 have been retained in the SMP, along with requirements for flow monitoring at both stations. However, the definition of station A-1 has been revised to allow the use of station M-1 flow monitoring as an alternative, if desired.

A.18. Reference: SMP IV., Description of Monitoring Stations, B., Wastewater, item 3, MBR Effluent Station M-2, and item 4, Discharges to Dispersal System, Station E-1. The draft WDR requires flow monitoring at both of these stations, as well as sampling for analyses at station M-2.

Comment: Discharger asserts that there is no difference in flow between station M-2 (MBR unit effluent), and station E-1 (final effluent pump tank, "clearwell", for the pumped discharges into the dispersal system), and proposes that E-1 be deleted, and M-2 be used instead.

Response: We could agree that, theoretically, the flows at the two stations should be the same. However, this is not a completely simple, watertight system. After the MBR effluent flow meter, water flows past an air-gap device, through buried pipes and into a clearwell - a 5,000 gallon concrete tank. Possibilities exist for flow discrepancies, such as via the air gap device, or via the openable access lids on the clearwell, or pipe or tank leaks, etc. Both stations have been retained in the SMP, along with required flow monitoring at both stations. However, the definition for Station E-1 has been revised to specifically allow the use of station M-2 flow monitoring as an acceptable alternative, provided the operator documents that such monitoring accurately reflects the discharges to the dispersal system. The resultant requirements allow flexibility for monitoring practices, e.g., redundancy by flow monitoring at two stations, or use of a single station with an explicit operator acknowledgement of that station accuracy, for the subject monitoring period.

A.19. Reference: SMP IV., Description of Monitoring Stations, B., Wastewater, item 5 - stations TS-1, TS-2 and TS-3, Temporary Storage Tanks.

Comment: Discussion clarifying anticipated operating practices, and existing hydraulic connections, of the temporary storage tanks. No revisions to the draft WDR proposed or needed.

Response: Comments noted. No revisions made.

A.20. Reference: SMP IV., Description of Monitoring Stations, C., MBR Sludge, item 1 - Station M-3, MBR Waste Sludge, and item 2 - Station SS, Sludge Storage Tank. Presented here as three items, a, Hydraulic connections, b, Sludge Removed from MBR, and c, Sludge in Storage Tank.

20.a. Reference: Hydraulic connection of four storage tanks.

Comment: The Discharger notes that the four sludge tanks are currently hydraulically connected, will likely stay that way in near future, but wish to retain ability to separate them in the future.

Response: Comment noted. Single-sentence paragraph added at Finding 24 to clarify current status.

20. b. Reference: Method for monitoring sludge removed from MBR.

Comment: Discharger notes that there is no meter to measure sludge removed from the MBR unit. Sludge volume is estimated using measured changes in aeration tank water depth. Request to note the authorized measurement techniques.

Response: The described method of determining the amount of sludge removed from the MBR unit is acceptable. The draft WDR has been revised to note this method (see new second sentence at SMP V.B.1.f.). The method will need to be completely explained in the O&M Manual. It is noted that this method addresses sludge removed from the MBR unit.

20.c. Reference: Method for monitoring sludge stored in sludge storage tanks(s).

Response: This issue - monitoring sludge stored in the storage tanks - is not specifically addressed in the Discharger's comment letter, but is closely related to the issue of monitoring sludge removed from the MBR unit, and so clarification of this issue in the draft WDR is offered here:

The ROWD identified that the sludge storage tanks would be equipped with an alarm float that would indicate when the tanks are half full and thus in need of servicing. Board staff found this to be appropriate and included this in the sludge storage tank description given in Finding 24 of the draft WDR (last sentence of second paragraph). The method of monitoring sludge removed from the MBR unit, discussed at comment 20.b. above, involves manual measurements and log-keeping. That method is acceptable for routine log keeping purposes. However, it remains the Board's understanding and expectation that, in addition, some sort of automated equipment will be installed at or in the sludge storage tank to provide automated notification of the need for sludge removal servicing, before the tank becomes full.

A.21. Reference: SMP IV., Description of Monitoring Stations, D., Treatment Tanks, items 1,2,3,4,5,6.

Comment: Discharger provides updated tabulation of the septic tank, grease traps and wet well tanks installed, and proposed preferred labels (names and codes) for these.

Response: Comment noted. The draft WDR has been revised to include the proposed labels (see SMP section IV. D., items 1 through 6).

A.22. Reference: SMP IV., Description of Monitoring Stations, F., Pond.

Comment: Discharger proposes that we remove this item, because the old pond will be abandoned.

Response: Board staff concur. The old pond no longer exists. The pond was dewatered, remnant sludge was air-dried and treated with lime, and the entire containment structure was back-filled, completed in August 2006. The draft WDR has been revised to delete this station entirely.

A.23. Reference: SMP Table 1 - Schedule for Monitoring

Comment: Discharger, elsewhere in comments, proposed removal of several monitoring stations. If done, then Table 1 would need to be revised accordingly.

Response: Table 1 has been revised accordingly. Also note that Table 1 has been moved, previously located part way through the SMP (on page 9 of 15), now found as the last page.

A.24. Reference: SMP Table 1 - Schedule for Monitoring - frequencies for various parameters

Comment: Several proposed revisions to sampling frequency for several parameters. Presented here as three items, a, MBR Treatment Unit Influent, b, Ground Water and c, Storm Water.

24.a. Reference: MBR Treatment unit Influent

Comment: Change to Quarterly sampling. Effluent is sampled more frequently, which is OK, but no real need for frequent sampling of influent.

Response: We concur. The draft WDR has been revised to specify MBR Influent sampling once per calendar quarter.

24.b. Reference: Ground Water

Comment: Change ground water monitoring schedule based on whether or not the MBR treatment unit is in compliance with specified discharge effluent limits.

Response: Board staff do not agree. Groundwater monitoring should be conducted on a routine basis, to assure a consistent and adequate sample data record. Routine (monthly) monitoring of groundwater is appropriate and is retained. However, the draft WDR has been revised slightly, to change the schedule for groundwater level measurements from twice per month to Monthly, in order to standardize the monitoring requirements (i.e., ALL parameters now sampled monthly).

24.c. Reference: Storm water.

Comment: Discharger proposes to revise storm water sampling from current twice per wet weather season, to only times when there is and failure of the waster system component.

Response: Board staff do not agree. Proposal is too vague and irregular. A program of annual sampling is recommended, in order to demonstrate and document that the wastewater system is working properly, is not resulting in any pollution of storm water, and to characterize the storm water leaving the facility site. Sampling twice per wet weather season is consistent with statewide requirements of the Industrial Storm Water Permit.

A.25. Reference: SMP Part V, B., 1. a, d and i, re monitoring stations A-1, E-1 and P, respectively.

Comment: Discharger has proposed to delete certain monitoring stations, notably A-1, E-1 and P. If proposal is acceptable, SMP Part V.B.1. should be revised accordingly.

Response: For Stations A-1 and E-1 - these stations have been retained, to specify respective flow monitoring. However, the draft WDR has been revised by new language in station definitions to clarify that flow monitoring at other, identified, stations, is acceptable under certain conditions. For Station P - the old pond - the pond no longer exists (see Response, at Comment A.22 above). Since the pond does not exist, requirements in the first draft WDR at SMP section V.B.1.i. for monitoring flows in and out of the pond are no longer relevant. The draft WDR has been revised by deleting the requirements previously given as SMP section V.B.1.i.

A.26. Reference: Groundwater level measurement

Comment: Change measurement unit specifications from feet and inches to feet and decimals thereof.

Response: Concur. Draft WDR revised, at SMP V.B.3.

A.27. Reference: SMP Part V.,B.,4. Precipitation (Rainfall) data

Comment: Discharger proposes use of a formal CIMAS weather station for rainfall data (versus past practice of manually collected facility-site data). Station is located in Oakville, a couple of miles north of the facility site, with similar east-west, mountain-valley position as the facility site.

Response: Concur. Use of data from a standardized, verifiable monitoring station is a good idea.

Draft WDR has been revised accordingly (see SMP Part V. B. 4.)

A.28. Reference: SMP V.B.5.a and b., Transfer Event Data

Comment: The Pond will be eliminated. Request that references to the Pond be deleted.

Response: Concur. The draft WDR has been revised accordingly.

A.29. Reference: SMP V.B.8., Water Depth and Freeboard

Comment: The Pond will be eliminated. Request that references to the Pond be deleted.

Response: Concur. The draft WDR has been revised accordingly. Note that SMP V.B.8 of first draft WDR was deleted entirely, so requirement V.B.9. was renumbered and is now given as V.B.8.

A.30. Reference: SMP VI.A.1.a., due date for monthly Monitoring Reports.

Comment: Current due date is 15th of the month after the monitoring month. Propose to change due date to 1st day of second month after the monitoring period, to allow time for laboratory results.

Response: Concur. The draft WDR has been revised accordingly (see SMP VI.A.1.a.), but to one day less, as the "last day of the month following the monitoring period."

B. COMMENT DOCUMENT "B": Letter from citizen Giovanna Scruby, 7429 St. Helena Hwy, dated May 19, 2006.

B.1. Reference: Storm water sampling and analysis.

Comment: Storm water should be tested weekly during the wet weather season for pathogens and toxics.

Response: We do not agree. With the new wastewater system, all treated wastewater is dispersed below ground. By design, there will not be any contact between storm water falling on and moving across the ground surface and treated wastewater dispersed below ground. The proposed monitoring program includes sampling and analysis of storm water runoff for two early-season rain events per wet weather season, in order to provide seasonal characterization of storm water runoff from the facility site. Required monitoring includes parameters suitable for observing pollutants associated with treated wastewater, such as BOD, Total Suspended Solids, conductivity and three forms of Nitrogen. This degree of monitoring is already significantly greater than historically or typically required by WDRs adopted by this Board for other similar wastewater systems. Staff believes that the storm water monitoring in the draft WDRs is sufficient and adequate and that no changes are needed.

B.2. Reference: Storm water discharges.

Comment: Rain falling on the disposal area has the potential to commingle with the sewage prior to offsite drainage ditch.

Response: The new wastewater system uses a dispersal ("disposal") system which is entirely subsurface. Thus, all treated wastewater is dispersed below ground and by design will not contact or commingle with storm water falling on and moving across the ground surface.

B.3. Comment: There are concerns about cumulative impacts of two separate projects in close proximity, each attempting to use much of the same limited absorption capacity without considering cumulative water mounding and appropriate setbacks from such systems.

Response: The two projects of reference are apparently the respective wastewater systems for Mustards Grill and the neighboring facility, Cosentino Winery. The systems are on separate properties. Both systems will be regulated under Waste Discharge Requirements of similar content and monitoring practices. Monitoring includes wastewater treatment performance as well as groundwater level and quality monitoring on both properties. The discharge requirements include minimum horizontal setback distances of 100 feet between any portion of the treated wastewater discharge areas and domestic water supply wells. These setback requirements are standard and typical for all similar wastewater systems. No further changes are needed in response to the comments offered.

B.4. Comment: Several short statements containing paraphrased excerpts from the SWPPP, focused on the possibility of a spill or overflow from the wastewater system.

Response: One purpose of a SWPPP is to consider, in advance, possible means of pollution of storm water, and associated means to prevent such pollution. One purpose of a WDR Order is to establish requirements for operation, maintenance and monitoring of a wastewater system such that likelihood of spills or overflows is minimized and controlled. The subject WDR does this, and no further changes are needed in response to the comments offered.

B.5. Reference: Storm water sampling addressed in the SWPPP.

Comment: Comments that SWPPP provisions are inadequate because sampling for spills is not required during certain particular conditions, such as during power failures, or during flood conditions, or when the restaurant is closed.

Response: The storm water sampling practices addressed in the SWPPP are consistent with and meet the requirements of the statewide NPDES General Permit No. CAS000001 (National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities, State Water Resources Control Board (State Water Board) Water Quality Order No. 97-03-DWQ; Industrial Storm Water Permit). In addition, the draft WDR Order already includes requirements beyond those required by the Industrial Storm Water Permit, including sampling and analysis for additional parameters (e.g., Turbidity and three forms of Nitrogen). Also, the draft WDR has been revised to clarify the need for sampling of storm water in the event of a spill or overflow (see SMP Part V.B.8.c.), and the need for Total and Fecal Coliform analyses for such samples (see SMP Part VIII, Table 1, Parameter = "Total and Fecal Coliform"). Also, the wastewater system includes an automated alarm response system that automatically telephones the designated on-call operator in the event of any system failure, including power failure, pump failure or treatment unit high water level condition. No further changes are needed in response to the comments offered.

B.6. Reference: Storm water discharges.

Comment: The BMP (sic) lists sampling locations SW-1 and SW-2 which are located in the storm drains along Hwy 29 that flow to waters of the state. Discharges to such surface waters would be subject to an NPDES Permit.

Response: The SWPPP includes sampling stations identified as SW-1 and SW-2. The draft Self-Monitoring Program also includes these same stations, derived from the SWPPP specifications. Both of these stations are located on the Mustards Grill property, in drainage ways within the property, and upstream from the storm drain along Highway 29. The draft WDR prohibits the discharge of any material other than uncontaminated storm water from the facility site, and the subject wastewater system does not involve any planned or anticipated discharges that would require an NPDES Permit.

B.7. Reference: Storm water quality.

Comment: The MBR minimizes some pathogens but some may get through and during heavy rains or spills potentially harmful pathogens could be carried along with the storm water to offsite locations and present health risk to the public.

Response: Pathogen reduction is afforded by the MBR treatment unit, and also by physical, chemical and biological processes in the soil of the subsurface dispersal system where the treated wastewater is discharged. In the subject wastewater system, all treated wastewater is discharged below ground, and by design there will not be any contact between discharged treated wastewater and storm water. No further changes are needed in response to the comments offered.

B.8. Reference: Qualifications of wastewater system operator.

Comment: The extensive monitoring requirements and maintenance suggest that a certified Grade I or greater Wastewater Treatment Plant operator operate this facility.

Response: The subject wastewater system is a privately owned system. At present, the Board can not mandate that such a system be operated by a certified Wastewater Treatment Plant Operator, because the State Water Board has not yet adopted such regulations. However, the draft WDR does include enforceable requirements for operation and maintenance providers (see Provision C.5 of the revised draft WDRs, and also see Response at Comment C.1, below).

B.9. Reference: Violation Reporting.

Comment: Recommendation that immediate neighbors be notified of emergencies, spills, and violations, as soon as discovered.

Response: The draft WDR has been revised to address this. The Discharger or Discharger's agent are required to notify adjacent property owners of any violations involving potential immediate threat to public health or impact to adjacent properties (see SMP section VII.B.).

B.10. Reference: Storm water testing.

Comment: Testing for pathogens and toxins in the storm water should be done regularly during storm and wet weather events.

Response: With the new wastewater system, all treated wastewater discharges occur below ground, into a subsurface soil environment, and thus by design the system does not involve contact between wastewater and storm water. The suggested testing is not necessary.

C. COMMENT DOCUMENT "C": Letter from citizen John Scruby, member of N.I.C.E. stakeholder group, 7429 St. Helena Hwy, dated May 19, 2006.

C.1. Reference: Finding # 27 of the draft WDR, which addresses wastewater system operation. Issue is applicable qualifications of service provider for wastewater system Operation and Maintenance.

Comment: What exactly is the license required to operate this type of system? This entity should be a third party not connected with the Dischargers. A contact number must be available to the community.

Response: Operation and maintenance provider requirements are included in the revised draft WDR, at Provision C.5. Operation and Maintenance Providers (formerly as Provision C.6.). The revised draft includes expanded requirement language. There is no specific license required. The requirements identify a state-certified wastewater treatment plant operator, or equivalent professional. The Board does not have the authority to require that the operator be a third party not connected with the Discharger. The draft WDR does require that the Discharger maintain a valid contract with a qualified service provider, and provide copy of that contract to the Board within 10 days of order adoption. That information, including operator contact phone number, will be public record and upon receipt will be available to the commenter and the general public.

C.2. Reference: Finding # 28, which addresses wastewater system O &M Program.

Comment: N.I.C.E. (the neighbors' stakeholder group) should be given a copy of the Operation and Maintenance Program (sic).

Response: The draft WDR requires development and implementation of an O&M Program for the wastewater system. See Provision C.6 of revised draft WDR (renumbered from C.5. of first draft). Submittal of a complete O&M Manual, within 30 days of Order adoption is required. The O&M Manual will be public record and upon receipt will be available to the commenter and all other concerned persons.

C.3. Reference: Provision C.8., Non-Compliance Reporting.

Comment: If there is a non-compliance event, the neighbors or people who's property might be impacted must be notified immediately.

Response: The draft WDR has been revised to include (new) requirements that the Discharger or Discharger's agent notify adjacent property owners of any violations involving potential immediate threat to public health or impact to adjacent properties (see Self-Monitoring Program section VII., Reports to be Submitted to Other Entities, part B.).

Memo, Re: Waste Discharge Requirements for Mustards Grill Wastewater System, Napa County –
Responses to Comments Received About First Draft Tentative Order

C.4. Reference: Self-Monitoring Reports - Distribution and Availability.

Comment: N.I.C.E. should receive all monitoring reports.

Response: The draft WDR has been revised to include (new) requirements that the Discharger submit copies of all monitoring reports to the Napa County Department of Environmental Management, where the reports will thus be available to N.I.C.E. members, as well as all members of the public. (see Self-Monitoring Program section VII., Reports to be Submitted to Other Entities, part A.).