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January 12, 2021

Mr. E. Joaquin Esquivel, Chair
California State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Joaquin.Esquivel@Waterboards.ca.gov

RE: General Waste Discharge Requirements for Winery Process Water

Dear Chair Esquivel;

The purpose for this ExParte communication is to request, for the following reasons, that the Public Comment period be reopened to ensure complete transparency, objectivity, and general fairness in the public participation process for this regulatory action:

1. The 12/02/2020 *Notice Of Board Meeting To Consider Adoption Of The Proposed General Waste Discharge Requirements For Winery Process Water* clarified that the Board would not accept additional written comments on the final draft General Order and MND, presumably, prior to or during the scheduled hearing. The 12/2/2020 notice did state that interested persons would have an opportunity to comment orally on the General Order and MND during the hearing, but the time allotted to each speaker would be limited.

In the two subsequent notice updates the hearing date has been rescheduled for January 20, 2021 and the ExParte Communication prohibition was extended to January 13, 2021. On January 12, 2021, a series of ExParte Communication Disclosure documents were released to the public which contained formal written comments from several stakeholders including Napa County, the Wine Institute, and the California Coastkeeper Alliance.

The use of the ExParte Communication Disclosure process to circumvent the prohibition on written comments stipulated in the original 12/2/2020 hearing notice is inappropriate and violates the intent of California's Administrative Procedure Act, if not the language. Consequently, stakeholders and the public who will be limited to timed oral comments during the scheduled hearing will be at a disadvantage compared to those afforded the opportunity to submit additional written comments; and

2. The 12/2/2020 hearing notice directed stakeholders and the public to limit oral comments during the hearing to only the changes made between the July 3, 2020 and the December 2, 2020 draft versions of the General Order and MND. However, as of 1/12/2021 neither the public comments submitted, nor staff's response to comments have been released for public review. The

opportunity for the general public and stakeholders to provide meaningful commentary to the Board prior to the Board's adoption of this General Order is unreasonably constrained without a thoughtful review of both the public comments submitted as well as staff's response to, and consideration of, those comments.

We respectfully request, for the reasons stated above, that (1) Public comments accepted by staff, and to the extent available, staff's formal response to those comments, be made available to the public for review; and (2) Upon release of public comments to the public for review, that a second Public Comment period be opened for no less than 15-calendar days to allow for the submittal of written comments addressing both staff's response to the first set of comments, as well as changes made to the final draft General Order.

We appreciate your consideration of our request.

Sincerely



Maureen Daggett

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