



A Tradition of Stewardship
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Planning, Building & Environmental Services

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January 5, 2020

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,

We are submitting follow-up comments in regards to the proposed winery general waste discharge requirements being considered at the Board Meeting this month on January 20. We appreciate State Water Board staff taking stakeholder comments and making changes to the previous draft, but we see a few areas where changes were not addressed or could be modified further. We respectfully request you consider the following comments:

1. Local program. There is no value to dischargers for the local agency to apply to manage the winery waste program. Currently the order is written that the discharger has to submit reports and data and pay fees to both the regional board and local agency concurrently. The order needs to be clear that if a discharger is enrolled in a local program, the local agency will oversee all aspects of the order, i.e. anywhere RWQCB or regional board is noted in the order, the order should also state 'or local agency'. If the intent is to delegate only certain parts of the order to the local agency, the order needs to specify which parts.

We specifically request the following language be changed in Attachment E, Section C. Local Agency Oversight Conditions, #2, from the current language to, "Dischargers shall submit technical and monitoring reports, monitoring data, notifications of General Order violations (e.g., spills, containment failures, surface water discharges), and other such correspondence related to General Order requirements to the local agency. The local agency is required to report to the regional water board as specified in the application submitted to and approved by the regional water board. The local agency must provide technical and monitoring reports, monitoring data, notifications of General Order violations and other such

correspondence related to General Order requirements upon request by the regional water board.” This change would give the regional board and the local agency more control over aspects of the program that the regional board may be more concerned with, instead of requiring concurrent submittal for all documents, reports, data, etc.

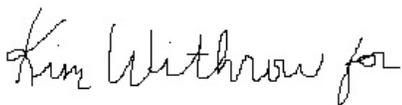
2. Subsurface Disposal System (SDS) Specifications, item e – We request that the last sentence, “If the subsurface disposal area receives domestic wastewater, separation of SDS components from the high water table shall be at least five feet and a smaller separation is not permitted”, be changed to “...separation of SDS components from the high water table shall be in accordance with the OWTS Policy or LAMP, if applicable”.
3. Other winery activities section, Item 56b regarding alternative systems needs to be clarified. I believe the intent is to say these alternative systems treating domestic wastewater and process water are out of the scope of the order so a discharger would have to submit a ROWD and obtain WDRs. The Order goes on to say, “local authorities may permit these systems”, but it seems the intent is if the local authorities permit them it would be in addition to the Regional Board issuing WDRs. Based upon the way it is written it seems there may be an assumption that the local agency could keep on permitting these without regional board oversight. Additionally, it doesn’t seem that calling out alternative systems specifically is necessary, really this section would apply to any commingled system. If the discharger wants to keep their existing commingled system it would be out of the scope of the order and require individual WDRs. For alternative systems, the regional water board and the local agency should be given the authority to determine if existing alternative systems treating both domestic waste and process water can be approved and covered under this order. Maybe change the section to read: “Alternative domestic wastewater treatment systems that include treatment of process water may be covered under this order as determined by the regional water board and local agency, if applicable. The technical report, existing monitoring data and type of treatment will be considered in making this determination. An existing alternative system may be disqualified for coverage under this order if additional monitoring data reveals inadequate treatment and degradation of waters of the state”.
4. Other winery activities section Item g and Subsurface Disposal System (SDS) Specifications Section item C, requires dual permitting of SDS designed for both domestic and process wastewater. We would like to see the language changed from “must have dual coverage” to “may be required as determined by the regional board and local agency”. We think local agencies could work with their regional board to determine the best way to handle permitting of these systems. Some of these systems discharge very little domestic waste, not enough to require

ongoing permitting, so to require dual permitting across the board is excessive. These systems need to be evaluated on a case by case basis.

5. Effluent limitations (tiers 2, 3 and 4) #6 requires sampling off effluent prior to discharge to the SDS. It is impractical to sample prior to discharge to a subsurface disposal system (SDS). Typically these systems are on demand and as waste is introduced to the system an equal amount of waste is discharged to the SDS. In situations where the effluent is pumped to the SDS, the discharge to the SDS is either on demand (float operated - waste is pumped out after it accumulates in a dosing tank or timer controlled – effluent is pumped out based upon timer settings). The discharge to the SDS is not operated or controlled by the discharger, it is automated. It was a better approach to leave the sampling of effluent from an SDS at regular time intervals or based upon activity levels in the winery not prior to discharge.
6. Land Application Specifications item i, tier 4 groundwater monitoring exemption. The criteria for an exemption for groundwater monitoring (tier 4) at a land application area (LAA) are not realistic or easy to demonstrate and will be difficult to comply with. It will be very difficult and costly for dischargers to determine the depth to groundwater below the LAA without installing at least 1 monitoring well. If a discharger qualifies for an exemption because a drinking water well is more than 0.5 mile away, what happens if a neighbor drills a well within the 0.5 mile distance? How will regional board staff or even the discharger know the new well was drilled? How will local well permitting agencies know to look for the LAA when permitting new wells? Additionally, the permitting agency won't have a setback in code to require the well be constructed 0.5 mile away. Is there data to support migration of the constituents of concern to groundwater or surface water over 0.5 mile away (plus migration through the depth of the soil horizon above the groundwater)? It seems there should be other criteria used to qualify for an exemption (total size of the land application area, volume of water discharged, and water quality are examples).

We appreciate your consideration of these comments.

Regards,



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Assistant Director

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