



STE MICHELLE

WINE ESTATES

January 5, 2021

E. Joaquin Esquivel, Board Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Chair Esquivel,

On behalf of Ste. Michelle Wine Estates, we appreciate the opportunity to provide the State Water Resources Control Board (Water Board) our comments concerning the Order – General Waste Discharge Requirements for Winery Process Water. Our comments presented below are structured around section titles as presented in the final draft dated December 2, 2020.

Section Name	Section #	Comment
Findings – Applicability	6	Section 6 refers to "landscape irrigation", which implies wineries can use process water to irrigate landscaping but "Land Application" section does not reference "landscape" as a viable area to land apply process water. We request the Water Board provide definitive guidance on how process water can be used to irrigate ornamental landscaping.
Findings – Applicability	11	The proposed Tier structure based on facility discharge volume groups wineries together which in practice are very different in size and complexity. We support the revised tier structure presented below and proposed by the Wine Institute. Exempt: <10,000 gallons/year Tier 1: 10,000 – 30,000 gallons/year Tier 2: 30,001 – 300,000 gallons/year Tier 3: 300,001 – 1,000,000 gallons/year Tier 4: 1,000,000 – 15,000,000 gallons/year
Findings – Process Water Characterization	22(a)	Section 22(a) refers to "landscaped" land, which implies wineries can use process water to irrigate landscaping but "Land Application" section does not reference "landscape" as a viable area to land apply process water. We request Water Board provide definitive guidance on how process water can be used to irrigate ornamental landscaping.
Findings – Process Water Ponds	31	Process water ponds constructed with a double-liner and leak detection system are inherently more protective than unlined or single lined ponds. The leak detection system provides definitive data demonstrating the liner system is protecting groundwater. Therefore, we propose the following language change:

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		Facilities with larger process water ponds inherently have a higher potential for groundwater degradation since small, but ongoing leaks can result in a large amount of process water percolating to groundwater. Therefore, Tier 4 facilities are required to conduct groundwater monitoring at the process water ponds unless <u>the ponds are constructed with a double-liner leak detection system or the Discharger demonstrates a reduced potential for groundwater degradation and qualifies for a regional water board approved exemption.</u>
Findings – Land Application	32 – 39	Although implied by references in Sections 6 and 22, the Order does not provide guidance on land applying process water on ornamental landscaping. We request the Water Board provide definitive guidance on how process water can be used to irrigate ornamental landscaping.
Findings – Land Application	35(d)	When developing guidance for irrigating ornamental landscaping, we request the Water Board modify the 7-day irrigation cycle requirements because landscaping plants can require daily watering during certain times of the year.
Findings – Subsurface Disposal System	46	Section 46 does not include the same alternate compliance mechanism listed for Subsurface Disposal Areas under Land Application – Section 38. Therefore, we propose the following new language: Wineries that discharge large volumes of process water to the subsurface disposal area have a higher potential for percolation to groundwater and groundwater degradation. Therefore, Tier 4 facilities are required to conduct groundwater monitoring for SDSs <u>unless the Discharger demonstrates a reduced potential for groundwater degradation and qualifies for a regional water board approved exemption.</u>
Findings – Salt Control	50(b)	Chlorinated cleaning solutions are typically not used in a winery because the presence of chlorine is one of the two major contributors to the production of 2,4,6-trichloroanisole (TCA), the compound that causes a moldy, musty cork taint.
Findings – Other Water Code Considerations	95(a)	Estimated ongoing annual monitoring costs do not include labor costs. Current Tier 4 wineries will spend an estimated \$50,000-\$100,000 per year in labor costs associated with monitoring. This is an undue financial hardship to mid-size wineries, which may only have a handful of people operating the winery. As presented above, we support a revised tier structure so mid-sized wineries will be classified as Tier 3 with reduced monitoring costs.
Findings – Other Water Code Considerations	95(b)	The Water Board choose not to include estimated engineering, design, permitting and construction costs in the Order “because the specific work necessary at individual wineries will vary significantly and it is not feasible to summarize such costs”. Notwithstanding the number of variables in determining site-specific costs, the industry can report the costs will not be trivial, and the Water Board can include an engineering

		estimate for such work, based on our situation the costs would be between \$500,000 and \$2,000,000 per winery. In addition, the permitting process in some jurisdictions can take years, which increases project costs. We request the Water Board acknowledge the significant potential cost for complying with the proposed Order within the mandated 5-year compliance period.
Discharge Specifications (Tier 2, 3, and 4) – General Specifications	D(1)(a)(ii)	<p>Ponds function as an important equalization step prior to treatment in a LAA or SDS. Influent to a pond should not represent the point of compliance, rather discharge from the pond to a LAA or SDS should be the point of compliance. Therefore, we request the Water Board approve the following change:</p> <p>The flow-weighted annual average FDS concentration of the process water discharge from the winery, including process water from outdoor processing areas, measured prior to <u>discharge to a treatment in a pond</u>, LAA, or SDS shall not exceed the FDS threshold.</p>
Discharge Specifications (Tier 2, 3, and 4) – General Specifications	D(1)(j)(i)	<p>Irrigation wells are typically located within the vineyard and prohibiting land application of process water in these areas will force vineyards to have dual irrigation systems to ensure process water is not applied within 50 feet of the irrigation well. Constructing dual irrigation systems is a financial burden to vineyards. Therefore, we request the Water Board approve the following change:</p> <p>Waste shall not be discharged within 50 feet of any <u>drinking</u> water supply well.</p>
Discharge Specifications (Tier 2, 3, and 4) – General Specifications	D(1)(j)(ii)	<p>The Water Board is allowing an exception to the property line setback if irrigations systems are managed to prevent discharge. Vineyards using drip irrigation apply water directly to the vine which prevents surface water runoff beyond the vine rows. Therefore, we request the Water Board approve the following change:</p> <p>Waste shall not be discharged within 50 feet of surface waters or surface water drainage courses, <u>except for drip irrigation systems where a 5-foot setback from surface waters or surface water drainage courses shall apply.</u></p>
Discharge Specifications (Tier 2, 3, and 4) – Pond Specifications	D(2)(a)(v)	To provide clarity and promote uniform enforcement we recommend the following language change: "The upper one foot of process water ponds shall have a DO concentration of at least 1.0 mg/L to minimize the potential for <u>objectionable nuisance odors at the property line.</u> "

Attachment G – Monitoring and Reporting Program	Reporting – Paragraph 3	<p>The Order is requiring “All groundwater monitoring reports shall be prepared by or under the supervision of a qualified California Registered Civil Engineer or Geologist.” Requiring a California Registered Civil Engineer or Geologist prepare reports can be a significant cost to a winery. Therefore, we propose the following language change:</p> <p><u>Semi-annual and Annual Reports may be prepared and submitted by the facility, except for the Groundwater Reporting section. Groundwater Reporting sections required in Semi-annual and Annual Reports</u> All groundwater monitoring reports shall be prepared by or under the supervision of a qualified California Registered Civil Engineer or Geologist.</p>
Attachment G – Monitoring and Reporting Program	Reporting – Paragraph 8	<p>The Order is requiring "All monitoring reports that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1." Requiring a California Registered Civil Engineer or Geologist prepare “all” monitoring reports can be a significant cost to a winery based on the number of reports required in the Order. Therefore, we propose the following clarifying language change:</p> <p>All <u>groundwater</u> monitoring reports that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1.</p>

We appreciate the State Water Resources Control Board listening to the wine industry to better understand the uniqueness and complexities of operating a winery in a manner protecting waters of the state.

Kind Regards,



James E. Warram, PE
 Director of Environmental, Health & Safety Services
 Ste. Michelle Wine Estates