

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2018-0026

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER R5-2013-0028
FOR

DELICATO VINEYARDS, INC.
DELICATO FAMILY VINEYARDS
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board), finds:

Waste Discharge Requirements Order R5-2013-0028

1. Delicato Family Vineyards, Inc., (hereafter "Discharger") is a winery that consists of approximately 140 acres of vineyards, administrative and wine production buildings, two unlined shallow wastewater ponds, and 23 acres of LAAs for the discharge of winery wastewater.
2. On 12 April 2013, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2013-0028, prescribing requirements for Delicato Family Vineyards, Inc. in San Joaquin County. The Discharger owns and operates the winery facility and is responsible for compliance with WDRs R5-2013-0028.
3. Facility expansion plans were described in WDRs R5-2013-0028 and were to be completed in three phases. The Discharger planned to upgrade processing equipment, construct a new wastewater system, and add 107 acres for LAAs as part of the expansion.

Proposed Amendment

4. On 16 June 2017, the Discharger requested to amend WDRs Order R5-2013-0028 to increase the LAAs from 130 acres to 226 acres. Since adoption of the existing WDRs in 2013, the Discharger has purchased additional land adjacent to the facility, which will be used as LAAs. In addition, the Discharger plans to increase the existing composting acreage from 2.5 acres to 9.7 acres. The newly purchased land to be used as LAAs will be part of the facility expansion and will be put into use in phases as the facility completes each phase. The planned LAAs and the existing LAAs are shown on Attachment B, which is attached hereto and made part of this Order by reference.

5. The increase in LAA acreage will lower loading rates for biochemical oxygen demand and nitrate as nitrogen because the flow volume remains unchanged from that required in the existing WDRs. Therefore, the effluent and loading rates required in Order R5-2013-0028 are applicable.

California Environment Quality Act

6. The action of prescribing these WDRs, which impose regulatory requirements on the existing discharge in order to ensure the protection of groundwater resources, is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15301, which exempts the “operation, repair, maintenance, [and] permitting ... of existing public or private structures, facilities, mechanical equipment, or topographical features” from environmental review.

CV-SALTS

7. The Central Valley Water Board is developing amendments to the Basin Plan to incorporate new strategies for addressing ongoing salt and nitrate accumulation in the waters and soils of the Central Valley. Strategies currently under consideration may:
 - Alter the way the Board calculates available assimilative capacity for nitrate, which could result in new or modified requirements for nitrate management;
 - Require dischargers to implement actions identified under an interim salinity permitting approach; and/or
 - Establish alternate compliance approaches that would allow dischargers to participate in efforts to provide drinking water to local communities in consideration for longer compliance time schedules.

Should the Board adopt amendments to the Basin Plan to effectuate such strategies, these waste discharge requirements may be amended or modified to incorporate any newly-applicable requirements.

8. The stakeholder-led Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative has been coordinating efforts to implement new salt and nitrate management strategies. The Board expects dischargers that may be affected by new salt and nitrate management policies to coordinate with the CV-SALTS initiative.

Public Notice

9. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
10. The Central Valley Water Board, in a public meeting, heard, and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Order R5-2013-0028 is amended to allow the use of additional LAAs and to increase the composting acreage. Pursuant to Water Code sections 13263 and 13267, the Discharger, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, shall comply with amended Order R5-2013-0028-001 as follows:

Findings and Sections Updated	Reason for Update
17	Updated chemicals used at the facility.
25	Expanded the final expansion phase from five years to 15 or more years, depending on market conditions.
32	Finding 32 was split into two related findings, 32.a. and 32.b. 32.a. Added the year "2013" to the finding to clarify the proposed LAA acreage as of 2013. 32.b. Added Finding 32.b. which describes the planned LAAs and crop types to be implemented by final buildout.
35	Added an explanation that a storm water basin may be constructed during the phased expansion. Storm water captured in the basin may be used as an additional source of supplemental irrigation water.
48	Added to the Finding that the use of compost on-site is being phased out and will eventually be completely brokered off site.
55	Footnote added to explain that additional groundwater monitoring wells will be installed before discharge can occur at the new LAA.
78	Proposed LAA acreage and crop types were added to the Finding.
84.b.	Added to the Finding that the LAA acreage will increase from 130 acres to 226 acres without an increase in flow limits.
84.d.	Added "some" to LAAs because not all LAAs will be double cropped.
84.l.	Finding added that states, "Using non-industrial storm

	water collected in a proposed detention basin as a source for additional supplemental irrigation water.”
91	Finding was updated with the most recent storm water discharge language.
Provisions H.2.	A <i>Groundwater Monitoring Well Installation Workplan</i> was added as a provision.
Provision H.3.	A <i>Groundwater Monitoring Well Installation Report</i> was added as a provision.
Attachment B	Figure was updated to show the planned LAAs and planned storm water basin locations.
Information Sheet	Additional language for the CV-Salts program was added.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 6 April 2018.

--original signed by Pamela C. Creedon--

PAMELA C. CREEDON, Executive Officer