



Central Valley Regional Water Quality Control Board

30 October 2020

Glen Bianchi
Bianchi Vineyards Emerald Glen Winery
3146 Red Hill Ave. Suite 200
Costa Mesa, CA 92663

CERTIFIED MAIL
7019 2970 0001 5202 4221

NOTICE OF APPLICABILITY

RESOLUTION NO. R5-2020-0002 WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL PROCESSORS WITHIN THE CENTRAL VALLEY REGION

**MODERN DEVELOPMENT COMPANY, LP,
BIANCHI VINEYARDS EMERALD GLEN WINERY
FRESNO COUNTY
(ENROLLEE # R5-2020-0002-0054)**

On 20 February 2020, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution R5-2020-0002, the *Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors* within the Central Valley Region (Waiver).

The Central Valley Water Board is in receipt of your Notice of Intent (NOI), which states Modern Development Company, LP intends to comply with the Tier 2 conditions of the Waiver. Tier 2 allows land application of up to 100,000 gallons of wastewater per year for irrigation of landscaping or crops and land application of residual solids associated with that volume of wastewater. Any process wastewater or residual solids in excess of those amounts must be disposed of off-site at an appropriately permitted facility. If you wish to land apply more wastewater or residual solids, you must submit a new application to obtain coverage under Tier 3 of the Waiver or obtain individual waste discharge requirements prior to increasing the discharge volume.

Based on the information provided in the RWD, we have determined that the discharge meets the required conditions for approval under the Waiver. You are hereby assigned **enrollee number R5-2020-0002-0054**. A [copy of the Waiver](#) and the [Waiver Attachments](#) are enclosed and available on the Central Valley Water Board's website. (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_wdrs.pdf) and (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_atts.pdf)

Please familiarize yourself with the contents of the Waiver, including the Conditions of Discharge (Waiver Attachment A) and Monitoring and Reporting Program (Waiver Attachment B). The discharge must be managed in accordance with the requirements contained in the Conditions of Discharge and information submitted in the RWD.

DISCHARGE DESCRIPTION

Modern Development Company, LP owns and operates the Bianchi Vineyards Emerald Glen Winery (Facility) at 5806 N. Modoc Avenue near Kerman as shown in Attachment A of this NOA. The Facility occupies a 22.75-acre parcel about 20.6 miles north west of Fresno in Fresno County (Section 11, Township 13 South, Range 17 East, MDB&M). The Facility is only used for wine storage (i.e., no crush or fermentation is taking place onsite). The Facility generates wastewater from rinsing and cleaning of wine storage tanks. The Facility stores between 1,500 to 3,500 gallons of wastewater per month for with an estimated annual storage of 31,000 gallons. The Facility uses approximately 200 gallons of potassium hydroxide per year for tank sanitizing.

The wastewater collection system is routed through floor drains within the tank storage building. Outdoor drains are equipped with berms or are otherwise protected from stormwater intrusion. The wastewater storage system for the Facility consists of nine tanks with a total capacity of approximately 200,900 gallons. Since the Facility is only used for wine storage, no residual solids are produced.

The Land Application Area (LAA) is one acre (APN 015-350-16), which is planted with grapes and cover crops (grass/clover) in every other row. Approximately 5,166 gallons per month is discharged via drip irrigation from April to September of each year. Wastewater discharged to the LAA is diluted 10:1 with supplemental irrigation water (groundwater) and has an estimated average total nitrogen concentration of 0.5 mg/L. The LAA is designed, operated, and maintained to prevent off-site discharge of process wastewater primarily by visual observation of land application area drying and watering.

MONITORING AND REPORTING

Attachment B of the Waiver includes specific monitoring and reporting requirements that you must comply with, including routine monitoring and reporting to the Central Valley Water Board. Please review the Monitoring and Reporting Program closely and

establish the appropriate record keeping system so that you are able to complete the required Annual Monitoring Report form, which is also contained in Attachment B of the Waiver.

By **1st February of each year**, the Annual Monitoring Report must be submitted to our office, even if there is no discharge during the reporting year. The 2020 Annual Monitoring Report is due **1 February 2021**.

GENERAL INFORMATION AND REQUIREMENTS

The Waiver includes specific and general conditions with which you must comply. You must maintain control over the discharge and operate in accordance with the information provided in your RWD and this Notice of Applicability.

Please review this Notice of Applicability carefully to ensure that it completely and accurately reflects the facility name, location, and details of the proposed discharge. Failure to comply with the requirements of the Waiver may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability. Discharge of wastes not described in the Conditions of Discharge (Attachment A) of the Waiver is prohibited.

Please note that the Waiver will expire on **20 February 2025**, after which you must either cease the discharge or do one of the following:

1. Submit a new RWD with a filing fee (if required) to obtain coverage under a subsequently adopted waiver, or
2. Submit a RWD with a filing fee to apply for individual or general Waste Discharge Requirements.

PROPOSED STATEWIDE WINERY GENERAL ORDER

The State Water Resources Control Board is developing General WDRs for winery process water (Winery General Order) that addresses land discharge of process water from wineries, grape juice storage facilities, and wine distillation facilities. The Winery Order will be applicable statewide and is intended to streamline and improve permitting consistency. This General Order, once adopted, may be used to permit this Facility in the future. Therefore, if you haven't already, you are encouraged to subscribe to the Statewide General WDRs for Wineries Email List. Please visit [State Board's Winery General Order Website](#), for more information about the proposed Winery General Order and to subscribe to the email list.

(https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html)

SALT AN NITRATE CONTROL PROGRAMS

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments

(Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution 2019-0057 approving the Central Valley Water Board Basin Plan amendments and also directed the Central Valley Water Board to make targeted revisions to the Basin Plan amendments within one year from the approval of the Basin Plan amendments by the Office of Administrative Law. The Office of Administrative Law approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03).

For the Salt Control Program, dischargers will receive a Notice to Comply with instructions and obligation for the Salt Control Program within a year of the effective date of the amendments. The Salt Notice to Comply letters should be issued in the next couple of months. Upon receipt of the Notice to Comply, the Discharger will have no more than six months to submit their Notice of Intent informing the Central Valley Water Board of their choice between Option 1 (Conservative Salinity Permitting Approach) or Option 2 (Alternative Salinity Permitting Approach).

For the Nitrate Control Program, the Bianchi Vineyards Emerald Glen Winery falls within Groundwater Basin 5-002.06 (San Joaquin Valley – Madera) a Priority 2 basin/sub-basin. A Notice to Comply for the Nitrate Control Program will be issued within two to four years after the effective date of the amendments.

[More information on the Salt and Nitrate Control Program](https://www.cvsalinity.org/public-info) may be found on the internet (<https://www.cvsalinity.org/public-info>).

DOCUMENT SUBMITTALS

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: centralvalleyfresno@waterboards.ca.gov. To ensure that your submittal is routed to the appropriate staff person, the following" information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Facility Name: Bianchi Vineyard Emerald Glen Winery

Program: Non-15

Resolution: R5-2020-0002-0054

CIWQS Place ID: 209453

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board
Fresno Office
1685 E Street
Fresno, CA 93706

30 October 2020

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Russell Walls. Mr. Walls can be reached at (559) 488-4392 or Russel.Walls@waterboards.ca.gov. Questions regarding the permitting aspects of the Waiver, and notification for termination of coverage under the Waiver, shall be directed, via the paperless office system, to the WDR Permitting Unit, attention Daniel Benas. Mr. Daniel Benas can be reached at (559) 445-5500 or by email at Daniel.Benas@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control 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 or will be provided upon request.
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

Original Signed by Scott Hatton for:
Patrick Pulupa
Executive Officer

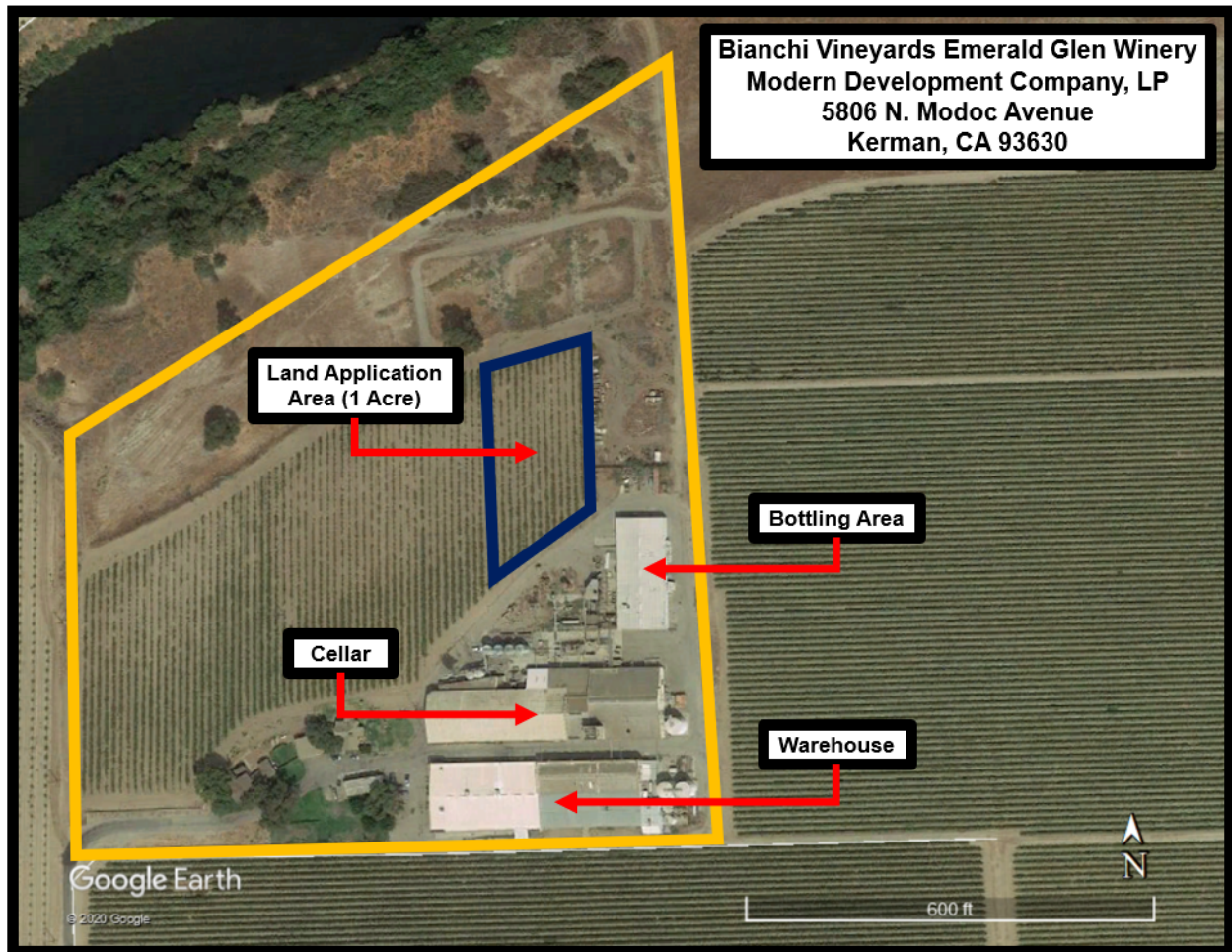
Attachment: Attachment A: Site Map

Enclosure: Resolution R5-2020-0002 (Discharger only)

cc w/o encl: Russell Walls, Central Valley Water Board, Fresno (via email)

Fresno County Environmental Health, 1221 Fulton Street, 3rd Floor,
P.O. Box 11867, Fresno, CA 93775

Erik Eskelsen, Pacific Engineering & Consulting, Fresno (via email)



ATTCHMENT A – SITE MAP

**RESOLUTION R5-2020-0002-0054
MODERN DEVELOPMENT COMPANY, LP
BIANCHI VINEYARDS EMERALD GLEN WINERY
FRESNO COUNTY**