

Regional Water Quality Control Board
Central Valley Region

Response to Written Comments for
Tentative Waste Discharge Requirements
for
O'Neill Beverages Co LLC
Reedley Winery, Class II Surface Impoundment

This document contains the responses to written comments received from interested parties regarding the proposed tentative Waste Discharge Requirements (WDRs) for O'Neill Beverages Co LLC, Reedley Winery, Class II Surface Impoundment, Fresno County for continued operation and maintenance. The Tentative WDRs, R5-2021-XXXX, were updated as part of a policy of administrative review. Currently, the Facility is regulated by Waste Discharge Requirements Order 5-01-141.

The Tentative WDRs were circulated on 5 August 2021 for public comment, ending on 7 September 2021. A total of two letter/emails was received and these comments are addressed below.

Comments submitted during the comment period were received from the following:

- A. Phil Castro, O'Neill Beverages Co LLC, 7 September 2021
- B. Jo Anne Kipps, 7 September 2021

RESPONSE TO COMMENTS

TENTATIVE WDRS

Comment A.1: Page 4. No. 21:

"Surface water from the Facility drains to Kings River."

The facility and all associated land application areas are graded so that all stormwater is contained onsite.

Response A.1: The recommended revision will be made.

Comment A.2: Page 14. No. 17:

"The Discharger needs to submit an updated Operations Plan by 28 February 2022."

Modifications to the operations of the Surface Impoundment are currently being considered. These changes may alter or negate an updated Operation Plan submitted by 28 February 2022. O'Neill Distillers and Vintners [O'Neill Beverages Co LLC] requests a six-month extension to this due date.

Response A.2: The recommended revision will be made. This deadline will be revised to 31 August 2022.

Comment A.3: Page 15. No. 1:

“The Discharger shall submit an updated Preliminary Closure Plan by 28 February 2022.”

Modifications to the operations of the Surface Impoundment are currently being considered. These changes also may alter or negate an updated any Preliminary Closure Plan submitted by 28 February 2022. O'Neill Distillers and Vintners [O'Neill Beverages Co LLC] requests a six-month extension to this due date.

Response A.3: The recommended revision will be made. This deadline will be revised to 31 August 2022.

Comment A.4: Page 17. No. 2:

“The Discharger shall submit an updated Sampling Collection and Analysis Plan (SCAP) and Water Quality Protection Standard (WQPS) by 28 February 2022”

This deadline conflicts with the 4th Quarter and Annual Groundwater Quality Progress Report deadline that O'Neill Distillers and Vintners [O'Neill Beverages Co LLC] must complete and submit. To prioritize resources for these important reports, it is requested that a six-month extension to this due date be given.

Response A.4: The recommended revision will be made. This deadline will be revised to 31 August 2022.

TENTATIVE MRP

Comment A.5: Page 7. No. 3:

“In order to determine if the groundwater in the area is influenced seasonally by the Kings River, elevation monitoring of the Kings River is required to be monitored monthly and reported quarterly.”

We request the removal of this monitoring requirement because there does not appear to be a suitable gauging station in the vicinity of the groundwater monitoring area. Historical and future groundwater monitoring data provides sufficient information to evaluate seasonal influence on groundwater. Other publicly available data on this item for the Kings River can be referenced on an as-needed basis.

Response A.5: The recommended revision will not be made. Continued data collection is important to determine how river water levels affect underlying groundwater.

Comment A.6: Page 3. No. 1b:

“Groundwater samples shall be collected from each well and analyzed for Monitoring Parameters listed in Table 2 (Physical Parameters) and Table 3”

Extensive historical data is available from many monitoring wells in proximity of the SI, including wells SI-4 and SI-5, per the requirements of the existing SI WDR Order 5-01-141 and WDR Order R5-2014-0045. Wells SI-04 and SI-05 have been sampled and analyzed at least seven times since installation in 2019, and sampling will continue. Given the amount of historical data and to better align SI groundwater monitoring with the land application monitoring wells, we request changing the sampling frequency of the SI wells in Table 2 and Table 3 to quarterly. Monthly depth to water measurements will be taken monthly, as required by Table 4.

It is also requested that analysis of copper and Methylene Blue Active Substances (MBAS) be removed from the required constituent list. Historical data from the SI wells shows typically low copper (<0.1 mg/L) and MBAS concentrations (<0.1 mg/L). Moreover, monitoring of SI water quality indicates that that water is not a significant source of copper nor MBAS.

Response A.6: The recommended revision will be made.

Comment A.7: Page 11. No. 4:

“Wastewater influent samples shall be collected monthly and analyzed for the constituents in Tables 2 and 3.”

The monthly analysis frequency of the parameters listed within Table 2 and Table 3 is more than what is necessary to provide adequate monitoring SI water. It is requested that the frequency of analysis for the parameters listed in Table 2 and Table 3 be reduced to a quarterly schedule. O'Neill will monitor statistical trends of SI water quality. If substantial and unexpected increases in constituent concentrations occur, additional sampling, analysis, and review will occur to better understand the nature of the changes in water quality.

Response A.7: The recommended revisions will not be made. Monthly monitoring is important for waste characterization and to ensure that the Facility is discharging waste that is in compliance with the WDRs. Adequate waste characterization is also important in the event of a release from the surface impoundment.

Comment A.8: Page 11. No. 2:

“The fluid levels shall be estimated to the nearest one inch and recorded daily from calibrated gauges installed in the surface impoundment.”

It is requested that the daily estimation and recording of fluid depth be reduced to once every two weeks due to the very slow fill rate of the surface impoundment's 10-acre area.

Response A.8: This requirement will be revised to weekly. The Discharger will be required to calculate the freeboard based on daily discharge for the days that the fluid levels are not read from the gauges installed in the surface impoundment.

Comment A.9: Page 11. No. 3:

“All Visual portions of the synthetic liner and surface impoundment features shall be inspected weekly...”

It is requested that the weekly visual inspections be reduced to a frequency of once every two weeks. The surface impoundment is located within a fenced and secured area of the facility. A visual inspection performed every two weeks would provide sufficient monitoring for the impoundment under these secure conditions and better align monitoring frequencies.

Response A.9: The recommended revision will not be made. Weekly inspections are important to monitor the exposed liner for damage. Though the surface impoundment is under secure conditions, these conditions do not prevent the potential of burrowing animals and damage produced by storm and other weather events. This weekly requirement is also aligned with the other monitoring frequencies.

Comment A.10: Page 17. No. 4:

“Dissolved oxygen concentrations in the upper foot of wastewater must be measured weekly.”

It is requested that the frequency of the measurement of the dissolved oxygen be reduced once every two weeks to coincide with other monitoring frequencies.

Response A.10: The recommended revision will not be made. Measuring dissolved oxygen is important to ensure that anaerobic conditions are not occurring in the surface impoundment.

Comment B.1: The Discharger was issued Cease and Desist Order (CDO) No. R5-2014-0046 to cease and desist from discharging waste contrary to requirements. Specifically, the CDO required the submittal of technical reports demonstrating compliance with Discharge Specifications and Land Application Area Specifications

(CDO Task 2.c) and the horizontal and vertical extent where concentrations exceeded Groundwater Limitations of WDRs Order No. 2014-0045WDR (CDO Task 3.b). Has the Discharger resolved these issues?

Response B.1: The Discharger has submitted several workplans and reports to satisfy the requirements of Task 2.c and 3.b of the CDO. Regional Board staff are currently reviewing those documents and working with the Discharger to adequately resolve these issues.

Comment B.2: What was it about this discharge that prompted the Regional Board to require the Discharger to comply with Title 27? Was it because Fresno County, in performing its environmental review of the new bottling plant and tank farm, determined that the waste generated by these new facilities must be discharged to a Class II surface impoundment so as to not exacerbate an existing condition of pollution? In other words, was it Fresno County or the Regional Board that made this determination? While these questions may not appear germane to the Tentative Order, the answers will be a valuable addition to the public record of this discharge.

Response B.2: Review of the project file has found record of the Environmental Assessment Application No. 4616, Conditional Use Permit Application 2941 from Fresno County which indicates the Discharger's proposal to construct a new bottling line that would discharge that waste stream to an on-site unlined pond. Evaluation of previous waste discharge activities and the proposed addition of the bottling line process would not implement best practicable treatment or control (BPTC) to comply with State Board Resolution 68-16 (Antidegradation Policy). The Discharger was required to submit a revised Report of Waste Discharge (RWD) describing how they would implement BPTC. In response, the Discharger submitted a RWD indicating they would dispose the wastewater from the bottling line into a lined surface impoundment. These details were shared with Fresno County and included in the final Initial Study Application No. 4616 and Classified Conditional Use Permit Application No. 2941.

Comment B.3: Finding 9 states, in part, "Waste discharged to the surface impoundment is treated in the surface impoundment by means of evaporation." Please explain why evaporation is considered a form of wastewater treatment.

Response B.3: Evaporation is a common and effective method implemented by several of the surface impoundments regulated by this office. It allows for the wastewater to be minimized due to evaporation without the need for the Discharger to relocate or transport the wastewater to a wastewater treatment facility or another location. In addition, it limits the need for equipment to be used to extract wastewater out of the surface impoundment thus limiting any potential damage to the surface impoundment liner. Wastewater in the surface impoundment is also aerated to prevent anaerobic conditions and nuisance odors from forming.

Comment B.4: Finding 14 states, “The Discharger currently discharges a maximum of approximately 34,300 gallons per day of industrial wastewater from the tank farm and bottling plant to the Class II surface impoundment.” Finding 15 indicates that high-saline waste streams (i.e., ion exchange regenerant, boiler blowdown) segregated from the winery’s discharge to land are diverted to the surface impoundment. It is unclear as to whether the 34,300-gpd flow identified in Finding 14 includes these high-saline waste streams. If so, then Finding 14 should be revised accordingly so that there is no ambiguity in the nature of the waste discharged to the surface impoundment. This is essential for evaluating compliance with Discharge Prohibition A.2, “Except the waste as specifically described in **Finding 14**, ‘Designated Waste,’ as defined per Water Code section 13173, and other waste shall not be discharged at the Facility.” Without this modification, it would appear that the Discharger would be in violation of Discharge Prohibition A.2 should it continue to divert the winery’s high-saline waste streams to the surface impoundment.

Response B.4: Finding 14 will be revised to state, “The Discharger currently discharges a maximum of approximately 34,300 gallons per day of high-saline industrial wastewater from the tank farm and bottling plant to the Class II surface impoundment, as described in Finding 8.”

Comment B.5: The 34,300-gpd discharge flow cited in the Tentative Order (Finding 14) is the same value cited in WDRs Order 5-01-141 as the Discharger’s estimate (Finding 19). WDRs Order 5-01-141, in its Monitoring and Reporting Program (MRP), requires daily monitoring of the quantity of liquid waste discharged to the surface impoundment. Therefore, it should not be difficult to confirm whether the current discharge flow to the surface impoundment does not, in fact, exceed 34,400 gpd. In any event, the Tentative Order should characterize actual current daily discharge flow values, especially if they differ from that originally estimated by the Discharger 20 years ago.

Response B.5: The discharge flow cited in both current and tentative WDRs is an approximate daily discharge rate and was confirmed by the Discharger in the drafting of the tentative WDRs. In reviewing the data submitted for the first quarter of 2021, there were seven days where the effluent discharge exceeded this estimated value. The average value of these exceedances was about 4,700 gpd, which equates to less than two-inch increase in wastewater levels in the ten-acre surface impoundment. The average discharge during this timeframe was approximately 13,300 gpd, which is substantially less. The necessary freeboard has always been maintained.

Comment B.6: Finding 17 states, “The calculated composition of the combined wastewater was previously characterized by the following constituents: pH (9.5), Sulfate (4,520 mg/L), Chloride (4,860 mg/L), and Electrical Conductivity (26,600 µmhos/cm).” It is not readily apparent what is meant by “previously characterized.” Please explain. MRP 5-01-141 requires monthly monitoring of the surface impoundment for dozens of

waste constituents. Why doesn't the Tentative Order characterize the surface impoundment for decomposable waste constituents like BOD to evaluate the potential for the impounded waste to create objectionable odors?

Response B.6: Finding 17 will be revised to state, "During the 1st quarter 2021, the composition of the wastewater discharged to the surface impoundment was characterized by the following constituents: pH (9.4), Sulfate (2,160 mg/L), Chloride (3,780 mg/L), and Electrical Conductivity (20,100 µmhos/cm)." Aerators are installed at the surface impoundment and dissolved oxygen levels are required to be maintained to help prevent odor formation. Additionally, Section C.4. of the MRP requires BOD sampling on the influent. Furthermore, Discharge Specification B.3 of the Tentative WDRs requires that, "Objectionable odors originating in the surface impoundment shall not be perceivable beyond the limits of the subject property at an intensity that threatens to cause nuisance conditions."

Comment B.7: The Tentative Order carries over the current order's prohibition of discharge of hazardous waste to the surface impoundment (with slightly different wording). Yet, because both the current order and Tentative Order do not require monitoring of the quality of discharge to the surface impoundment, there is no way of readily evaluating compliance with this discharge prohibition. At a minimum, the Tentative Order's MRP should be revised to include monitoring of discharge for pH (either daily grab samples or continuous).

Response B.7: Section C.4. of the MRP requires sampling for a variety of constituents, including pH, to monitor the quality of discharge to the surface impoundment.

Comment B.8: Also, the quality of the discharge to the surface impoundment should be periodically monitored for the same suite of constituents required in MRP R5-2014-0045 (EFF-001). Since this data have not been required in the past, the monitoring frequency should be at least monthly for one year and quarterly thereafter. The resulting data would be extremely helpful on a programmatic level in general. And, it would be useful for Non-15 staff to cite in management memos that propose issuing enforcement measures requiring dischargers to mitigate groundwater pollution by segregating high-strength waste streams from land discharges and disposing of them by discharge to Class II surface impoundments.

Response B.8: Due to the nature of wastewater and the fact that it is being routed to the surface impoundment, it becomes unnecessarily burdensome to require the Discharge to perform additional monitoring of wastewater that is fully contained and poses no risk to groundwater.

Comment B.9: Lastly, neither the current order nor Tentative Order contains a discharge flow limitation. Perhaps it is because Title 27 WDRs for Class II surface

impoundments prescribe a minimum freeboard requirement to serve as an indirect flow limitation. Please confirm.

Response B.9: Yes, that is correct.

Comment B.10: The party name identified in CIWQS for both the Title 27 and Non-15 WDRs Orders is O'Neill Beverages Co LLC. I understand that a name change order has yet to be processed to reflect the winery's current owner (O'Neill Vintners & Distillers, LLC). It would be useful if the Tentative Order identified when the winery ownership changed.

Response B.10: The name of the current owner that was given to us during the drafting of the tentative WDRs was incorrect. The tentative WDRs have been revised to list O'Neill Beverages Co LLC as the owner.