Regional Water Quality Control Board
Central Valley Region
Board Meeting – 22 August 2025

Response To Written Comments for
Constellation Brands U.S. Operations, Inc.
Mission Bell Winery
Madera County
Tentative Waste Discharge Requirements

At a public hearing scheduled on 22 August 2025, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider the adoption of Waste Discharge Requirements (WDRs) and a Monitoring and Reporting Program (MRP) for the Constellation Brands U.S. Operations, Inc. (Constellation or Discharger) Mission Bell Winery (Facility) in Madera County. This document contains responses to written comments received from interested persons regarding the tentative WDRs and MRP circulated on 6 June 2025. Written comments from interested parties were required to be received by the Central Valley Water Board by 5:00 p.m. on 7 July 2025 to receive full consideration. Comments were received from Ms. Jo Anne Kipps on 7 July 2025.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff have made a few minor changes to the TWDRs to improve clarity and fix typographical errors. Where specific changes are presented below, additions are shown in bold text and deletions are shown in strike-out.

7 July 2025 KIPPS COMMENTS

KIPPS - Finding 1: Ms. Kipps points out that Constellation is a domestic business corporation registered in the State of New York, not California. Additionally, Ms. Kipps queries what the Discharger's plans are for the Facility and whether they will sell the Facility as recently reported in an industry article.

> **RESPONSE:** Regarding the corporation being registered in the State of New York, Finding 1 was corrected. Central Valley Water Board staff are unaware of any future changes at the Facility, but the WDRs provide information on how the Discharger and new owner(s) must inform the Central Valley Water Board of a change in ownership or rescission, if necessary (e.g., Provisions J.16, J.17, and J.18).

KIPPS - Finding 9: Ms. Kipps suggests revising the first sentence of Finding 9 as follows: "The ~~most recent prior~~ ***current*** WDRs, Order 95-164, ~~were~~ ***was*** issued to Canandaigua West, Inc..."

> **RESPONSE:** The tentative WDRs are written as though the Central Valley Water Board has adopted them. Following adoption of the WDRs, the recommended

revision would be inaccurate. No changes were made with regard to this suggested revision.

KIPPS - Finding 14: Ms. Kipps notes that the flood irrigation areas in Attachment D don't appear to add up to 94 acres listed as available for flood irrigation and requests clarification of the acres available for the land application of wastewater.

RESPONSE: The Discharger provided an updated map of the LAAs showing the areas irrigated by each pivot and the flood irrigation areas. After clarifying with the Discharger, staff revised the tentative WDRs to recognize the Facility has approximately 217 acres available for sprinkler irrigation and approximately 72 acres available for flood irrigation. This results in a combined total LAA of 289 acres. The map has been included as Attachment E of the tentative WDRs and Finding 13 was modified as follows:

13. The primary LAAs are identified as Fields H, I, and K. The center pivot sprinklers can irrigate approximately ~~202~~ **217-**acres. Available irrigable acreage for each of the primary LAAs is listed below.

    - Field H – ~~76.5~~ **82-**acres
    - Field I – ~~14.4~~ **17**-acres
    - Field K – ~~110.9~~ **118**-acres

Finding 14 was modified as follows:

14. Additional acreage (approximately ~~94~~ **72-**acres) is available outside the radius of the pivot sprinklers of the LAAs to distribute wastewater via flood irrigation, if necessary, **as shown on Attachment E. The total combined LAA (sprinkler and flood) is 289 acres.**

KIPPS - Finding 15: Ms. Kipps notes that Finding 4 of the current Order 95-164 states that the Discharger estimated the maximum combined waste discharge was 330 million gallons per year and requested Finding 15 be modified to indicate that the flow limitations in Order 95-164 were based on the maximum depth and drying time identified in Table 2 and the Central Valley Regional Water Board's Stillage Guidelines.

RESPONSE: Finding 15 was modified as shown below.

15. WDRs Order 95-164 ~~recognized~~ **indicated that in 1995 the Discharger estimated** a maximum combined waste stream discharge of 330 million gallons annually of winery processing wastewater to the LAAs, and included flow limitations to the LAAs at the volumes and frequencies shown in Table 2. **The flow limitations were based on (1) the maximum depth and drying time identified in Table 2 and the Central Valley**

Regional Water Board's Stillage Guidelines, adopted in 1983 and included in both Basin Plans; and (2) an LAA of 206 acres.

KIPPS - Finding 21: Ms. Kipps notes the finding uses the word "champagne," which is typically restricted to sparkling wines made in France and requests it be replaced by "sparkling wine."

RESPONSE: The change was made to Finding 21 as requested**.**

KIPPS - Finding 22a: Ms. Kipps questions why the Central Valley Water Board should authorize a discharge reflective of the Facility's wine making when it no longer is making wine.

RESPONSE: Wine was made at the Facility in 2022, and the Discharger states that wine could be produced at the Facility in the future. Also, while the volumes are currently lower, the resulting discharge from the processing of grape juice concentrate in 2024 is similar in concentration and makeup to that of wine making discharge in 2022. Finding 22 was revised to clarify that wine making did not occur in 2023 or 2024.

KIPPS - Finding 22b: Ms. Kipps requests a column be added to Table 4 to identify the monitoring frequency for the constituents listed.

RESPONSE: A column was added to Table 4 listing the monitoring frequencies prescribed by MRP 95-164.

KIPPS - Finding 22c, Table 4: Ms. Kipps notes that effluent chloride in Table 4 ranges from 210 to 254 mg/L, while chloride in the Facility's source water shown in Table 9 ranges from 42 to 43 mg/L. Ms. Kipps requests a Finding addressing "apparent" excessive increase in source water chloride and disclosing the types of chemicals used at the Facility.

RESPONSE: This Order includes Provision J.7 requiring Mission Bell to develop and implement a Salinity Evaluation and Minimization Work Plan that requires the Discharger to estimate all sources that do or could contribute to the salinity of the discharge. Provision J.7 was revised to require the Discharger to specifically also evaluate potential sources of chloride contributing to the Facility's effluent chloride concentrations. Additionally, Finding 24 was added that includes Table 6, which lists the types and volumes of chemicals used at the Facility from 2018 to 2023. Of the chemicals used at the Facility, sodium hypochlorite is the only chloride containing chemical used, and its use has decreased significantly since 2018. Additionally, elevated chloride is not observed in any of the Facility's downgradient monitoring wells relative to the upgradient monitoring wells.

KIPPS – Finding 23: Ms. Kipps contends the ion exchange waste generated at the Facility could be considered designated waste as defined in California Water Code

section 13173(b). Ms. Kipps congratulates staff on prohibiting the discharge of ion exchange waste to land.

RESPONSE: Noted.

KIPPS - Finding 24 (now 25): Ms. Kipps requests clarification of the values listed in Table 6 (now Table 7) and queries whether the posted results represent cycle average loadings or "simply the total mass of BOD applied." Additionally, Ms. Kipps mentions concern regarding the Discharger's ability to comply with the 100 lbs/ac/day cycle average BOD loading limit given the past BOD loading presented in Table 6 (now Table 7) of the tentative WDRs.

RESPONSE: The values shown are cycle average loadings calculated by the Discharger. Finding 25 was modified as follows:

25. The RWD provided loading estimates for BOD_5, salt (TDS), and nitrogen to the LAAs. The **annual average is the average of the monthly cycle** average and peak month BOD_5 loading **is the highest cycle average recorded during that year. The annual average and peak month loading rates** in pounds per acre per day (lbs/ac/day) reported for 2018 through 2023 are shown in Table 7 below.

As mentioned in Finding 27.a, the Discharger reported that the discharge previously was only spread on portions of the available LAA. For example, 2023 self-monitoring reports indicate that the discharger only applied wastewater between 19 and 85 acres, and the annual cycle average BOD loading was reported to be 61 lbs/ac/day. The tentative WDRs include Provision J.6 that requires the Discharger to provide details in the Wastewater and Nutrient Management Plan regarding how it will spread wastewater at reasonable and uniform rates across the available LAA. It's anticipated that utilization of all available LAA, rather than only portions, will further decrease BOD loading.

KIPPS - Finding 26.a (now 27.a): Ms. Kipps again requests clarification regarding the acreage of the LAA, and whether BOD loading presented in the tentative WDRs refers to the cycle average or total mass loading.

RESPONSE: See responses to comments on Findings 13 and 24 above.

KIPPS - Finding 26.b. (now 27.b.): Ms. Kipps states her concerns that nitrogen loading was higher based on the Discharger using only 85 acres at times for the discharge of wastewater and that using 2023 nitrogen data and flows the discharge would have added 300 lbs per acre.

RESPONSE: Ms. Kipps is correct that nitrogen loading using only a portion of the LAAs would result in higher nitrogen loading values, and that the 2023 rate of 300 lbs/ac/yr exceeded the potential pasture crop could uptake. The pasture grasses have been replaced with alfalfa. Using 2024 effluent concentrations and either 217 acres of LAA (sprinkler irrigated acreage) or 289 acres of LAA (total available as

LAAs) would result in nitrogen loadings of 349 and 262 lbs/ac/yr, respectively, which is less than the expected uptake of the current alfalfa crop of 480 lbs/ac/yr. Furthermore, the tentative WDRs include Provision H.3, which requires the Discharger to apply waste at agronomic rates, and Provision H.5, which requires the Discharger to manage the LAA and irrigation of wastewater in a manner to maximize crop nutrient uptake and breakdown of organic waste in the root zone. Additionally, evaluation of plant available nitrogen was added as a consideration for compliance with Provision H.3 (see below).

KIPPS - Finding 26.c. (now 27.c.): Ms. Kipps recommends that Finding 26.c be revised.

RESPONSE: Finding 26.c. (now 27.c.) was modified in part as follows:

c. *To further address salinity in the discharge, this Order* ***prohibits the discharge of ion exchange waste to land. The Discharger intends to comply with this prohibition by properly storing this waste (as necessary) prior to onsite drying in the CST SteamBoy system and offsite disposal at an approved facility****.* ~~*requires the ion exchange discharge to be dried on site in the CST SteamBoy system and disposed of offsite at an approved disposal facility.*~~

KIPPS - Finding 32 (now 33), Table 8 (now 9): Ms. Kipps asks if soil sampling included soluble salts as required by WDR Order 95-164 and recommends including nitrate as nitrogen results in the soil discussion. Ms. Kipps also recommends that the amount of soil nitrate nitrogen in the soil be presented in the tentative WDRs.

RESPONSE: The Discharger has conducted soil monitoring for soluble salts, and soluble salts results have been added to Table 9. Nitrate was not added. Total nitrogen includes both TKN and nitrate as nitrogen concentrations and represents the total amount of nitrogen in the soil. Given that total nitrogen may include organic nitrogen that will eventually mineralize and become plant available (as nitrate or ammonium), the MRP includes nitrate as a soil sampling parameter along with TKN, total nitrogen, and ammonia.

MRP 95-164 did not require the Discharger to calculate the amount of soil nitrate at the LAAs; therefore, this dataset is not available. Accurate calculation of soil nitrate across the LAAs is difficult, as the LAAs consist of several soil types with differing bulk densities and organic extents, which would necessitate a more robust composite sampling approach than is currently required. However, Provision J.6.f (Wastewater and Nutrient Management Plan) of the WDRs has been revised as follows:

> *f. Management practices that will ensure that wastewater, irrigation water, and fertilizers/compost are applied at agronomic rates to the LAA****, including but not limited to adjusting wastewater application and spreading based on consideration of soil available nutrients****.*

KIPPS - Finding 33 (now 34): Ms. Kipps requests Finding 33 (now 34) be revised to include a discussion of soil pH and soil buffering capacity and states that the tentative WDRs don't recognize the discharge has exceeded the buffering capacity of the soils. Ms. Kipps further recommends including a Provision requiring a Work Plan to propose corrective measures to address soil buffering issues.

RESPONSE: Past practices may have resulted in soil buffering violations, but the tentative WDRs include measures such as requiring ion exchange to be disposed of offsite rather than land applied and that the Discharger prepare a Wastewater and Nutrient Management Plan that describes uniform application of wastewater (Provision J.6), which should mitigate the Facility's discharge from further impacting the LAA soil buffering capacity. Furthermore, the tentative WDRs include Provision H.5, which requires the Discharger to manage the LAA and irrigation of wastewater in a manner to maximize crop nutrient uptake and breakdown of organic waste in the root zone, and Provision H.7, which requires that the discharge not exceed the buffering capacity of the soil profile. However, the following revisions were made to the WDRs:

Finding 34 was modified in part as follows:

*Soil **monitoring** results indicate background concentrations for total nitrogen and EC are slightly lower than those of the soil samples collected within the LAAs, while pH background levels are slightly higher. The exceptions are the results for samples collected from Field I, which show lower concentrations than background for total nitrogen and EC in the two- and four-foot samples. Nitrogen and pH values generally decrease with depth, while the EC results generally increase. Variability in soil constituent concentrations, particularly where elevated **(or low in the case of pH),** is likely due to the historical practice of overapplying wastewater to minimal acreage. **This Order includes Provision J.6, which requires the Discharger to prepare and implement a Wastewater Nutrient Management plan that describes how the discharger will manage the LAA and apply wastewater at agronomic rates considering plant available nitrogen stored in the soil. Provision J.6 also requires the Discharger to describe measures it will implement to mitigate past and future impacts to the soil's buffering capacity at the LAA.***

Provision J.6.g. was added as follows:

g. Measures to mitigate past and future impacts to the buffering capacity of soils (e.g., soil lime treatment) at the LAA to ensure that optimal soil conditions and nutrient availability are maintained to allow for maximum plant uptake.

KIPPS - Finding 36 (now 37): Ms. Kipps requests Finding 36 (now 37) be revised to more accurately describe surrounding properties and actions taken by the Central Valley Water Board for those properties.

RESPONSE: Finding 37 was modified in part as follows:

37. *Land usage surrounding the Facility is primarily agricultural to the south, west, and northwest, but there are several industrial/manufacturing facilities nearby as shown on Attachments A, D, and E. Inactive evaporation ponds from the former ~~California Almond Growers~~ Oberti Olive processing facility are present to the northeast of the Facility and are directly north and adjacent to one of the land application areas (Field H).* ***California Olive Growers Exchange is the current owner of the 140.15-acre parcel containing the inactive evaporation ponds (APN 046-010-050).*** *The Oberti Facility degraded the underlying groundwater with salts and was issued Cease and Desist Order (CDO) 94-202 in June 1994.* ***Another*** *CDO 5-01-191* ***was issued to Tri Valley Growers*** *in July 2001* ***and was rescinded by R5-2009-0102 in 2009****. Operations at the Oberti Facility ceased in 2004.*

KIPPS - Finding 37 (now 38): Ms. Kipps comments about the adjacent Ardagh Groups Madera glass facility. Ms. Kipps requests Finding 37 (now 38) be revised to reflect the location of three industrial and domestic wastewater disposal ponds that are associated with the glass bottle manufacturing facility located along the southern boundary adjacent Avenue 12 and just east of LAA Field I. Additionally, Ms. Kipps requests clarification regarding an apparent stockpile just north of the glass facility on the Discharger's property.

RESPONSE: Finding 38 was modified in part as follows:

38. *The Ardagh Groups Madera facility (glass bottle manufacturer) sits between the Facility and LAAs (Field I to the west, and Field H to the east).* ***WDRs Order R5-2016-0019 regulates the glass bottle facility and its associated discharge of industrial and domestic wastewater to three ponds set along the south side of the property, north of Avenue 12, and just east of LAA Field I.***

Regarding the apparent stockpile, the use of the subject area is unclear from review of aerial photos; however, the RWD does not identify this area as being part of their wastewater process system. Staff has attempted to follow up with the Discharger to get more information regarding this area, but its use has not yet been confirmed.

KIPPS - Finding 40 (now 41): Ms. Kipps asks what wells, if any, are used to supplement wastewater to grow a crop.

RESPONSE: The Discharger indicates they have not had to use supplemental irrigation water in the past to grow pasture grasses. If needed, they will use water from the three onsite supply wells. The tentative WDRs include Provision J.6 that requires the Discharger to provide details in the Wastewater and Nutrient Management Plan regarding how wastewater and irrigation water will be blended. Finding 41 was modified in part as shown below:

41. *Source water for the Facility is supplied by three active onsite wells (Public Water System Number CA2000659).* ***These wells can be used for supplemental irrigation of the LAA if needed.***

KIPPS – Findings 46 and 47 (now 47 and 48): Ms. Kipps requests that Table 13 be incorporated into Finding 47 and modifications to Finding 48 to clarify whether groundwater monitoring wells are upgradient, cross gradient, or downgradient of the LAAs. Ms. Kipps also requests that chloride, calcium, and magnesium, or alternatively chloride and hardness be added to Table 13.

RESPONSE: Table 13 was moved as requested and revised to include chloride and hardness. Finding 48 was modified as shown below to provide clarity on the Facility's onsite groundwater monitoring network**:**

48. *Network wells MW-4B and MW-15B exhibit elevated nitrate concentrations ~~and are downgradient of Field K.~~* ***MW-4B would appear to be upgradient of Field K and cross gradient of Field I (approximately 600 and 450 feet from the extent of the pivot sprinklers, respectively); however, MW-4B was installed in an old creek or stream channel that flowed southwest (depicted in Attachment D). The historic creek/stream could have influenced the layering of sediments in the underlying aquifer and, therefore, be providing a preferred pathway to the southwest. The data presented in Table 14 further appears to suggest that MW-4B is likely affected by a preferential flow path created by the historic creek/stream channel, limiting its suitability for classification as an upgradient well.***

For MW-15B, the well is considerably downgradient of Field H (approximately 4,700 feet northwest of the extent of the pivot sprinkler), but it is also directly adjacent to the disposal area of Quady Winery that may influence water quality in this area*. ~~and upgradient of the Facility, respectively.~~ EC and TDS sample results from wells MW-4B and MW-11B consistently exceed WQOs. ~~Relative to Field K.~~* ***As discussed above,*** *MW-4B is* ***crossgradient but appears to be influenced by the discharge to Field I****. ~~in an upgradient position, while~~ MW-11B is* ***directly*** *downgradient* ***of Field K (about 600 feet northwest of the extent of the pivot sprinklers)*** *and exhibits higher salt concentrations but lower nitrate concentrations* ***than MW-4B or MW-15B****.* ***MW-20 is approximately 3,500 feet northwest (downgradient) of the extent of the Field K pivot sprinkler, and MW-18B is approximately 1,100 feet southeast (upgradient) of the extent of the Field H pivot sprinkler.***

KIPPS – Finding 60.c. (now 61.c.) Performance Base Salinity Limit: Ms. Kipps requests the Performance Based Salinity Limit be 1,530 mg/L for TDS, slightly less than the average of the 2022 to 2024 TDS results presented in Table 4 of the TWDRs.

RESPONSE: Staff concurs that recent annual average effluent TDS data should be used to develop the Performance Based Salinity Limit. Heavy rains occurred during 2023 that may have influenced effluent concentrations; therefore, it is unclear whether 2023 data is representative of the typical discharge. Additionally, it is typical that the Performance Based Salinity Limit includes a contingency to account for water conservation efforts and provide for a reasonable amount of operational flexibility (e.g., periodic wine making). Recently adopted WDRs have included a contingency of up to 25 percent (see, e.g., Dry Ranch Pistachio Processing Facility WDRs Order R5-2025-0020). Therefore, staff have recalculated the Performance Based Salinity Limit based on annual average effluent TDS observed during 2022 and 2024 and retained the
10 percent contingency. The revised limit is 1,790 mg/L TDS as an annual average and the WDRs have been revised to reflect the new limit.

Staff revised Table 4 of the WDRs to present average annual effluent concentrations for 2018 through 2024. Previously, Table 4 only presented data from 2022 through 2024. From 2018 through 2021 the Facility's CST Steamboy system was online and ion exchange waste was reportedly not discharged to the Facility's wastewater treatment system. During this period, the average annual effluent TDS ranged from 1,733 to 1,956 mg/L, with an overall average of 1,836 mg/L. Accordingly, staff contends that the revised Performance-Based Salinity Limit is appropriate for maintaining the Facility's discharge at current salinity levels per the Salt Control Program.

KIPPS – Finding 72.a-b (now 73.a-b): Ms. Kipps identifies inconsistencies in the finding, sub-findings, and Table 14, and requests revisions to correct the information. One such correction concerns a sentence in Finding 72.a ("*However, the pre-1968 water quality data is from wells mostly northeast and north (upgradient to cross-gradient) of the Facility and the results for EC and TDS are similar to the current downgradient values..*") that apparently incorrectly identifies wells northeast and north of the Facility as downgradient wells relative to the typical groundwater flow direction to the northwest.

RESPONSE: Staff believes that the sentence in Finding 72.a was not interpreted as intended and has revised the sentence for clarity, as follows: "*However, the pre-1968 water quality data is from wells mostly northeast and north (~~upgradient to~~ cross-gradient) of the Facility and the results for EC and TDS are similar to the* ***current values in the Facility's*** *downgradient* ***monitoring wells****..."*
This, and the other requested revisions were made to the WDRs.

KIPPS – WDRS Order 95-164 Rescission: Ms. Kipps notes that the Order does not state it rescinds WDRs Order No. 95-164.

RESPONSE: Staff has made the requested correction.

KIPPS – Flow Limitation D.2.: Ms. Kipps opines that with wine no longer being made at the facility, using the stillage guidelines specified by Central Valley Water Board

Resolution 83-105 and incorporated into the Basin Plan for flow limitations is not appropriate.

RESPONSE: While distillation or wine production did not occur at the Facility in 2023 or 2024, the Discharger has stated that these operations may still occur in the future. Section 4.2.2.5.1 of the Basin Plan states that the stillage guidelines apply to wineries within the Sacramento and San Joaquin Basins. The stillage guidelines were designed to prevent nuisance conditions and only present the minimum requirement for facilities that discharge stillage. Flow Limitation D.1 and the BOD cycle average loading limit of 100 lbs/ac/day (Provision H.6) provide for more stringent requirements relative the stillage guidelines. As such, Flow Limitation D.2 was removed from the WDRs.

KIPPS – Performance Based Salinity Limit E.1: Ms. Kipps requests the Performance Based Salinity Limit be 1,530 mg/L for TDS, slightly less than the average of the 2022 to 2024 TDS results presented in Table 4 of the TWDRs.

RESPONSE: See response to **Finding 60.c.**

KIPPS - Discharge Specification F. 3: Ms. Kipps notes that that the requirement identifies three specific pond liner designs that meet the hydraulic conductivity standard of 10^{-6} centimeters per second (cm/sec) and requests a fourth option that is the equivalent engineered alternative.

RESPONSE: Discharge Specification was modified by adding option “d” as shown below.

d. An equivalent engineered alternative.

KIPPS - Discharge Specification F.7. Ms. Kipps requests removing Discharge Specification F.7 and revising Finding 17 regarding rotary screen treatment.

RESPONSE: Discharge Specification F.7 was removed and Finding 17 was modified in part as follows:

> Additionally, stormwater for the Facility is collected via drains and directed to a lift station, then discharged to Pond 1 where it comingles with wastewater. **All wastewater generated from the cleaning and sanitation of the wine/grape juice concentrate equipment at the Facility (not including ion exchange or stillage) shall be subject to rotary screen treatment prior to discharge to the Ponds.**

KIPPS - Discharge Specification F.8.a.: Ms. Kipps questions the Discharger’s ability to meet a Dissolved Oxygen (DO) limit less than 1.0 mg/L, as the tentative Order does not mention aerators and DO isn’t required by MRP 95-164.

RESPONSE: Staff is not aware of any recent odor complaints for the Facility and the Discharger uses all of its wastewater for irrigation on the LAAs, which results in short retention times of wastewater in the ponds. Furthermore, each pond is equipped with venturi aerators, and the Discharger has not indicated the Facility's would have issues complying with the DO requirement. No changes were made to the Discharge Specification based on this comment; however, a reference to the ponds being aerated was added to Finding 17.

KIPPS – Land Application Area Specification H.3. Ms. Kipps requests revising the second sentence to include: *plant available nitrogen stored in LAA soils.*

RESPONSE: The LAA Specification was revised as follows:

Application of waste constituents to the LAAs shall be at reasonable agronomic rates to preclude creation of a nuisance or unreasonable degradation of groundwater, considering crop, soil, climate and irrigation management system. The annual nutritive loading of the LAAs, including nutritive value of organic and chemical fertilizers, ***plant available nitrogen stored in LAA soils****, and the wastewater shall not exceed the annual crop demand.*

KIPPS – Land Application Area Specification H.7. Ms. Kipps believes the past discharges have exceeded the buffering capacity of the soils of the LAAs. Due to apparent noncompliance with this requirement, she requests the inclusion of a provision requiring the Discharger to submit a work plan outlining a schedule and proposed corrective measures to mitigate the noncompliance.

RESPONSE: See staff's response above to Kipps' comment on Finding 33 (now 34). No changes were made to Land Application Area Specification H.7 based on this comment.

KIPPS – Land Application Area Specification H.9. Ms. Kipps requests staff describe how the Discharger will comply with the portion of LAA Specification H.9 that reads "The Discharger shall not discharge process wastewater to the LAA when soils are saturated (e.g., during or after significant precipitation)."

RESPONSE: Provision J.6 of the tentative WDRs requiring the Wastewater and Nutrient Management Plan was revised to note that the Discharger must demonstrate that wastewater would not be discharged when soils are saturated from precipitation events.

KIPPS – Land Application Area Specification H.10. Ms. Kipps requests that Land Application Area Specification H.10 be revised by adding "and violations of groundwater limitations" at the end of the sentence.

RESPONSE: Land Application Area Specification H.10 was modified as follows:

The Discharger shall ensure that all water is applied and distributed with reasonable uniformity on adequate acreage to preclude the creation of nuisance conditions ***and violations of groundwater limitations.***

KIPPS – Solids Disposal Specifications I.3: Ms. Kipps requests that the that the tentative Order be revised to characterize the Facility's pomace and diatomaceous earth storage area. Ms. Kipps also requests clarification of a pond or impoundment visible in aerial photographs in the Facility's tank farm area.

RESPONSE: The following was added to Finding 17 to describe the solids handling area at the facility:

Solids collected from the rotary screens and generated during the making of grape juice concentrate and/or wine and are stored temporarily on a concrete pad prior to being hauled for disposal at a permitted facility. The concrete pad is sloped and equipped with curbs to keep leachate from flowing onto earthen surfaces. Two drains are present along the western edge of the concrete pad that return the leachate to the main lift station sump where it blends with other winery wastewater streams.

The pond Ms. Kipps references in the Tank Farm area is a fire suppression pond. It has not been used since 2021 when the Discharger began storing water for fire suppression in one of the larger tanks just west of the pond.

KIPPS – Provision J.17: Ms. Kipps requests adding wording to require any new owner to include documentation on its intent to participate in the CV-SALTS Salt and Nitrate Control Programs.

RESPONSE: Provision J.17 was modified in part as shown below:

The statement shall comply with the signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with this Order. ***The new owner/discharger shall also submit documentation indicating its participation (or intent to participate) in the (1) Prioritization and Optimization Study and (2) Management Zone Approach (Path B) for the Nitrate Control Program (i.e., by participating in the Valley Water Collaborative Management Group for the Madera Management Zone.***

KIPPS – Provision J.19: Ms. Kipps notes that Provision J.19 typically only applies to municipal wastewater treatment facilities.

RESPONSE: Provision J.19 was deleted.

KIPPS – Monitoring and Reporting Program (MRP) Table 1: Ms. Kipps notes that Monitoring Location EFF-01 is situated upstream of the rotary screens and is not representative of the effluent discharged to the LAA. She recommends establishing a flow sampling point at the main sump and requests that this point be labeled as INF-01. Additionally, Ms. Kipps comments that monitoring should be required at Pond-01 for electrical conductivity (EC) and pH to evaluate the impact of stormwater on the Facility's discharge.

RESPONSE: Staff revised Table 1 of the tentative MRP to include Monitoring Location INF-001 to monitor the Facility's flow, revised the definition of Monitoring Location EFF-001 (wastewater/stormwater discharge to Pond 1 post screening), and added Monitoring Location EFF-002 (wastewater discharge to Pond 2 post screening). The tentative MRP was modified to include pH and EC monitoring requirements for Monitoring Location EFF-001 and required flow monitoring at Monitoring Location INF-001. Furthermore, staff revised Flow Limitation D.1 of the tentative WDRs to specify the compliance point as Monitoring Location INF-001.

KIPPS – MRP Table 2: Ms. Kipps requests adding a new section for Influent Monitoring and requests "Apply the non-flow effluent monitoring requirements in Table 2 to EFF-02 (screened discharge to PND-02). Identify monitoring requirements for EFF-01 (screened discharge to PND-01) as including twice/month monitoring for pH and EC on the same days as EFF-02 EC and pH monitoring. This will provide data to assess the extent to which Facility stormwater discharges to PND-01 dilutes wastewater quality." She correctly notes that the sampling point should not be the Main Sump, but rather they should be located following the rotary screens that remove solids prior to discharge into the ponds. She also requests EFF-01 be designated as INF-01

RESPONSE: Revisions were made to the MRP to address this comment.

KIPPS – MRP Table 4 (now Table 5): Ms. Kipps requests BOD_5 be added to Table 4.

RESPONSE: BOD_5 was added to Table 5.

KIPPS – MRP Table 5 (now 6): Table 5 includes "Solids Depth" as a parameter and indicates the sample type as observation. Ms. Kipps requests the word "Observation" be replaced with "Measurement" and a footnote added requiring the Discharger to provide the method of sludge measurement used.

RESPONSE: The requested changes were made to Table 6.

KIPPS – MRP Table 8 (now 9): Ms. Kipps requests a footnote be added to Table 8 stating that for arsenic, samples should be filtered with a 0.45 micron filter prior to preservation, digestion, and analysis.

RESPONSE: The requested change was made to Table 9.

KIPPS – MRP Table 10 (now 11): Ms. Kipps requests ammonia and soil lime buffering be added to be added to Table 10.

RESPONSE: Monitoring of ammonia was added to Table 11. As discussed in the response to Ms. Kipps request for soil buffering in Finding 34 of the TWDRs, these TWDRs include Land Application Area H.5 that requires in part for the Discharger to maximize crop nutrient uptake, maximize breakdown of organic wastes, and minimize the percolation of wastewater below the root zone. It also includes Land Application Area H.7 that states the resulting effect of the discharge on soil pH shall not exceed the buffering capacity of the soil profile. No changes were made to the MRP regarding soil lime buffering.