

APPENDIX E – FACT SHEET ADDENDUM

COMMENTS RECEIVED FOR THE

WINERY GENERAL PERMIT

State Waste Discharge General Permit for
Discharges from Wineries

May 17, 2018

State of Washington
Department of Ecology
Olympia, Washington 98504

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Paul Beveridge, Family Wineries of Washington State

Family Wineries of Washington State

Hi Stacey,

Thanks for getting back to me.

Many of our members would breathe a big sigh of relief if Ecology would simply raise the 7,500 case threshold to a more reasonable level in the next draft of the proposed permit. As drafted the proposed permit will effectively cap the growth of rural family wineries at 7,500 cases. That's exactly what the corporate wineries want so that they can maintain their dominant market share. Since Ecology has not been able to show any real adverse impact to waters of the state at the 7,500 case level, there is no compelling reason to cap the growth of tiny rural wineries at such a low level. If Ecology would raise the cutoff level to a more realistic figure in the next draft, Family Wineries could stand down and would not have to oppose the general permit when it is issued.

I also don't understand why you are not making the technical correction to S1.B.1. at this stage of the process. The current language is not consistent with other Ecology general permits. As currently drafted, if not corrected, every winery below the case threshold cutoff level will have to get an individual permit once the general permit is issued. That can't be what Ecology intends so the language needs to be fixed.

Dear Ms. Callaway,

Thank you for the opportunity to comment on the Department of Ecology's proposed winery general permit. Family Wineries of Washington State exists for the sole purpose of helping small family-owned wineries succeed. We represent small wineries from all over Washington State -- including urban and rural wineries and wineries on the east and west sides of the Cascades. We believe our organization is uniquely situated to comment on the proposed general permit as it directly impacts our members.

To briefly summarize, Family Wineries believes that Ecology has grossly overestimated the potential environmental impact posed by winery wastewater to waters of the state and provided little scientific evidence to back up its claims. Many small wineries have no impact on waters of the state and no small wineries have more impact than that posed by, for instance, a few typical homes or a rural restaurant. Further, the costs of the monitoring, reporting and discharge requirements of the proposed permit are way out of line for the minimal impact potentially posed. Family Wineries is particularly concerned that the Ecology effort has been encouraged and facilitated by large wineries intent on making small wineries pay for Ecology's program costs. These large wineries are already covered by individual permits and do not represent the interests of small wineries. Rather, they want small wineries to share in agency program costs that they should solely bear. Family Wineries believes Ecology has allowed these large wineries, through the Washington Wine Institute, to coopt the regulatory and fee development process at the expense of small family wineries who lack the resources to defend themselves.

In particular, Family Wineries objects to the proposed cutoff of 7,500 cases for application of the general permit as arbitrary. Ecology provides no rational basis for the cutoff. As explained below, considering the actual minimal environmental threat posed by wineries to waters of the state and the high costs of complying with the proposed monitoring, reporting and discharge requirements,

Family Wineries believes the cutoff should be set at 105,000 cases, which is the federal TTB definition of a small winery.

Our specific comments are as follows:

The general permit should specifically state that it does not apply to wineries that generate wastewater but do not discharge the wastewater to waters of the state. This includes many wineries, especially in Eastern Washington, who discharge wastewater but are located hundreds of feet above groundwater. These wineries have no impact on waters of the state because of the great distance to groundwater and the presence of a caliche layer that prevents wastewater penetration. These wineries should not be forced to comply with the onerous permitting, monitoring, reporting and fee requirements of the proposed general permit as they pose no threat to waters of the state.

Similarly, it is highly unlikely that using wastewater for beneficial purposes such as irrigation and road dust abatement will have any impact on waters of the state. Water is in short supply, especially in Eastern Washington where most wineries that would be covered by the proposed general permit are located. Ecology should be encouraging the reuse of winery wastewater, not making it more expensive. These small and periodic applications of dispersed water cannot penetrate through the caliche layer to groundwater hundreds of feet below the surface. The general permit is to protect waters of the state, not soil. No rational farmer would ever apply water that would harm his/her soil, so regulation to protect soil is unnecessary and should not come from Ecology's water program office. Beneficial uses of winery wastewater should be exempt from the onerous permit requirements that discourage instead of encourage their application.

The proposed general permit does not apply to wastewater discharges to surface water nor does it apply to storm water. Therefore the proposed general permit is not intended to protect surface water nor storm water and should not be justified on these bases.

As presently drafted, S1.B. states that certain activities are "NOT Covered under this General Permit." If taken literally, this language would mean that all of the exempt activities are not covered by the general permit and therefore need to get individual permits. Surely this was not Ecology's intention in drafting the exemptions. The beginning of S1.B. should be revised as follows:

B. Activities for Which a Permit is NOT required

1. Ecology has determined that the following facilities and activities do not have a reasonable potential to exceed Washington State Water Quality Standards or impact waters of the state.

a. A new or existing...

Similarly, the text in S1.B or the definitions should specifically state that small wineries are not "significant contributors of pollutants."

Footnote 2 states the assumption that 3 gallons of wastewater is generated for every 1 gallon of wine generated. Ecology provides no evidentiary support for this assumption and it is way out of line from the experience of our members. Our members never produce more wastewater than wine. Water is costly and our members do not waste it. Wine making is seasonal and most of the year small wineries use no water at all. In fact, most days of the year small wineries sit idle. Even during harvest a small winery may only run its equipment a few days. Typical barrel washing by our

members uses 2-3 gallons of water per barrel, not hundreds of gallons. A typical small winery floor is washed with a single garden hose a few times a year using much less water than the average home owner with a yard uses in a year. Even at the peak of the few days of harvest, typical small wineries use no more than two garden hoses at a time and that's only when cleaning up for an hour or two at the end of the day again much less than the typical residential home with a lawn or garden uses in the summer. It is also inappropriate for Ecology to include storm water in the estimate (see draft fact sheet at page 7) as the proposed general permit does not cover storm water. Ecology has grossly overestimated the volume of wastewater produced by the vast majority of Washington wineries. Section 2.2 of the fact sheet should be completely rewritten to reflect reality for small wineries or revised to make clear it applies only to large industrial operations.

In Section S2 Ecology increases the wastewater volume estimate from three to six gallons of wastewater per gallon of wine produced -- which is even more out of line with reality. Again Ecology provides no evidence to back up its assumption.

The proposed general permit and fact sheet also exaggerate the amount and toxicity of the pollutants allegedly present in winery wastewater. For instance, the permit and fact sheet fail to acknowledge that the suspended solids in small winery wastewater are all removed before the wastewater can reach groundwater and groundwater is the only "water of the state" addressed by the proposed general permit. Simply discharging the water to the ground very effectively removes the suspended solids before they can reach groundwater. The suspended solids are then easily scooped up and properly disposed of. The temporary presence of suspended solids in winery waste water before discharge is not a valid basis for imposing permit requirements.

Comparing winery wastewater to untreated domestic sewage is not appropriate. Unlike domestic sewage, there are no known pathogens that exist in winery waste. Similarly, winery wastewater cannot legitimately be compared to dairy wastewater.

Ecology's concern with dissolved solids in winery wastewater is also misplaced. These dissolved solids are not toxic and are easily biodegraded by soil microorganisms long before they can reach groundwater.

Ecology has failed to demonstrate any actual cases of adverse impact to waters of the state from the alleged "extreme pH" of winery wastewater. The only low pH material found in any quantity in winery wastewater is wine itself, and winemakers are loath to send much of their product out with their wastewater. The pH of wine can hardly be called "extreme." Further, unlike Western Washington, in Eastern Washington (where most facilities that will be covered by the proposed general permit are located) the soils can be basic and will actually benefit from the addition of slightly acidic wastewater. For instance, watering raspberries and other acid-loving plants is an excellent use for winery wastewater an effective reuse bio-swale that should be encouraged, not discouraged.

The only high pH material found in winery wastewater comes from cleaning chemicals, with Sodium Percarbonate being the principal cleaning agent used by small wineries. Sodium Percarbonate is a common ingredient in household laundry soap. Again, Ecology has not shown that small wineries have any more impact on waters of the state than a few typical households. In fact, winery wastewater has LESS potential impact on waters of the state than household wastewater because wineries do not use chlorine bleach.

The draft fact sheet concedes at page 12 that the largest source of salt in winery wastewater "is the water supplied to the winemaking facility." A typical small eastern Washington winery gets its water from a well with the salt already in it. Small winery use of Sodium Percarbonate, as discussed above, adds only tiny amounts of salt -- less than a typical home or two with a washing machine doing laundry every week. Discharge of this water back to the ground causes no deleterious impact to the already salty groundwater. And, as discussed above, it's highly unlikely that the wastewater would ever reach groundwater in any event in Eastern Washington. Washington State's Water Quality Standards for salts are set low to protect fresh water fish, not groundwater. Fish do not live in the groundwater. Further, preventing soil accumulation is not a valid reason for requiring a wastewater permit. If wineries are causing soil problems (and there is no evidence provided that they are), Ecology has other more appropriate program tools to protect the soils.

In section 2.4, the draft fact sheet grossly overstates the potential impacts of discharges from wineries. In fact, Ecology has been unable to show even one actual case where a small winery's discharge has harmed groundwater. Ecology has not demonstrated that winery wastewater has "extreme water pH ranges." Ecology has not identified any aquatic organisms that are affected by winery discharges to groundwater (again, surface water is not covered by the general permit). Alleged impacts to soil crops and vegetation are not valid bases for requiring wastewater discharge permits and Ecology has shown no examples of such impacts occurring in reality. Ecology has also provided no evidence that winery wastewater causes "nuisances like odors and vectors." In fact, Ecology's ill-advised suggestion that wineries confine their wastewater to ponds will serve to increase odors and vectors, not reduce them.

The only actual evidence of detrimental impacts from winery wastewater provided by Ecology is an anecdote about a winery overloading a domestic septic system. Ecology's concern is misplaced and not a valid basis for requiring wastewater permits. Septic systems are expensive to install and no rational winery would intentionally overload one. Certainly the winery that overloaded the septic system learned its lesson and will never do it again. Regulation is not necessary. Further, Ecology has not demonstrated that any septic system overloaded with winery waste has actually impacted groundwater or has a realistic potential to do so.

The limited potential impact from small winery wastewater makes the onerous reporting and monitoring requirements of the proposed permit completely inappropriate. Ecology is acting as if small family wineries are making toxic substances, not a safe, consumable, and biodegradable agricultural product. The extensive testing, monitoring and reporting is overkill compared to the potential risk and needs to be greatly reduced. The impact on small wineries is simply too great to justify considering the minimal impact on the environment. The monitoring and testing requirements are also redundant among many like-situated wineries. At a minimum, Ecology should aggregate the monitoring and testing to a few model wineries that represent the industry, rather than expect every permittee to conduct redundant and expensive testing, analysis and reporting over and over again.

Many of the above concerns would be alleviated if Ecology simply raised the applicability threshold from the currently proposed 7,500 cases to a more appropriate level that considers the minimal impact small wineries actually have on waters of the state. Ecology acknowledges in the draft fact sheet at page 24 that small wineries will "suffer disproportionate hardship from the costs related to compliance with the Winery General Permit" and that small wineries "are less likely to

impact groundwater quality." The problem is with how Ecology defines "small." In the wine industry, 7,500 cases is tiny, if not miniscule. And in terms of potential environmental impact, 7,500 cases is infinitesimal. Ecology provides no scientific or rational basis for the 7,500 case cutoff other than to provide a table (Table 6) that shows that such a cutoff will still capture 96% of the wastewater produced by wineries in Washington State. No scientific or rational basis is provided for picking the 96% figure either. Why not 90% or 80%? Given the lack of demonstrated impact on groundwater, Family Wineries believes the cutoff figure should be much higher. For instance, using the data provided to Ecology by the WSLCB for 2015, setting the cutoff at 100,000 cases would capture over 83% of winery wastewater while eliminating the burdensome permit costs for all but 17 wineries. Considering the absence of demonstrable impacts, 83% coverage is more than protective.

The only other argument Ecology provides for arbitrarily selecting 7,500 cases as the cutoff is legislation (HB 1040) proposed in the 2017 legislative session by Family Wineries of Washington State to provide "small winery tax relief" to wineries that sell less than 20,000 gallons of wine per year. Ecology notes that "this threshold nearly mirrors the applicability threshold proposed by Ecology." Ironically and tellingly, however, the 20,000 gallon figure was only used by Family Wineries because the Washington Wine Institute refused to support Family Wineries' original proposal of 250,000 gallons. The 250,000 gallon figure (105,000 cases) comes from the federal small domestic wine producer tax credit and is a much better definition of a "small" winery than the miniscule figure of 7,500 cases. Ecology should adopt the federal definition of a small winery of 250,000 gallons of wine produced per year. The federal definition is an established law, not a mere legislative proposal watered down by the intransigence of large corporate wineries. By setting the figure at 250,000 gallons or the equivalent of 105,000 cases, Ecology will limit the cost of complying with the permit requirements to those wineries that may actually threaten waters of the state and have the resources to meet Ecology's extensive and expensive permit requirements.

Ecology incorrectly states on page 26 of the fact sheet that the federal TTB definition of a small winery is 100,000 gallons. Rather a winery is defined as small and may continue to take the small winery tax credit until it exceeds 250,000 gallons the tax credit is simply gradually reduced between 100,000 and 250,000 gallons. 27 CFR 24.278. As discussed above, Ecology chose not to use either the 100,000 gallon figure or the 250,000 figure when it arbitrarily decided to define a small winery at 7,500 cases. Instead, Ecology decided to use 100,000 gallons to determine whether a winery falls within Group 1 or Group 2 under the proposed permit. Ecology should follow federal law and use the 250,000 gallon figure consistently. Only when a winery exceeds 250,000 gallons should it be considered "medium sized" and subject to the onerous Group 1 permit requirements.

In summary, Ecology has failed to show that the typical small winery has any more potential impact on waters of the state than a rural restaurant or a few typical rural homes that use laundry detergent and other household cleaners. Ecology's proposal is unduly burdensome considering the minimal threat posed. The monitoring and reporting requirements alone will bankrupt some small wineries. Therefore, the proposed general permit needs to be completely reconsidered, or the threshold definition of what is a small winery (7,500 cases in the proposal) needs to be raised substantially. Family Wineries recommends that the exemption level be set at the federal small winery definition of 250,000 gallons (105,000 cases). Ecology has not demonstrated an adverse impact on groundwater from wineries producing less than 250,000 gallons.

Thank you for considering our comments. Please let us know if you have any questions.

The Board
Family Wineries of Washington State

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<http://www.familywineriesofwashington.org>

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Stuart Childs, Kennedy Jenks

Stuart Childs

The attached document provides an evaluation of potential impacts of small wineries that discharge more than the wastewater limit of 53,500 gallons of wastewater per year. This restrictive limit is lower than many small wineries (7,500 cases per year or less) discharge. As a result, a number of small wineries that are unlikely to impact groundwater will be forced to apply for permit coverage.

(Continued on next page)

The Annual Wastewater Discharge Limit Without Being Covered Under the Winery General Permit Should be Increased to 107,000 Gallons Per Year

Wineries that produce small volumes of wine also produce small volumes of wastewater that must be disposed of. When Ecology selected a wastewater discharge limit for wineries producing less than 7,500 cases of wine (17,835 gallons), a wastewater discharge limit of 53,500 gallons per year was also proposed. In the permit fact sheet, Ecology justified use of this value because some wineries have been able to operate at a wastewater generated per gallon of wine ratio of 3 to 1 (3:1). While a 3:1 ratio is an excellent goal, many small wineries operate at higher ratios. As a result, the de minimis annual limits proposed by Ecology (7,500 cases, 17,835 gallons of wine, 53,500 gallons of wastewater) will require many wineries with less than 7,500 case annual production to be required to apply for permit coverage because the wastewater limit is quite low.

The ratio of gallons wastewater per gallon of wine for wineries is reported to range from a ratio of (2:1) to as much as 10:1. Only the most water efficient and relatively large wineries can produce wine at a 2:1 wastewater to wine ratio. A common estimate of industry average wastewater production is 6:1. Use of this average ratio for winery planning is based on the performance of water efficient wineries, wineries that have just begun to implement water conservation practices, wineries that produce primarily red or primarily white wines, and wineries that do not crush and/or do not bottle.

While it is appropriate for Ecology to encourage wineries to improve water management practices and generate smaller amounts of wastewater, Ecology should not make permit limit decisions on this basis. The proper justification for a de minimis wastewater discharge limit should be based on assessment of potential environmental (groundwater impacts) of wastewater discharge.

An Example Potential Impacts Analysis. The following evaluation is offered to demonstrate that the potential impact of a larger wastewater discharge than 53,500 gallons per year is unlikely to cause groundwater impacts. Table 1 shows two wastewater discharge scenarios for a 7,500 case winery:

Table 1. Estimated Wastewater Volume for Wineries Producing 7,500 Cases per Year

Winery Annual Production		Wastewater to Wine Ratio	Wastewater Gallons per year
Cases	Gallons of wine		
7,500	17,835	6:1	107,000
7,500	17,835	3:1	53,500

The potential impact of the two wastewater volumes shown above are evaluated by calculating the wastewater loading impact for wastewater land application – it is likely that small wineries discharge to land, although some may use other discharge methods. Table 2 shows hydraulic loadings for the two discharge levels for a 7,500 case winery. This table shows that annual wastewater loadings, in inches, are low for applications to 1, 0.5, and 0.25 acres at both wastewater flow levels. While the loadings for the 3:1 ratio are lower than those for the 6:1 ratio, neither would overload a soil profile or subsurface discharge zone.

The analysis also shows estimated hydraulic loadings for both crush and non-crush seasons. These calculations show that non-crush loadings are very small, less than 1 inch per month, and would not present a threat to groundwater.

Table 2. Estimated Annual Wastewater Loading on 1 Acre, 0.5 Acres, and 0.25 Acres

Wastewater Gallons/year	Annual loading, inches applied to:			Crush Wastewater Flow ^a			Flow During Non-Crush (10 Months)		
	1 Acre	0.5 Acre	0.25 Acre	Inches per month			Inches per month		
				1 Acre	0.5 Acre	0.25 Acre	1 Acre	0.5 Acre	0.25 Acre
107,000	3.9	7.9	15.8	1.0	2.0	3.9	0.2	0.4	0.8
53,500	2.0	3.9	7.9	0.5	1.0	2.0	0.1	0.2	0.4

^a Assume a 2 month crush and fermentation season when 50% of annual discharge occurs.

The crush discharge flow, commonly in September and October are results in low loadings, less than 4 inches per month for all scenarios shown in the table. Climate conditions in late summer and fall are dry enough that, during crush, crop uptake will remove most of the applied water.

A final evaluation was made to demonstrate that discharge of 107,000 gallons of winery wastewater per year would not present a threat to groundwater quality. Table 3 shows estimated loading rates for three common constituents in winery wastewater, based on the concentrations shown at the bottom of the table. BOD loadings are shown for the crush season when concentrations are highest. The BOD loading levels are significantly lower than the loading rates used elsewhere in the Draft Winery General Permit. The nitrogen and salts (expressed as Total Dissolved Solids or Fixed Dissolved Solids) are shown as annual loadings. The nitrogen loadings are in the range of agronomic rates for forage and hay crops.

Table 3. Wastewater Constituent Loading on 0.5 Acres

Wastewater Gallons/year	Constituent Loading on 0.5 Acres ^a		
	Crush BOD Pounds/Ac/Day	Total N Pounds/Ac/Year	FDS/TDS Pounds/Ac/Year
107,000	74	89	1,780
53,500	37	45	890
<i>Concentration, mg/L</i>	<i>5,000</i>	<i>50</i>	<i>1,000</i>

^a Constituent loadings are based on the concentrations shown at the bottom of the table and the hydraulic loadings in Table 2. Loadings for 1 acre and 0.25 acres can be calculated by dividing or multiplying by 2.

Summary. This analysis demonstrates the low potential for environmental impacts when small wineries discharge wastewater to land. The primary justification for this is that the low hydraulic loadings allow applied wastewater to remain in the soil for a sufficient amount of time to allow root zone treatment and crop uptake of applied wastewater constituents. Many Washington wineries are in the drier climate zones and would have a low potential to impact underlying groundwater. In wetter climates, more careful land application may be required during the fall but would still result in a low potential for groundwater impacts.

A small winery that commits 0.25 to 1 acres of land for wastewater discharge would present a low environmental risk of causing soil or groundwater impacts. Ecology should adopt the higher discharge limit evaluated here so that small wineries that do not pose a risk to groundwater quality will not be forced to apply for General Permit coverage.

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Matt Cooper, public

I urge the Department not to extend a permit requirement to wineries beyond the already existing requirements. There has been no showing of actual damage or imminent danger of damage caused by the industry in Washington. The report cites one incident of pollution connected to a winery in California discharging waste water.

The incidence of one winery in another state causing one instance of ground water pollution does not justify an entirely new permit requirement.

If discharging winery waste water onto the surface is a danger to ground water, adopt a rule prohibiting such a practice, but don't create an entire bureaucracy that comes with a permitting system and requirement.

This rule reaches too far and does not address any issue that has come up in the last 40 years of wine making in the state of Washington.

4

Tom Daugherty, public

I wish to view and read the winery general permit development and fact sheet documents but they are 404 links.

5

John Eliasson, Washington State Department of Health

For consistency with the horizontal separations requirements in WAC 246-272A and WAC 246-272B, subsurface infiltration systems on page 33 (Section S7.C.2.e.i.D.) must be located at least 100 feet from surface water. Amend to read:

D. Not be located within one hundred (100) of a surface water or within one hundred (100) feet of a potable water supply well.

6

Chris Espinoza, City of Kennewick

The City of Kennewick is currently in the process of becoming fully delegated through Ecology. This process will be official prior to June, 2019. The City of Kennewick is requesting consideration to be added to Table 6(Eastern Region)of the Fact Sheet. This table identifies by region, those that are delegated.

John Gbuerski, NorWesEnvironReg Implementation LLC

Comment - Form "Application for Coverage, Notice of Intent to Apply for Coverage Under A Winery General Permit," Section H 'Certification' - Delete the last sentence, ' "Unless the Department of Ecology Aquatic Invasive Species Management General Permit has a more stringent requirements, all FIFRA label directions and requirements will be followed" '. The sentence has nothing to do with certifying how the application and attachments were prepared. If Ecology feels the need to have a permittee commit to following FIFRA label directions and requirements include this a an item in the Winery Pollution Prevention Plan.

Comment - Mailing address on forms conflicts with the directions in permit on where to send form. Suggest form be revised to say "See Permit for mailing address."

Comment - Economic analysis needs to address cost of either training winery staff to meet requirements for obtaining wastewater samples that comply with required analytical methods, or of hiring a firm with personnel trained to obtain samples per analytical method.

Comment - Special Condition S.10.B.7.e, last sentence - strike the phrase "original strip chart recordings" and replace with "original chart recording or data file." Basis - Specifying "strip chart" unduly narrows the permittee's choice of instrument. Some circular charts are less expensive than strip charts. Also, use of electronic charts, equipped to automatically transfer data to a secure storage site is common practice; thus eliminating loss of data due to inking failure or running out of chart paper. Several models come with removable data storage (e.g., SD/MMC memory card).

Comment - Special Condition S12.A.2 - After phrase 'documents at the permitted facility' insert phrase - " or in a manner (e.g., 'cloud' storage) retrievable at the facility. As Ecology is encouraging use of electronic means for submitting or storing documents cloud storage can be more economical than on site storage. Economic analysis should address the cost of fire-proof file cabinets for records or cost of maintaining duplicate hard or electronic copies in separate areas as compared to cloud storage.

Comment - General Condition G4 - Ecology needs to provide a preferred means of verify that personnel with an Ecology credentials are actually agency personnel. Basis -Ecology identification badges can be faked and industrial espionage is not unheard of. Suggest a sentence - "The Ecology Regional Office can be contacted for verification of personnel.

Comment - General Condition G4 - Add F - Authorized representative of Ecology to complete any facility specific training required by WISHA prior to commencing inspection, unless inspection is being performed under warrant. Basis - neither OSHA nor WISHA allow for exempting Ecology authorized representative from training such as using ladders or scaffold, respiratory protection, lockout/tagout for hazardous energy. Dependent on scope of inspection this training may be required to access portions of the facility for an inspection.

8

Brett Isenhower, Isenhower Cellars

December 29, 2017

Ms. Stacey Callaway
Water Quality Program
Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Dear Stacey,

Here are my comments for the draft copy of the DOE's proposed regulation of winery wastewater.

S1.B3 – Why are mead and cider producers excluded from the regulations? It seems inequitable that competitors to wineries will not face the same regulatory burdens. In essence mead and cider producers will have a competitive edge because they are not subjective to the same intense water waste regulations as proposed for wineries.

S1.B5 – Nowhere is listed the opportunity to capture, treat and reuse wastewater. The technology exists to clean the wastewater to the point that it can be reused in the winery. For example, Free Flow Wines in Napa reuses 97% of their wastewater. Car wash facilities capture their wastewater and reuse it. Other industries reuse wastewater.

If a winery is able to capture, treat and reuse their wastewater then that winery should be exempt from applying for a general permit.

S2. 3C Do not accept trucked or hauled waste from off site to be discharged to your Waste management system

What if two neighboring wineries want to share a double lined lagoon so as to decrease the construction and operation costs? Does S2.3C or other regulations preclude wineries sharing a double lined lagoon or other wastewater treatment systems?

S3.1.b.v.C. And Table 6 "Beneficially reuse wastewater". See my comments above. Where am I allowed to treat and reuse wastewater?

"Beneficially reuse residual solid winery waste". It would appear that runoff from composting residual solid winery waste could enter the water supply because compost gets rained and snowed upon and there will be some leaching of the compost into the ground. Therefore composting would not be permitted. It should be cleared up that composting of residual solid winery waste is permitted.

S9. Residual Solid Winery Waste Management

See my comments about S3.1.b.v.C. Does not appear that composting is permitted.

S11. Domestic Sewage

Can an existing single drain field accommodate treated winery wastewater and treated domestic sewage?

S.13.A.3 This is Orwellian and Draconian. If a winery chooses to go beyond what is required in terms of testing wastewater they should not be compelled by force of law to share data that is not required by DOE.

S.13. Removed Substances – What are wineries supposed to do with the removed substances? Toss into a landfill?

That is all I have for now.

Kindest Regards,

Brett Isenhower
Isenhower Cellars

9

Anthony Kolanko, Hydro International

From: Anthony Kolanko <akolanko@hydro-int.com>
Sent: Monday, February 05, 2018 3:16 PM
To: Callaway, Stacey (ECY)
Subject: Microscreen Technology
Attachments: wsec-2017-fs-020-mrrdc-lsf-screening_final.pdf

Hi Stacey,

It was good to meet you in person last Friday and great to be able to attend the final Public Hearing for the Winery Permit.

As briefly discussed, I've attached a reference on microscreen technology (see pg.2). To reiterate my comments from last week, despite being a product name for Hydro, it is first and foremost a technological term used by the wastewater industry.

Should you have any questions or wish to discuss further, please don't hesitate to contact me.

Many thanks,

Anthony

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Registered in England No. 1606391 Registered Office: Shearwater House, Clevedon Hall Estate, Victoria Road, Clevedon, B821 7RD.

10

Chase Lucas, public

From: Chase Lucas <lucaschassidy@gmail.com>
Sent: Thursday, November 09, 2017 12:08 PM
To: Callaway, Stacey (ECY)
Subject: Re: Proposing the Formal Draft of the Winery General Permit

Trump is getting RID of ecology. It is too late, all you people did was pocket money and cause fines to get money. IT IS TOO LATE FOR ECOLOGY. NOT TO MENTION THE RUB AND TUG YOU GUYS HAD GOING ON IN THE BASEMENT OF ECOLOGY HEADQUARTERS.
MUCH TOO LATE!

CHAS

11

Josh McDonald, Washington Wine Institute

Comments on proposed formal draft of Winery General Permit

I am writing on behalf of the Washington Wine Institute to provide comments on the Department of Ecology's proposed formal draft of Winery General Permit. We appreciate the opportunity to provide comments. The General Permit will have a significant impact on the wine industry in the State of Washington, particularly from an operating cost standpoint. We appreciate the willingness demonstrated by the Department of Ecology ("DOE") to learn about the wine industry and the open and frank discussions that DOE has encouraged with wine industry members. The process has provided a good exchange of ideas that has resulted in numerous improvements to the content of the General Permit as it has evolved.

Cost of compliance with the General Permit remains the overarching concern. The wine industry is a nascent but growing industry in the State of Washington. The cost impacts of the new requirements will inhibit the wine industry's growth. We recognize the reasons supporting the need for a Winery General Permit, but DOE must continue to work with Washington wineries to reduce the operational and cost impacts to wineries.

Specifically, there are a number of areas where additional work needs to be undertaken:

1. Outdated Cost Information. Important alternatives for many wineries in handling their wastewater discharges is consideration of a subsurface infiltration system or evaporation pond. The draft Economic Impact Analysis cost information for this alternative is significantly out of date. The cost information utilized in the analysis is from 1999 and 2001 respectively. The use of out of date cost information is not appropriate, especially for an option that many wineries may well need to utilize. Please secure current cost estimates for revitalizing as well as constructing a subsurface infiltration system or an evaporation pond.
2. Utilization of Winery's Lab Capabilities. Larger wineries may already have the capability to perform testing at the winery. Currently, the language requires a winery to have its laboratory accredited, if the winery intends to perform its own testing (see Sec. S2.B.3.c). Wineries should be encouraged to use their own equipment for testing without requiring accreditation. The more testing becomes a routine part of the winery's operation and the winery's own employees are exposed to both the testing requirements and results on a real time basis, the more likely the winery will embrace the operational improvements and best practices to minimize wastewater generation and its waste content. Wineries should be allowed to perform additional testing without incurring the cost of accreditation. A more cost-effective approach would be to allow wineries to perform testing at the winery's own laboratory, and if the laboratory is not accredited to require, at least once annually, the use of at an accredited laboratory to verify the accuracy of their own tests. Testing at the accredited laboratory could be done on a much less frequent basis, i.e. once a year. The cost savings, operational impact and understanding of the wastewater issues and waste content would all be improved.

3. Winery Pollution Prevention Plan. The requirements of the Winery Pollution Prevention Plan, Sec. S10, are unnecessarily complex and burdensome. The Plan should be limited to steps relevant to preventing inappropriate discharges. It contains redundancies – see S10.B.1.b & S10.B.1.v as an example. It requires production information on the winery (S10.B.1.j.i & S10.B.1.j.ii) that is unrelated to prevention. It is too much!
4. Reasonable Permit Fees. We understand that DOE’s intent is to continue gathering information on Washington wineries in order to refine and improve the requirements of the Winery General Permit. We applaud this desire and the Washington Wine Institute pledges its assistance in working with DOE in this effort with the goal of lessening the financial and operational burden imposed on wineries by the Winery General Permit as it continues to evolve. In connection with this joint goal to lessen the financial burden of these new requirements, the Washington Wine Institute will continue to pursue the establishment of reasonable and appropriate permit fees.
5. DOE’s Commitment to Education and Training. The permit is currently 84 pages long and the included fact sheet another 109 pages. Realistically, very few impacted wineries will have the necessary time to read through the permit and fully understand how to comply based on their wastewater discharge system. The Washington Wine Institute asks DOE to invest in staff time and resources to hold seminars in each major wine region tailored to training and education for winery owners and staff. Without such training, we fear that even with the year delay to summer 2019, many wineries will still be out of compliance and struggle to know how to comply at the lowest cost and operational impact possible.
6. Simple, Easy-to-Use Forms for Wineries’ Use. The creation and distribution of simple, one page forms every permitted winery can use, file, and stay in compliance will be critical to the success of the first permit cycle. DOE should include education and training on how to use these forms when holding compliance seminars in major wine regions. These forms will become part of a winery’s normal system of filing akin to how we now pay our monthly federal excise taxes or send in a wine label to be approved. Therefore, making them simple enough for any properly trained staff to be in charge of is an absolute requirement.
7. Economic Impact Analysis Contradictions. The data contained in the Economic Impact Analysis (“EIA”) contradicts the conclusion “*when compliance costs per employee are compared across the majority of wineries, there will be variance that depends on winery attributes and choices made to comply with the general permit, but cost will generally be proportionate*” page 25 (emphasis added). The costs detailed in the EIA strongly support our concern about the overall cost of compliance. The cost highlights a hugely disproportionate impact on small wineries. As an example, see the category “*Discharge – Based: Lagoons and other Liquid Storage Structures*” in Table 5. The study shows the “*Cost per Employee (Winery Input)*” for “*New Design and Construction - Small*” is \$81,861 versus for “*New Design and Construction -Large*” is \$37,697. The costs are wildly disproportionate, more than Twice as expensive for a small winery than for a large winery – disadvantaging the small winery. This comparison will be even more glaring when updated data is used (see bullet point 1). While this category highlights the significance of the cost of compliance on a small winery, it is not an outlier. In fact, many

of the cost comparisons show disproportionate costs magnitudes that are Five – Eight times more costly for the small wineries than for large wineries – see the “Storage” category in Table 5. Also, the Winery Input numbers for employee count are more representative than the ESD numbers because they strip out the seasonal workers and focus on the employees available to take care of day to day operations.

There is no conclusion that can be reached other than the proposed Winery General Permit is hugely disadvantageous for small business.

The Washington Wine Institute asks DOE to continue working on mitigating measures that will bring down the financial and operational cost for a winery to comply with the permit. We ask that you postpone finalizing the permit until true cost proportionality can be achieved. Again, we acknowledge the tremendous amount of work DOE has put into the permit for the past four years, but more needs to be done before we can confidently say this permit is not overly harmful to our wineries across the state, especially our small wineries.

Thank you for the opportunity to comment on the propose winery wastewater discharge general permit.

Kind Regards

Josh McDonald
Executive Director
Washington Wine Institute

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CT Moen, Washington Wine Institute

January 30, 2018

- Commenter = CT Moen representing Washington Wine Institute

Comment

Hi. My name is CT Moen and I am here on behalf of the Washington Wine Institute.

Thank you for the opportunity to testify on behalf of our 160 members and 97% of all wine produced in Washington State.

We are providing formal written comments by February 14, but I am present today to make sure we are on the record providing feedback to the current version of the draft permit.

Washington Wine Institute has participated in these discussions for the past four years and worked proactively and productively with the Department of Ecology towards a winery wastewater permit that protects our state's soil and ground water while also works for the segment of the industry impacted by this new permit.

Washington Wine Institute participated as part of the wine industry Technical Advisory Group, which met with Stacey and Ecology several times in the past two years providing feedback on every version of the permit so far and also trying our best to inject industry expertise, so the permit has a chance to be shaped into something that is workable as it goes into implementation.

The Good

- Washington Wine Institute appreciates Ecology raising the exemption threshold to up to 7,500 cases/annually or the equivalent in gallons of juice or wastewater used. This will appropriately protect over 80% of our Washington wineries as they do not create enough wastewater to be part of this discussion.
- Washington Wine Institute supports the lengthy number of mitigation measures Ecology is proposing to minimize the amount of burden this permit may put upon our wineries trying to be in compliance. This includes:
 - The ability to do a grab sample.
 - Not requiring most discharge methods to measure their wastewater.
 - Not requiring an annual report.
 - Not requiring wineries with subsurface infiltration to retrofit their existing system or treat domestic waste separate from wastewater.
 - Allowing winery staff to design wastewater system requirements so outside consulting is not required.
 - Allowing Group 1 wineries to estimate wastewater flow.
- It is clear Ecology is focused on creating as much flexibility and options to compliance as possible. Washington Wine Institute asks that Ecology continue in this spirit as the permit continues to evolve.

Some challenges

- The permit is still over 80 pages long and the fact sheet is also very difficult to digest. Most impacted wineries will struggle to read through the permit and the fact sheet prior to implementation.

- Certain cost estimates within the Economic Impact Analysis are not reflective of current construction costs or other present day costs based on 2018's economy. These cost estimates need to be updated to reflect current day costs.
- The one-year delay before the permit is active will need to consist of compliance workshops and one-on-one meetings with impacted wineries to work with them to fill out the appropriate paperwork and understand expectations of those wineries under permit.
- Washington Wine Institute asks that Ecology continue to think of more mitigation measures to continue reducing the burden of the new permit and allow for a first-permit cycle that is focused more on education and less on strict compliance of a permit that we are still learning and trying to adapt to.

Thank you for your time and the opportunity to testify on this very important, very impactful work that is many years in the making. We look forward to working with Ecology as the permit evolves towards a final version this summer.

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Derek I. Sandison, Washington State Department of Agriculture

February 15, 2018

Stacey Callaway
WA State Dept. of Ecology
PO Box 47696
Olympia, WA 98504-7696

RE: WSDA Comments on Draft Winery General Permit

Dear Ms. Callaway:

The Washington State Department of Agriculture (WSDA) appreciates the opportunity to comment on the draft Winery State Waste Discharge General Permit proposed by the Washington State Department of Ecology (Ecology).

With nearly 1,000 licensed wineries and over 350 wine grape growers in Washington, wine is a significant agricultural sector of our state. The wine industry is also a major contributor to our state's economy, with annual sales averaging \$2 billion and over 6,000 jobs directly tied to wineries and vineyards. The Washington State Wine Commission, which represents all licensed wineries and grape growers in the state, falls under WSDA authority as one of 22 agricultural commodity commissions. For these reasons and more, new regulations impacting the wine industry are of special concern and interest to WSDA.

The vast majority of winemaking facilities in Washington have very low annual production volumes and are already heavily regulated. And the costs of facility upgrades, monitoring equipment, management plans, and wastewater analysis will have significant impacts to small wineries, potentially resulting in the closure of businesses. I have therefore been very pleased with Ecology's willingness to work closely with the Washington wine industry to implement numerous mitigation measures that lessen the financial and operational burden on impacted wineries.

As the permit process continues to evolve, I encourage a continued approach based on flexibility, including appropriately scaled requirements for small producers. And as the discussion turns to setting permit fees, I ask that the wine industry continue to be part of this conversation, ensuring fees that are reasonable and appropriate to scale.

Thank you again for the opportunity to provide comment on the Winery State Waste General Permit. Ecology's collaborative approach with the wine industry is greatly appreciated and I look forward to similar relationships on future permit actions that impact Washington's agricultural community.

Sincerely,



Derek I. Sandison
Director

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Jim Warram, Ste. Michelle Wine Estates

Ste. Michelle Wine Estates

General Condition 8 will allow the Department to arbitrarily require monitoring wells during the life of the permit putting facilities at significant unknown financial risk. General Conditions 11 and 12 already give the Department the authority to revoke or modify the permit, but these changes must be in accordance with RCW 43.21B and/or Chapter 173-226 WAC. The proposed General Condition 8 does not have any governing statutes or regulations to ensure it is applied consistently and with due process. The Department has ample protection through General Conditions 11 and 12. General Condition 8 should be removed completely. If not, the Department should explain how General Condition 8 protects the environment in a way not already covered in General Conditions 11 and 12.

(Continued on next page)

Comments on FORMAL DRAFT - Winery General Permit

SPECIAL CONDITIONS

S2.B.3.c

All samples must be analyzed by a laboratory registered and accredited for the test method being performed under the provisions...

S3.A.2.v

...but in **no** case heat in such quantities that the temperature at the WWTP exceeds 40°C (104°F) unless Ecology,...

S3.D.1

Conduct inspections as needed, but at least two (2) times per year, with emphasis on periods of wastewater generation and discharge.

S4.A.1.c.ii

Do not exceed a weekly average loading rate of seventy-five (75) lbs of BOD₅ per acre per day (lbs/acre/day), for each irrigation land.

S10.A.4

Retain the WPPP on site or electronically accessible from the site and make it available for inspection by Ecology personnel upon request.

S10.B.1.c

Add..."Site log book may be maintained in an electronic format, in a non-electronic format such as a binder, or both."

S10.B.5

Add..."c. Quantity of wastewater exported, in gallons."

S10.B.7

Keep all records and documents necessary to demonstrate compliance with this general permit on site or electronically accessible from the site.

GENERAL CONITIONS

G8

Ecology may establish additional specific monitoring requirements, including the installation of groundwater monitoring wells, by administrative order or permit modification.

General Condition 8 will allow the Department to arbitrarily require monitoring wells during the life of the permit putting facilities at significant unknown financial risk. General Conditions 11 and 12 already give the Department the authority to revoke or modify the permit, but these changes must be in accordance with RCW 43.21B and/or Chapter 173-226 WAC. The proposed General Condition 8 does not have any governing statutes or regulations to ensure it is applied consistently and with due process. The Department has ample protection through General Conditions 11 and 12. General Condition 8 should be removed completely. If not, the Department should explain how General Condition 8 protects the environment in a way not already covered in General Conditions 11 and 12.

APPENDIX B – GLOSSARY

Significant Contributor of Pollutants

A facility that Ecology determines to be responsible for the discharge of pollutants to waters of the state and may reasonably be expected to cause a violation of any Washington State Water Quality Standard.

Significant process change

...then a significant process change would include changing your production volume by 25% or more than indicated on your application for coverage.

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Daniel Washam, Sun River Vintners

From: Daniel Washam <Daniel@sunrivervintners.com>
Sent: Friday, January 19, 2018 4:33 PM
To: Callaway, Stacey (ECY)
Subject: Re: Reminder about the Winery General Permit Hearings

My only question is to make sure or see if my understanding that hard cider or wine under 6.9% is excluded

I tried to follow the decision tree link but it did not work we produce 99% of our product is hard cider we do make some red wine but it's under 500 cases or goat were phasing it out but word you know now like I said 99% hard cider where's the threshold of red wine that kicks in this permit

Sorry for the multiple emails I just found the 7500 case limit for wine or juice we do 60-ish thousand gallons of apple cider into hard cider but we do far less than 7,500 cases of red wine do I have to add those together or because they're separate things

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Glenn Wensloff, Elutriate Systems

January 30, 2018

- Commenter = Glenn Wensloff from Elutriate Systems

Comment

Hi. Thank you. Glenn Wensloff from Elutriate Systems.

I design wastewater systems in California, I've been doing it for the last twenty years. I think it's really good you guys are getting wastewater regulations out there. I think it's a little bit disingenuous to not have them. Where someone can come in and set up operations and run and the rules change halfway through what they are doing.

In California, the Regional Water Control Board in Santa Rosa, Sonoma County, has done something a little bit beyond what you guys are doing which you might be able to include. They made it more generic where it's not just wineries, its food processors or even a combination of food processors.

One of my clients is Penny Royal Farms. It's a winery goat cheese operation and they had a really hard time getting permitted because the wineries had a general permit but the cheese operation didn't. So you might have customers coming in who might do many things, have a potential BOD source.

From my experience, I like what you're doing with not commingling the domestic with the fecal in the process water because once it's all together it's contaminated.

I really support all you do. I wanted to come up here and hear what you guys are doing and offer my support to the industry that if you guys need help or can utilize my history. I've been doing it for twenty years. I've seen the failures, I've seen what doesn't work, what does work. Mostly the wastewater from the wineries is very strong. Not treated well, it smells really bad. Whether it's fecal or process water it smells the same.

I support what you guys are doing. Thank you.