

CV-SALTS and What it Means for Wineries in the Central Valley

CV-SALTS is a term most of us have heard if you live or work in the Central Valley of California, but what does it mean for wineries in the Central Valley? How do you choose a compliance pathway and how does this change how your facility is regulated? The following article is intended to be informative and is based on the KJ Food & Beverage Team's experience with CV-SALTS compliance at wineries in the Central Valley.

The Central Valley Alternatives for Long Term Sustainability (CV-SALTS) program has been in the making for more than a decade and is now at the forefront of regulatory compliance in the Central Valley. First, let's start with a brief summary of the program.

Who? At one time or another, CV-SALTS will affect any winery with a process wastewater discharge within the Central Valley Region of the Regional Water Quality Control Board (CRWQCB). This includes wineries who discharge to land application systems, pond systems, and subsurface disposal systems. This program is administered by the CRWQCB and it became effective in January of 2020.

Why? The primary goals of CV-SALTS are to provide a safe drinking water supply for Central Valley residents who may be affected by elevated nitrate levels in domestic wells, achieve balanced salt and nitrate loadings across the Central Valley, and implement a solution to restore the water quality of groundwater where feasible.

When/Where?

Nitrate Control Program. This program is phased, and the phase 1 areas include the Tule, Kaweah, Modesto, Turlock, Chowchilla, and Kings groundwater sub-basins. Notices to Comply for these 5 sub-basins were sent out in May 2020 and dischargers are required to choose a compliance pathway in March or May of 2021. Priority 2 areas are likely to receive Notices to Comply in early 2022. More information is available here: <https://www.cvsalinity.org/nitrate-control-program>

The Nitrate Control Program has two compliance pathways: Pathway A (Individual Permitting Approach or Pathway B (Management Zone Approach). In our experience, it is not a simple matter for wineries to decide which pathway is optimal for their facility. Here are a few things to consider when choosing a compliance pathway:

- Pathway B is the more collaborative approach and may be the best option for many facilities assuming the local Management Zone has qualified and engaging leadership. Costs associated with Pathway B are split among the dischargers within the Management Zone. Depending on your Management Zone, fee structures can be based on a variety of parameters (i.e. amount of nitrate discharged by your winery, spatial location of your facility within the sub-basin, acreage of land application system, and/or the presence of nitrate impacts to groundwater beneath your facility). It is important to remain involved in the governance of your Management Zone to make sure your voice is heard.
- Pathway A is the individual compliance approach and requires wineries to submit an initial Nitrate Assessment that evaluates the facility discharge and nitrate levels in underlying groundwater. Depending on the complexity of hydrogeologic conditions beneath your facility, levels of nitrate in your discharge, ambient levels of nitrate in groundwater beneath your facility, and the presence of domestic water supply wells near your facility, the assessment required for

this approach may be costly. It is important to consider your proximity to residential areas and whether your discharge could have contributed to high nitrate levels in groundwater. You may need to prepare an Early Action Plan if you discover that your discharge has contributed to high nitrate levels in domestic wells nearby. The Early Action Plan will identify and implement a plan to supply safe drinking water to those with impacted groundwater wells.

The Pathway A individual compliance approach could be optimal for dischargers with low levels of nitrate in their process wastewater that are below the nitrate drinking water standard.

Salt Control Program. Notices to Comply for this program were mailed out to all dischargers by the CRWQCB in the first week of January 2021, and dischargers should have received them. Wineries have until 15 July 2021 to respond to the CRWQCB. More information is available here:

<https://www.cvsalinity.org/salt-control-program>

The Salt Control Program has two compliance pathways: Conservative Permitting Approach (individual) or the Alternative Permitting Approach.

- The Conservative Approach is for facilities that have advanced salinity removal/treatment systems that reduce salinity in the process wastewater discharge to less than 700 micromhos per centimeter or less. It is likely that most wineries may not qualify for this compliance pathway.
- The Alternative Approach requires wineries to participate in and financially support the Prioritization and Optimization (P&O) Study. This is a central valley wide program that is led by the Central Valley Salinity Coalition. Wineries will be allowed to continue discharging at their currently permitted salinity levels, but will have to implement salinity control measures within their facilities and reduce salinity levels over time. Phase 1 of the P&O study will commence in early 2021 and is expected to take 10-15 years.

For many wineries, choosing the optimal compliance pathways for the Nitrate Control Program and Salt Control Program under CV-SALTS is not a simple matter and there is not always a clear pathway to compliance. Any member of our Food & Beverage Team would be happy to discuss your site-specific conditions with you. Please contact us at our 2021 Unified Wine & Grape Symposium Virtual Booth.