

CITY COUNCIL MEETING
NOVEMBER 7, 1984

WINERY ODOR
COMPLAINT, 1
WEST TURNER
ROAD

Agenda item K-1 - Winery Odor Complaint, 1 West Turner Road, Lodi, was introduced by Public Works Director Jack Ronsko. The following report as prepared by Mr. Ronsko was presented for Council's information.

At the last City Council meeting of October 17, 1984, residents from the Mokelumne Village Subdivision indicated their concern to the City Council about the unusual offensive odor originating from the winery located at 1 West Turner Road. The residents requested the City Council to direct the City Attorney to file suit to abate this odor nuisance. The City Council at that time asked the Public Works Department to prepare a Council Communication addressing the odor problem its history and any existing regulations.

Aerial photographs of the subject area were presented for Council's perusal.

Over the past 3-4 years, the City staff has experienced strong odors from both the United Vintners and Turner Winery ponds. These odors have not been the typical winery crush/fermenting odor. The major odor problem related to the United Vintners Winery operation has come from their spreading ponds on the north side of the river. These ponds are used to spread their stillage discharge waste. This stillage waste is a pungent liquid which is left behind after the drinking alcohol is distilled off. If this waste is not processed properly, these odors can intensify and become very offensive and overwhelming. The Winery's stillage operation takes place approximately 3 times per year. The last operation started in September and finished the end of October. It was during this time period the City received the latest of odor complaints. However, the City staff has not witnessed any offensive stillage waste odor since the item was brought to the attention of the City Council at their October 17 meeting. Past odor problems were due to specific problem in the Winery's operation.

The City staff would like to point out that the local manager, Mr. Reinold Gerzevske, has been very cooperative in working with the City of Lodi in trying to resolve specific odor problems and doing process experimentation in order to meet the City's discharge requirement so the Winery can discharge into the City's industrial waste system. The City Council should be aware that over the past few years the Winery has been under three different ownerships and Mr. Gerzevske has been working under numerous corporate administrators.

The Public Works Director and the Water/Wastewater Superintendent met with the manager and corporate administrator of of ISC Wines of California (Old United Vintner Winery) at 7:00 a.m. Friday, November 2, 1984. They will be discharging into the City's system on an experimental basis, during their next stillage operation in April.

The City also asked for written comments from Mrs. Arnaiz related to her contacts with the Central Valley Regional Water Quality Control Board. If those are received, they will be hand delivered to the Council.

0016

Existing Regulations:

Both the United Vintner Winery (now ISC Wines of California) located at 1 West Turner Road and the Turner Winery located on Woodbridge Road are operating under a Central Valley Regional Water Quality Control Board Discharge Permit. The provisions under both of these permits indicate the "neither the discharged nor its treatment shall cause a pollution or nuisance as defined in Section 13050 of the California Water Code." Under the Water code, nuisance is defined as follows:

(m) "Nuisance" means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property; so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.

It is felt that the Regional Board has definite authority and responsibility to enforce the above condition of the Discharge Permit.

The following are excerpts from the Sewer Section of the Lodi City Code:

Article II. Regulations

Sec. 20-3. Prohibitions of discharges.

No person shall discharge to the sewerage system, natural outlet, street or earth surface, wastes which cause, threaten to cause or are capable of causing either alone or by interaction with other substances:

- (1) A fire or explosion;
- (2) Obstruction of flow in a sewerage or injury of the system or damage to the sewerage collection, treatment or storm facilities by ashes, cinders, sand, mud, grit, straw, offal, shavings, metal, glass, rags, feathers, tar, plastics, wood, sawdust, manure or other solid or viscous substances capable of causing obstruction of the flow or other interference with the proper operation of the sewerage system in the opinion of the public works director;
- (3) Danger to life or safety of personnel;
- (4) A nuisance or prevention of the effective maintenance or operation of the sewerage system, through having a strong, unpleasant odor;
- (5) Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;

Sec. 20-39. Injunction.

Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the city may petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge (Ord. No. 1307, § 1.)

The City Attorney feels that the City could use either Section 20-3 (4) and/or Section 20-3 (5) to cite the winery at 1 West Turner Road for a nuisance or air pollution. In addition, the City could under Section 20-39 petition the Superior Court to issue a preliminary injunction to stop a nuisance if it is determined one exists.

CC 16
CITY COUNCIL MEETING
NOVEMBER 7, 1984

The City Attorney also agrees with Mr. Rishwain's statement that the City could bring nuisance abatement suit against the winery under Civil Code § 3490 et seq.

The following persons, who were in the audience, presented testimony concerning the subject:

- a) Mr. Michael Rishwain
1038 Miwok Drive
Lodi
- b) Mr. Ralph Ward
Vice President of Operations
United Vintners Winery
Lodi
- c) Mr. Howard Arnaiz
1073 Awani Drive
Lodi

A very lengthy discussion followed with questions being directed to Staff and to those who had given testimony.

On motion of Council Member Reid, Olson second, Council directed Staff to work with the subject winery in resolving the specific odor problems and in doing process experimentation in order to meet the City's discharge requirements so the winery can discharge into the City's industrial waste system. The motion carried by unanimous vote.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: November 2, 1984
SUBJECT: Winery Odor Complaint (1 West Turner Road)

RECOMMENDED ACTION: Review attached material and public input, and take appropriate action.

BACKGROUND INFORMATION: At the last City Council meeting of October 17, 1984, residents from the Mokelumne Village Subdivision indicated their concern to the City Council about the unusual offensive odor originating from the winery located at 1 West Turner Road. The residents requested the City Council to direct the City Attorney to file suit to abate this odor nuisance. The City Council at that time asked the Public Works Department to prepare this Council Communication addressing the odor problem, its history and any existing regulations. Refer to Attachment No. 1 for a complete copy of the Council minutes.

Attachment No. 2 is a copy of an aerial photograph showing the relationship of the Mokelumne Village Subdivision with United Vintners Winery (now called ISC Wines of California), their ponds on the north and south side of the River, and the Turner Winery and their ponds.

Over the past 3-4 years, the City staff has experienced strong odors from both the United Vintners and Turner Winery ponds. These odors have not been the typical winery crush/fermenting odor. The major odor problem related to the United Vintners Winery operation, has come from their spreading ponds on the north side of the River. These ponds are used to spread their stillage discharge waste. This stillage waste is a pungent liquid which is left behind after the drinking alcohol is distilled off. If this waste is not processed properly, these odors can intensify and become very offensive and overwhelming. The Winery's stillage operation takes place approximately 3 times per year. The last operation started in September and finished the end of October. It was during this time period the City received the latest of odor complaints. However, the City staff has not witnessed any offensive stillage waste odor since the item was brought to the attention of the City Council at their October 17 meeting. Past odor problems were due to a specific problem in the Winery's operation.

The City staff would like to point out that the local manager, Mr. Reinold Gerzevske, has been very cooperative in working with the City of Lodi in trying to resolve specific odor problems and doing process experimentation in order to

APPROVED:

HENRY A. GLAVES, City Manager

FILE NO.

meet the City's discharge requirement so the Winery can discharge into the City's industrial waste system. The City Council should be aware that over the past few years the Winery has been under three different ownerships and Mr. Gerzevske has been working under numerous corporate administrators.

Attachment No. 3 is a chronological recap of actions related to odor problems from both the United Vintner and Turner Road Wineries. Together with this attachment are Exhibits A through O which include the related correspondence. The chronological recap is intended to include enough detail that these exhibits will not have to be read in their entirety but are made available if additional information is desired.

The Public Works Director and the Water/Wastewater Superintendent met with the manager and corporate administrator of ISC Wines of California (old United Vintner Winery) at 7:00 a.m. Friday, November 2, 1984. They will be discharging into the City's system on an experimental basis, during their next stillage operation in April.

The City also asked for written comments from Mrs. Arnaiz related to her contacts with the Central Valley Regional Water Quality Control Board. If those are received, they will be hand delivered to the Council.

EXISTING REGULATIONS:

Both the United Vintner Winery (now ISC Wines of California) located at 1 West Turner Road and the Turner Winery located on Woodbridge Road are operating under a Central Valley Regional Water Quality Control Board Discharge Permit. The provisions under both of these permits indicate that "neither the discharged nor its treatment shall cause a pollution or nuisance as defined in Section 13050 of the California Water Code." Under the Water Code, nuisance is defined as follows:

(m) "Nuisance" means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.

It is felt that the Regional Board has definite authority and responsibility to enforce the above condition of the Discharge Permit.

The following are excerpts from the Sewer Section of the Lodi City Code:

Woodbridge Rd

Turner Winery

Turner Winery's Ponds

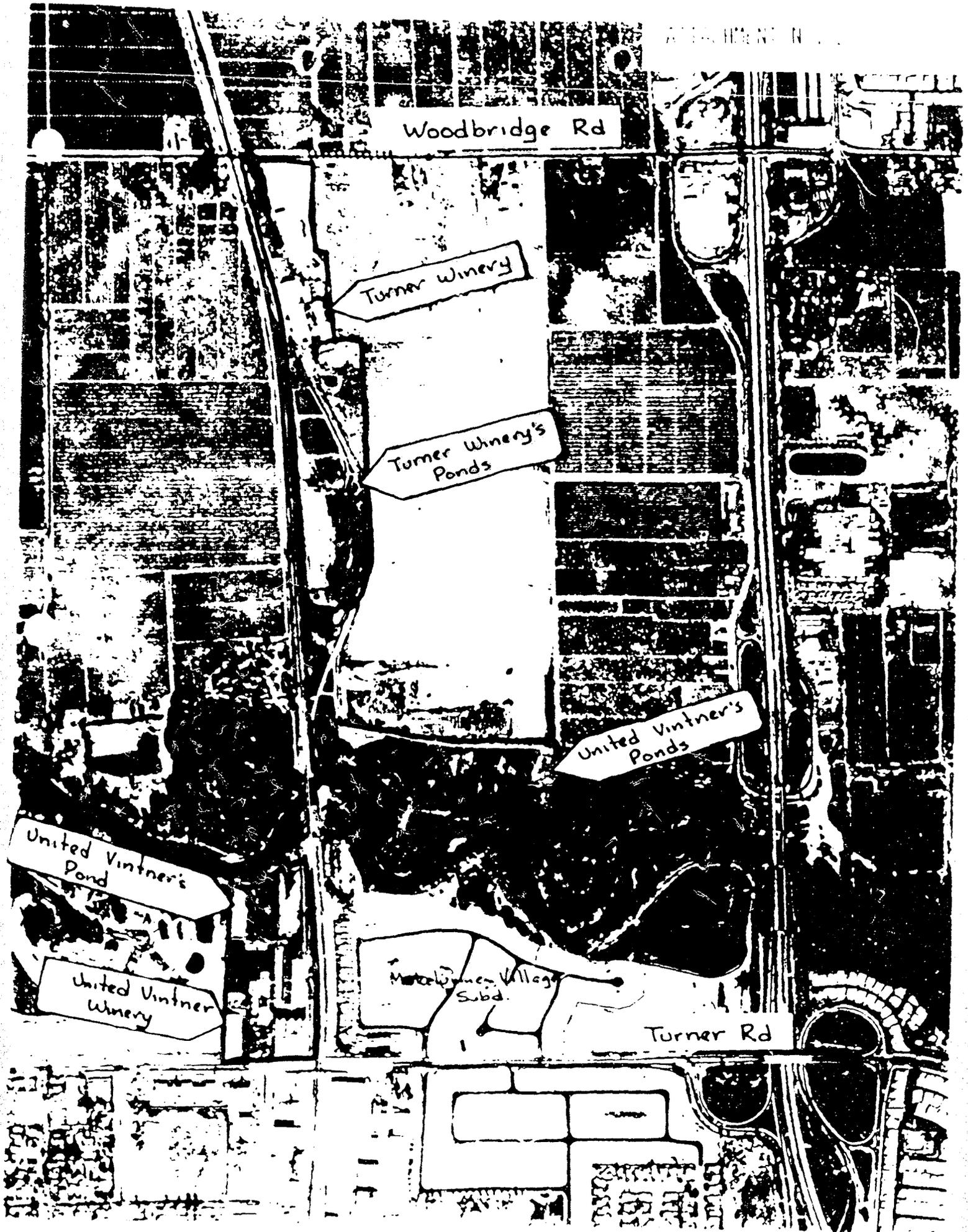
United Vintner's Ponds

United Vintner's Pond

United Vintner Winery

Turner Village Subd.

Turner Rd



Article II. Regulations.

Sec. 20-3. Prohibitions of discharges.

No person shall discharge to the sewerage system, natural outlet, street or earth surface, wastes which cause, threaten to cause or are capable of causing either alone or by interaction with other substances:

(1) A fire or explosion;

(2) Obstruction of flow in a sewerage system or injury of the system or damage to the sewerage collection, treatment or storm facilities by ashes, cinders, sand, mud, grit, straw, offal, shavings, metal, glass, rags, feathers, tar, plastics, wood, sawdust, manure or other solid or viscous substances capable of causing obstruction of the flow or other interference with the proper operation of the sewerage system in the opinion of the public works director;

(3) Danger to life or safety of personnel;

(4) A nuisance or prevention of the effective maintenance or operation of the sewerage system, through having a strong, unpleasant odor;

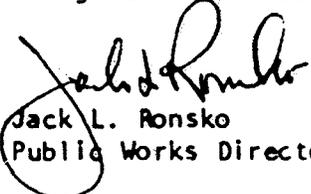
(5) Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;

Sec. 20-39. Injunction.

Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the city may petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge (Ord. No. 1307, § 1.)

The City Attorney feels that the City could use either Section 20-3 (4) and/or Section 20-3 (5) to cite the winery at I W. Turner Road for a nuisance or air pollution. In addition, the City could under Section 20-39 petition the Superior Court to issue a preliminary injunction to stop a nuisance if it is determined one exists.

The City Attorney also agrees with Mr. Rishwain's statement that the City could bring nuisance abatement suit against the winery under Civil Code § 3490 et seq.


Jack L. Ronsko
Public Works Director

Attachments

cc: ISC Wines of California
Mr. Mike Rishwain
Mr. & Mrs. Howard Arnaiz
City Attorney
Water/Wastewater Supt.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

X
COMPLAINTS
RECEIVED RE PUTRID
ODORS EMITTING
FROM THE ALLIED
GRAPE GROWERS
PROPERTY ON
TURNER ROAD

Mr. Mike Rishwain, 1038 Miwok Drive, Lodi, addressed the Council complaining about a nuisance that is being created at 1 West Turner Road, Lodi. Waste from the winery is creating bacteria, resulting in a very offensive odor. According to Mr. Rishwain, this odor affects a large portion of Lodi. Mr. Rishwain indicated that this situation is causing a second problem in that there are an inordinate number of flies present in the area.

Mr. Rishwain further stated that the problem has gone on for the last four years and that the winery does have some choices in this matter, such as dumping the waste material into city lines.

Mr. Rishwain explained "nuisance" and "public nuisance" as defined by State statute and asked that the City Council direct the City Attorney to file suit to abate this nuisance.

Council Member Pinkerton stated that it was his recollection that at the time the Mokelumne Subdivision was before the Council for approval he expressed his concerns regarding various incompatible factors in the subject area. Council Member Pinkerton asked that the City Clerk check the minutes to see if his statement had been entered into the official record.

Mr. Howard Arnaiz, the developer of Mokelumne Village Subdivision addressed the Council regarding the matter, giving a history of the situation. Mr. Arnaiz acknowledged that he did recall Council Member Pinkerton expressing his concerns at the time of the subdivision approval.

Mr. John Stroh, 1022 Miwok Drive, Lodi, also addressed the Council indicating that "they" are not against the winery, but explained that the odor was not a typical "Lodi grape season smell", but a very offensive odor.

A lengthy discussion followed with questions being directed to Staff and to those persons who had given testimony.

Following a suggestion by Public Works Director Ronsko, Staff was directed to prepare a report addressing the various questions that were posed concerning this complaint. Council requested that if possible this report be completed so that it can be presented at the November 7, 1984 regular Council meeting.

CHRONOLOGICAL RECAP OF ODOR CONCERNS
 COMING FROM UNITED VINTNERS, INC.
 LOCATED AT 1 WEST TURNER ROAD (Now ISC Wines of California)
 AND TURNER WINERY LOCATED ON WOODBRIDGE ROAD

- January 18, 1980 The City of Lodi met with United Vintners Winery and was first made aware of the odor problem they were having. In November of 1979, the San Joaquin County Local Health District referred an odor complaint to the Central Valley Regional Water Quality Control Board. The Board in turn contacted the Winery. The Winery contacted the City to determine what was required to discharge into the City's wastewater system.
- January 31, 1980 The City of Lodi mailed to United Vintners a Wastewater Discharge Permit Application (see Exhibit A).
- February 12, 1980 United Vintner submitted a Discharge Permit Application to City of Lodi for review.
- The Winery indicated that the previous odor problem was the result of a pump failure which had been corrected. They indicated that stillage by its nature has an odor which some people find objectionable. They stated they wanted to avoid future complaints and this was the reason for making application to discharge into the City's system (see Exhibit B).
- April 11, 1980 The City conditionally approved the Wastewater Discharge Permit for United Vintners. The conditions included a limitation on daily flow, installation of a flow measuring and monitoring facility, a limit on suspended solids, and the control of the discharge pH (see Exhibit C).
- February 25, 1981 City sent renewal Discharge Application to United Vintner Winery. However, the City had had no contact from the Winery since the above approval of the conditional Discharge Permit and there had been no discharge to the City's system to this date.
- July 21, 1981 The City renewed a conditional Wastewater Discharge Permit. However, there had still been no discharge to the City's system (see Exhibit D).
- December 15, 1981 The City of Lodi again sent out Wastewater Discharge Permit Application and renewed conditional approval of Wastewater Discharge Application. However, to this date there has still been no discharge to the City's system (see Exhibit E).
- January 29, 1982

September 15, 1983

The City Manager received an early morning call from Mr. Howard Arnaiz related to the odor problem at United Vintner's Winery. Later that morning the Water/Wastewater Superintendent investigated the origin of the odor and found that it was coming from United Vintner's spreading area on the north side of the Mokelumne River.

Later that afternoon the City Manager called United Vintner Winery and set up a meeting between the Water/Wastewater Superintendent and the Winery's plant manager and plant superintendent. It was determined that the Winery had recently regraded the spreading area on the north side of the River so that all stillage wastes flowed south to the north bank of the Mokelumne River. This area was already moist due to the high ground water table near the River and due to the shade provided by the trees in the immediate area. This low area had collected the waste from numerous spreading operations (approximately 5" deep) and had gone into an anarobic process (bacteria feeding on material in the absence of air). It was this anarobic condition that was producing the odor that was of concern.

The Winery indicated they would immediately contact a chemical firm to obtain a masking agent to eliminate the immediate odor problem. At this meeting, the City's Water/Wastewater Superintendent also recommended that a dirt berm be constructed to keep future liquids from entering this low problem area. The berming was later accomplished by the Winery.

September 19, 1983

The Winery applied the masking agent during this week. The City's Water/Wastewater Superintendent witnessed the spray equipment in the field and also found that the odor had been reduced.

November 15, 1983

The City of Lodi responded to another request from United Vintners to discharge stillage waste into the City's system. The City of Lodi suggested a procedure which would simulate the waste discharge in order that the City could monitor the waste to determine if the conditions on the Waste Discharge Permit could be met by the Winery (see Exhibit F).

January 24, 1984

The City of Lodi forwarded to United Vintners the results of monitoring their simulated discharge which took place between December 8 and 15, 1983. The City pointed out that there were some problems in control of pH and suspended solids. The City also provided the Winery with an estimated annual cost of treatment and plant connection fee based on the flows and strengths which came from the simulated testing. Based on the City's 1982 rates, the treatment costs would be approximately \$19,000 per year and there would be a one-time connection fee of approximately \$3,000. These costs were based on discharging to the City's industrial waste system. It was also pointed out that if these same flows were to be discharged into the domestic system, that the annual treatment costs and connection fee would be approximately \$100,000 and \$30,000 respectively (see Exhibit G).

March 9, 1984

City of Lodi and the Local Health District met with Mrs. Lacey Arnaiz to again discuss odor problems that the residents in the Mokelumne Subdivision were again experiencing. Present from the City were the City Manager, Water/Wastewater Superintendent and Public Works Director and Lee Hall and Al Olson represented the Local Health District.

After this meeting, the City and Local Health District staff made a field inspection of the spreading ponds of both the United Vintner Winery and the Turner Winery. On inspecting the ponds of United Vintner on the north side of Mokelumne River, it was determined (1) that the recommended berming off of the low area had been accomplished, and (2) that there was little or no odor coming from this spreading area. The odor that was present did not have an offensive anaerobic smell. In touring the ponds of the Turner Winery, there was a strong odor found coming from their south ponding area. The Local Health District indicated that they would correspond with the Regional Board and point out the odor problem created by the Turner Winery.

March 14, 1984

San Joaquin Local Health District corresponded with Regional Board and asked them to determine if the odor problem constituted a violation of the Turner Winery's discharge permit.

March 27, 1984

United Vintner Winery requested the City to perform a second series of tests on another simulated discharge. The purpose of this additional City monitoring was to determine if the Winery through a simulated discharge process could reduce their suspended solids and conform to the conditions of the City's Wastewater Discharge Permit. The City agreed to this experiment and performed monitoring on the simulated discharge between April 17, 1984, and May 1, 1984.

April 12, 1984

Letter from Regional Board to Local Health District indicating that the odor problem at the Turner Winery was either a violation or threatened to be a violation of the Winery's Discharge Permit (Order No. 80-055). However, the Regional Board indicated that due to understaffing they could not assign staff time to the odor nuisance. They agreed to write a letter to Turner Winery, however, they recommended that the Local Health District persuade the Winery to act using the authority of San Joaquin County Ordinance No. 877 (see Exhibit I).

April 17, 1984

Regional Board corresponded with Turner Winery indicating that there was a violation of the waste discharge requirements and asked them to prepare a written report describing how they would prevent this odor nuisance from recurring. The Regional Board also asked that this report be submitted to the Local Health District for review (see Exhibit J).

April 21, 1984

The City of Lodi received odor complaints from several citizens. The Water/Wastewater Superintendent investigated and found the odors originating from both the United Vintner Winery and the Turner Winery. However, the odor from the United Vintner Winery was originating from their treatment ponds on the south side of the Mokelumne River (just north of Winery within City Limits) and no odor was found emanating from their spreading areas on the north side of the River. An inspection of the Turner Winery found that odors were coming off of their holding ponds.

April 30, 1984

The City of Lodi wrote a letter to the Regional Board requesting their help in abating the odor nuisance coming from the Turner Winery which was wholly within the County (see Exhibit K).

May 22, 1984

Turner Winery corresponded with Regional Board indicating what they had done to eliminate the odor problem (see Exhibit L).

June 20, 1984

Regional Board corresponded with Turner Winery indicating that their report on resolving the odor was not acceptable and it should have been submitted to the Local Health District rather than the Regional Board. They then asked Turner Winery to again respond to the Local Health District by July 5, 1984 (see Exhibit M).

June 21, 1984

The City of Lodi sent United Vintner Winery a recap of their recent testing and monitoring. This monitoring (April 7 - May 1) indicated that the Winery could reduce its suspended solids to conform to the conditions of the City's Wastewater Discharge Permit.

The City of Lodi indicated that we would experimentally allow them to actually discharge their stillage, using this new process, into our industrial waste system in September 1984, provided that the other conditions of the Waste Discharge Permit were met. The City indicated that we would allow them to use a temporary flow meter and that the City of Lodi would provide the required monitoring sampler. The City indicated that pending the results of the September discharge, then they may be allowed to discharge their scheduled fall stillage waste into the City's system. Based on the flows and strengths of this new simulated discharge testing and the City's 1983 rates, the new annual treatment costs and connection fee were estimated to be \$13,400 and \$1,350 respectively (see Exhibit N).

September 29, 1984

The Public Works Director received a call from Mr. Michael Rishwain, who resided in the Mokelumne Subdivision, indicating that there was a bad odor coming from the United Vintner Winery on Turner Road. The Public Works Director indicated to Mr. Rishwain his concern would be investigated and the City's Water/Wastewater Superintendent would keep him informed of what was found.

The Water/Wastewater Superintendent investigated the problem and found that an odor was emanating from the United Vintner's wasting ponds on the north side of the Mokelumne River. The problem appeared to be caused by breaks in furrows which separated their different wasting fields. This allowed the stillage waste to all accumulate in one area rather than being spread over several fields.

October 1, 1984

The Water/Wastewater Superintendent contacted the United Vintner's manager and informed him of the odor complaints. The manager indicated that he was preparing to spray with a chlorine solution to mask the odor.

The Water/Wastewater Superintendent asked United Vintner's manager why they had not taken advantage of the City's offer which would experimentally allow their stillage discharge into the City's industrial waste system. The manager indicated that the Winery had sold during the last year and due to changes in corporate personnel no decision had been made related to using the City's wastewater system.

October 2, 1984

The Water/Wastewater Superintendent toured Mokelumne Village Subdivision at 7:15 a.m. and again detected a strong offensive odor similar to that detected on September 29, 1984.

October 4, 1984

The Water/Wastewater Superintendent corresponded with Mr. Michael Rishwain outlining what had been found and what had taken place since his initial investigation on September 29, 1984 (see Exhibit 0).

January 31, 1980

United Vintners Inc.
P. O. Box 368
Escalon, California 95320

ATTENTION: Mr. Mac Powell

SUBJECT: Request for Wastewater Discharge Permit Application

It was a pleasure to meet and talk with you at our City Hall January 18, 1980.

Enclosed you will find a City of Lodi, Wastewater Discharge Permit Application and our Sewer Ordinance and Fee Schedule. As was indicated by the Public Works Director, Mr. Jack L. Ronsko, you should complete the form and indicate your intent with regards to discharging to the City of Lodi's wastewater system.

If you have difficulties interpreting the fee schedule, the City Ordinance or answering the permit application questions, please contact my office at (209) 334-5634, extension 320.

Sincerely,

Fran E. Forkas
Water/Sewer Supervisor

Attachments

cc: Public Works Director
Wastewater Treatment Supervisor

FEF:la ✓

EXHIBIT B

UNITED VINTNERS, INC.



P O BOX 368 • ESCALON, CALIFORNIA 95320
209-838-3575 XXXXXXXXXX

February 12, 1980

Mr. Jack L. Ronsko
Public Works Director
City of Lodi
222 W. Pine St.
Lodi, CA

Dear Mr. Ronsko:

Please find attached United Vintners waste water discharge permit application. United Vintners Lodi winery is presently discharging to company owned ponds located on both sides of the Mokelumne River. The winery has operated in this manner for several years. However, recent zoning changes by the City of Lodi have allowed residential and multiple dwelling construction immediately adjacent to our property to the West, and also directly across the river from our ponds. In November the San Joaquin County Health Department referred an odor complaint to the California Regional Water Quality Control Board. This particular instance was the result of a pump failure in the winery, which was corrected immediately.

United Vintners can manage this operation according to the best known practices available today; under such circumstances we would be well within the requirements established by our discharge permit.

Stillage by its nature has an odor that some people find objectionable and the close physical proximity of the disposal ponds to residents in the area is certain to result in odor complaints no matter what their origin. United Vintners would like to avoid such situations and it is for this reason that we are making an application to discharge into the City of Lodi's waste water system.

It is our hope that the City of Lodi will establish discharge requirements for our application that will allow United Vintners to discharge into the City's wastewater sewer.

RECEIVED

FEB 14 1980



CITY OF LODI
PUBLIC WORKS DEPARTMENT

MP:eb

Best wishes,

Mac Powell

Mac Powell
Manager, Project Engineering

CITY COUNCIL

THEODORE T. KATZAKIAN, Mayor
WALTER KATNICH, Mayor Pro Tem
RICHARD L. HUGHES
JAMES A. McCARTY
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
LODI, CALIFORNIA 95240
(209) 334-5634

EXHIBIT C

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REFMICHE
City Clerk

RONALD M. STEIN
City Attorney

April 11, 1980

Mr. Mac Powell

~~United Vintners, Inc.~~

~~P.O. Box 368~~

Escalon, CA 95320

Dear Mr. Powell:

SUBJECT: Conditional Approval of Wastewater Discharge Permit Application

Please find attached a Conditionally Approved Wastewater Discharge Permit, per our phone conversation April 10, 1980, and your firms letter and executed permit application dated February 12, 1980.

As was indicated, the City of Lodi can allow your firm to discharge to the City's Industrial Wastewater System with the following conditions being met and maintained at all times:

- Flow limit not to exceed 300,000 gallons per day;
- Flow measuring device to be approved by the Public Works Director before installation, and monitoring facilities be made available to the City;
- Suspended solids not to exceed 1,000 mg/L at any time; and
- No discharge with a pH below 6.5 or above 8.5.

As was also indicated in our phone conversation, your firm should keep in mind that the City of Lodi may at a future date request that the total allowed suspended solids emission rate may be reduced.

If you find that the above conditions can be met, you should indicate your firms intentions, and submit data on your selected flow measuring device and a drawing indicating location of this unit, plus a monitoring station.

Mr. Mac Powell
April 11, 1980
Page 2

If you have any questions regarding this matter, please contact me at 334-5634, extension 320. It has been a pleasure working with you.

Sincerely,



Fran E. Forkas
Water/Sewer Supervisor

Attachment

cc: Public Works Director
Wastewater Treatment Supervisor
United Vintners - Lodi

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT C. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

EXHIBIT D
HENRY A. CLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

July 21, 1981

United Vintners, Inc.
Attention Reinold Gerzevske
P.O. Box 730
Lodi, CA 95240

Attention Reinold Gerzevske

Gentlemen:

SUBJECT: Approval of 1981 Wastewater Discharge Permit

Enclosed please find a copy of an Approved Wastewater Discharge Permit. This permit will be valid through December 31, 1981.

On or about December 1, 1981 your firm will receive an abbreviated permit form to renew your Wastewater Discharge Permit for 1982.

Thank you for your cooperation. If you have any questions, please contact me at your earliest convenience.

Sincerely,



Fran E. Forkas
Water/Sewer Supervisor

Enclosure

cc: Public Works Director
Wastewater Treatment Supervisor

FEF:slb

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT C. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

EXHIBIT E
HENRY A. GLAVES, Jr.
City Manager

ALICE M. REBICHE
City Clerk

RONALD M. STEIN
City Attorney

January 29, 1982

United Vintners, Inc.
Reinold Gerzevske
I-W-Turner Road
P.O. Box 730
Lodi, CA 95240

Attention Reinold Gerzevske

Gentlemen:

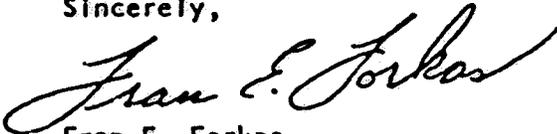
SUBJECT: Approval of 1982 Wastewater Discharge Permit

Enclosed please find a copy of an Approved Wastewater Discharge Permit. This permit will be valid through December 31, 1982.

On or about December 1, 1982 your firm will receive a permit form to renew your Wastewater Discharge Permit for 1983.

Thank you for your cooperation. If you have any questions, please contact me at your earliest convenience.

Sincerely,



Fran E. Forkas
Water/Sewer Supervisor

Enclosure

cc: Public Works Director
Wastewater Treatment Supervisor

FEF:sib

November 15, 1983

Mr. Reinold Gerzevske
Lodi Plant Manager
United Vintners
P.O. Box 730
Lodi, CA 95241

Dear Riney:

**SUBJECT: Request to Discharge Stillage Waste into the City
of Lodi's Industrial Wastewater System**

It was a pleasure for Frank Beeler and me to discuss with you and Mac Powell the above subject.

You stated your firm had a desire to discharge stillage waste into the City's Industrial Wastewater System in the amount of 1.3 MG_d for a 20 day period during April through May, a 15 day period during August through September and a 7 day period during the month of November or December. You also requested a 7 day trial period in November or December for evaluation purposes.

We pointed out, we were not in a position to authorize this discharge into the industrial system, but suggested the winery consider stimulating its proposed discharge to its own pond system for the purpose of evaluation. You indicated this could be done. The city staff members could then monitor this discharge to assist in development of a possible Wastewater Discharge Permit and the approximate costs of discharge fees and buy-in charges.

It was also explained that in addition to items listed under the conditional permit dated April 14, 1980 (attached) the City is concerned about the temperatures of wastes which you stated could reach 165° Fahrenheit.

Also attached is a blank Wastewater Discharge Permit application which should be executed and returned along with any requests for deviation from the conditions outlined in the April 14, 1980 permit.

When addressing the monitoring facilities portion of the April 14, 1980 permit you will have to also consider continual pH and temperature monitoring along with sampling and flow measurement and the location within your plant where these facilities will be located.

Mr. Rainold Gerzevake
November 15, 1983
Page 2

The City should be contacted about three days prior to simulation of discharge so the City's laboratory staff have all items prepared for the test period.

If you have any questions regarding this matter please contact me at 334-5634, extension 320.

Sincerely,

Fran E. Forkas
Water/Sewer Supervisor

Attachments

cc: Public Works Director
Senior Laboratory Technician

FEF:sib

CITY COUNCIL

EVELYN M OLSON Mayor
JOHN R (Randy) SNIDER
Mayor Pro Tempore
ROBERT C MURPHY
JAMES W PINKERTON, Jr
FRED M REID

CITY OF LODI

CITY HALL 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

EXHIBIT G

HENRY A CLAVES, Jr
City Manager

ALICE M REIMCHE
City Clerk

RONALD M STEIN
City Attorney

January 24, 1984

Mr. Reinold Gerzevske
Lodi Plant Manager
United Vintners
P.O. Box 730
Lodi, CA 95241

Dear Riney:

SUBJECT: Monitoring of Simulated Discharge of Stillage Waste

Between December 8th and 15th, 1983, the City's laboratory personnel monitored a simulated discharge to your firm's holding ponds as an example of the possible discharge to the City's Industrial Wastewater System. (see attached memorandum from Senior Laboratory Technician)

Mr. Beeler's memorandum points out proper control of pH was only achieved 50% of the time. This would be unacceptable and would require you to develop a system of proper pH control (6.5 - 8.5) to meet discharge requirements 100% of the time.

On December 9, 10, 11 and 12, 1983 the discharge of stillage waste exceeded the suspended solids limit of 1000 mg/L which was outlined in my letter of conditional discharge permit dated April 11, 1980. (a copy attached)

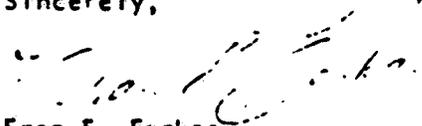
It would be your responsibility to develop a means of reducing the suspended solids to a maximum of 1000 mg/L.

The estimated industrial waste charges for your firm's yearly flow of 13.2 million gallons per year using the City's 1982 rates would be \$19,012.53. (see attached Industrial Waste Sewer Service Charge schedule) In addition there would be a one-time connection fee of \$2,941.38.

Mr. Reinold Gerzevske
January 24, 1984
Page 2

It is hoped you find this information helpful. If you wish to pursue this further or have any questions regarding this letter or the attachments, please contact me at 334-5634.

Sincerely,



Fran E. Forkas
Water/Sewer Supervisor

Attachments

cc: Public Works Director
Senior Laboratory Technician

FEF:slb

MEMORANDUM, City of Lodi, Public Works Department

TO: Water/Sewer Supervisor
FROM: Senior Laboratory Technician
DATE: January 3, 1984
SUBJECT: United Vintners Stillage Discharge Monitoring

Per our discussion with Mr. Reinold Gerzevske, Plant Manager of United Vintners, and your letter to United Vintners dated November 15, 1983.

The City requested that United Vintners experiment with their stillage waste and attempt to control the pH of its discharge between 6.5 - 8.5 to determine if the City of Lodi discharge requirements could be met.

The City monitored the waste for pH, BOD, COD, Suspended Solids, temperature, and volume. The monitoring results would be used to assess the stillage waste for approximate billing charges, and compatibility to the industrial wastewater collection system and treatment systems.

A portable wastewater sampler and a recording pH meter were set up on United Vintners stillage waste system. The following are results of our monitoring.

<u>Composite Date</u>	<u>BOD mg/L</u>	<u>COD mg/L</u>	<u>Suspended Solids mg/L</u>	<u>Temperature °F</u>
12/8/83	8,710	14,810	46	106°
12/9, 10, 11/83	8,330	18,550	1,630	99°
12/12/83	7,650	16,450	3,210	97°
12/13/83	7,710	15,000	270	99°
Average	8,100	16,200	1,290	100°

The pH varied between 3.1 to 9.0. For 87 hours the pH was acceptable, and for 86 hours the pH was below 6.5.

The flow was measured by United Vintners using a Palmer Bowlus flume. The flow was 2.152 MG or 200 gpm. United Vintners said there would be approximately 46 days per year of this discharge. (13.2 MGY)

Water/Sewer Supervisor
January 3, 1984
Page 2

Billing charges to the Industrial Wastewater System were based on the 1982 charges. These charges would vary each year. The approximate yearly charge would have been \$19,000. There is also an additional one-time connection fee based on \$107.99/MGY and \$1.70/1000 lbs. BOD/year. This charge would be \$2,941.38.

The first year cost to United Vintners would be approximately \$23,000 to the Industrial System.

If the waste were to be discharged to the Domestic system, the charges would be approximately \$99,500 per year in service charges and a one-time \$29,282 in connection fees.

The compatibility of this waste to the Industrial Treatment System should also be addressed separately.

Frank Beeler
(SLS)

Frank Beeler
Senior Laboratory Technician

FB:emp

BOARD OF TRUSTEES

A. R. Glover, M.D., Pres.
Patricia E. Vannucci, Sec'y
Anthonette Van Spronsen
Kenneth Hellet
Earl Pimentel
Fern Bugbee
Jack T. Jennings, D.D.S.
William J. Wade
Mary Anna Love

SAN JOAQUIN LOCAL HEALTH DISTRICT

1601 East Hazelton Avenue, P.O. Box 2209

Stockton, California 95201

(209) 466-6781

Jack J. Williams, M.D., District Health Officer

EXHIBIT H SERVING

City of Tracy
San Joaquin County
City of Escalon
City of Lodi
City of Manteca
City of Ripon
City of Stockton
San Joaquin County
San Joaquin County

March 14, 1984

California Regional Water Quality Control Board
Central Valley Region
3201 S Street
Sacramento, CA 95816

Attn: Gary Rentz, Water Resources Control Engineer

Please be advised that a complaint has been received through the City of Lodi concerning odor problems along West Turner Road, Lodi, CA.

On March 9, 1984 an inspection of the nearest up-wind source was made, namely, United Vintners, 1 West Turner Road, Lodi, and Turner Winery, 3750 E. Acampo Road.

The ponding system for United Vintners which is located on both the North and South side of the Mokelumne River did not appear to exhibit any odor problem at the time of the inspection.

The ponding system for Turner Winery is located at the West end of Winery Road, Acampo. A strong odor was detected down-wind of the South pond.

Those participating in the inspection were: Henry Graves, City Manager, City of Lodi, Jack Ronsko, City of Lodi Director of Public Works, Fran Forkas, City of Lodi Public Works, and Al Olsen, Supervising Sanitarian, San Joaquin Local Health District.

Your response to determine if the odor problem constitutes a violation of order No. 80-055 will be greatly appreciated. Should you have any questions, please contact Al Olsen of my staff at 209-466-6781, Ext. 50.

J. J. Williams, M.D.
District Health Officer

C. Leland Hall, R.S., Director
Environmental Health Division

CLH/AO:ch

cc: Jack L. Ronsko, Public Works Director
1331 S. Ham Lane, Lodi, CA 95241

RECEIVED

MAR 19 1984



CITY OF LODI

PUBLIC WORKS DEPARTMENT

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION3201 S STREET
SACRAMENTO, CALIFORNIA 95816-7090
PHONE (916) 445-0270

12 April 1984

Mr. C. Leland Hall, Director
Environmental Health Division
San Joaquin Local Health District
P.O. Box 2009
Stockton, CA 95201

TURNER WINERY, SAN JOAQUIN COUNTY

On 10 April 1984, you met with Antonia Vorster and Gary Reents to discuss your concerns regarding enforcement of Regional Board Order No. 80-055. We agree that the odor problem at Turner Winery is either a violation or threatened violation of Order No. 80-055. The Winery needs to take action to eliminate the odors.

Because of the large number of serious toxic and public health water quality problems in San Joaquin County, we regret that we cannot assign staff time to odor nuisance problems.

We are willing to send an enforcement letter to the Winery (see enclosed draft) which asks the Winery to submit a report on corrections to you for review and follow-up. We believe the District can persuade the Winery to act using San Joaquin County Ordinance No. 877 and our enforcement letter.

Please let us know if you think any changes should be made in the draft enforcement letter.


J. LAWRENCE PEARSON
Supervising Engineer

JLP:lj1

Enclosure

cc: Ms. Carole Atherton, SWRCB, Sacramento

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION3201 S STREET
SACRAMENTO, CALIFORNIA 95816-7090
PHONE (916) 445-0270

17 April 1984

RECEIVED
APR 18 1984SAN JOAQUIN LOCAL
HEALTH DISTRICTTurner Winery
3750 East Woodbridge Road
Acampo, CA 95220

VIOLATION OF REQUIREMENTS

We have been informed by the City of Lodi and the San Joaquin Local Health District that on 9 March 1984 your waste disposal operation was causing an odor nuisance. This is a violation of Waste Discharge Requirement Order No. 80-055. Please prepare a written report describing how you will prevent the recurrence of odor nuisance to comply with the requirements.

The report should be submitted to the Local Health District by 30 April 1984. The District will review the report and your follow-up actions. If the District is satisfied that violations will not recur, there will be no need for further action by the Regional Board.

If you have any questions, please call Al Olsen of the District at (916) 466-6781, ext. 50.

A handwritten signature in cursive script that reads "Anton K. J. Vorster".

ANTONIA K. J. VORSTER
Senior Engineer

JLP:1j1

cc: Mr. Henry Glaves, City of Lodi, Lodi
San Joaquin Local Health District, Stockton.

CITY COUNCIL

JOHN R (Randy) SNIDER, Mayor
DAVID M HINCHMAN
Mayor Pro Tempore
EVELYN M OLSON
JAMES W PINKERTON, Jr
FRED M REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

EXHIBIT K *Unit 1*

HENRY A. CLAVES, Jr.
City Manager
ALICE M REIMICHE
City Clerk
RONALD M STEIN
City Attorney

April 30, 1984

Mr. Bill Crooks
Regional Water Quality Control Board
3201 "S" Street
Sacramento, CA 95816

Gentlemen:

SUBJECT: Continuing Nuisances In or Near the City of Lodi
by Holders of NPDES Permits

On April 21, 1984 the City of Lodi was contacted to investigate odor complaints from several citizens in north eastern Lodi.

The City's Water/Wastewater Superintendent investigated the odor complaints and found the following:

- Time: 6:30 p.m.
- Place: Mokelumne Village Subdivision, north of Turner Road bound by Highway 99 to the east and the Southern Pacific Railroad Tracks to the west.
- Wind movement: From the west moving east.
- Findings: A local winery at 1 West Turner Road adjacent to a developing subdivision was found to have odors emanating from their treatment ponds. (It should be pointed out that the winery staff is currently working with the City to develop an economical means to discharge their waste to the City of Lodi's Industrial System) The winery's spreading area on the north side of the Mokelumne River was also inspected by staff and no odors were found.

An inspection of the holding ponds of Turner Winery at 3750 E. Woodbridge Road directly north of the City limits was also found to have odors.

Turner Winery however, was not causing odors this evening to our citizens due to wind direction, but could and have caused odors on days of little or no air movement.

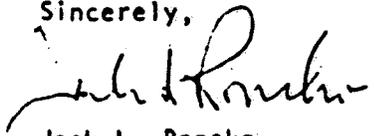
Mr. Bill Crooks
April 30, 1984
Page 2

It is our opinion that the City of Lodi has jurisdiction over the winery at 1 West Turner Road under the City of Lodi's Wastewater Ordinance. However, the City of Lodi has NO jurisdiction over the winery operation taking place on the north side of the Mokulmne River. (Turner Winery) Therefore, the City of Lodi requests that you investigate this odor problem and inform Turner Winery of the requirements under their NPDES Permit and ask them to abate the nuisance situation, which is creating a hardship for citizens of the City of Lodi.

Your quick action with the NPDES Permit holder with which Lodi has no control will be greatly appreciated by our citizens.

If you have any questions regarding this matter, please contact Mr. Fran E. Forkas, Water/Wastewater Superintendent or myself at 334-5634.

Sincerely,



Jack L. Ronsko
Public Works Director

cc: City Manager
City Attorney
Water/Wastewater Superintendent ✓
San Joaquin Local Health District
United Vintners
Turner Winery

JLR/FEF:sls

Turner Winery

cc [unclear]



May 22, 1984

Antonia K.J. Vorster
California Regional Water Quality Control Board
Central Valley Region
3201 S Street
Sacramento, California 95816-7090

Dear Ms. Vorster:

In reply to your letter dated April 17, 1984: On April 24, 1984, we pumped our ponds used for winery operations, out onto the ground above the ponds, and allowed the ponds to dry out thoroughly. We will disc any remaining solids into the ground.

It is our intention to construct the ponds as to allow the rain water which runs off the land surrounding the ponds, to go only to the back pond. This will allow the winery to control the waste in the ponds.

We regret any inconvenience or distress this odor problem (if any) may have caused. If you should have any further questions, please don't hesitate to contact me.

Sincerely,

John R. Turner
Turner Winery

JRT:st

cc: Mr. Henry Graves, City of Lodi, Lodi

CITY OF LODI
MAY 24 1 19 PM '84
CALIFORNIA REGIONAL
WATER QUALITY
CONTROL BOARD

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION**

3201 S STREET
SACRAMENTO, CALIFORNIA 95816-7090
PHONE: (916) 445-0270



20 June 1984

RECEIVED
JUN 22 1984

Mr. John R. Turner
Turner Winery
P.O. Box R
Woodbridge, CA 95258

**SAN JOAQUIN COUNTY LOCAL
HEALTH DISTRICT****VIOLATION OF REQUIREMENTS, SAN JOAQUIN COUNTY**

Reference our 17 April 1984 letter and your 22 May response. A written report of how further odor violations will be prevented was to be submitted to Al Olsen of the Local Health District by 30 April 1984.

Your 22 May letter is not an acceptable report, nor was it submitted to the Local Health District. Please comply with our original request by 5 July 1984. If there are any questions, please call Al Olsen at (209) 466-6781 or Gary Reents at (916) 323-7487.

A handwritten signature in cursive script that reads "Antonia K. J. Vorster".

ANTONIA K. J. VORSTER
Senior Engineer

GAR:lj1

cc: Mr. Al Olsen, San Joaquin County Health District, Stockton
Mr. Henry Glaves, City of Lodi, Lodi

June 21, 1984

United Vintners
c/o Mr. Reinold Garzevske
Plant Manager
P.O. Box 730
Lodi, CA 95241

Dear Riney;

SUBJECT: Further Monitoring of Simulated Discharge of Stillage Waste

Between April 17 and May 1, 1984, the City of Lodi's laboratory personnel monitored a simulated discharge from your firm's holding ponds in your attempt to reduce the suspended solids and temperatures. (see attached memorandum from Sr. Laboratory Technician)

Mr. Bealer's memorandum points out that utilization of your pond system did enable you to reduce the suspended solids substantially and also reduced the temperature to an acceptable level. However, it also points out that the Biochemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) was not reduced. It should be pointed out that a reduction of the BOD could reduce costs to your firm if discharged to the City of Lodi's Industrial Wastewater System.

In addition, Bealer mentions that your waste ponds were very odorous, this could possibly be avoided by alternating use of your ponds by not flooding over existing sludges that are present.

The area of main concern the City of Lodi has is Mr. Bealer's statement that, "This odorous high-strength wastewater could present problems for the Industrial Treatment System at White Slough." This concern is primarily due to the high level of BOD.

Therefore, the City of Lodi will experimentally allow your next scheduled Stillage Operation waste to be discharged to the Industrial Collection System in September, 1984 in conjunction with the cannery discharge, provided all conditions as outlined in the attached April 11, 1980 letter are met. Pending the results of the September, 1984 discharge, the City may experimentally accept your second scheduled Stillage Operation discharge (Fall, 1984) at a time the cannery is not discharging to the industrial system.

United Vintners
June 21, 1984
Page 2

This will enable the City to evaluate the impact of your firm's waste on the Industrial System at the White Slough Treatment Facilities.

If your firm's waste is determined compatible to our system, you will then be assessed the connection charge as outlined in Mr. Beeler's memorandum.

The experimental discharge(s) to our system will be billed to you at the approximate rates of \$410.00 per million gallons and \$24.00 per 1,000 lbs. of BOD. Actual billings will be based on the 1984 Industrial Sewer Service Charges to be developed in January, 1985.

If you have any questions regarding this letter or wish to pursue this proposal, please contact me at 333-6740. (new number)

Sincerely,

Fran E. Forkas
Water/Wastewater Superintendent

Attachments

cc: Public Works Director
Wastewater Treatment Supervisor
Senior Laboratory Technician

FEF:emp

MEMORANDUM, City of Lodi, Public Works Department

TO: Water/Wastewater Superintendent
FROM: Senior Laboratory Technician
DATE: June 19, 1984
SUBJECT: United Vintners Stillage Discharge Monitoring

United Vintners stillage discharge was monitored from April 17, 1984 to May 1, 1984. The stillage discharge was first ponded, then the pond effluent was sampled prior to being pumped to land disposal.

The stillage discharge was not pH adjusted or diluted before being ponded.

The suspended solids and temperatures were decreased from the ponding, but the BOD, COD, and pH were not greatly affected.

All analyses were conducted on composite samples at the City of Lodi laboratory.

<u>Composite Date</u>	<u>BOD mg/L</u>	<u>COD mg/L</u>	<u>Suspended Solids mg/L</u>	<u>pH</u>	<u>Temperature</u>
April 17, 1984	8,983	15,240	228	3.8	83° F
April 18, 1984	9,900	17,840	360	3.8	
April 23, 1984	12,812	22,090	260	4.0	
April 24, 1984	14,517	21,840	235	3.7	
May 1, 1984	<u>13,330</u>	<u>21,500</u>	<u>332</u>	<u>3.4</u>	
Average	11,910	19,700	283	3.7	

The stillage waste in the pond was very odorous. This odorous, high-strength wastewater could present problems for the Industrial Treatment System at White Slough.

The flow to the ponds was 2.9634MG, or 109,755 gpd. With an estimate of 5% loss to percolation and evaporation, the pond effluent flow was approximately 2.815MG. This figure gives an annual discharge of approximately 4.796MGY.

The annual Industrial Waste charge, based on the 1983 calculations, would be approximately \$13,400. The connection fee would be approximately \$1,350.

Frank Beeler

Frank Beeler
Senior Laboratory Technician

F.B.cj

October 4, 1984

Mr. Michael Rishwain
2038 Miwek Drive
Lodi, CA 95240

Dear Mr. Rishwain:

Per your phone request of October 2, 1984 I have recapped events regarding the latest odor complaints near your residence.

On Saturday, September 29, 1984 at approximately 9:30 a.m. I received a call from the City of Lodi's Public Works Director Jack L. Ronko requesting me to investigate an odor complaint in the Mokelumne Village Subdivision. This subdivision is located north of Turner Road and bounded by Highway 99 to the east, the Southern Pacific Railroad tracks to the west, and the Mokelumne River to the north.

My investigation of the odor complaint from 9:45-11:30 a.m. took me to three (3) areas which have previously originated odor problems.

They are as follows:

- 1) United Vintners at 1 West Turner Road and specifically the winery's two (2) holding ponds located directly behind winery buildings. The only odor detected was that of a fresh grape crushing smell. I did not find this odor offensive.
- 2) Turner Winery at 3750 East Woodbridge Road, operation was also reviewed and found to only have a fresh grape crushing smell. I did not find this odor offensive.
- 3) The United Vintner's winery waste spreading area north of the Mokelumne River and directly opposite the Mokelumne Village Subdivision was also inspected. This spreading area was found to have very offensive odors. My description of odors would have to be decaying fecal matter and soured wine. I found this odor very offensive.

Mr. Michael Rishwain
October 4, 1984
Page 2

It is my opinion, the odors being encountered by homeowners in the Makelumne Village Subdivision are emanating from United Vintners' spreading area on the north side of the river.

On Monday, October 1, 1984, I contacted Mr. Reinold Gerzeske of United Vintner's and informed him of odor complaints I had investigated Saturday and my findings (causes: short circuiting and ponding on the spreading area). Mr. Gerzeske indicated he was preparing to install a sprinkler system to spray a chlorine solution over the holding pond area and pump the solution over to the waste spreading area. This operation is to commence this week.

Tuesday, October 2, 1984 at 7:15 a.m. I toured the Makelumne Village Subdivision and detected strong offensive odors identical to the odors detected September 29, 1984 at the site of United Vintners' spreading area on the north side of the river.

If you have any questions regarding this matter please contact me at 333-6740.

Sincerely,

Fran E. Forkes
Water/Wastewater Superintendent
cc: City Manager

Public Works Director

United Vintners

Turner Winery

FEF:als

San Joaquin County

Office of the District Attorney

San Joaquin County Courthouse, Rm. 202
222 E. Weber Ave., Stockton, CA 95202



Richard W. Eichenberger, District Attorney

P.O. Box 50, Stockton, CA 95201
Telephone: (209) 944-3811

November 14, 1984

Mrs. Lacey Arnalz
1073 Awani Drive
Lodi, California 95240

Re: Offensive Odors From Two Lodi Wineries

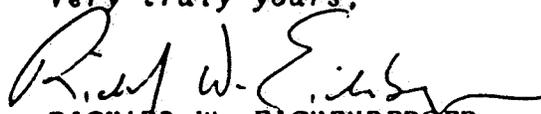
Dear Mrs. Arnalz:

We appreciate your bringing to our attention the situation concerning offensive odors emanating from Turner Winery and ISC Wines of California.

Subsequent to reviewing the materials and information which you provided, an investigation into the situation was conducted by this office. As a result of this investigation, it has been determined that citizens of the City of Lodi are those primarily affected, and thus, the City Attorney of Lodi would be the proper agency to pursue any action to be brought against the two wineries. Therefore, your materials are being forwarded to the Lodi City Attorney.

Again, thank you for alerting us to this problem.

Very truly yours,


RICHARD W. EICHENBERGER,
District Attorney

cc: Ron Stein

*File - cc -
Complaints units
after retrieval*

San Joaquin County



Office of the District Attorney

San Joaquin County Courthouse, Rm. 202
222 E. Weber Ave. Stockton, CA 95202

Richard W. Eichenberger, District Attorney

P.O. Box 50, Stockton, CA 95201
Telephone: (209) 944-3811

November 15, 1984

Ron Stein
City Attorney
Lodi, California

Dear Mr. Stein:

We recently sent you a copy of a letter regarding two Lodi Wineries and failed to enclose material. Please find same enclosed.

Sincerely,

RICHARD W. EICHENBERGER,
District Attorney

Shirleen L. Dean
Shirleen L. Dean, Secretary

Encl.

*View
Please
Call the
- Tell her
I did not
1200 ac
- 1200 ac
- 1200 ac
- 1200 ac*

NOV 16 1984

September 27, 1984

Mr. Richard Eichenberger
District Attorney
San Joaquin County
222 E. Weber
Stockton, CA 95202

Re: Offensive odors emanating from two Lodi wineries.

Dear Mr. Eichenberger:

On behalf of the residents of northeast Lodi, and particularly of Mokelumne Village Subdivision; I am writing this letter to object to the continuing problem of highly offensive odors originating from two Lodi Wineries - 1) ISC Wines of California (formerly United Vintners) located at 1 W. Turner Road and 2) Turner Winery located at 3750 E. Woodbridge Road.

The odor referred to in this letter is not the typical "crush" odor, the musty smell one expects in Lodi during the "grape season" - that is, from approximately late August thru October. I am referring to a year-round, highly septic smell reminiscent of a sewer. In fact, Mr. Fran Forkas, Water/Sewer Supervisor for the City of Lodi who, due to the nature of his job has been subjected to offensive odors for many years, acknowledges that the smell or smells coming from these wineries "bring me to my knees."

The odors are emitted from treatment ponds used in both wineries' crushing and distilling processes. Discharge from the crushing and distilling operations is collected in these ponds. The result is a breakdown of sugar in the operations' by-product producing an anaerobic condition and thus the odor. We who live in the northeast section of Lodi are subjected to a most highly offensive, revolting smell, some days worse than others, on a year-round basis.

A few of us have been actively pursuing a solution to this problem for the past two years and have yet to obtain a temporary reprieve from, much less an end to, this odor pollution. I feel that a large part of our lack of success has been due to the fact that no governmental body that we have taken this problem to has had both the concern and muscle to make the wineries abide by the regulations established for them.

Both wineries are supposed to operate under rules and regulations as set forth by their Discharge Permits or "Orders". Specifically, I am referring to the sentence that says "neither the discharge nor its treatment shall cause a pollution or nuisance as defined in Section 13050 of the California Water Code." This sentence can be found in ISC Winery's (formerly United Vintners) Order #81-074, B. Discharge Specifications #1 and in Turner Winery's Order #80-055, D. Provisions #1.

The Porter-Cologne Water Quality Control Act defines nuisance as "anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of waste."

ISC Winery has a totally effective solution to their odor emission problem open to them - they can, today, hook into the City of Lodi sewer system. Turner Winery is in the county and so cannot put their discharge into the Lodi sewer system. There are, however, solutions available to that winery also by using other disposal and treatment methods. I wrote a letter to both wineries to let them know of our displeasure and to find out what each planned to do about the problem. ICS winery is working with the City of Lodi to hook into the sewer system, but they have been "working" on this on and off for the past four years! Mr. Forkas of City of Lodi informs me that the ISC discharge is acceptable to the sewer today and yet no steps have been taken by that winery to mitigate the problem in this manner. Turner Winery has completely ignored our complaints and phone calls.

Attached to this letter are signatures of people in Mokelumne Village subdivision, Rivergate subdivision, and surrounding neighborhoods who will attest to the fact that these odors we are complaining about are "...indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property." The wineries' odors are so bad that at times we are forced to keep our windows closed and stay indoors. One elderly woman in our subdivision becomes physically ill when the smell is at its worst.

Enclosed find copies of letters that I think will be of help to you in establishing some familiarity with our situation. After reviewing all of the above, I trust you will find reason to investigate both wineries' operations. It is my understanding that pursuant to the California law, your office may bring an action to abate a public nuisance of this type. We residents respectfully ask that a temporary restraining order be issued to both wineries while the investigation is under way.

If you desire additional information, I can be reached at (209) 951-7230 during business hours.

Thank you for your time and cooperation.

Sincerely,



LACEY ARNAZ

LA/lm

Enclosures

P E T I T I O N

Formal Complaint Against Offensive Odors and Public Health Hazard

Dated May 10, 1984

We, the undersigned citizens of Lodi do hereby declare that we believe the odors emitted from ISC Winery located at 1 W. Turner Road and Turner Winery located at 3750 E. Woodbridge Road are indecent and offensive to the senses and are an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property. We strongly protest and object to these offensive odors, believing them to be a public health hazard, public nuisance, and invasion of privacy.

NAME	ADDRESS	TELEPHONE
1. <u>Bernard Schultz</u>	<u>1510 S Mills #205 Lodi</u>	<u>369-4676</u>
2. <u>Edward J. Blum</u>	<u>1132 S Mills Lodi</u>	<u>334-3557</u>
3. <u>Timothy E. Black</u>	<u>1215 S Central Lodi</u>	<u>334-2120</u>
4. <u>Ray Kerkow</u>	<u>Parvise 441 Mohr Lumber RTR. DR.</u>	<u>334-3629</u>
5. <u>Larry Kuskow</u>	<u>633 Huntington Dr. Lodi</u>	<u>334-1558 (wk)</u>
6. <u>Jeanne McAndrew</u>	<u>1738 Lombard Cir Lodi</u>	<u>369-5611</u>
7. <u>Kathleen Lyons</u>	<u>1108 Wimbledon Dr. Lodi</u>	<u>368-8303</u>
8. <u>Stewart A. Swin</u>	<u>1108 Wimbledon Dr. Lodi</u>	<u>368-8303</u>
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

P E T I T I O N

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NAME	ADDRESS	TELEPHONE
1. Kitty McCarver	1064 Yulemi Ct	334-1398
2. Harold McCarver	"	"
3. Don Cif	1065 Yulemi	334-6958
4. Mary Barrett	"	"
5. Edith Wilkerson	211 Kirk	368-2235
6. Jan Paul Garand	401 Malabar Rise Dr.	334-6099
7. Duane L. Garcia	" "	" "
8. Bill Sutherland	108 Keni Ct.	
9.		
10.		
11.		
12.		
13.		
14.		
15.		

P E T I T I O N

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NAME	ADDRESS	TELEPHONE
1. Eugene P. Pungel	1041 Hawaii Lodi	369-9583
2. Daniel Bunge	1115 Avenue Lodi	333-0525
3. Frank R. Bunge	1115 Avenue Lodi	333-0525
4. John A. Leink	1107 Hawaii Dr. Lodi	N-E
5. John B. Pungel	1107 Hawaii Dr. Lodi	N-E
6. Peter J. Pungel	1117 Hawaii Dr. Lodi	333-0432
7. Dennis Thomas	88 Buena Vista Dr. Lodi	369-8142
8. Durant W. Mowley	29 Rio Vista Dr. Lodi	369-1520
9. Ruth D. Mowley	29 Rio Vista Lodi	369-1520
10. Res. Richard Longan	6 Rio Vista Dr. Lodi	369-1424
11. Dennis J. Bluff	50 Camino Real Lodi	
12. Edward G. Squires	77 Camino Real Lodi	
13. Gladys Kypoldis	201 Plymouth Lodi	334-4105
14. Brian J. Kypoldis	201 Plymouth Lodi	" "
15. Rose Theilken	228 Niagara St. Lodi	333-368-334
16. Mary Squires	77 Camino Real	

P E T I T I O N

Formal Complaint Against Offensive Odors and Public Health Hazard

Dated May 10, 1984

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NAME	ADDRESS	TELEPHONE
1. <u>Concepcion S. Sanchez</u>	<u>132 Catalina Rd</u>	<u>334-3460</u>
2. <u>Robert K. Ford</u>	<u>71 Camino Real Lodi</u>	<u>334-9042</u>
3. <u>Lillian E. Mail</u>	<u>70 Camino Real Lodi</u>	<u>369-7102</u>
4. <u>Frances Steele</u>	<u>72 Camino Real Lodi</u>	<u>368-2095</u>
5. <u>Valentine Heister</u>	<u>72 Camino Real Lodi</u>	<u>368-2098</u>
6. <u>Emil E. Yerosz</u>	<u>213 San Juan</u>	<u>334-2406</u>
7. <u>Luis A. Perea</u>	<u>213 San Juan</u>	<u>334-2406</u>
8. <u>James R. Buchanan</u>	<u>101 Marissa Dr.</u>	<u>369-2692</u>
9. <u>Gene R. Deter</u>	<u>198 La Paloma</u>	<u>368-5960</u>
10. <u>Marvin H. Weber</u>	<u>198 La Paloma</u>	<u>368-5960</u>
11. <u>Vera Gray</u>	<u>199 La Paloma</u>	<u>334-0316</u>
12. <u>Larry Hord</u>	<u>145 G. ... Dr.</u>	<u>368-7385</u>
13. <u>Mrs. Lashans</u>	<u>27 Buena Vista Dr.</u>	<u>369-8976</u>
14. <u>Ellen - ...</u>	<u>211 San Juan</u>	<u>368-2235</u>
15. <u>Barbara White</u>	<u>44 Buena Vista</u>	<u>368-8493</u>

P E T I T I O N

Formal Complaint Against Offensive Odors and Public Health Hazard

Dated May 10, 1984

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NAME	ADDRESS	TELEPHONE
1. Ruth E. Hancock	1031 Antonio Dr. Lodi	209-369-1161
2. Sylvia Janku	221 Madalena Rd.	334-2711
3. Robert Kucera	433 Madalena Rd. Lodi	333-1201
4. Fredrick Kucera	433 Madalena Rd. Lodi	333-1201
5. Alice D. Edwards	1070 Yulovis Dr.	333-2578
6. Edith Peterson	1070 Yulovis Dr.	333-2578
7. Ann Willet	227 Madalena	368-5391
8. Alton Willet	227 Madalena Ln	368-5391
9. Emma Bauer	177 San Marcos	369-438
10. Patricia Bauer	177 San Marcos	369-438
11. Lilli Thompson	117 90 Cedar	369-3402
12. Hilma Pfahle	175 San Marcos	369-6797
13. Ellen B. Miller	157 Madalena Dr.	368-5647
14. Emma Schirke	11 Rio Vista Dr.	368-7785
15. Harold W. Schirke	11 Rio Vista Dr.	368-7785

P E T I T I O N

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NAME	ADDRESS	TELEPHONE
1. <u>Althelm Seiler</u>	<u>17 Rio Vista Dr.</u>	<u>368-5929</u>
2. <u>Dianthe Nierke</u>	<u>17 Rio Vista Dr.</u>	<u>368-5929</u>
3. <u>Donald E. ...</u>	<u>...</u>	<u>334-6153</u>
4. <u>...</u>	<u>...</u>	<u>334-6155</u>
5. <u>...</u>	<u>26 Rio Vista Dr.</u>	<u>369-9181</u>
6. <u>T. H. ...</u>	<u>26 Rio Vista Drive</u>	<u>369-9181</u>
7. <u>Cindally Brown</u>	<u>48 Rio Vista</u>	<u>334-3011</u>
8. <u>...</u>	<u>48 Rio Vista</u>	<u>334-5041</u>
9. <u>Christine ...</u>	<u>28 Rio Vista Dr.</u>	
10. <u>Harold ...</u>	<u>29 Rio Vista Dr.</u>	<u>368-9809</u>
11. <u>...</u>	<u>27 Rio Vista Dr.</u>	<u>334-2170</u>
12. <u>...</u>	<u>...</u>	<u>334-2270</u>
13. <u>Lucille Traloch</u>	<u>21 Rio Vista Dr.</u>	<u>369-4929</u>
14. <u>Barbara Jean ...</u>	<u>5 Rio Vista Dr.</u>	<u>369-9425</u>
15. <u>...</u>	<u>5 Rio Vista Dr.</u>	<u>369-9475</u>

P E T I T I O N

Formal Complaint Against Offensive Odors and Public Health Hazard

Dated May 10, 1984

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NAME	ADDRESS	TELEPHONE
1. Ted R. [unclear]	1051 [unclear] Dr.	333-0112
2. [unclear]	1023 [unclear] Dr.	368-4107
3. [unclear]	1043 [unclear] Dr.	368-1398
4. [unclear]	1041 [unclear] Dr.	369-9538
5. [unclear]	1053 [unclear] Dr.	369-0506
6. [unclear]	1053 [unclear] Dr.	369-0506
7. Sidney & Kitty [unclear]	102 [unclear] Dr.	369-8311
8. Kitty [unclear]	102 [unclear] Dr.	369-8311
9. [unclear]	114 [unclear] Dr.	354-6119
10. [unclear]	124 [unclear] Dr.	334-4074
11. [unclear]	132 [unclear] Dr.	334-6611
12. [unclear]	132 [unclear] Dr.	334-6611
13. [unclear]	134 [unclear] Dr.	334-5766
14. [unclear]	134 [unclear] Dr.	334-5766
15. Kelly [unclear]	1038 [unclear] Dr.	368-7415

March 19, 1984

Mr. John Turner
Turner Winery
P.O. Box 207
Acampo, Ca. 95220

Re: Winery located at 3750 E. Woodbridge Rd. Woodbridge

Dear Mr. Turner:

I am writing in regards to the odors emitted from your winery's discharge system. As I am sure you are aware, the neighborhood has changed drastically in the past few years and there are now several subdivisions to the south of your winery.

As a resident and landowner to the south of the winery for the past four years, I have lived with the revolting odor caused by your winery. There have been some feeble attempts in the past to mitigate the problem by talking with various agencies, but always the bureaucratic red tape so confounded whoever was pursuing the problem that the ball was dropped. Not so this time.

I have recently met with city officials from City of Lodi and a representative from the County Health Department. I have also spoken with Mr. Gary Reents from the Regional Water Quality Control Board. Mr. Reents informed me that there have been recent complaints about the odors coming from your winery and that Water Quality Control Board would be sending a specialist to talk with you about solutions to the discharge problem. From other sources I have learned about possible solutions such as utilization of a digester and ponds with treatment of ponds to eliminate odor during the crush season, and septic tank and underground disposal such as leach lines and vertical pits during off season. This last suggestion should be economical for up to 5000 gallons per day and thus should handle the discharge during off season.

I have also learned that one of the Provisions outlined in your Order no. 80-055, Waste Discharge Requirements, is "neither the discharge nor its treatment shall cause a pollution or nuisance as defined in Section 13050 of the California Water Code". Nuisance, as defined by the Porter-Cologne Water Quality Control Act means "anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life

or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes."

I have petitions signed by residents in different subdivisions to the south of your winery that attest to the "indecent and offensive" odor as mentioned above.

I feel the time has come for a final, permanent solution to this odor problem. I do not wish to cause your business any unnecessary problems; I do not wish to cause your business to suffer in any way. By the same token, I don't think you want residents living around your winery to be sickened with a smell so bad that it forces us to keep our windows closed and stay indoors. And, this condition exists on and off all year round, not just during the traditional "grape season".

I hope that you will immediately commence work to put an end to this problem. I will be in contact with Mr. Reents from the Water Quality Control Board and with the County Health Department to keep apprised of progress made.

If you wish any further information from me, I can be reached at (209) 951-7230 during business hours.

Thank you for your time and cooperation.

Very truly yours,


Lacey Arnaiz

LA/lm

cc: Gary Reents-Regional Water Quality Control Board
Al Olson-San Joaquin Health Dept.
Fran Forkas-Water/Sewer Supervisor
Henry Graves-Lodi City Manager
Donald O'Kane-President, Mokelumne Village Homeowners Assoc.

March 20, 1984

Mr. Mac Powell
Manager
ISC Wines of California
21801 Highway 120
Escalon, Ca. 95320

Re: Winery Located at 1 W. Turner Rd.,
Lodi, Ca.

Dear Mr. Powell:

I am writing in regards to the odors emitted from your winery's waste discharge system. As I am sure you are aware, the surrounding neighborhood has changed drastically in the past few years and your winery is now bordered on the east and west by residential areas.

As a resident and landowner to the east of the winery for the past four years, I have lived with the revolting odor caused by your winery. There have been some feeble attempts in the past to mitigate the problem by talking with various agencies, but always the bureaucratic red tape so confounded whoever was pursuing the problem that the ball was dropped. Not so this time.

I have recently met with city officials from City of Lodi and a representative from the County Health Department. Regional Water Quality Control Board has also been notified. From these meetings I have learned that your winery has been working with the City of Lodi to correct pH, etc. in order to enable discharge into the City of Lodi's waste water system. I congratulate you on this progress and urge that your winery take the final steps to discharge into the city's industrial line.

I have also learned that one of the Discharge Specifications outlined in your order no. 81-074, Waste Discharge Requirements, is "neither the treatment nor the discharge shall cause a pollution or nuisance as defined by the California Water Code, section 13050". Nuisance, as defined by the Porter-Cologne Water Quality Control Act means "anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes".

I have petitions signed by residents in our subdivision and to the east and south of our subdivision that attest to the "indecent and offensive" odor as mentioned above. And, you yourself said, in a letter to Mr. Jack Ronsko, Public Works Director, Lodi, in a letter dated February 12, 1980 that "stillage by its nature has an odor some people find objectionable and the close proximity of the disposal ponds to residents in the area is certain to result in odor complaints no matter what their origin. United Vintners would like to avoid such situations and it is for this reason that we are making an application to discharge into the city of Lodi's waste water system".

I feel the time has come for a final, permanent solution to this odor problem. I do not wish to cause your business any unnecessary problems; I do not wish to cause your business to suffer in any way. By the same token, I don't think you want residents living around your winery to be sickened with a smell so bad that it forces us to keep our windows closed and stay indoors. And, this condition exists on and off all year round, not just during the traditional "grape season".

I hope that you will immediately pursue plans with the City of Lodi to discharge into the waste water system. I will be in contact with Fran Forkas, Water/Sewer Supervisor for the City of Lodi to keep apprised of progress made.

If you wish any further information from me, I can be reached at (209) 951-7230 during business hours.

Thank you for your time and cooperation.

Very truly yours,


Lacey Arnáiz

LA/lm

cc: Fran Forkas, Water/Sewer Supervisor
Henry Graves, Lodi City Manager
Al Olson, San Joaquin Health Dept.
Gary Reents, Regional Water Quality Control Board
Donald O' Kane, President-Mokelumne Village Homeowners Assoc.

UNITED VINTNERS, INC.



P O BOX 368 • ESCALON, CALIFORNIA 95320
209-838-3575 XXXXXXXXXX

February 12, 1980

Mr. Jack L. Ronsko
Public Works Director
City of Lodi
222 W. Pine St.
Lodi, CA

Dear Mr. Ronsko:

Please find attached United Vintners waste water discharge permit application. United Vintners Lodi winery is presently discharging to company owned ponds located on both sides of the Mokelumne River. The winery has operated in this manner for several years. However, recent zoning changes by the City of Lodi have allowed residential and multiple dwelling construction immediately adjacent to our property to the West, and also directly across the river from our ponds. In November the San Joaquin County Health Department referred an odor complaint to the California Regional Water Quality Control Board. This particular instance was the result of a pump failure in the winery, which was corrected immediately.

United Vintners can manage this operation according to the best known practices available today; under such circumstances we would be well within the requirements established by our discharge permit.

*Permit updated
to include
prohibition
of pollution
or nuisance
in July of
1981.*

Stillage by its nature has an odor that some people find objectionable and the close physical proximity of the disposal ponds to residents in the area is certain to result in odor complaints no matter what their origin. United Vintners would like to avoid such situations and it is for this reason that we are making an application to discharge into the City of Lodi's waste water system.

It is our hope that the City of Lodi will establish discharge requirements for our application that will allow United Vintners to discharge into the City's wastewater sewer.

Best wishes,

Mac Powell

Mac Powell
Manager, Project Engineering

RECEIVED

FEB 14 1980



CITY OF LODI
PUBLIC WORKS DEPARTMENT

MP:eb

BOARD OF TRUSTEES
A. R. Glover, M.D., Pres.
Patricia E. Vannucci, Sec'y
Anthonette Van Spronsen
Kenneth Mettel
Lari Pimentel
Bern Bugbee
Jack T. Jennings, D.D.S.
William J. Wade
Astray Anna Love

SAN JOAQUIN LOCAL HEALTH DISTRICT

1601 East Hazelton Avenue, P.O. Box 2009

Stockton, California 95201

(209) 466-6781

Jack J. Williams, M.D., District Health Officer

SERVING
City of Tracy
San Joaquin County
City of Escalon
City of Lodi
City of Manteca
City of Ripon
City of Stockton
San Joaquin County
San Joaquin County

March 14, 1984

California Regional Water Quality Control Board
Central Valley Region
3201 S Street
Sacramento, CA 95816

Attn: Gary Rentz, Water Resources Control Engineer

Please be advised that a complaint has been received through the City of Lodi concerning odor problems along West Turner Road, Lodi, CA.

On March 9, 1984 an inspection of the nearest up-wind source was made, namely, United Vintners, 1 West Turner Road, Lodi, and Turner Winery, 3750 E. Acampo Road.

The ponding system for United Vintners which is located on both the North and South side of the Mokelumne River did not appear to exhibit any odor problem at the time of the inspection.

The ponding system for Turner Winery is located at the West end of Winery Road, Acampo. A strong odor was detected down-wind of the South pond.

Those participating in the inspection were: Henry Graves, City Manager, City of Lodi, Jack Ronsko, City of Lodi Director of Public Works, Fran Forkas, City of Lodi Public Works, and Al Olsen, Supervising Sanitarian, San Joaquin Local Health District.

Your response to determine if the odor problem constitutes a violation of order No. 80-055 will be greatly appreciated. Should you have any questions, please contact Al Olsen of my staff at 209-466-6781, ext. 50.

J. J. Williams, M.D.
District Health Officer

C. Leland Hall

C. Leland Hall, R.S., Director
Environmental Health Division

CLH/AO:ch

cc: Jack L. Ronsko, Public Works Director
1331 S. Ham Lane, Lodi, CA 95241

RECEIVED

MAR 19 1984



CITY OF LODI

PUBLIC WORKS DEPARTMENT

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor
 DAVID M. HINCHMAN
 Mayor Pro Tempore
 EVELYN M. OLSON
 JAMES W. PINKERTON, Jr.
 FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
 POST OFFICE BOX 320
 LODI, CALIFORNIA 95241
 (209) 334-5634

HENRY A. CLAVES, Jr.
 City Manager

ALICE M. REIMCHE
 City Clerk

RONALD M. STEIN
 City Attorney

April 30, 1984

Mr. Bill Crooks
 Regional Water Quality Control Board
 3201 "S" Street
 Sacramento, CA 95316

Gentlemen:

SUBJECT: Continuing Nuisances In or Near the City of Lodi
 by Holders of NPDES Permits

On April 21, 1984 the City of Lodi was contacted to investigate odor complaints from several citizens in north eastern Lodi.

The City's Water/Wastewater Superintendent investigated the odor complaints and found the following:

- Time: 6:30 p.m.
- Place: Mckelumne Village Subdivision, north of Turner Road bound by Highway 99 to the east and the Southern Pacific Railroad Tracks to the west.
- Wind movement: From the west moving east.
- Findings: A local winery at 1 West Turner Road adjacent to a developing subdivision was found to have odors emanating from their treatment ponds. (It should be pointed out that the winery staff is currently working with the City to develop an economical means to discharge their waste to the City of Lodi's Industrial System) The winery's spreading area on the north side of the Mokelumne River was also inspected by staff and no odors were found.

An inspection of the holding ponds of Turner Winery at 3750 E. Woodbridge Road directly north of the City limits was also found to have odors.

Turner Winery however, was not causing odors this evening to our citizens due to wind direction, but could and have caused odors on days of little or no air movement.

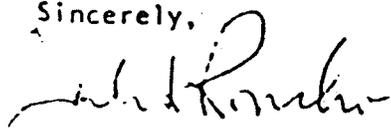
Mr. Bill Crooks
April 30, 1984
Page 2

It is our opinion that the City of Lodi has jurisdiction over the winery at 1 West Turner Road under the City of Lodi's Wastewater Ordinance. However, the City of Lodi has NO jurisdiction over the winery operation taking place on the north side of the Mokelumne River. (Turner Winery) Therefore, the City of Lodi requests that you investigate this odor problem and inform Turner Winery of the requirements under their NPDES Permit and ask them to abate the nuisance situation, which is creating a hardship for citizens of the City of Lodi.

Your quick action with the NPDES Permit holder with which Lodi has no control will be greatly appreciated by our citizens.

If you have any questions regarding this matter, please contact Mr. Fran E. Forkas, Water/Wastewater Superintendent or myself at 334-5634.

Sincerely,



Jack L. Ronsko
Public Works Director

cc: City Manager
City Attorney
Water/Wastewater Superintendent ✓
San Joaquin Local Health District
United Vintners
Turner Winery

JLR/FEF:sls

OFFICE OF
DISTRICT ATTORNEY
COUNTY OF SAN JOAQUIN

BUREAU OF
INVESTIGATION

DETAILS SUPPLEMENT INFO. REC.

JECT Turner Winery & ISC Winery	TYPE OF CASE Public Nuisance (Atty. Assist.)	FILE NO. 84-582
		LEGAL NO.

(W): Lydia Zanke, 221 Mokulmne Street, Lodi, phone:
334-3711.

(W): Eugene Tupper, 1401 Awani Lane, Lodi, phone: 369-9588.

(W): Lee Hall, Sanitarian for San Joaquin Local Health District.

A request was received from the District Attorney to conduct an investigation into allegations contained in a letter from Lacey Arnaiz. Also contained in the letter was a petition signed by a number of residents in the Lodi area protesting to odors coming from the ISC Winery located at 1 West Turner Road in Lodi and the Turner Winery located at 3750 East Woodbridge Road. The petition states, "We strongly protest and object to these offensive odors believing them to be a public health hazard, public nuisance, and evasion of privacy."

Contained in the letter to the District Attorney from Mrs. Arnaiz is a request that the District Attorney's Office obtain a temporary restraining order against both wineries during the course of the investigation.

On October 12, 1984, at 9:30 a.m., I contacted witness Lydia Zanke, and she advised that she signed the petition objecting to the odors from wineries in the area. According to Mrs. Zanke, she has lived at the present location for approximately two years and has found there to be offensive odors since moving into her home. She advised at the time I was there at 9:30 a.m. on October 12, 1984, there was no offensive odors, however, on the previous night

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that there was smells which smelled like a sewer. She doesn't know where the winery is located or exactly where the smells come from and states that she smells the offensive odors only during the part of the year when grapes are being processed. She indicated that the smell is so bad at times that not only can she not enjoy any sort of outside life on the patio, but the windows in the house have to be kept closed.

On the same date at 10:00 a.m., I contacted Mr. Eugene Tupper, who also advised he signed the petition. He stated he has lived in a condo for the past two years and that the smell from the wineries are not as bad this year generally as they have been in the past.

Since he has been living in Lodi the past couple of years, he is familiar with grape crush smells and states that the problem odors are not the normal crush smells, that they are different and more objectionable. He does not know but thinks perhaps the change in smell may be due to some sort of distillation process in addition to the normal fermenting process used during the processing of wine.

In the past, he has only noticed objectionable smells during grape season and not all year round.

At Mr. Tucker's invitation, I went with him for a walk and walked behind his

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condo along the east side of the railroad tracks. Upon climbing to the top of the railroad track bed, I observed open ponds on the north side of the ISC Winery. The ponds are located on the northeast corner of the property where the railroad tracks cross the Moukolumne River. At that location, a pump was observed and was pumping some sort of fluid that was draining into a small holding pond. Along with Mr. Tucker, I followed the pipe across the railroad bridge to the north side of the river over to an area that appeared to be some type of holding pond. At that area, I lost site of the pipe, however, walked in a northerly direction to the north side of the holding ponds where what appeared to be the extension of the same pipe was observed. At that location, there was a liquid which smelled the same as the smell from the pond on the opposite side of the river coming out of the pipe into the holding pond area. Mr. Tupper also advised that this smell was the same general smell that he objects to.

We then walked back across the railroad bridge and on the south side of the river from the top of the railroad tracks, could smell an odor coming from the holding pond area directly behind the winery, however, as we walked back towards his condo on the east side of the railroad tracks the smell was no longer apparent.

Approximately 12:00 noon, I contacted Thomas Fuller, who was in front of his

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residence at 201 Royal Oaks Court. This address is located on the west side of the ISC Winery. According to Mr. Fuller, he has lived in his residence at that location for approximately two years and has not suffered any problems at all with any sort of smell. He advised that possibly the reason he is not bothered by any sort of odors coming from the winery was due to the fact that he lives on the west side and the prevailing winds flow in the opposite direction. Mr. Fuller continued by stating that even if there were offensive smells he probably would not complain anyway since the winery was there long before he was.

I then made contact at 927 Camanche with a lady who preferred not to identify herself stating she had lived in Lodi all of her life. She stated that the smells from the location where she live is normal for Lodi; that she has lived in Lodi all of her life and that the only thing that she smells is the normal grape crushing smell which you can smell throughout most of Lodi.

Contact was made with Lee Hall of the San Joaquin Local Health District who advised that he had a file on both United Vintners Winery also referred to as the ISC Winery at 1 West Turner Road, and also a file on the Turner Winery located at 3750 East Woodbridge Road, Acampo. Mr. Hall advised that I was welcome to review their files.

On October 16, 1984, a review was made of both files. According to the file

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for the Turner Winery, they are currently operating under order #80-055 dated May 30, 1980, which is an order issued by the California Regional Water Quality Control Board Central Valley Region. A letter contained in this file is a letter to the above agency from Mr. Hall of the Health District stating that a strong odor was detected from the ponding system in the south pond at Turner Winery. A request was made that the California Regional Water Quality Control Board make a determination if the problem constituted a violation of their order. On April 12, 1984, a letter was received from the Water Board stating, "we agree that the odor problem at Turner Winery was either a violation or a threatened violation of order #80-055. Because of toxic and public health water quality problems, we cannot assign staff time to odor nuisance problems. The Water Quality Control Board did send an enforcement letter dated April 17, 1984. This letter states in part that the operation of the winery was causing an odor nuisance and is a violation of order #80-055. A written report was requested from the winery outlining plans to conform with the requirements of the order. Apparently, there has not been a sufficient reply to the enforcement letter as of this date.

According to notes in file, inspections by the San Joaquin Local Health District indicate that on May 2, 1984, an inspection was made and a very slight odor was coming from the pond site at the Turner Winery. A similar

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inspection on June 13, 1984, indicated "no odor problem at this time". A follow up inspection on August 16, 1984, indicates, "there was only a slight odor in the south pond," and the most recent notation in the file, October 15, 1984, only a very slight odor from the south pond.

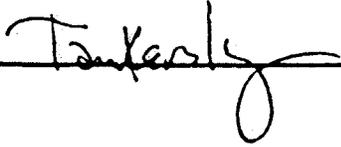
Information contained in the file from United Vintners, also called ISC Winery, indicates they are operating on permit #81-074 dated June 26, 1981, also issued by the California Regional Water Quality Control Board.

A note in this file dated June 14, 1983, indicated that the winery appeared to be in violation of discharge order #81-074. An inspection of the ponds on both sides of the river by the Health District found "United Vintners not source of the odor problems." Further investigation revealed, "strong odor from ponds at Turner Winery."

On October 15, 1984, an inspection of the ISC Winery by the Health District determined only a slight odor from ponds on the south side of the river.

This case will be discussed with Deputy District Attorney Taylor and reviewed with him prior to any further investigation.

Case pending.

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