



**Initial Study
State Water Resources Control Board
Order WQ 20YY-XXXX-DWQ
General Waste Discharge Requirements for Winery
Process Water DRAFT**

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Acronyms and Abbreviations

Acronym or Abbreviation	Meaning
Basin Plan	Water Quality Control Plan
BOD	biochemical oxygen demand
Cal. Code Regs. or CCR	California Code of Regulations
CBI	Commercial, Business, or Industrial
CDF	California Department of Forestry and Fire Prevention
CEQA	California Environmental Quality Act
CERES	California Environmental Resources Evaluation System
Clean Water Act	Water Pollution Control Act of 1972
Delta	Sacramento-San Joaquin River Delta
DWR	California Department of Water Resources
EIR	Environmental Impact Report
ESA	Endangered Species Act of 1973
General Order	General Waste Discharge Requirements
GHG	Greenhouse Gas
LAA	Land application area
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1969
regional water board	Regional Water Quality Control Board
§	Section
State Water Board	State Water Resources Control Board
TDS	total dissolved solids
USFWS	United States Fish and Wildlife Service
USGS	U.S. Geological Survey
WDR	Waste Discharge Requirement
Winery	Winery Facility, Grape Juice Storage Facility, Wine Distillery, or Winery/Wine Distillery Process Water and Solids Treatment and Disposal System

I. Introduction

A. Overview and Regulatory Guidance

The State Water Resources Control Board (State Water Board) has prepared this Initial Study pursuant to the California Environmental Quality Act (CEQA). This Initial Study evaluates the effects of adopting and implementing a General Waste Discharge Requirements Order (General Order) for land application of treated winery process water and solids. This Initial Study was prepared to address environmental factors related to such discharges. Wineries, grape juice storage facilities, and wine or grape juice processing facilities (hereafter simply referred to as wineries) that discharge winery process water and solids to land will be eligible for coverage under the General Order.

Waste discharges to land are regulated by the Regional Water Quality Control Boards (regional water boards) which issue waste discharge requirements (WDRs). WDRs require the discharge to conform to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), the regional water board water quality control plans (Basin Plans), and other applicable policies of the State Water Board and regional water boards. General waste discharge requirements can be adopted by the State Water Board or the regional water board for a category of discharges if determined that the discharges involve similar operations, types of waste, treatment standards, and the discharges are more appropriately regulated under general waste discharge requirements than individual.

This Initial Study is prepared to address CEQA requirements for the discretionary action of adopting and implementing a General Order and the resulting potential for reasonably foreseeable effects on the environment that wineries and winery process water and solids treatment and disposal systems may have when operated to comply with the General Order. The regional water boards have discretion whether to use the General Order or individual WDRs for regulatory coverage. Furthermore, local land use authorities have discretion over approval, siting, and design of new and expanding wineries.

The State Water Board estimates 2,070 bonded wineries may be subject to the order, increasing permit coverage from about 15% to nearly 60% of eligible wineries. The State Water Board cannot speculate the impact, location, design, or number of newly constructed or expanding wineries that may be enrolled as a result of this General Order pursuant to California Code of Regulations, title 14, section 15064 (d).

This Initial Study was prepared based upon typical winery treatment and disposal operations, for process water and solids. The State Water Board cannot evaluate site-specific environmental factors at this time because the General Order does not address a specific winery or specific winery process water and solids treatment and disposal system. Any new or expanding wineries and winery process water and solids treatment and disposal systems will be required to comply with CEQA and local agency requirements, which include a project level CEQA review of site-specific impacts as part of the discretionary action associated with review/approval of the specific proposal.

Adoption and implementation of the General Order for new and existing wineries is categorically exempt from CEQA under California Code of Regulations, title 14 section 15308

(actions by regulatory agencies for protection of the environment). Additionally, the adoption and implementation of the General Order as applied to existing wineries is categorically exempt from CEQA under California Code of Regulations, title 14, section 15301 (ongoing or existing projects).

Section 15300.2 provides exceptions to these categorical exemptions based on location, cumulative impact, significant effects due to unusual circumstances, scenic highways, hazardous waste sites, and historical resources. There is no evidence that any of these exceptions apply. However, in the event this evidence is found to exist, this Initial Study is being prepared pursuant to the CEQA Guidelines (Cal. Code Regs., title 14, section 15063) to consider whether adoption and implementation of the General Order could have a significant effect on the environment.

This Initial Study has been prepared in accordance with Public Resources Code section 21000 et seq. and California Code of Regulations, title 14, section 15000 et seq. An initial study of a project is conducted by the lead agency pursuant to CEQA in order to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines, section 15064(a), an environmental impact report (EIR) must be prepared if there is substantial evidence (including the results of an initial study) that a project may have a significant effect on the environment. A negative declaration or mitigated negative declaration may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions made to the project mitigate the potentially significant impacts to a less than significant level.

B. Lead Agency

Under CEQA, the lead agency is the public agency with primary responsibility over the proposed project. The State Water Board is the lead agency under CEQA for this project because of its regulatory authority over California water quality and its lead role in developing the General Order.

C. Purpose and Organization

The purpose of this Initial Study is to evaluate the foreseeable potential for environmental effects that may occur as a result of adopting the General Order. The objective of the General Order is to streamline implementation of water quality regulations and the permitting process for winery process water and solids discharges to land.

The document is organized as follows:

- Chapter 1, "Introduction," describes the purpose and organization of this document.
- Chapter 2, "Regulatory Setting and Project Description," provides background information about the regulatory setting, environmental factors of concern, and provides a description of the proposed project.
- Chapter 3, "Potential Environmental Impacts," uses the environmental factors provided in the CEQA Guidelines' Environmental Checklist (Appendix G Environmental Checklist Form, Revised 2016) to evaluate a range of potential impacts.

As a discretionary action, issuance of the General Order fits the CEQA definition of a project. (Pub. Resources Code, § 21065 (c)). The State Water Board, as the project's lead agency, consulted with state responsible and trustee agencies before determining if a project's impacts are significant

(Pub. Resources Code, § 21080.3; Cal. Code Regs., tit. 14, § 15063) and prior to selecting the type of CEQA document to prepare. The list of agencies consulted was developed with assistance from the California Office of Planning and Research. A draft Initial Study was transmitted on **July 3, 2020** to all identified agencies.

D. Public Review and Comment

This Initial Study will be available for a 30-day public review and comment period as described in the Notice of Public Hearing. Comments must be received during the comment period to be considered prior to the meeting.

Prior to transmitting the draft Initial Study for public comment, the State Water Board notified Native American Tribes of the opportunity to consult, identify, and address potential adverse impacts to tribal resources of cultural, historical, and/or archaeological significance (Tribal Cultural Resources). The Public Resources Code establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, § 21084.2.) The State Water Board transmitted the consultation offer on November 8, 2019. The Buena Vista Rancheria of Mi-Wuk Indian Tribe, Rincon Band of Luiseño Indian Tribe, and Wilton Rancheria Tribe submitted requests for consultation. Mitigation measures were recommended by the Wilton Rancheria tribe. Comments and concerns were considered during consultation with the tribes on June 5, 2020.

If you have any questions about document availability or the public review and comment process, please contact Stephanie Torres at (916) 341-5572 or stephanie.torres@waterboards.ca.gov

II. Regulatory Setting and Project Description

A. Regulatory Setting

A broad system of federal and state laws provides the State Water Board and regional water boards the authority to protect beneficial uses of water, including the protection of drinking water and public health. That authority includes regulation of winery process water and solids discharges and other sources of contaminants that have the potential to cause adverse water quality effects. These laws include the federal Water Pollution Control Act of 1972 (Clean Water Act), Safe Drinking Water Act of 1974, subsequent amendments to these laws, and California’s Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act), subsequent amendments to the Porter-Cologne Act, and related state policies.

California has nine regional water boards (Figure 1) that work independently of each other but in cooperation with the environmental and public health agencies of the counties and cities.

Statutes regulating waste discharge requirements (WDRs) are contained in the Water Code and are summarized below:

- Water Code section 13260 requires each of the following persons to file with the appropriate regional water board a report of the discharge, containing the information that may be required by the regional water board:
- A person discharging waste, or proposing to discharge waste, within any region that could affect

the quality of the waters of the state, other than into a community sewer system.

- A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.
- Water Code section 13263 requires the regional water board to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge to implement any relevant water quality control plans (Basin Plans) and take into consideration the beneficial uses to be protected and nuisance to be prevented. Water Code section 13263(i) allows general WDRs for a category of discharges if certain criteria are met.
- Water Code section 13264 prohibits dischargers from initiating a new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well prior to the filing of a report of waste discharge and issuance of waste discharge requirements or a waiver of WDRs.

1. Winery Process Water Constituents of Concern

The primary concerns associated with waste discharges to land from wineries are: (1) degradation of water quality; and (2) odors from overloaded or upset treatment or disposal system components. Summaries of typical winery discharge constituents of concern and potential deleterious effects are stated below.

Biochemical Oxygen Demand (BOD): A measurement of the concentration of biodegradable organic content in process water. The value represents the amount of oxygen required by microorganisms while oxidizing the waste constituents under aerobic conditions. Excessive BOD can create malodorous conditions and can mobilize soil constituents.

Nitrogen: Nitrogen in winery process water may originate from residual juice or wine collected during sanitation activities, chemicals used for sanitation purposes such as quaternary ammonium, or source water. Excessive application of nitrogen to land over time can result in nitrate groundwater degradation and may affect water quality of drinking water sources relied upon by communities.

Salinity: A measurement of fixed dissolved solids in winery process water. The majority of salinity in winery process water originates in sanitation chemicals used in cleaning activities. Excessive salinity can affect the beneficial uses of water.

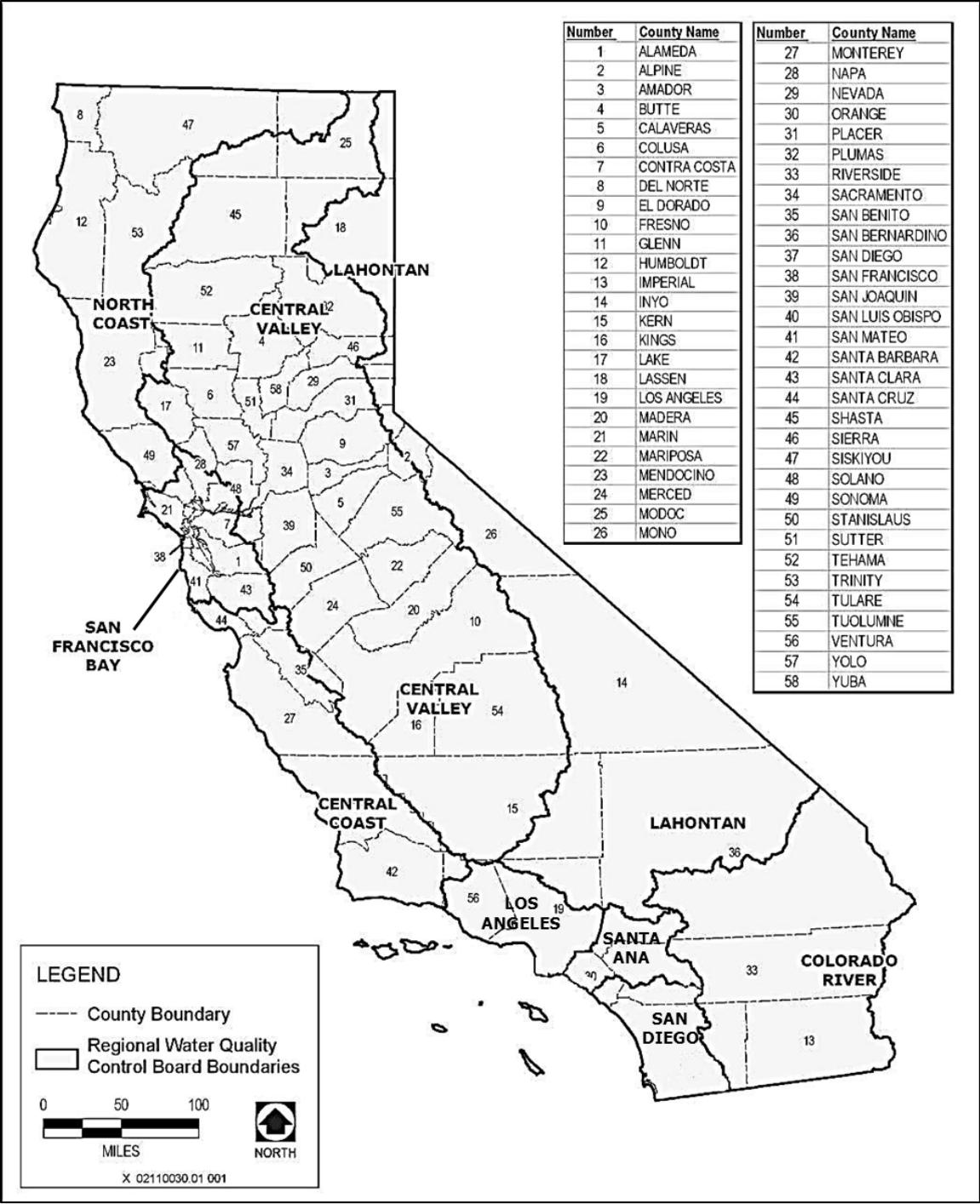


Figure 1 Regional Water Quality Control Boards and County Boundaries

B. Background

The State Water Board will consider adoption of a General Order that authorizes winery process water and solids to be discharged to land. Winery process water may be discharged to subsurface disposal areas, process water ponds, or applied to land application areas. Some waste streams may be hauled from the facilities to wastewater treatment systems and high strength or brine waste streams are required to be segregated from the process water discharges to land and disposed of properly. Solids may be applied to land application areas as a soil amendment. Winery process water and solids discharges are currently regulated by site-specific WDRs, general WDRs, or conditional waivers of WDRs issued by the regional water boards.

C. Project Description

The State Water Board will consider adoption and implementation of a General Order (collectively, the Project) to streamline permitting and improve consistency in regulating winery process water and solids discharges to land throughout the state. Although the State Water Board intends for the General Order to be the primary permitting mechanism, based on site-specific conditions, regional water boards have discretion whether to enroll dischargers in the General Order or site-specific WDRs.

Winery process water treatment systems may include collection sumps, settling tanks, wastewater ponds, activated sludge systems, subsurface disposal systems, and/or land application areas. The wineries covered by the General Order may discharge winery process water and/or solids to land only; discharge to surface water bodies is prohibited.

The General Order provides loading and effluent limits for various winery process water constituents. Dischargers with ample land may rely on natural treatment processes that occur in land application areas and are not required to provide extensive pretreatment. Dischargers with limited land application acreage must provide a higher level of treatment prior to discharge. In some cases, discharge to a treatment/disposal pond is adequately protective of water quality (but must be evaluated to demonstrate that it is protective).

The footprint of a winery process water treatment system will vary with the size of the winery and disposal method. The smallest wineries may employ a settling tank and subsurface disposal system. Percolation or stabilization ponds and land application of process water and/or solids is generally employed at larger wineries with higher wastewater flow rates. The level and type of treatment at a winery is highly variable. Wineries may employ any or all of the treatment methods. The types of winery process water treatment and dispersal systems typically employed for treatment of winery process water can be generally described as follows:

- **Collection/Screening Sumps** provide a low level of treatment. The collected winery process water may be applied to land if adequate acreage exists or discharged to any of the treatment systems described below. Collection sumps occupy a relatively small area. Pumps generally generate low levels of noise limited to the immediate area. Odors typically are not an issue with collection sumps because they are generally operated frequently enough that winery process water does not reside in the sump long enough to generate nuisance odors.
- **Settling tanks and associated dispersal** provide primary clarification and limited biological

treatment. In many cases, tank effluent that has met constituent levels (e.g., nitrogen, BOD, salinity) established by this General Order will be discharged to a subsurface disposal area or may be land applied. In others, effluent may be hauled off-site for disposal at a wastewater treatment facility. Settling tanks occupy a small area and only the access ports are visible at the ground surface. Frequently, tank effluent is discharged to a subsurface disposal area covered with grass or similar shallow rooted vegetation. Some tanks may be equipped with a dosing pump, which generates a negligible amount of noise. Pumping of a settling tank may occur every one to five years and is dependent on the quality of winery process water, screening that occurs upstream of the tank, and tank size.

- **Pond treatment systems** provide biological treatment and flow stabilization. They may provide treatment, storage, and/or disposal functions. Winery process water stored in ponds may be used to irrigate a land application area. Ponds can be equipped with mechanical aerators or rely upon diffusion of atmospheric oxygen and/or oxygen generated by pond algae to oxidize waste constituents. Pond systems occupy the largest footprint of the treatment systems. Pumps and mechanical aerators generate low levels of noise, but pond systems are generally large enough that the noise is confined to the winery. Ponds can be subject to upset due to excessive biochemical oxygen demand (BOD) loadings or seasonal odor generation if thermally stratified ponds mix. Well-operated systems typically do not generate objectionable odors.
- **Activated sludge treatment systems** provide biological stabilization, can produce highly treated winery process water and provide biological nitrogen reduction. Activated sludge systems occupy relatively small footprints. Pumps and mechanical aerators generate low levels of noise, but activated sludge systems are typically small enough that they can be contained in a garage sized building or below ground if needed. Activated sludge systems must employ a clarifier or membrane treatment and dispose of excess sludge. Activated sludge systems can be subject to upset due to excessive BOD loadings. Well-operated systems typically do not generate objectionable odors.
- **Fixed film biological treatment systems** provide biological stabilization and can produce moderately well treated winery process water or be used to pretreat winery process water constituents prior to discharge (e.g., reduce BOD concentrations prior to discharge to a land application area). Fixed film systems can include recirculating sand (or other media) filters used in association with a settling tank, trickling filters, etc. Fixed film systems generally occupy a relatively small footprint and can be contained within a building or below ground if needed.
- **Land application areas** are used to dispose of winery process water and solids, but also provide treatment of winery process water. If adequate acreage is available to allow land application of winery process water at rates that will not create nuisance conditions, land application may provide the only treatment needed (with adequate upstream screening of solids). Solids generated in the winery may be applied with or without composting and are normally a valuable soil amendment that improves soil tilth. Land application areas are generally used to grow crops, which take up winery process water constituents such as nitrogen and maintain roots that promote winery process water infiltration. Winery process water and solids can be managed when applied to a land application area to prevent odors and optimize winery process water treatment through soil infiltration.

Compliance with the General Order is documented by self-monitoring reports submitted to the regional water board. This includes regularly reporting the results of observations and analytical data related to compliance. In addition, technical reports are required to determine the effectiveness of the winery process water and solids treatment and disposal system for activities considered to be higher threats to water quality. For example, use of a subsurface disposal area or a process water pond triggers evaluation of the potential impact on groundwater quality. In addition, significant loading of process water to land application areas triggers groundwater monitoring requirements for the land application areas.

III. Potential Environmental Impacts

A. Bioregion Environmental Setting

California is divided geographically into bioregions, classified by relatively large areas of land or water, which contain characteristically and geographically distinct assemblages of natural communities and species. The biodiversity of flora, fauna, and ecosystems that characterize a bioregion tend to be distinct from that of other bioregions.

California contains a wide variety of bioregions, from desert environments below sea level, coastal areas, to alpine areas of 14,000 feet or more in elevation. The diversity of geography colliding with temperature and moisture leads to a significant diversity of biological resources. California has the highest total number of species and the highest number of endemic species within its borders than any other state. California also has the highest number of rare species (species typically listed under the federal Endangered Species Act [ESA] or the California ESA), and about one-third of those species are at risk, meaning these species have the potential for local or global extinction.

California is divided into 10 bioregions: Modoc, Klamath/North Coast, Sacramento Valley, Bay Area/Delta, Sierra, San Joaquin Valley, Central Coast, Mojave Desert, South Coast, and Colorado Desert (Figure 2).

1. Modoc Bioregion

This bioregion is also referred to as the Modoc Plateau and the Southern Cascade region. The Modoc Bioregion extends across California's northeast corner from Oregon to Nevada, and south to the southern border of Lassen County. The physical geography of the region includes flats, basins, valleys, lava flows, and mountains. High desert and forests are the dominant vegetation communities. Several major lakes (Goose, Eagle, and Tule) and Mount Lassen (10,450 feet in elevation) are dominant physical features. The bioregion shares many similarities with the Great Basin Bioregion that forms much of its eastern boundary. The area's large lakes provide critical habitat for migratory birds (USGS 2003).

Counties within this bioregion include all or portions of Plumas, Siskiyou, Butte, Tehama, Shasta, Lassen, and Modoc, which support relatively sparse population bases including the municipalities of Susanville and Alturas. This bioregion is comprised of the northern quarter of the Lahontan Hydrologic Region.

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Figure 2 California Bioregions

2. Klamath/North Coast Bioregion

The Klamath/North Coast Bioregion extends roughly one-quarter of the way down the 1,100-mile coast and east across the Coastal Ranges and into the Cascades. The region extends from the Oregon border to Point Arena and from the continental shelf to the Central Valley, including Mount Shasta (14,160 feet tall) near the eastern boundary. The region is one of rugged relief, with severely sheared, faulted, and folded mountains forming parallel ridges and river valleys. It also has coastal terraces, lagoons, and populated floodplains, off-shore islands, estuaries, and subtidal deep-water habitats (USGS 2003). The California bioregional classification system does not include offshore and tidal areas. The marine portion of this bioregion is within two categories of California's marine and ocean classification system: Southern Oregonian Province and Central Ocean (CERES 2005). Numerous rivers in this region offer spawning grounds for anadromous fish (e.g., salmon), including the Eel, Trinity, Klamath, Russian, Smith, Salmon, Scott, Mad, and Mattole Rivers. Large lakes include Clear Lake, Whiskeytown Lake, Clair Engle Lake, and the western part of Shasta Lake.

The region includes all or portions of 10 counties: Del Norte, most of Siskiyou, Humboldt, Trinity, Mendocino, Lake, and the northwestern portions of Shasta, Tehama, Colusa, and Glenn. The region's rugged and remote nature supports low population numbers. The largest city in the region is Eureka in Arcata Bay. This bioregion encompasses almost all of the North Coast Hydrologic Region.

3. Sacramento Valley Bioregion

This bioregion makes up the northern portion of California's Great Valley, extending south roughly from Redding in the north to the northern edge of the Sacramento-San Joaquin River Delta (Delta) at the confluence of the Sacramento and American Rivers. The eastern boundary spans the northern third of the Sierra Nevada foothills. The landscape is relatively flat, consisting of basins, plains, terraces, alluvial fans, and scattered hills or buttes.

Counties incorporated in this populated bioregion are Sutter, most of Sacramento and Yolo, and portions of Butte, Colusa, Glenn, Placer, Shasta, Tehama, and Yuba. Sacramento is the bioregion's largest city with other large cities including Redding, Chico, Davis, West Sacramento, and Roseville, making it the fourth most populous of the 10 bioregions. This bioregion covers the northern portion of the Central Valley Hydrologic Region.

4. Bay/Delta Bioregion

The Bay/Delta Bioregion extends from the Pacific Ocean to the Sacramento Valley and San Joaquin Valley Bioregions to the northeast and southeast, and a short stretch of the eastern boundary joins the Sierra Bioregion at Amador and Calaveras Counties. The bioregion is bounded by the Klamath/North Coast Bioregion on the north and the Central Coast Bioregion to the south (CERES 2005). The marine and ocean areas are categorized as the Oceanic Bioregion and the northern portion of the Central Ocean Bioregion. These bioregions include two-thirds of California's coast, extending down to Point Conception north of Santa Barbara. Though of moderate size, the Bay/Delta Bioregion is the second most populous bioregion, encompassing the San Francisco Bay Area and the Sacramento-San Joaquin Delta.

This bioregion contains portions of the San Francisco Bay and Central Valley Hydrologic Regions and fans out from San Francisco Bay in a jagged semi-circle that takes in all or part of 12 counties: Marin, Contra Costa, Santa Clara, Alameda, Solano, San Mateo, San Francisco, Sonoma, Napa, San Joaquin, and parts of Sacramento and Yolo. Major cities include San Francisco, Santa Rosa, Oakland, Berkeley, Vallejo, Concord, and San Jose.

5. Sierra Bioregion

The Sierra Bioregion is named for the Sierra Nevada mountain range that is approximately 380 miles long and extends from the Feather River in the north to Tejon Pass in the Tehachapi Mountains to the south. The bioregion extends along California's eastern boundary and is largely contiguous with Nevada. It is bounded on the west by the Sacramento Valley and San Joaquin Valley Bioregions. Included in the region are the headwaters of 24 river basins extending to the foothills on the west side and the base of the Sierra Nevada escarpment on the east side (USGS 2003). These watersheds generate much of California's water supply provided by runoff from the Sierra snowpack.

Eighteen counties, or their eastern portions, make up the Sierra Bioregion: Alpine, Amador, Butte, Calaveras, El Dorado, Fresno, Inyo, Kern, Madera, Mariposa, Mono, Nevada, Placer, Plumas, Sierra, Tulare, Tuolumne, and Yuba. The larger cities include Truckee, Placerville, Quincy, Auburn, South Lake Tahoe, and Bishop (CERES 2005). This bioregion encompasses portions of the Lahontan, Central Valley, and Mojave Hydrologic Regions.

6. San Joaquin Valley Bioregion

The San Joaquin Valley Bioregion is bordered by the Coast Ranges on the west and the southern two-thirds of the Sierra Bioregion on the east. This bioregion is in the heart of California and is the state's top agricultural region, producing fruits and vegetables in its fertile soil.

Eight counties are found within the bioregion: Kings, most of Fresno, Kern, Merced, and Stanislaus and portions of Madera, San Luis Obispo, and Tulare. This growing bioregion, the third most populous, still contributes to the state's top 10 counties in farm production value (CERES 2005). Large communities include Fresno, Merced, Modesto, and Bakersfield.

7. Central Coast Bioregion

The Central Coast Bioregion includes marine, freshwater, and terrestrial resources. The bioregion extends some 300 miles from just north of the City of Santa Cruz to just south of the City of Santa Barbara, and inland to the floor of the San Joaquin Valley. The edge of the continental shelf forms the western boundary; on the east the region borders the Central Valley Bioregion. The marine and ocean areas are categorized as the Central Ocean Bioregion and the Southern California Bight. These marine regions extend from Cape Mendocino in the north to Point Conception in the south (CERES 2005).

The bioregion encompasses the counties of Santa Cruz, Monterey, San Benito, Santa Barbara, and portions of Los Angeles, San Luis Obispo, Fresno, Merced, Stanislaus, and Ventura. Large cities include Monterey, San Luis Obispo, and Santa Barbara. The bioregion encompasses all of the Central Coast Hydrologic Region.

8. Mojave Desert Bioregion

The Mojave Desert Bioregion is located in southern California, southern Nevada, northeastern Arizona, and southwestern Utah. In California, the bioregion comprises the southeastern portion of the state, roughly east of the Sierra bioregion to the Transverse Ranges in the west, where this region abuts the Colorado Desert near Twentynine Palms. The geography is defined by widely separated mountain ranges and broad desert plains, and ranges in elevation from 280 feet below sea level in Death Valley National Park to over 11,000 feet on Telescope Peak. Much of the region is at elevations between 2,000 and 3,000 feet.

Seven counties make up the Mojave Bioregion: nearly all of San Bernardino, most of Inyo, the southeastern tips of Mono and Tulare, the eastern end of Kern, the northeastern desert area of Los Angeles, and a piece of northern-central Riverside County. The largest cities are Palmdale, Victorville, Ridgecrest, and Barstow (CERES 2005). The Mojave Desert Bioregion is within the southern portion of the Lahontan Hydrologic Region.

9. Colorado Desert Bioregion

The Colorado Desert Bioregion is the western extension of the Sonoran Desert found primarily in Arizona and Mexico. The region occupies the southeastern area of California to the border with Arizona and Mexico. It includes the Imperial Valley and Colorado River and abuts the South Coast Bioregion within the Peninsular Ranges. Elevation varies from 230 feet below sea level at the Salton Sea to over 8,000 feet in the Peninsular Ranges, but averages around 1,000 feet. The landform is typified by alluvial fans, bajadas, playas, dunes, desert plains and steep sparsely vegetated mountains. Average precipitation is around 4 inches per year (USGS 2003).

This sparsely populated bioregion encompasses all of Imperial County, the southeastern portion of Riverside County, the eastern end of San Bernardino County, and the eastern portion of San Diego County. Its most prominent cities are Palm Springs, Rancho Mirage, and El Centro (CERES 2005). This bioregion is completely within the Colorado River Hydrologic Region.

10. South Coast Bioregion

This bioregion encompasses terrestrial and marine resources from Point Conception on the north to the border with Mexico (USGS 2003). It extends from the outer edge of the continental shelf to the base of the Transverse and Peninsular Ranges. This bioregion is comprised of off-coast islands, narrow mountain ranges, broad fault blocks, alluvial lowlands, and coastal terraces. Elevation ranges from sea level to over 11,400 feet (San Geronio Mountain). The aquatic resources include subtidal and intertidal marine and deep water habitats (USGS 2003). The California bioregional classification system does not include offshore and tidal areas; however, this region is defined within the California marine and ocean classification system as the Southern California Bight (CERES 2005).

Counties included in this region are Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. This region is highly populated and continues to grow at a high rate (USGS 2003). This bioregion spans the San Diego, Santa Ana, and Los Angeles Hydrologic Regions.

B. Hydrology¹ Environmental Setting

Most of California is within one hydrological region as defined by the United States Geological Survey (USGS), but that region is further divided into 153 hydrological cataloging units (moderate-sized watersheds). This section provides a brief overview of the key hydrological elements for California since the ultimate determinants of the availability of surface and groundwater resource within the individual regional water boards is the climatic pattern.

1. Precipitation

There is relatively abundant precipitation in the state, but the majority of the precipitation is concentrated in areas remote from most large urban centers and major agricultural areas. Much of the climatic variation in the state results from the patterns of global weather systems, oceanic influences, and the location and orientation of the mountains. As shown in Figure 3, northern California is much wetter than southern California, with more than 70 percent of the average annual precipitation and runoff occurring in the northern part of the state. On average, about 75 percent of the annual precipitation in the state falls between November and March; with about 50 percent occurring between December and February. However, amounts of precipitation vary greatly from year to year, which can often make the services of surface water supplies undependable. The extreme northern part of California has slightly wetter summers than the rest of the state. Fog also occurs frequently on the coast and provides some additional moisture that is used primarily by vegetation.

2. Runoff

Runoff is the amount of water left from precipitation that can be measured as stream flow after losses to evaporation, transpiration by plants, and the replenishment of storage within the aquifers. The areal distribution of runoff closely follows the areal distribution of precipitation. Runoff is greatest in the mountains (exceeding 40 inches per year in many areas), where the majority of precipitation falls as snow that melts during the spring and runs off with minimal evapotranspiration. In contrast, the basins in the arid parts of southeastern California have virtually zero runoff because most precipitation is lost due to high rates of evaporation. However, high-intensity storms or rapid snowmelt in the mountains that border the basins may cause flash floods that reach the basin floors. Coastal areas have a direct relation between the amount of precipitation and runoff.

¹ General hydrology descriptions were adapted from: Planert, M. and J.S. Williams. 1995. Groundwater Atlas of the United States: California, Nevada. HA 730-B. United States Geological Survey. USGS webpage: [California Interagency Watershed Map of 1999](http://pubs.usgs.gov/ha/ha730/ch_b/index.html). <http: pubs.usgs.gov/ha/ha730/ch_b/index.html>; CalWater. 1999.

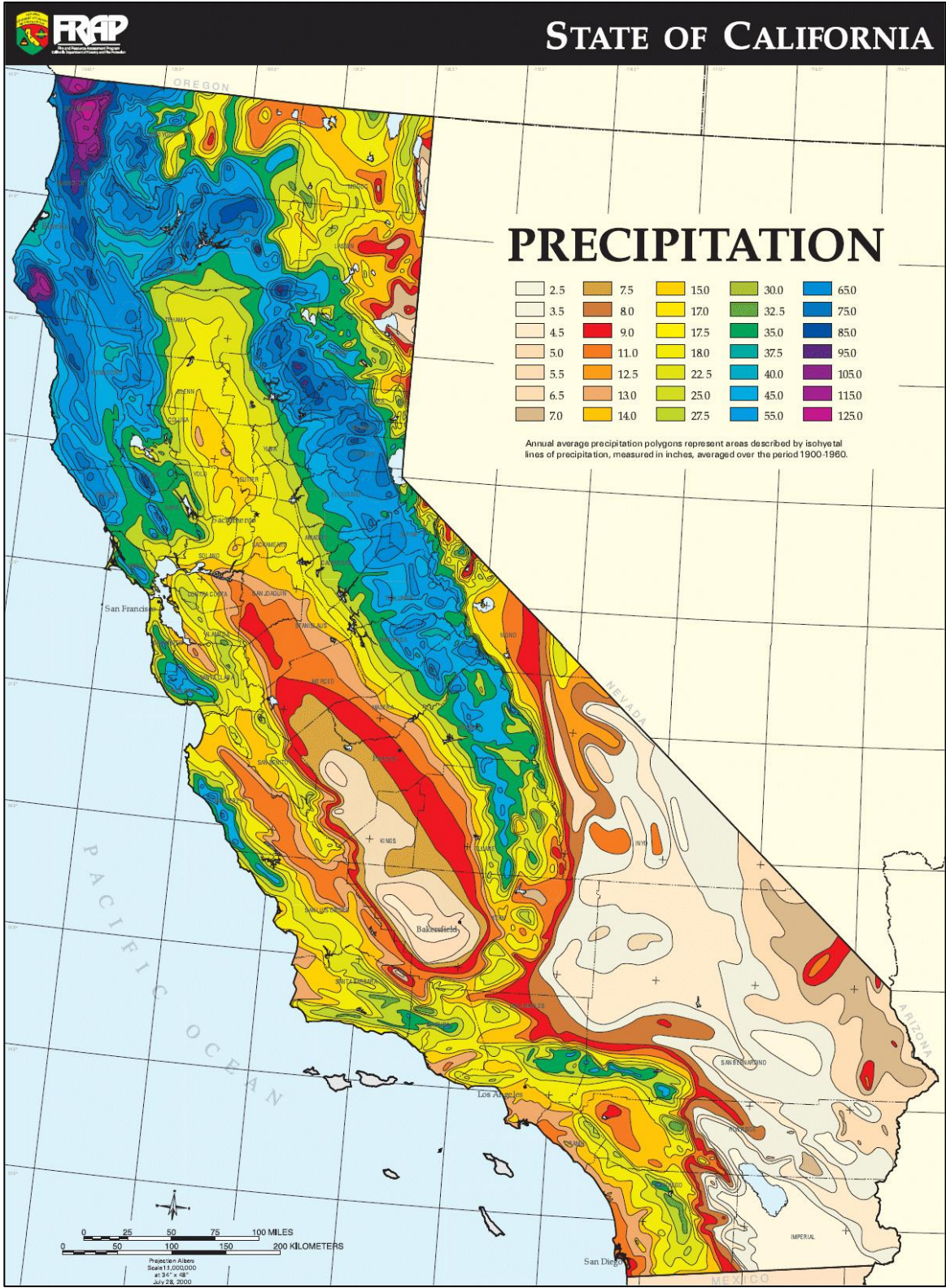


Figure 3 Annual Precipitation Rates in California (CDF 2011)

3. Water Surplus and Deficit

The relation between precipitation and evapotranspiration is a major factor in water availability. If annual precipitation exceeds annual potential evapotranspiration, then there is a net surplus of water and stream flow is perennial. Water is available to recharge aquifers only at times when precipitation or snowmelt is greater than actual evapotranspiration. However, annual potential evapotranspiration can exceed annual precipitation, which causes a net deficit of water. A net annual moisture deficit is present almost everywhere in California except the northern California coast (which receives considerable rainfall from winter storms) and the mountainous regions of northern and east-central California.

In most of southern California, nearly all streams that arise in the mountains are ephemeral and lose flow to alluvial aquifers within a short distance of where the streams leave the mountains and emerge onto the valley floors. Before the inception of agriculture, the largest rivers in the vast Central Valley of California overflowed their banks during periods of peak winter flows and formed extensive marshlands. An elaborate flood control system and the lowering of the water table by withdrawals for irrigation now keep these rivers within their banks and have significantly affected the distribution of riparian wetlands.

C. Hydrologic Regions of California²

Hydrologists divide California into hydrologic regions (Figure 4). The regional water boards are primarily³ defined by the boundaries of these hydrologic regions, as described in Water Code section 13200. Hydrologic regions are further divided into hydrologic units, hydrologic areas, and hydrologic subareas.

² Hydrologic region descriptions were adapted from: California's Groundwater, Bulletin 118, DWR 2003 and the regional water board Basin Plans

³ The South Coast Hydrologic Region is divided among three regional water boards (Los Angeles, Santa Ana, and San Diego) because it is the most populous area of the state.

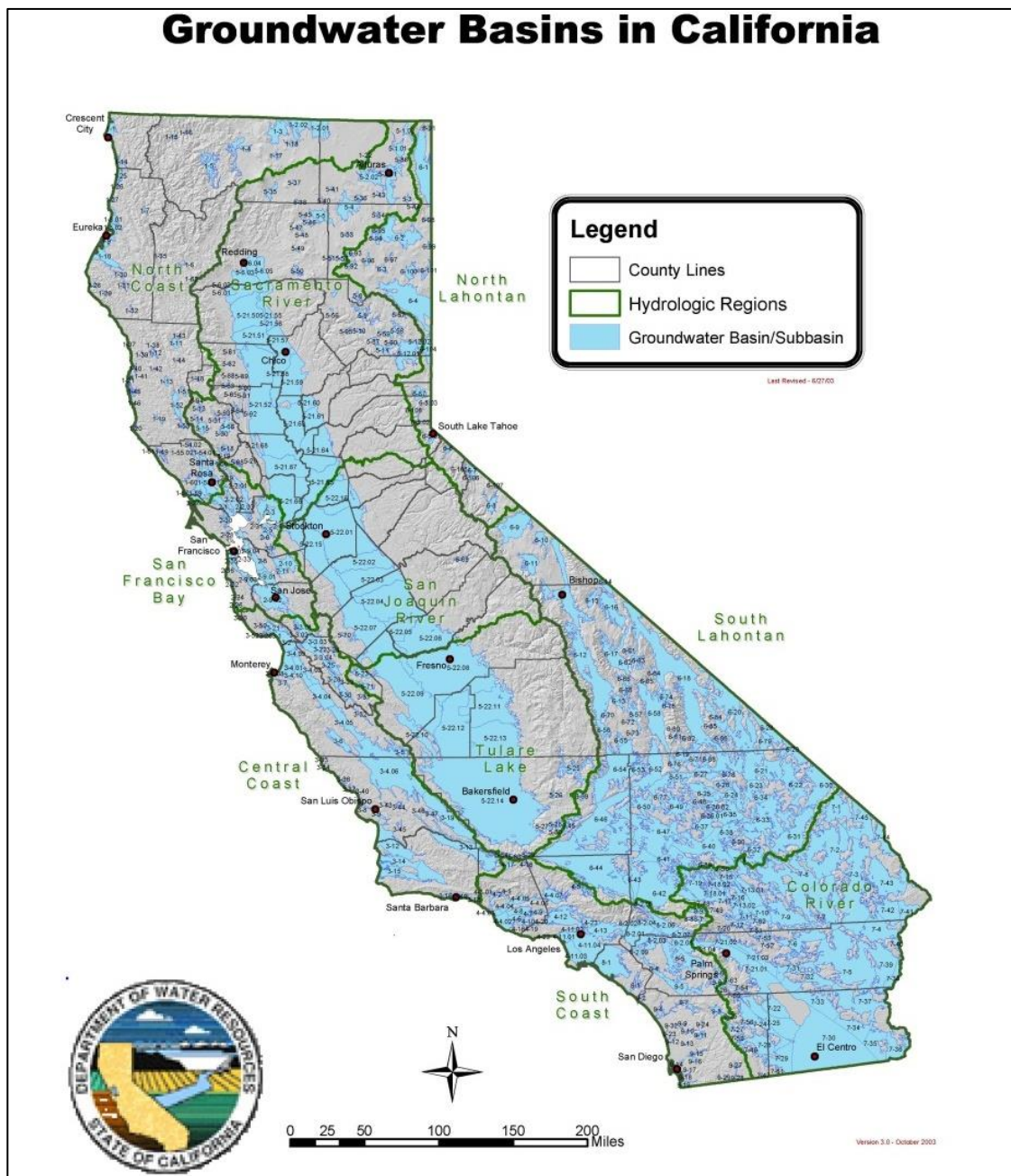


Figure 4 Hydrologic Regions and Groundwater in California (DWR 2003)

1. North Coast Hydrologic Region

A majority of the surface water in the North Coast Hydrologic Region is committed to environmental uses because of the “wild and scenic” designation of most of the region’s rivers. Average annual precipitation in this hydrologic region ranges from 100 inches in the Smith River drainage to 29 inches in the Santa Rosa area.

Water bodies that provide municipal water include the Smith, Mad, and Russian Rivers. Areas providing agricultural water are more widespread than those for domestic, municipal, and industrial use, as they occur in all of the hydrologic units within the region. Many of the smaller communities and rural areas are generally supplied by small local surface water and groundwater systems. Water recreation occurs in all hydrologic units on both fresh and saltwater, attracting over ten million people annually. Coastal areas receiving the greatest recreational use are the ocean beaches, the lower reaches of rivers draining to the ocean, and Humboldt and Bodega Bays. The Russian, Eel, Mad, Smith, Trinity, and Navarro Rivers and Redwood Creek provide the most freshwater recreational use.

Groundwater aquifers in the northeastern portion of the North Coast Hydrologic Region consist primarily of volcanic rock aquifers and some basin-fill aquifers. Coastal basin aquifers are predominantly found in the southern portion of this hydrologic region and along the northern coast. However, a large percentage of this region is generally underlain by fractured hard rock zones that may contain localized sources of groundwater.

2. San Francisco Bay Hydrologic Region

Major rivers in the San Francisco Bay Hydrologic Region include the Napa and Petaluma, which drain to San Francisco Bay. Although this is the smallest hydrologic region in the state, it contains the second largest human population. Coastal basin aquifers are the primary type of aquifer system in this region. These aquifers can be found along the perimeter of San Francisco Bay extending southeast into the Santa Clara Valley, as well as in the Livermore Valley. The northeastern portion of this region, which includes the eastern Sacramento–San Joaquin Delta, is underlain by a portion of the Central Valley aquifer system. The remaining areas in this region are underlain by fractured hard rock zones.

3. Central Coast Hydrologic Region

Groundwater is the primary source of water in the Central Coast Hydrologic Region, accounting for approximately 75 percent of the annual supply. Most of the freshwater in this region is found in coastal basin aquifers, with localized sources of groundwater also occurring in fractured hard rock zones throughout the region.

4. South Coast Hydrologic Region

The South Coast Hydrologic Region is divided among the Los Angeles, Riverside, and San Diego Regional Water Boards and is the most populous area of the state. Groundwater supplies approximately 23 percent of the region’s water in normal years and about 29 percent in drought years. Like the Central Coast Hydrologic Region, the majority of aquifers in this region are coastal

basin aquifers. In the eastern central portion of the region, there lies a small section of basin-fill aquifer and the remainder of the region comprises fractured hard rock zones.

5. Central Valley Hydrologic Region

The Central Valley Hydrologic Region is the largest in California and encompasses the three subregions described below.

6. Sacramento River Hydrologic Subregion

The Sacramento River Hydrologic Subregion includes the entire drainage area of the Sacramento River, the largest river in California, and its tributaries. Groundwater in the northern half of this hydrologic subregion is, for the most part, contained in volcanic rock aquifers and some basin-fill aquifers. The southwestern half of this subregion is underlain by part of the Central Valley aquifer system. The remaining areas that comprise the southeastern half of the subregion and portions of the northern half of the subregion are underlain by fractured hard rock zones. Surface water quality in this hydrologic subregion is generally good. Groundwater quality in the Sacramento River subregion is also generally good, although there are localized problems.

7. San Joaquin River Hydrologic Subregion

A portion of the Central Valley aquifer system underlies nearly the entire eastern half of the San Joaquin River subregion, while the western half of this subregion consists of fractured hard rock zones. The groundwater quality throughout this hydrologic region is generally good and usable for most urban and agricultural uses, although localized problems occur.

8. Tulare Lake Hydrologic Subregion

A small area at the southern end of the Tulare Lake subregion is underlain by basin-fill aquifers, while a majority of the western half is underlain by a portion of the Central Valley aquifer system. The eastern half consists of fractured hard rock zones.

9. Lahontan Hydrologic Region

The Lahontan Hydrologic Region encompasses the two subregions: North Lahontan and the South Lahontan.

10. North Lahontan Hydrologic Subregion

The North Lahontan Hydrologic Subregion consists of the western edge of the Great Basin, and water in the region drains eastward toward Nevada. Groundwater in the northern half of this subregion is primarily contained in basin-fill and volcanic rock aquifers, with some fractured hard rock zones. The southern half of this region is dominated by fractured hard rock zones, but small segments of basin-fill aquifers also exist in this part of the subregion. In general, the water quality in the North Lahontan Hydrologic Subregion is good. In basins in the northern portion of the region, groundwater quality is widely variable. The groundwater quality along these basin margins tends to be of higher quality, but the potential for future groundwater pollution exists in urban and suburban

areas where single-family, domestic septic systems have been installed, especially in hard rock areas. Groundwater quality ranges from good to excellent in the alpine basins.

11. South Lahontan Hydrologic Subregion

The South Lahontan Hydrologic Subregion is bounded on the west by the crest of the Sierra Nevada and on the north by the watershed divide between Mono Lake and East Walker River drainages; on the east by Nevada and the south by the crest of the San Gabriel and San Bernardino mountains and the divide between watersheds draining south toward the Colorado River and those draining northward. The subregion includes all of Inyo County and parts of Mono, San Bernardino, Kern, and Los Angeles Counties.

The South Lahontan Hydrologic Subregion contains numerous basin-fill aquifers, separated by fractured hard rock zones. Although the quantity of surface water is limited in the South Lahontan Hydrologic Subregion, the quality is very good, being greatly influenced by snowmelt from the eastern Sierra Nevada. However, at lower elevations, groundwater and surface water quality can be degraded, both naturally from geothermal activity, and as a result of human-induced activities. Drinking water standards are most often exceeded for total dissolved solids (TDS), fluoride, and boron content. Groundwater near the edges of valleys generally contains lower TDS content than water beneath the central part of the valleys or near dry lakes.

12. Colorado River Hydrologic Region

The southeast portion of California consists of the Colorado River Hydrologic Region. It includes a large portion of the Mojave Desert and has variable arid desert terrain that includes many bowl-shaped valleys, broad alluvial fans, sandy washes, and hills and mountains. Aquifers in this region are nearly all basin-fill type.

D. Environmental Checklist

The State Water Board has prepared this Initial Study to evaluate foreseeable environmental impacts and determine if a significant impact to the environment is likely as a result of adopting the General Order. The adoption of the General Order is for statewide application and does not address a specific site. The subsequent evaluation of the environmental factors only considers potential environmental impacts that may result from construction and operation of typical wineries instead of specific wineries and locations.

Discharge of process water and solids from wineries can create environmental risks to groundwater quality. The General Order contains requirements that reduce the potential risks to “less than significant impact” or “no impact” levels. However, the potential environmental impacts of projects regulated under the General Order are foreseeable only to a limited extent. Additional environmental review will be performed by local agencies for new or expanding wineries.

Wineries are constructed as a result of factors unrelated to the adoption and implementation of the General Order. The effect of the State Water Board’s discretionary action adopting the General Order is that permitting will occur under the General Order instead of under individual WDRs. To the extent a project is not consistent with the General Order, or additional requirements are determined to be necessary, the regional water boards can require and prepare individual WDRs.

Project Information

Project Component	Description
Project Title:	General Waste Discharge Requirements for Winery Process Water
Lead agency name and address:	State Water Resources Control Board Division of Water Quality P.O. Box 100 Sacramento, CA 95812
Contact person and phone number:	Stephanie Torres WDR Permitting Unit (916) 341-5572
Project Location:	Statewide
Project sponsor's name and address:	State Water Resources Control Board Division of Water Quality P.O. Box 100 Sacramento, CA 95812
General plan description:	Not Applicable
Zoning:	Not Applicable
Description of project:	See section II.C, Project Description
Surrounding land uses and setting; briefly describe the project's surroundings:	Statewide
Other public agencies whose approval is required (e.g., permits, financial approval, or participation agreements):	None

1. Aesthetics

Aesthetics Environmental Factor. Would the project have:

- a) Have a substantial adverse effect on a scenic vista?
 - b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
 - c) Substantially degrade the existing visual character or quality of the site and its surroundings?
 - d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-d above
 - No Impact: None

DISCUSSION

- a) Have a substantial adverse effect on a scenic vista? **Less than Significant Impact.** New or expanding wineries could be constructed in a variety of settings in many areas of California, including scenic areas. Depending on the winery facility and treatment system, components, footprint, and construction activities, the potential impact will vary greatly. Wineries tend to be visited by the public, and therefore, are constructed to incorporate architectural design elements that are aesthetically pleasing. The smallest winery process water treatments and disposal systems are tanks used in part for primary clarification, which are typically located underground. If an aerobic treatment unit is used, a low profile, above ground box may be used to enclose pump controls, air blower, pump, and miscellaneous valves. Any above ground components have a low profile and winery process water disposal in leach fields are covered with shallow-rooted plants that do not obstruct views. Leach fields are sized depending upon the discharge rate but are unlikely to affect a scenic vista. Winery process water pond systems and land application areas (LAAs) require a larger footprint. As a result, pond systems are located farther from developed areas where real estate is less expensive. Property values are generally higher if the property includes a scenic vista; this makes pond systems less likely to be constructed impacting any existing scenic vista. LAAs are cropped areas where the crop is often grape vineyards. Vineyards are not typically considered to be aesthetically objectionable. Local authority review will be conducted for new and expanding wineries seeking coverage under this General Order and the issue of scenic vistas will be evaluated on a site-specific basis. Local authority siting criteria for new, modified, or existing wineries will continue and establish appropriate locations on a site-specific basis. The General

Order will not affect local agency ordinances in place to establish standards for construction within scenic areas. Site-specific mitigation would be developed if needed to address any identified site-specific issues. The General Order will have a less than significant impact on a scenic vista.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **Less than Significant Impact.** See the response to item (a) above.
- c) Substantially degrade the existing visual character or quality of the site and its surroundings? **Less than Significant Impact.** See the response to item (a) above.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **Less than Significant Impact.** Some wineries operate at night and some of the work may require outdoor lighting at night. Some wineries hold special public or private events such as wine tasting, weddings, and concerts that require outdoor lighting at night. The issuance of permits for those activities is the responsibility of local agencies that issue land use permits and the General Order will not affect those local agency ordinances.

2. Agriculture

Agriculture and Forest Environmental Factor. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment

Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
 - b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
 - c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Pub. Resources Code § 12220(g).), timberland (as defined by Pub. Resources Code § 4526), or timberland zoned Timberland Production (as defined by Gov. Code § 51104(g).)?
 - d) Result in the loss of forest land or conversion of forest land to non-forest use?
 - e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-e above
 - No Impact: None

DISCUSSION

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
Less than Significant Impact. Because wineries depend on agricultural commodities (grapes) wineries are more likely to preserve farmland rather than convert it to another use. Construction of new or expanding wineries could occur on a wide variety of soil types throughout the state, including areas that could be categorized under the California Department of Conservation Farmland Mapping and Monitoring Program as Farmland of Statewide Importance, Prime, or Unique Farmland. Because site-specific projects have not been determined, this evaluation does not address site-specific impacts. The potential for converting farmland is impossible to determine. The General Order does not change zoning or land use designation and will not alter the economics of farmland conversion to other uses. Prior to conversion of farmland to other uses, entitlements would be required by local land use authorities, and a project specific CEQA evaluation would be performed which would address any new or expanding wineries seeking coverage under the General Order. The issue of farmland conversion will be evaluated on a site-specific basis as these projects are identified. The potential impacts of the General Order on such farmland are considered less than significant.
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
Less than Significant Impact. The adoption and implementation of the General Order will not affect zoning designations, or a Williamson Act contract established by local land use jurisdictions. The General Order does not affect zoning or Williamson Act contracts although construction of wineries could occur within land zoned for agriculture and land with existing Williamson Act contracts. Such conflicts would require zoning modifications, additional entitlements, and/or changes in Williamson Act contracts. This would then require discretionary action by local land use authorities and would require the preparation of site-specific environmental documents that analyze the impacts.
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Pub. Resources Code, § 12220(g)), timberland (as defined by Pub. Resources Code, § 4526), or timberland zoned Timberland Production (as defined by Gov. Code, § 51104(g))?
Less than Significant Impact. The adoption and implementation of the General Order will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. Any conflicts with or conversion of existing zoning would require site-specific project approvals by local land use authorities. See the responses in (a) and (b) above.
- d) Result in the loss of forest land or conversion of forest land to non-forest use? **Less than Significant Impact.**
Construction of new or expanding wineries could occur on a wide variety of soil types throughout the state, including forest land. Adopting the General Order does not change zoning or land use designation and will not alter the economics of forest land conversion to

other uses. Prior to conversion of forest land to other uses, entitlements would be required by local land use authorities, and a project-specific CEQA evaluation would be performed, which would include any new or expanding wineries seeking coverage under the General Order. The issue of loss or conversion of forest land will be evaluated on a site-specific basis as these projects are identified. The potential impacts of the General Order on such forest land are considered less than significant.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? **Less than Significant Impact.** See the responses to item (a) and (d) above.

3. Air Quality

Air Quality Environmental Factor. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?
 - Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-e above
 - No Impact: None

DISCUSSION

- a) Conflict with or obstruct implementation of the applicable air quality plan?
Less than Significant Impact. Although this evaluation does not address project-specific impacts, the potential for conflict or violation of an air quality plan is low. Nearly all equipment at a winery is powered by electricity. Emergency generators powered by stationary internal combustion engines that exceed a horsepower rating (typically 50 HP)

must be permitted by local air quality management districts. Emergency electrical generators are typically required for winery process water treatment and disposal systems to power essential equipment as a backup power source. The use of emergency equipment is generally limited to short-term uses. The additional air quality impacts caused by these systems would be negligible and the overall air quality impacts caused by the uses for which the systems would serve would be analyzed by the local land use authority permitting agency. Dust or windblown materials are not primarily generated in the winery process areas and are primarily generated in the vineyard areas where the growing practices are not managed or regulated by the General Order. Wineries are required to meet local agency ordinances and regulations for any air quality impacts and the General Order would not affect those local agency ordinances. General air quality impacts cannot be accurately determined because the General Order does not address (or approve) any specific winery equipment, operations, projects, or construction-related activities. As specific systems are identified, site-specific environmental review will be conducted which will consider any additional air quality impacts not addressed in this document. The General Order would result in less than significant impacts to implementation of an applicable air quality plan.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Less than Significant Impact.** See the response to item (a) above.
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
Less than Significant Impact. See the response to item (a) above. Areas throughout the state are in non-attainment for various criteria pollutants. Air quality impacts are expected to be negligible; therefore, cumulative impacts would be less than significant. However, specific air quality impacts cannot be determined because the General Order does not address (or approve) any specific winery equipment, operations, projects, or construction-related activities. As specific facilities are identified, site-specific environmental review will be conducted which will consider any additional air quality impacts not addressed in this document.
- d) Expose sensitive receptors to substantial pollutant concentrations? **Less than Significant Impact.** See the response to item (a) above.
- e) Create objectionable odors affecting a substantial number of people?
Less than Significant Impact. Management of winery process water and solids from wineries regulated under the General Order could create objectionable odors; the wastes are typically high in biodegradable organic matter and enough water is typically present to allow aerobic biological treatment (when sufficient oxygen is present) and anaerobic treatment (when oxygen concentrations are limited). Though both aerobic and anaerobic treatment can generate odors, most people find the odor associated with the anaerobic process to be more offensive. The use of best practicable treatment or control measures is

effective in preventing the generation of nuisance odors. The General Order requires implementation of best practicable treatment or control measures and includes prohibitions and discharge specifications that address controlling odors. The General Order also requires monitoring and reporting of nuisance odor conditions as part of the monitoring and reporting program.

4. Biological Resources

Biological Resources Environmental Factor. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (USFWS)?
 - b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
 - c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
 - d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
 - e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
 - f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-f above
 - No Impact: None

DISCUSSION

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? **Less than Significant Impact.** Impacts will be evaluated on a

case-by-case basis due to the great number of special status species throughout the state. Siting would be evaluated by local land use authorities and site-specific biological resources would be identified as individual wineries are proposed for construction. Project-specific CEQA analysis will be performed. Adoption and implementation of the General Order will not have a substantial adverse effect on any candidate, sensitive, or special status species.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? **Less than Significant Impact.** See the response to item (a) above.
- c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
Less than Significant Impact. Because the discharge is limited to land, projects are unlikely to impact federally protected wetlands. In addition, see the response to item (a) above.
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **Less than Significant Impact.** See the response to item (a) above.
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
Less than Significant Impact. A project-specific evaluation will be prepared for a new or expanding winery. The General Order does not address, preempt, or supersede the authority of local policies or ordinances protecting biological resources. Therefore, conflicts with such plans, policies or ordinances are unlikely to occur.
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
Less than Significant Impact. See the response to items (a), (c), and (e) above.

5. Cultural and Tribal Resources

Cultural and Tribal Resources Environmental Factor. Would the project cause a substantial adverse change in the significance of a cultural or tribal cultural resource. Tribal Cultural Resource (TCR) is defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. This

may include, but not limited to, sites of historical, cultural, tribal, or related resource significance. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA section 15064.5?
 - b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA section 15064.5?
 - c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
 - d) Disturb any human remains, including those interred outside of formal cemeteries?
 - e) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - f) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: a-f
 - Less Than Significant Impact: None
 - No Impact: None

DISCUSSION

- a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA section 15064.5? **Less than Significant Impact with Mitigation Incorporated.** Adoption and implementation of the General Order may result in projects implemented in areas with historical resource significance as defined in CEQA section 15064.5. The locations of new wineries would be unknown at the time the General Order is adopted, so it is not possible to determine whether impacts to historical resources would occur. In addition, because existing wineries have been previously constructed, unknown cultural resources are less likely to exist. As appropriate, expanding and new wineries will be subject to a project-specific CEQA analysis that should provide mitigation addressing the significant, indirect or direct adverse effects on tribal cultural resources which may inadvertently be discovered during ground disturbing activities. Mitigation is as follows:
 - i. *California Historical Resources Information System (CHRIS), Sacred Lands Inventory, and other cultural resources surveys.* For a new or expanding winery engaging in any

significant ground disturbing winery activities (e.g., new deep ripping, trenching, excavation, road construction, or pond construction)

a) The Discharger shall perform, prior to these activities, a Native American archaeological resources records search at the appropriate regional information center of the CHRIS. CHRIS results shall be documented. The requirement to perform a CHRIS records search may be satisfied by using the results of a previous CHRIS records search completed for the specific parcel or parcels where the new or expanding winery activities are proposed to occur. Following a positive CHRIS result, the Discharger must 1) report any identified Native American archaeological sites or artifacts to the culturally affiliated California Native American tribe(s) and 2) notify the regional water board Executive Officer of the positive result.

b) The Discharger shall request a Sacred Land Inventory for the project area from the Native American Heritage Commission as part of conducting a physical cultural resources survey for the property/area where a prior physical cultural resources survey has not been conducted. The Discharger shall also 1) contact the local tribes about the project to inquire about TCRs in the project area, 2) conduct a survey of the property, 3) record potential historical and archaeological resources, and 4) write a report of findings to be submitted to the appropriate regional information center of the CHRIS and the regional water board.

c) Using previously completed survey reports or record search results, the Discharger can demonstrate CEQA compliance for the surveyed portion of the property by using previously completed survey reports or record search results that identified no TCRs for that portion of the property/parcel.

ii. *Consultation.* The Discharger and/or the regional water board shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe when the survey and research reveal a TCR or a Sacred Lands inventory positive result. The Discharger shall:

a) Provide the proposed final conservation measures to the California Native American tribes that are potentially culturally affiliated (affected tribes) for a 30-day comment period;

b) Demonstrate the goal of conserving TCRs with appropriate dignity by careful consideration of any comments or mitigation measure recommendations submitted by the affected tribe(s) within this 30-day comment period;

c) Implement the proposed final conservation measures if no comments are received from the affected tribe(s) or comments from the affected tribe(s) have been addressed through mitigation measures such as avoidance of the area, fencing, soil-capping, onsite-burial, or other equally protective measures;

d) Provide a copy of the final mitigation and conservation measures to any affected tribe(s) identified by the Native American Heritage Commission and to the regional water board Executive Officer. Final mitigation measures are subject to approval by the regional water board Executive Officer.

iii. *Treatment of Human Remains.* The Dischargers shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section

5097.98 upon discovery of any human remains. The Discharger shall take the following actions upon the discovery of human remains:

- a) Immediately cease all ground-disturbing activities in the vicinity of the discovery;
- b) Immediately notify the county coroner;
- c) Discontinue ground-disturbing activities until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met; and
- d) Ensure that the human remains are treated with appropriate dignity. The coroner has (1) two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative per Health and Safety Code section 7050.5, and (2) 24 hours to notify the Native American Heritage Commission for Native American remains. The Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American per Public Resources Code section 5097.98. The most likely descendant has 48 hours, from the time they are granted access, to make recommendations to the landowner or representative for the treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98 if the:
 - a) Native American Heritage Commission is unable to identify a descendent;
 - b) Mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner;
 - c) Most likely descendant does not make recommendations within 48 hours;
 - d) Most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98; and/or,
 - e) Landowner does not accept the descendant's recommendations. The landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

- iv. *Procedures for Discovery During Ground Disturbing Activities.* The Discharger shall:
 - a) Immediately cease significant ground disturbing winery activities regulated under this General Order within 50 feet (100-foot diameter circle) of any uncovered or discovered indicators of a TCR, suspected archaeological materials, or discovery of a TCR.
 - b) Notify the Native American Heritage Commission within seven days of the discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery (affected tribes);
 - c) Develop any necessary mitigation measure proposals, which may include those listed in Mitigation Measures to protect TCR Sites on Wineries (Section iii § v).
 - d) Submit the proposed final mitigation measures to the potentially affected tribe(s) for a 30-day comment period;
 - e) Demonstrate the goal of conserving TCRs with appropriate dignity by careful consideration of any comments or mitigation measure recommendations submitted by

the potentially affected tribe(s) within this 30-day comment period;

f) Implement the proposed final conservation measures if no comments are received from the affected tribe(s) or comments from the affected tribes have been addressed through mitigation measures such as avoidance of the area, fencing, soil-capping, onsite burial, or other equally protective measures (Section iii § v) and,

g) Provide a copy of the final mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission and to the regional water board Executive Officer.

The final mitigation measures are subject to approval by the regional water board Executive Officer. The regional water board Executive Officer shall require mitigation measures (e.g., from the list in Section 4 below) when the affected tribe(s) and the Discharger cannot reach an agreement. Winery activities can resume within the approval.

v. *Mitigation Measures to Minimize and Avoid Significant Adverse Impacts to TCR Sites on Wineries.* The following are examples of mitigation measures that, if feasible for a given site, may be used to minimize and avoid significant adverse impacts to TCR sites:

a) Avoidance of the site;

b) Confidentiality of the site location;

c) Fence off or cap-in-place areas of very high sensitivity such as burial and cemetery sites;

d) Use above ground irrigation lines or route irrigation lines around TCR sites;

e) Avoid irrigation or waste discharge over TCR sites;

f) Provide worker training about potential TCR resources in the area;

g) Protect the cultural character and integrity of the resource, and;

h) Other effective mitigation measures that reduce impacts to TCR sites to a less than significant level.

Note: Not all mitigation measures will apply to individual wineries. Appropriate selection of the mitigation measures above as tailored to a project's individual impacts will reduce impacts to a less than significant level.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA section 15064.5? **Less than Significant Impact with Mitigation Incorporated.** See the response to item (a) above.
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Less than Significant Impact with Mitigation Incorporated.** See the response to item (a) above.
- d) Disturb any human remains, including those interred outside of formal cemeteries? **Less than Significant Impact with Mitigation Incorporated.** See the response to item (a) above, especially §iii.
- e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? **Less than Significant Impact with Mitigation Incorporated.** See the response to item (a) above.
- f) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. **Less than Significant Impact with Mitigation Incorporated.** See the response to item (a) above.

6. Geology / Soils

Geology and Soils Environmental Factor. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to division of Mines and Geology Special Publication 42.
 - ii. Strong seismic ground shaking?
 - iii. Seismic-related ground failure, including liquefaction?
 - iv. Landslides?

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- b) Result in substantial soil erosion or the loss of topsoil?
 - c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
 - d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
 - e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-e
 - No Impact: None

DISCUSSION

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving listed risks below:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **Less than Significant Impact.** Adoption and implementation of the General Order will not have a substantial adverse effect caused by geologic or soil conditions. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of geologic or soils hazards will be evaluated on a site-specific basis at that time. In addition, the siting criteria of the local agencies will establish appropriate locations and seek to avoid or minimize, on a site-specific basis, any potential for risk to people or structures. The General Order will have a less than significant impact to exposure of people or structures to potential adverse effects, including the risk of loss, injury, or death associated with earthquake faults.
 - ii. Strong seismic ground shaking? **Less than Significant Impact.** See the response to item (a)(i) above.
 - iii. Seismic-related ground failure, including liquefaction? **Less than Significant Impact.** See the response to item (a)(i) above.
 - iv. Landslides? **Less than Significant Impact.** See the response to item (a)(i) above.
- b) Result in substantial soil erosion or the loss of topsoil? **Less than Significant Impact.** Some wineries permitted under the General Order are likely to apply winery process water to an LAA. Some of those facilities may allow stormwater to run off the LAA; however, winery process water will not be applied at that time, reducing the amount of water available to erode soil. In addition, erosion is unlikely to occur due to the limited areal extent of an LAA, precipitation falling on the surrounding area is typically diverted around the LAA, and most LAAs have an agricultural crop, which provides stabilizing turf or plant roots reducing erosion. Use of winery process water and/or stormwater ponds will result in less water being discharged to an LAA. Much of the precipitation that falls on an LAA will infiltrate rather than run off reducing the amount of water discharged to surface water bodies. Reducing the surface water discharge also reduces the potential for hydromodification of a surface water body channel. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of potential soil erosion or the loss of top soil due to water runoff will be evaluated on a site-specific basis at that time. The General Order itself will have a less than significant impact to cause soil erosion.
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading,

subsidence, liquefaction or collapse? **Less than Significant Impact.** See the response to item (a)(i) above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? **Less than Significant Impact.** Adoption and implementation of the General Order will not have a substantial adverse effect caused by expansive soils creating substantial risks to life or property. Based on the structures that are typical at wineries, substantial adverse effects including risk of loss, injury and death are unlikely. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of expansive soil will be evaluated on a site-specific basis at that time. The General Order itself will result in a less than significant impact associated with geology and soils.
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? **Less than Significant Impact.** The General Order requires adequate winery process water disposal capacity for all wineries enrolled in the General Order and contains requirements for use of a subsurface disposal system. Soils at the project location must be adequate to support the hydraulic and winery process water characteristics.

7. Greenhouse Gas Emissions

Greenhouse Gas Emissions Environmental Factor. Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

DISCUSSION

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Less than Significant Impact.** The General Order does not address or approve any site construction for wineries, therefore emission impacts from general greenhouse gas (GHG) cannot accurately be determined. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of greenhouse gas generation will be evaluated on a site-specific basis at that time. In general, construction of a winery involves use of heavy equipment for hauling, excavation, etc. However, the construction phase is of limited duration and would typically require few construction vehicles at any given time; therefore, it would not create a significant impact on the environment. Operation of a winery will result in generation of some GHG emissions. The amount of GHGs produced varies depending upon the wine processing technology, winery process water treatment technology, operation and maintenance practices, and the disposal of solids. Wineries are powered by

electricity. Because users pay for electricity based on usage, they are incentivized to employ efficient practices wherever possible. Trucks would also be used to haul grapes from vineyards to the wineries. Truck-hauling activities occur over short intervals, during crush season. Although adoption and implementation of the General Order could indirectly result in generation of greenhouse gases, the amount generated is not expected to be significant.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Less than Significant Impact.** The General Order would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The purpose of the General Order is to regulate waste discharges from wineries in a manner that protects water quality and does not include provisions that would alter greenhouse gas regulations or ordinances.
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-b above
 - No Impact: None

8. Hazards and Hazardous Materials

Hazards and Hazardous Materials Environmental Factor. Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
 - b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
 - c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
 - d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
 - e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
 - f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
 - g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
 - h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-h
 - No Impact: None

DISCUSSION

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Less than Significant Impact.** Adoption and implementation of the General Order will not have the potential to create hazards or hazardous materials or create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. It is anticipated that most

wineries will not store large amounts of hazardous materials. However, wineries use sanitation and disinfection chemicals (e.g., sodium or potassium hydroxide, sodium hypochlorite, etc.). In some cases, wineries adjust winery process water pH, which may require storage of acid or base chemicals. Local authorities may limit the volume and means of on-site storage for such chemicals through the provisions of California Building Code. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order and the issue of hazards and hazardous materials will be evaluated on a site-specific basis at that time. Hazardous materials are defined and regulated under several federal and state statutes and associated regulations and the General Order does not change any regulations pertaining to hazardous materials. The General Order will have less than significant impact to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Less than Significant Impact.** See the response to (a) above.
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Less than Significant Impact.** See the response to (a) above.
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **Less than Significant Impact.** See the response to (a) above.
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Less than Significant Impact.** The General Order would not add population or housing to areas. Wineries may be located in the vicinity of an airport or airstrip, but they would not add substantial numbers of employees or any residents to these areas. The General Order would not otherwise create safety hazards within the vicinity of an airport or airstrip.
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **Less than Significant Impact.** See the response to (e) above.
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Less than Significant Impact.** See the response to (a) above.
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **Less than Significant Impact.** The General Order would not

add population or housing to wildland areas nor would the wineries covered by the General Order create any new significant fire risk within wildland areas.

- Potentially Significant Impact: None
- Less Than Significant with Mitigation Incorporated: None
- Less Than Significant Impact: a-h above
- No Impact: None

9. Hydrology and Water Quality

Hydrology and Water Quality Environmental Factor. Would the project:

- Violate any water quality standards or waste discharge requirements?
 - Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
 - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
 - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
 - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
 - Otherwise substantially degrade water quality?
 - Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary Map or Flood Insurance Rate Map or other flood hazard delineation map?
 - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
 - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
 - Be subject to inundation by seiche, tsunami, or mudflow?
- Potentially Significant Impact: None

- Less Than Significant with Mitigation Incorporated: None
- Less Than Significant Impact: a-j above
- No Impact: None

DISCUSSION

- a) Violate any water quality standards or waste discharge requirements? **Less than Significant Impact.** Adoption and implementation of the General Order will not violate any water quality standards or waste discharge requirements. The General Order will be implemented by the regional water boards and compliance with the appropriate Basin Plan and other applicable State Water Board and regional water board policies is required. The General Order requires a discharger seeking enrollment to design an appropriate method of winery process water and solids treatment and disposal based on the General Order requirements and site-specific conditions and requires wineries to meet best practicable treatment or control measures. A regional water board can issue site-specific WDRs for winery discharges that cannot comply with the General Order or are otherwise ineligible for coverage under General Order. Occasional WDR violations or accidental discharges could occur if the treatment system does not function properly, but monitoring provisions imposed by the regional water boards will identify such circumstances so that they can be corrected.
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? **Less than Significant Impact.** Adoption and implementation of the General Order will not have a significant impact to groundwater supplies or recharge. In some cases, the source water for a winery will be groundwater; therefore, pumping groundwater has the potential to affect the groundwater supply. However, the common practice of landscape or crop irrigation at LAAs with treated winery process water will replace water that may otherwise have been used for that purpose. A less than significant impact to groundwater recharge is anticipated as a result of adoption and implementation of the General Order. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order and the issue of groundwater supply and/or recharge impacts will be evaluated on a site-specific basis at that time.
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? **Less than Significant Impact.** Wineries are not typically constructed in drainage areas that would require changing the course of a stream

or river. Construction activity will be performed consistent with local ordinances and a construction stormwater permit to minimize erosion and siltation issues.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? **Less than Significant Impact.** See the response to item (c) above. Furthermore, the use of ponds to store winery process water and/or stormwater mixtures will result in reduced peak stormwater discharges and the potential for hydromodification of a stream channel.
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? **Less than Significant Impact.** Some wineries that can be covered under the General Order typically contain the stormwater that falls on the facility footprint. Some wineries may allow stormwater to discharge to existing stormwater collection systems. However, winery process water is applied to the LAA to maximize infiltration and is not allowed to discharge off-site. The General Order does not allow application of winery process water to an LAA when there is an established probability of precipitation, thus, discharge of polluted runoff is unlikely to occur. Also, see response (d) above.
- f) Otherwise substantially degrade water quality? **Less than Significant Impact.** The General Order requires the discharge to comply with the applicable regional water board's Basin Plan water quality objectives and statewide plans/policies and prohibits the pollution of groundwater or surface water or negative impacts to any beneficial use.
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary Map or Flood Insurance Rate Map or other flood hazard delineation map? **Less than Significant Impact.** The General Order covers wineries only and does not address the construction of new housing or other major structures. The General Order does not address or modify local zoning, which determines acceptable housing locations; therefore, the General Order would not result in housing or other structures being placed within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary Map, Flood Insurance Rate Map, or other flood hazard delineation map.
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **Less than Significant Impact.** The General Order only covers wineries and does not address the construction of new housing or other major structures. Wineries covered by the General Order might be constructed within 100-year flood hazard areas. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of flood hazard area impacts will be evaluated on a site-specific basis at that time. If a winery process water pond is

constructed in a flood hazard area, it must be designed to prevent inundation using the 100-year, 24-hour peak storm design standard.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? **Less than Significant Impact.** Adoption and implementation of the General Order is not expected to expose people or structures to a significant risk involving flooding. Some wineries will use winery process water ponds either as treatment or storage facilities. In nearly all cases, the ponds will be outside the jurisdictional size limits of the California Department of Water Resources, Division of Safety of Dams. For new or expanding wineries that employ ponds, pond design by a California licensed civil engineer is required. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of flood hazard will be evaluated on a site-specific basis at that time.
- j) Be subject to inundation by seiche, tsunami, or mudflow? **Less than Significant Impact.** The General Order does not address local zoning, which determines acceptable facility locations; therefore, the General Order would not result in wineries being placed within a location subject to inundation by seiche, tsunami, or mudflow. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of inundation by seiche, tsunami, or mudflow will be evaluated on a site-specific basis at that time.

10. Land Use and Planning

Land Use Planning Environmental Factor. Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
 - Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-c above
 - No Impact: None

DISCUSSION

- a) Physically divide an established community? **Less than Significant Impact.** The General Order addresses winery process water collection, treatment, and disposal. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; any issues, such as placement of a new or expanding winery that physically divides an established community, will be evaluated on a site-specific basis at that time. Furthermore, the General Order is unlikely to conflict with another agency's plan and does not address zoning or land use designations.
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **Less than Significant Impact.** Adoption and implementation of the General Order is not expected to conflict with any applicable land use plan, policy, or regulation. The General Order is consistent with policies of the State Water Board and regional water boards. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issues will be evaluated on a site-specific basis at that time. However, the General Order is unlikely to conflict with another agency's plan and does not address zoning or land use designations. Such changes would require entitlements from local land use authorities.
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Less than Significant Impact.** See the response to item (b) above.

11. Mineral Resources

Mineral Resources Environmental Factor. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
 - Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-b above
 - No Impact: None

DISCUSSION

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **Less than Significant Impact.** Adoption and

implementation of the General Order is not expected to impact the availability of a known mineral resource. The General Order will be used to regulated discharges of winery process water and solids to land that are typically located in agricultural areas. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; mineral resource issues will be evaluated on a site-specific basis at that time.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **Less than Significant Impact.** See the response to item (a) above.

12.Noise

Noise Environmental Factor. Would the project:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
 - b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
 - c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
 - d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
 - e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
 - f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-f above
 - No Impact: None

DISCUSSION

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Less than Significant Impact.** Construction activities associated with building a winery will

generate temporary noise consistent with the activity. Material delivery and/or earth moving equipment typically involves diesel engines. However, the noise is generally limited to daylight hours and time intervals in compliance with any applicable local noise ordinances. The duration of construction activity varies with the size of the facility. Wineries are typically located in remote areas and generally do not generate substantial levels of noise. There may be some localized noise generated at the facility that could run intermittently throughout the day. The noise and groundborne vibrations from these normal activities would be localized and centered around the winery and would be unlikely to significantly affect persons outside the property boundaries. Some wineries hold public events such as wine tastings, weddings, and concerts that may increase noise levels, however, these would require compliance with any applicable local permitting or ordinances. The issuance of permits for this type of outdoor activity and the determination of whether such activities fall within the scope of the land use permits issued for the facilities is beyond the scope of this analysis.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Less than Significant Impact.** See the response to item (a) above.
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Less than Significant Impact.** See the response to item (a) above.
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Less than Significant Impact.** See the response to item (a) above.
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **Less than Significant Impact.** Wineries do not generate substantial levels of noise and the General Order would not add population or housing to areas. Wineries may be located in the vicinity

of an airport or airstrip, but they will not add substantial numbers of employees or any residents to these areas.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **Less than Significant Impact.** See the response to item (e) above.

13. Population / Housing

Population and Housing Environmental Factor. Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
 - b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
 - c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-c above
 - No Impact: None

DISCUSSION

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **Less than Significant Impact.** The General Order will not alter the number of wineries that would be constructed in the future and wineries do not induce population growth; therefore, the General Order is unlikely to induce substantial population growth. The General Order does not change zoning or land use designation which would be required prior to the addition of homes, businesses, roads and infrastructure. Such changes would require entitlements from local land use authorities.
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Less than Significant Impact.** The General Order only addresses wineries and displacement of substantial numbers of existing housing is unlikely. A project-specific CEQA evaluation will be performed for new or expanding

wineries seeking coverage under the General Order, the issue of displaced existing housing will be evaluated on a site-specific basis at that time.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Less than Significant Impact.** See the response to item (b) above.

14. Public Services

Public Services Environmental Factor. Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- i. Fire protection?
 - ii. Police protection?
 - iii. Schools?
 - iv. Parks?
 - v. Other public facilities?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a(i-iv) above
 - No Impact: None

DISCUSSION

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities? **Less than Significant Impact.** Wineries will not add new residents or change land uses, and, therefore, would not generate a demand for additional public services such as fire protection, police protection, schools, parks, and other public facilities. New or expanding wineries would not result in

substantial adverse physical impacts associated with provisions of or need for new or physically altered governmental facilities.

15. Recreation

Recreation Environmental Factor. Would the project:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
 - b) Or does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-b above
 - No Impact: None

DISCUSSION

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **Less than Significant Impact.** The General Order would not add new residents or change land uses, and, therefore, is not expected to impact the use of existing neighborhood and regional parks or other recreational facilities.
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? **Less than Significant Impact.** See the response to item (a) above.

16. Transportation / Traffic

Transportation and Traffic Environmental Factor. Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of

the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
 - c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
 - d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
 - e) Result in inadequate emergency access?
 - f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
- Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-f above
 - No Impact: None

DISCUSSION

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Less than Significant Impact.** The adoption and implementation of the General Order will not conflict with an applicable plan, ordinance, or policy related to transportation. Wineries are designed to accommodate grape delivery trucks during the crush season and are not expected to significantly affect traffic or transportation services. Large facilities that expect significant truck deliveries are designed to accommodate the vehicles off public highways to prevent traffic hazards. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the issue of traffic/ transportation plan, ordinance, policies, and effectiveness of the performance of the circulation system will be evaluated on a site-specific basis at that time. The General Order itself will have less than significant impact on transportation-related ordinances or policies.
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by

the county congestion management agency for designated roads or highways? **Less than Significant Impact.** See the response to item (a) above.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **Less than Significant Impact.** See the response to item (a) above.
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **Less than Significant Impact.** See the response to item (a) above.
- e) Result in inadequate emergency access? **Less than Significant Impact.** See the response to item (a) above.
- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? **Less than Significant Impact.** See the response to item (a) above.

17. Utilities and Service Systems

Utilities and Service Environmental Factor. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?
 - Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None

- Less Than Significant Impact: a-g above
- No Impact: None

DISCUSSION

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Less than Significant Impact.** The General Order will be implemented by the regional water boards and includes requirements for implementing best practicable treatment or control measures. The General Order is consistent with water quality policies. Adoption and implementation of the General Order will not cause winery process water to exceed (be worse than) requirements of a regional water board. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; compliance of individual wineries will be evaluated on a site-specific basis at that time.
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Less than Significant Impact.** Dischargers seeking coverage under the General Order may be required to make improvements in treatment, storage, or disposal methods for winery process water. Those requirements may result in new or expanded winery process water treatment systems being constructed. Any new or expanded facilities are unlikely to significantly affect the environment due to the requirements contained in the General Order. Winery treatment systems are privately owned and operated, and generally have no effect on existing publicly owned treatment works (POTW). Some small wineries may elect to tank and haul their wastewater to a POTW. Those discharges are controlled by the POTW industrial waste discharge permit requirements. In addition, a project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the potential for significant environmental effects will be evaluated on a site-specific basis at that time. Adoption and implementation of the General Order will not result in construction or expansion of POTW facilities.
- c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Less than Significant Impact.** Adoption and implementation of the General Order would not directly require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. Existing wineries typically address stormwater drainage by containing it on-site. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; potential environmental

impacts of new or expanding stormwater drainage facilities will be evaluated on a site-specific basis at that time.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Less than Significant Impact.** The General Order will not require new or expanded water supply entitlements. Construction of new or expanding wineries may require some water supplies to accommodate the construction processes. Supplemental irrigation water may be needed to grow a crop in an LAA. However, the General Order will not change the water supply needs or require new or expanded entitlements, especially over existing agricultural activities. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; water supply needs and necessity for new or expanded entitlements will be evaluated on a site-specific basis at that time.
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **Less than Significant Impact.** Wineries that discharge process water to sanitary sewer collection systems are exempt from the requirements of the General Order. Those wineries are issued waste discharge permits from the wastewater treatment providers. An evaluation of capacity is part of the waste discharger permit issuance process.
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **Less than Significant Impact.** Wineries typically apply solids generated on-site or at nearby agricultural lands; any solids that require off-site disposal may go to regulated compost facilities or landfills and would not be significant enough to cause capacity issues at a landfill. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the potential for landfill capacity effects will be evaluated on a site-specific basis at that time. The General Order itself will result in less than significant impact to the capacity of landfill facilities.
- g) Comply with federal, state, and local statutes and regulations related to solid waste? **Less than Significant Impact.** The General Order requires dischargers to comply with federal, state, and local statutes and regulations related to solid waste.

18. Mandatory Findings of Significance

Mandatory Findings of Significance Environmental Factor.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or

animal or eliminate important examples of the major periods of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
 - Potentially Significant Impact: None
 - Less Than Significant with Mitigation Incorporated: None
 - Less Than Significant Impact: a-c above
 - No Impact: None

DISCUSSION

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Less than Significant Impact.** The General Order only addresses winery process water and solids discharged to land. Direct or indirect discharges to surface water are prohibited under the General Order. Furthermore, discharges are prohibited from polluting groundwater or surface water, adversely affecting beneficial uses of groundwater, or causing an exceedance of any applicable water quality objective for groundwater or surface water in the applicable Basin Plan or other applicable State Water Board and regional water board policies. As a result, surface water quality and aquatic species are unlikely to be affected. A project-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order; the potential for the factors to be degraded will be evaluated on a site-specific basis at that time.
- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Less than Significant Impact.** As described in item (a) above, this evaluation does not address a project-specific evaluation; however, based on typical wineries, construction of new, or expansion of wineries, are unlikely to result in cumulatively considerable effects on the environment. In addition, the General Order is unlikely to change the land development economics and, therefore, it will not change the number of wineries constructed. It is at the discretion of each local land use authority whether to allow the construction of new or expanded wineries in a given area. Local land use authorities also have discretion over more specific siting and design requirements. Therefore, it is speculative to analyze the cumulative impacts associated with constructing new wineries in a given area. Limited degradation of groundwater by some of the typical waste constituents released with discharge from a winery after effective source control, treatment, and control is consistent with maximum benefit to the people of California. The General Order contains an analysis of the potential for water quality degradation. The best practicable treatment or control measures contained in the General Order minimize any water quality degradation. The cumulative impacts associated with siting multiple wineries in a given area can be addressed in site-specific environmental analyses, which will be required for new and/or expanding facilities.
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Less than Significant Impact.** Potential impacts to human beings from implementation of the General Order such as impacts to water quality or public health are expected to be less than significant. Dischargers obtaining coverage under the General Order are subject to the State Water Board policies,

regional water board Basin Plans and policies, and local agencies siting criteria. A site-specific CEQA evaluation will be performed for new or expanding wineries seeking coverage under the General Order to fully assess the potential for environmental impacts that might cause adverse effects on human beings, either directly or indirectly.

19. Preliminary Staff Determination

- The proposed project COULD NOT have a significant effect on the environment, and, therefore no alternatives or mitigation measures are proposed: **NO**
- The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated. **YES**

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

20. Environmental Factors Potentially Affected

Mitigation measures were identified in this Initial Study for potential, significant impacts to tribal cultural resources.

IV. Summary of Significant Impacts and Mitigation Measures

Commenter	Comment Summary	Response
Native American tribal cultural resource consultation	A potential for impacting cultural resources, both on traditional tribal lands and at areas that have cultural significance located off traditional tribal lands exists. There may be instances where cultural resources that were previously unknown are discovered.	Initial Study sections II.D.5(a – f)

V. Determination

On the basis of this initial evaluation:

NO	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
YES	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
NO	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
NO	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
NO	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

General Waste Discharge Requirements for Winery Process Water
Initial Study
2020

Prepared by
Signature:
Date:
Printed Name and Title: Stephanie Torres, Engineering Geologist
Reviewed by
Signature:
Date:
Printed Name: Laurel Warddrip, Senior Environmental Scientist
Approved by
Signature:
Date:
Printed Name: Karen Mogus, Division of Water Quality Deputy Director

VI. References

California [Department of Forestry and Fire Prevention, Annual Precipitation Rates in California 1900-1960](http://frap.fire.ca.gov/webdata/maps/statewide/rainmap.pdf). <[http: frap.fire.ca.gov/webdata/maps/statewide/rainmap.pdf](http://frap.fire.ca.gov/webdata/maps/statewide/rainmap.pdf)>. Accessed 16 April 2018.

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[California Department of Water Resources, 2003, Hydrologic Regions and Groundwater in California](http://www.water.ca.gov/groundwater/bulletin118/maps/statewide_basin_map_V3_subbas.pdf). <[http:www.water.ca.gov/groundwater/bulletin118/maps/statewide_basin_map_V3_subbas.pdf](http://www.water.ca.gov/groundwater/bulletin118/maps/statewide_basin_map_V3_subbas.pdf)>. Accessed 16 April 2018.

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**State Water Resources Control Board
Order WQ XXXX-XXXX-DWQ**

**General Waste Discharge Requirements
for
Winery Process Water**

PUBLIC DRAFT

July 3, 2020



STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

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STATE WATER RESOURCES CONTROL BOARD
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

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STATE WATER RESOURCES CONTROL BOARD
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WINERY PROCESS WATER

Acroyms and Abbreviations

µmhos/cm	micromhos per centimeter	FEMA	Federal Emergency Management Agency
Basin Plan	Regional Water Board Water Quality Control Plan	gal/sqft/d	gallons per square foot of discharge trench per day
BOD	biochemical oxygen demand	gal/sqft/mo	gallons per square foot of discharge trench per month
BOD ₅	Five-day, 20 °C biochemical oxygen demand	General Order	general waste discharge requirements order
BPTC	best practicable treatment or control	gpd	gallons per day
CEQA	California Environmental Quality Act	ILRP	Irrigated Lands Regulatory Program
CCR	California Code of Regulations	in/d/ac	inches per day per acre
CIMIS	California Irrigation Management Information System	in/mo/ac	inches per month per acre
CLFP	California League of Food Processors	ITRC	Irrigation Training & Research Center, Cal Poly, San Luis Obispo
cm/s	centimeters per second	LAA	land application area
CV-SALTS	Central Valley Salinity Alternatives for Long-term Sustainability	lb/ac/d	pounds per acre per day
		lb/ac/mo	pounds per acre per month
DO	dissolved oxygen	lb/ac/yr	pounds per acre per year
EC	electrical conductivity	MCL	maximum contaminant level
ET _o	observed evapotranspiration	MDL	method detection limit
		MG	million gallons
FDS	fixed dissolved solids	mgd	millions of gallons per day

ACRONYMS AND ABBREVIATIONS
ORDER WQ XXXX-XXXX-DWQ
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mg/L	milligrams per liter	PQL	practical quantification limit
mil	thousandths of an inch	RL	reporting limit
MRP	monitoring and reporting program	SAP	sampling and analysis plan
N	elemental nitrogen	SDS	subsurface disposal system
NA	not applicable	SNMP	salt and nutrient management plan
NCEI	National Centers for Environmental Information	TCR	tribal cultural resource
NOA	Notice of Applicability	TDS	total dissolved solids
NOAA	National Oceanic and Atmospheric Administration	TKN	total Kjeldahl nitrogen
NOI	Notice of Intent	TSS	total suspended solids
NOT	Notice of Termination	U.S. EPA	United States Environmental Protection Agency
NPDES	National Pollutant Discharge Elimination System	Water Code	California Water Code
pdf	portable document format	WDRs	waste discharge requirements
PRC	Public Resources Code		

STATE WATER RESOURCES CONTROL BOARD
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

FINDINGS

The State Water Resources Control Board (State Water Board) finds that:

BACKGROUND

1. The wine industry in California is an important economic engine. Wine America, a trade association, commissioned an economic analysis of the American wine industry, including a state-by-state breakdown. The analysis reported the industry's total national annual impact of \$220 billion with \$71 billion annual impact to California's economy.¹ The analysis reported:
 - a. The production, distribution, sales, and consumption of wine in California benefits many sectors of the state's economy. This economic activity preserves agricultural land, provides jobs, attracts tourists, generates taxes, and enhances the quality of life. The broader economic impact affects industries as varied as farming, banking, accounting, engineering, manufacturing, packaging, transportation, printing, advertising, and retail.
 - b. The California wine industry directly employs as many as 259,600 people and generates an additional 90,100 jobs in supplier and ancillary industries, which supply goods and services to the industry, and whose sales depend on the wine industry's economic activity. Ultimately, 485,050 jobs are created and supported by the wine industry.
2. The climate, soils, and regional geographic differences produce ideal growing conditions unique to California where approximately 4,580 wineries exist and approximately 560,000 acres of vineyards produce a variety of grapes for the wineries² where the Wine Institute estimates that there are 3,612 bonded wineries in California and 2,070 wineries (57%) of these are subject to this General Order. The remaining 43% are not subject to this General Order because of operations not resulting in discharges to land (e.g., process water discharges to surface water or tank and haul operations of process water).
3. Currently 570 wineries are regulated by the regional water boards through individual actions or general orders as follows:
 - a. North Coast Regional Water Board: 97 facilities
 - b. San Francisco Bay Regional Water Board: 6 facilities
 - c. Central Coast Regional Water Board: 341 facilities

¹ John Dunham and Associates. 2017. Economic Impact of Wine Industry Report. Commissioned by Wine America. [Summarized report information](https://wineamerica.org/impact/) available on the Wine America website <<https://wineamerica.org/impact/>>. Accessed June 2, 2020.

² John Dunham and Associates, 2017.

- d. Central Valley Regional Water Board (Redding, Fresno, Sacramento): 117 facilities
- e. San Diego Regional Water Board: 9 facilities

APPLICABILITY

- 4. This General Order is a general waste discharge requirements (WDRs) order for wineries and other similar facilities with activities related to producing wine or grape juice that generate winery waste and discharge it to land for reuse or disposal. Hereafter, such facilities are referred to as "winery" or "facility" and the facility owner or operator is referred to as "Discharger."
- 5. This General Order includes a glossary of terms used throughout and is provided in Attachment A, which is hereby attached and made a part of this General Order.
- 6. Facilities that discharge winery waste to land for the purpose of disposal or reuse are eligible for coverage under this General Order. Reuse activities include the use of treated process water for agricultural or landscape irrigation and the use of residual solids from winery processing as a soil amendment.
- 7. For the purposes of this General Order, winery waste includes, but is not limited to, wine, grape juice, winery process water, and winery process solids. Winery process water includes, but is not limited to, washwater, cooling water, and stormwater directed through the process water collection, treatment, or disposal system and/or land applied. Winery process solids include, but are not limited to, leaves, stems, pomace (grape skins, seeds, and pulp), lees (yeast and other fine particulates), bentonite, and diatomaceous earth.
- 8. Discharge of winery waste is an activity subject to the California Water Code (Water Code). Discharge of winery waste without authorization is a violation of the Water Code because winery waste is a waste as defined by Water Code section 13050(d) and the discharge of winery waste can affect the quality of waters of the state (Water Code, section 13260(a)).
- 9. Pursuant to Water Code, section 13260(a), any person discharging waste or proposing to discharge waste within a region, other than to a community sewer system, that could affect the quality of the waters of the state, must file a report of waste discharge (ROWD) to obtain coverage under WDRs or a waiver of WDRs. "Waste" is defined in Water Code, section 13050(d).
- 10. Pursuant to Water Code, section 13263(i), the State Water Board may prescribe general WDRs for a category of discharges if the discharges are produced by the same or similar operations, involve the same or similar types of waste, require the same or similar treatment standards, and are more appropriately regulated under general WDRs than individual WDRs. Discharges to land from winery process water and waste treatment and disposal systems have certain common characteristics, such as similar constituents, concentrations of constituents, and disposal techniques, and they require the same or similar treatment standards. These types of discharges are more appropriately regulated under general WDRs.

11. Pursuant to Water Code, section 13267, Dischargers may be required to furnish, under penalty of perjury, technical or monitoring program reports as a condition of this General Order. Water Code section 13267 states, in part:

"(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

12. The technical reports required by this General Order, the Notice of Applicability (NOA), and the monitoring and reporting program (MRP) are necessary to ensure compliance with this General Order. The burden and cost of the reports are reasonable and consistent with the interest of the state in protecting water quality. Failure to furnish the reports by the due date or falsifying information in the reports is a misdemeanor that may result in assessment of civil liabilities against the Discharger.
13. Dischargers authorized under this General Order are classified into regulatory tiers based on the total volume of process water discharged annually from the winery prior to treatment, e.g., discharged to a pond, land application area (LAA), or subsurface disposal system (Table 1). The application requirements, fees, and monitoring and reporting requirements are connected to, and commensurate with, the complexity of the discharge regulated under each tier.

Table 1. Tier Determination

Tier	Total winery process water volume ⁽¹⁾ (gal/yr)
De minimis	≤ 10,000
Tier 1	10,001 – 100,000
Tier 2	100,001 – 300,000
Tier 3	300,001 – 1,000,000
Tier 4	> 1,000,000

(1) Total process water volume can be measured directly via a flowmeter or, for Tier 1 and Tier 2 facilities only, may be calculated (e.g., assumed equal to facility source water use, determined from a storage tank water balance).

14. An estimated 34%, or 700 of the 2,070 wineries, are de minimis facilities discharging small volumes of process water and are considered unlikely to affect the quality of waters of the state. De minimis facilities are required to register under this General Order only if directed by the State Water Board or a regional water quality control board (regional water board). A facility's de minimis status does not diminish State Water Board or regional water board permitting or enforcement authority related to waste discharges.
15. A large concentration of de minimis facilities in an area may result in groundwater degradation. Therefore, such de minimis facilities may be required to submit an application for General Order coverage as a Tier 1 facility if directed to do so by the State Water Board or regional water board.
16. Facilities that direct all process water to a community sewer system are not required to apply for General Order coverage (Water Code, section 13260(a)). Facilities that containerize all process water and transport it to a community sewer system for offsite disposal (i.e., tank and haul) are not required to apply for General Order coverage. The regional water board may direct the Discharger to apply for General Order coverage if it is determined that a facility is discharging process water onsite.
17. A Discharger operating a vineyard may be required to enroll under a regional water board Irrigated Lands Regulatory Program (ILRP) WDRs order or conditional waiver of WDRs. Facilities that discharge winery process water to a vineyard must also apply for coverage under this General Order for the land application activities at the vineyard.
18. This General Order is not a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to the Federal Clean Water Act. For winery process water operations where stormwater discharges with the potential to enter a surface water of the United States, the Discharger is required to enroll under the statewide General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (Industrial General Permit) and/or future promulgations if the terms of the Industrial General Permit apply to the facility.

PROCESS WATER CHARACTERIZATION

19. Winery process water is generated during production and cleaning. Wine production involves harvesting and crushing grapes, fermentation, clarification, aging and storing, blending, and bottling. Individual facilities vary and can include one or more of these operations. Facility cleaning involves washing processing equipment, floors, tanks, barrels, and bottles. Other sources of process water are cleaning chemicals, spilled wine or juice, water softener regeneration brine, and boiler or cooling tower blowdown.
20. Process water collection and storage involves use of floor drains and trenches, piping, pumps, tanks, and other ancillary equipment. Wineries typically use ponds, land application, and subsurface disposal systems to treat, reuse, and/or dispose of process water.

21. Process water quality varies based on the source water quality, facility operations, and cleaning chemicals. Process water quality and volume also vary seasonally, with the highest flows and highest constituent concentrations found during crush when grapes are harvested and pressed. Crush typically occurs from September through November for about 45 to 75 days³ though this varies by winery. Some wineries operate year-round, generating process water during the offseason from blending, bottling, and cleaning. Winery process water quality characterization is provided in Table 2. Published winery process water studies and/or United States Environmental Protection Agency (U.S. EPA) winery process water publications may also be used to characterize winery process water.
22. Pomace is separated from wine after the first fermentation step and lees are precipitated from the second fermentation step. Coarse screens are used to remove the larger solids and fine screens, filters, or settling may be needed to remove the smaller particulates from process water.

³ United States Environmental Protection Agency (U.S. EPA). 1975. Pilot Scale Treatment of Wine Stillage. Prepared by E. Schroeder. EPA-660/2-75-002.

Table 2. Winery Process Water Characteristics

Parameter	Unit	Process water average ⁽¹⁾	Process water range ^(1,2)
pH	pH units	--	3.8 - 9.3
BOD	mg/L	2,767	190 - 9,100
EC	µS/cm	1,428	958 - 2,100
TDS	mg/L	1,356	520 - 2,270
FDS	mg/L	759	350 - 1,000
VDS	mg/L	598	100 - 1,290
TSS	mg/L	580	40 - 2,300
NH ₃ as N	mg/L	60	0.5 - 360
NO ₂ as N	mg/L	0.4	<0.1 - 1.6
NO ₃ as N	mg/L	1.8	<0.45 - 5.7
Organic N	mg/L	17	3 - 70
TKN	mg/L	64	<4 - 430
Total N	mg/L	78	5 - 430
B	mg/L	0.25	0.1 - 0.4
Na	mg/L	108	31 - 200
K	mg/L	144	36 - 369
Ca	mg/L	55	13 - 130
Mg	mg/L	21	8 - 44
Fe	mg/L	1.03	0.50 - 1.67
Mn	mg/L	0.10	<0.025 - 0.16
Cu	mg/L	0.16	0.04 - 0.62
Zn	mg/L	0.30	0.06 - 1.2
Cl	mg/L	85	5 - 180
S ²⁻	mg/L	3	<0.1 - 7.2
SO ₄	mg/L	149	56 - 359

Source: Wine Institute. 2009. Comprehensive Guide to Sustainable Management of Winery Water and Associated Energy. Prepared by Kennedy/Jenks Consultants.

"< [value]" = analytical result below reported detection limit

(1) Process water samples collected from two wineries during crush and non-crush periods; conditions at other wineries will vary.

(2) Maximum values in range are generally representative of crush operations.

23. The primary constituents of concern in process water are nitrogen, biochemical oxygen demand (BOD), and salinity. Grape juice and wine, pomace, and cleaning chemicals contribute nitrogen, BOD, and salinity. Source water is also a significant source of salinity and can sometimes contribute nitrogen to process water.

- a. Nitrogen – process water has high concentrations of ammonia and organic nitrogen and low levels of nitrate. Excessive nitrogen application to land from process water and fertilizer can result in nitrate leaching and groundwater degradation. Therefore, this General Order requires application of process water containing nutrients to plants at an agronomic rate in amounts no more than necessary to satisfy the plants' nutrient demand (crop uptake) and evapotranspiration requirements, considering the crop, soil, climate, irrigation method and efficiency, and leaching fraction, thus minimizing the movement of constituents nutrients below the plants' root zone. Application at an agronomic rate also must account for nutrient loading from other sources, e.g., supplemental water, process solids, fertilizers, compost and soil amendments.

Some of the nitrogen in the process water will be taken up by the plant, lost to the atmosphere through volatilization of ammonia, denitrification, or stored in the soil matrix when applied to cropped (or landscaped) land. As a result, land application at an agronomic rate is unlikely to impair an existing and/or potential beneficial use of groundwater.

- i. Dischargers are required to either conduct crop tissue analysis or reference published crop uptake values⁴ in the agronomic rate calculations which will protect water quality.
 - ii. Discharger compliance with this General Order, including the nitrogen application rates, effluent limitations, and best practicable treatment or control (BPTC) measures will protect water quality.
- b. Biochemical oxygen demand – although biodegradable organic matter (measured as BOD) increases soil productivity, soil fertility, and crop production, excessive BOD application to land can result in nuisance odors and anaerobic conditions not favorable to biological treatment conditions, which can mobilize trace metals such as iron and manganese.⁵ Similarly, excessive BOD loading to ponds can lead to anaerobic conditions, impact process water treatment, and cause nuisance odors.

⁴ See Land Application Specifications section.

⁵ California League of Food Processors (CLFP). 2007. [Manual of Good Practice for Land Application of Food Processing/Rinse Water](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLETE_FINAL_3-14-07%20(2).pdf). Prepared by Brown and Caldwell and Kennedy/Jenks Consultants. ([http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLETE_FINAL_3-14-07%20\(2\).pdf](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLETE_FINAL_3-14-07%20(2).pdf)). Last accessed June 10, 2020.

Discharger compliance with this General Order, including the BOD loading limits, effluent limits, and BPTC measures will control the generation of nuisance odors, provide adequate treatment, and will protect water quality.⁶

- c. Salinity – total dissolved solids (TDS) is a measurement of salinity, which consists of volatile (organic) and fixed (inorganic) fractions. A significant proportion of winery process water is made up of volatile dissolved solids (VDS), which break down in the soil. The fixed dissolved solids (FDS) portion, however, does not degrade biologically and is the primary salinity constituent of concern. Excessive salinity loading from process water, supplemental water, fertilizer, and soil amendments can impact the beneficial uses of groundwater and soil hydraulic conductivity.
 - i. The best approach for addressing salinity is through source control activities. A number of chemical replacements for sodium-based chemical compounds are available that can reduce the salinity of the winery process water.
 - ii. Discharger compliance with this General Order, including the implementation of minimum salt control BPTC measures and additional salt controls in response to exceedances of the FDS threshold will control salinity in discharges and will protect water quality.⁷

PROCESS WATER PONDS

- 24. Ponds provide process water storage, mixing, equalization, treatment, disposal, and operational flexibility for wineries. Most ponds settle suspended solids, ponds with aeration reduce BOD, and ponds with alternating aerobic and anoxic zones remove nitrogen. Constructed wetlands (engineered vegetated ponds) reduce BOD and nitrates and are effective as a polishing step prior to land application.
- 25. Pond size and land disposal acreage are interrelated; more available storage means less area is needed for land application or subsurface disposal, and vice versa. This balance is determined by site conditions and constraints, process water volume and quality, treatment objectives, costs, and operational resources.
- 26. Ponds are sized using normal year and wet year water balances (calculated monthly). The water balance accounts for pond inputs (e.g., process water generation, precipitation) and pond outputs (e.g., process water use, evaporation). The water balance can also be used to identify water shortfalls and when supplemental water may be needed to augment process water use to meet seasonal crop needs.
 - a. Ponds are sometimes emptied before the start of crush to maximize available capacity when process water generation is highest. Water levels tend to increase throughout

⁶ Crites and Tchobanoglous, 1998, Small and Decentralized Wastewater Management Systems, Chapter 10 Land Treatment Systems.

⁷ Crites and Tchobanoglous, 1998.

the fall and winter, when crop needs are low and precipitation is high, and begin to drop during the spring and summer growing seasons when water use is higher to meet crop demand.

- b. Systems are sometimes designed to irrigate slightly above a plant's seasonal evapotranspiration need by incorporating a reasonable leaching fraction (e.g., 15 percent) and accounting for irrigation method efficiency (e.g., for drip, sprinkler, or flood irrigation).

27. Undersized ponds can lead to process water spills, insufficient treatment, anaerobic conditions, and nuisance odors. Low dissolved oxygen (DO) levels are an early indicator of deteriorating pond performance and the need to evaluate operations (e.g., additional aeration may be needed).

- a. This General Order requires ponds be sized to meet a 100-year, 24-hour peak storm design standard unless a smaller pond is allowed with regional water board approval. A smaller pond is required to meet a 25-year, 24-hour peak storm design standard at a minimum. The Discharger is also required to submit a technical report describing how a smaller pond will be operated without overtopping under 100-year, 24-hour peak storm conditions (e.g., considering rainfall, pond water levels, site drainage, site runoff, and runoff).
- b. Tier 1 facilities with existing ponds may continue operating the ponds at their current sizes.

28. Ponds that percolate process water have the potential for degrading underlying groundwater. Ponds lined with a relatively impermeable layer (e.g., clay, concrete, or geomembrane liner) minimize percolation.

This General Order requires new or expanding ponds to be lined to meet a hydraulic conductivity standard of 1×10^{-6} centimeters per second (cm/s) or less. Continued use of an existing lined or unlined pond may be allowed depending on facility tier and pond performance as described in the Pond Specifications section of this General Order.

29. Facilities with larger process water ponds inherently have a higher potential for groundwater degradation. Therefore, Tier 4 facilities are required to conduct groundwater monitoring at the process water ponds. Tier 3 facilities may also be required to conduct groundwater monitoring if directed by the regional water board in writing if site-specific conditions indicate a threat to water quality.

LAND APPLICATION

30. Land application is a strategy to beneficially reuse process water to grow crops. Because winery process water contains organic matter and nitrogen, land applying it improves soil productivity and provides supplemental plant nutrients while simultaneously treating and disposing of the process water. The FDS in process water includes plant macronutrients

(e.g., ammonium, nitrate, phosphorous, potassium) that are removed by land application systems that incorporate growing and removing crops.⁸

31. Crop water needs are met through precipitation, process water, and supplemental water from fresh water sources (e.g., irrigation canals, groundwater wells, and stored stormwater). This General Order requires the Discharger to monitor the source water, process water, and supplemental water quality to determine compliance with applicable effluent limitations and nitrogen and BOD loading limits.
32. Land application areas can be effectively managed to prevent excessive nitrogen and BOD loading by applying process water at agronomic rates accounting for crop uptake and within BOD loading limits, respectively.
33. Nitrogen needs for a healthy crop are met through process water, supplemental water, fertilization, and soil amendments.
 - a. Nitrogen in process water becomes plant available more slowly than synthetic fertilizer nitrogen. Nitrogen from process water goes through chemical and biological transformations in soil. Organic nitrogen mineralizes over time to ammonia, some of which is converted to nitrate by microbes under aerobic conditions (nitrification). Nitrate can be taken up by plants, immobilized in the soil, converted under low oxygen (anoxic) conditions to nitrogen gas and lost to the atmosphere (denitrification), or leached to groundwater. Nitrogen lost to denitrification, volatilization, and storage in soil humus can be estimated based on the irrigation method.⁹
 - b. The rate of nitrogen uptake can be approximately correlated to the rate of plant transpiration for planning and nutrient balances. Consequently, the pattern of nitrogen uptake is subject to many environmental and management variables and is crop specific and changes during the growing season. Therefore, this General Order requires nitrogen balances to be performed on an annual basis.
 - c. Nitrogen is a primary plant nutrient that is taken up by plants as nitrate or ammonium ions. Nitrate is mobile in the environment and can move with soil water to plant roots where uptake can occur; ammonium nitrogen is adsorbed to soil particles and has limited mobility in the environment. All forms of nitrogen can be converted to nitrate under the proper conditions of temperature, aeration, moisture, etc. by microbial activity.
 - i. Nitrogen or nitrogen compounds may be lost to the atmosphere by the process of denitrification or by ammonia volatilization. Nitrate may be leached below the root zone by percolation. Erosion of nitrogen containing materials may transport nitrogen containing materials to surface water.
 - ii. Generally, young plants absorb ammonium more readily than nitrate; however, as the plant ages the reverse is true. Soil conditions that promote plant growth (warm

⁸ California League of Food Processors, 2007.

⁹ California League of Food Processors, 2007.

and well-aerated) also promote the microbial conversion of ammonium to nitrate. As a result, nitrate is generally more abundant when growing conditions are most favorable.

- d. The soil profile removes biodegradable organics (measured as BOD) via filtration, adsorption, and biological activity. Because most microbial activity occurs near the surface, it's important to maintain an aerobic upper soil profile between irrigation cycles by managing the organic loading, hydraulic loading, drying time, and cycle time.¹⁰
 - i. To manage BOD loading, this General Order requires that land application occur within an instantaneous (day of application) BOD loading limit of 300 pounds per acre per day (lb/ac/d)¹¹ and a cycle average BOD loading limit of 100 lb/ac/d.¹² An irrigation cycle is made up of irrigation days and the subsequent dry days. For example, a LAA divided into seven sections would have a 7-day irrigation cycle for each section if each received one day of application followed by six days of drying.
 - ii. Field rotation, alternating wet and dry times, infiltrating water within **48 hours**, and managing the hydraulic loading are all necessary to allow the soil to return to aerobic conditions.

34. Employing good land application and farming practices and site controls are necessary to prevent excessive hydraulic loading, nuisance conditions, and offsite discharges. LAAs must have irrigation water distribution uniformity (e.g., considering LAA slope and size, irrigation method, soil properties), be operated to prevent ponding or odors, and be equipped with the field controls (e.g., containment berms or ditches, tailwater collection and return) necessary to prevent offsite discharges of process water.

35. Irrigation systems are typically designed to irrigate slightly above a plant's evapotranspiration needs by incorporating a reasonable leaching fraction to ensure that salts are not accumulating in the soil profile. The leaching fraction must be calculated based on the soil properties. Low irrigation system efficiencies (e.g., for drip, sprinkler, or flood irrigation) can also cause an increase in the amount of water applied and result in runoff or ponding if not properly managed.

¹⁰ California League of Food Processors, 2007.

¹¹ Kennedy/Jenks Consultants. 2009. Conservative BOD loading rate of 300 lb/ac/d has been shown to not result in nuisance odors or other impacts; Wine Institute Comprehensive Guide to Sustainable Management of Winery Water and Associated Energy.

¹² Consistent with Organic Loading Rate Risk Category 2 (average BOD loading rate of less than or equal to 100 lb/ac/d if depth to groundwater is greater than 5 ft) of the California League of Food Processors Manual, 2007; North Coast Regional Water Board Order No. R1-2016-0002; Central Coast Regional Water Board Order No. R3-2017-0020; U.S. EPA publication No. 625/3-77-007 recommendation of 90 lb/ac/d.

36. Wineries that generate and land apply larger volumes of process water inherently have a higher potential for groundwater degradation. Therefore, Tier 4 facilities are required to conduct groundwater monitoring at the LAA. Tier 3 facilities may also be required to conduct groundwater monitoring if directed by the regional water board in writing if site-specific conditions indicate a threat to water quality.
37. Wineries with groundwater monitoring data demonstrating impacts to water quality may be required by the regional water board to assess winery land treatment and disposal operations compliance with the land application nitrogen limit through the development and implementation of a site-specific Nitrogen Control Plan, enrollment in a sustainability program with nitrogen control BPTCs and implementation of those BPTCs, or compliance with SNMP requirements.

SUBSURFACE DISPOSAL SYSTEM

38. Subsurface disposal systems (SDS) consist of a treatment unit and a subsurface disposal area (e.g., drainfield, infiltration gallery, dispersal area). Treated effluent is discharged via gravity flow or a low-pressure distribution system to a shallow disposal area. Plants grown on the subsurface disposal area can provide some additional treatment.
39. Though more commonly used by smaller wineries, larger wineries with limited land application area or pond capacity also use SDSs. Wineries sometimes use an SDS in conjunction with land application.
40. Siting, design, and operation of an SDS depends on site conditions, groundwater elevation, process water volume and characteristics, and soil properties (e.g., soil depth, texture, permeability, and soil layers that restrict water flow).¹³
41. SDSs are designed with different treatment objectives.
- a. Simple SDSs with only solids settling provide minimal treatment. In the settling tank, process solids settle out and the anaerobic conditions provide some BOD reduction but insignificant nitrogen removal. Once discharged, the effluent BOD can biodegrade further in the aerobic conditions of the subsurface disposal area and the nitrogen converted to nitrate.
 - b. More advanced SDSs can be designed for nitrogen and/or BOD removal. Treatment alternatives include biological filters, process water ponds designed for nitrification and denitrification, and other engineered alternatives.
 - c. This General Order includes effluent limits for total nitrogen, BOD, and total suspended solids (TSS) to assess SDS treatment effectiveness and minimize the potential for degrading groundwater. Nitrogen in SDS effluent can transform into nitrate in the soil and excessive loading can result in nitrate leaching to groundwater.

¹³ Wine Institute. 2009. Comprehensive Guide to Sustainable Management of Winery Water and Associated Energy. Prepared by Kennedy/Jenks Consultants.

The BOD and TSS limits are to prevent excessive organic loading and to minimize system plugging. The SDS effluent limits, as measured prior to discharge to the subsurface disposal area, are total nitrogen of 10 milligrams per liter (mg/L),¹⁴ BOD of 300 mg/L, and TSS of 330 mg/L.¹⁵

- i. Tier 2, 3, and 4 facilities that exceed the effluent total nitrogen limit may be required to evaluate the winery, treatment, and disposal operations holistically and prepare a Nitrogen Control Plan describing results and the improvements needed to comply with the limit as described in this General Order Effluent Limitations section. The holistic evaluation can be a facility-wide assessment that includes review of the land application and subsurface disposal operations.
- ii. Dischargers directed by the regional water board to comply with a salt and nutrient management plan (SNMP), accepted by the regional water board and containing nitrogen BPTC measures to address discharges in this General Order may be allowed to implement those program BPTCs instead of preparing a Nitrogen Control Plan.

42. This General Order requires the Discharger to implement SDS operational controls, provide a sufficient disposal area necessary to prevent excessive loading, inadequate treatment, and nuisance conditions, and meet a maximum hydraulic loading limit of 1 gallon per square foot of discharge trench per day (gal/sqft/d) to prevent excessive loading to the subsurface disposal area. The subsurface disposal area is usually sized using the average daily flow during peak flow conditions (typically crush)¹⁶ and this General Order requires the Discharger to adhere to design criteria specified in the Subsurface Disposal Specification section of this General Order (e.g., designing for alternating wet and dry periods, distribution uniformity, consider area size and slope, soil properties, and whether it's a gravity flow or low-pressure system).

43. Wineries that discharge large volumes of process water to the subsurface have a higher potential for groundwater degradation. Therefore, Tier 4 facilities are required to conduct groundwater monitoring for SDSs. Tier 3 facilities may also be required to conduct groundwater monitoring if directed by the regional water board in writing if site-specific conditions indicate a threat to water quality.

¹⁴ The federal and state drinking water maximum contaminant levels (MCLs) for nitrate as N is 10 mg/L.

¹⁵ The BOD and TSS limits are consistent with the State Water Board Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, June 19, 2012.

¹⁶ Wine Institute, 2009.

SOLIDS MANAGEMENT

44. Coarse and suspended process solids are screened, filtered, precipitated, and settled from grape juice, wine, and process water. Removing solids prior to directing process water to flowmeters, storage tanks, and treatment systems minimizes system clogging, extends the life of equipment, improves treatment efficiency, and restores system capacity.
45. Process solids are also generated from process water treatment systems. Ponds are periodically dredged to restore capacity. Sludge and scum from SDS settling tanks are also removed as part of regular maintenance.
46. Process solids release nitrogen, BOD, and salinity as the organic material breaks down. Liquid (process water) drained from solids due to precipitation exposure or storage have high concentrations of these constituents. Discharge or percolation of this higher strength process water can potentially degrade groundwater. Process solids are typically containerized or stockpiled and dried before they are land applied as a soil amendment or disposed of offsite.

SALT CONTROL

47. Effective strategies to minimize the FDS concentration in process water include facility source control, chemical substitution and recycling, good housekeeping, solids removal, and other BPTC measures. Most of these measures aim to keep salts out of process water. Salt reduction technologies (e.g., reverse osmosis) are available, but can be expensive so are not as widely used.
 - a. Source control – facility methods aimed at isolating high FDS, which are often low volume waste streams, treating, and disposing of them separately from the bulk process water flow. Discrete wastes such as water softener regeneration brine, reverse osmosis brine, and boiler blowdown can be straightforward to isolate.
 - b. Chemical substitution – facility use of available alternative non-salt-based cleaning chemicals, when feasible, can be part of an effective approach to salt management. Chlorinated cleaning solutions can be substituted for peracetic acid or other non-ionic, non-sodium, non-chloride cleaners. Although replacing sodium-based chemicals with potassium-based ones does not reduce salt concentrations, the substitution is still beneficial because potassium is a nutrient that is taken up by bacteria and plants when land applied and has less of a potential to reach groundwater than sodium.¹⁷
 - c. Chemical recycling and reuse – facility methods aimed at using chemical solutions more than once in some processes before discharging (e.g., for successive tank cleaning) reduces the volume of chemicals used and associated salts. Some

¹⁷ California League of Food Processors, 2007.

chemicals can also be recovered and re purified for continual reuse (e.g., clean-in-place systems, ion exchange, distillation) instead of being discharged.

- d. Good housekeeping – improved employee training and implementation of facility cleanup and operational methods can be inexpensive but effective at reducing salt discharges.⁸ These methods include using dry sweeping instead of wet rinses, using high pressure, low flow water nozzles with automatic shutoffs, and directing pomace to a solids collection bin rather than to process water drains.
 - e. Solids removal – screening, settling, flotation, and other methods are widely used to remove solids from process water and can substantially reduce the BOD, nitrogen, and salt loads.
 - f. Reverse osmosis – semi-permeable membrane technologies (e.g., reverse osmosis, nanofiltration) can be used to separate dissolved salt from source water to produce soft water for boilers, cooling towers, and other systems. This method concentrates salt from source water into a brine solution that can be disposed of separately, thereby reducing the overall salinity of the process water.
48. Minimum salt control BPTC measures, generally consisting of good housekeeping, source control and reduced salt usage, and solids screening and management, are required on a compliance schedule for all tiers in this General Order.
49. Wineries generally have greater control over their winemaking operations and chemical use than changing the source of their water supply. Normal winery operations will increase process water salinity above source water salinity. Implementing best practices can minimize this salinity increase.
- a. This General Order requires a comparison of winery effluent FDS concentrations to an FDS threshold to determine if additional measures are needed at the facility to control salt and minimize the potential for groundwater degradation. The FDS threshold is equal to the source water FDS concentration plus 320 mg/L.¹⁸
 - b. Facilities that exceed the FDS threshold may be required to evaluate the winery and land treatment and disposal operations holistically, discuss findings, and propose improvements in a Salt Control Plan to reduce effluent FDS. An exceedance of the FDS threshold is not a violation of this General Order, however this General Order requires the Discharger to implement salt control BPTCs and/or submit a Salt Control Plan if the FDS threshold is exceeded.
 - i. Facilities that discharge larger volumes of process water have a higher potential for excessive salt loading. Therefore, Tier 3 and Tier 4 facilities are required to submit a Salt Control Plan. Tier 1 and Tier 2 facilities may also be required to submit a

¹⁸ Based on Mineral Salinity Concentration Risk Category 2 for process/rinse water FDS in the CLFP Manual of Good Practice for Land Application of Food Processing/Rinse Water (California League of Food Processors, 2007).

Salt Control Plan if directed by the regional water board in writing if site-specific conditions indicate a threat to water quality.

- ii. Dischargers enrolled in a sustainability program with salt control BPTCs may be allowed to implement those program BPTCs instead of preparing a Salt Control Plan, as described in the Sustainability Programs section of this General Order.
- iii. Dischargers directed by the regional water board to comply with a SNMP (accepted by the regional water board and containing salt BPTC measures to address discharges in this General Order) may be allowed to implement those program BPTCs instead of preparing a Salt Control Plan.
- iv. Tier 3 and Tier 4 Dischargers may be required by the regional water board to submit a Salt Control Plan in addition to complying with the sustainability program or a SNMP.

OTHER WINERY ACTIVITIES NOT COVERED BY THIS GENERAL ORDER

- 50. Some wineries have developed public assembly facilities for weddings, corporate meetings, retreats, or concerts. Those activities generate wastewater that is not covered under this General Order and the discharges may be permitted either by a local agency or the regional water board based upon the effluent flow rate and quality.
- 51. Some wineries operate distilleries to produce brandy and fortifying spirits. Distilleries and stillage (distillation waste) are not covered by this General Order.
- 52. Stormwater that comes into contact with winery waste is considered winery process water because contacted stormwater will contain process water constituents of concern and is required to be managed as directed by this General Order. This General Order does not cover stormwater controlled and contained separately that does not contact winery waste.
- 53. Domestic wastewater is not covered by this General Order and will need to be permitted by a local agency, a regional water board, or another appropriate entity.
 - a. Wineries produce some domestic wastewater generated by employees and if applicable, visitors. In most cases, it is desirable to keep the process and domestic waste streams separated due to the additional requirements imposed to address pathogens in domestic wastewater. Process water that contacts domestic wastewater or a domestic wastewater collection, treatment, or disposal system is considered domestic wastewater and management is required as directed by the facility's domestic wastewater permit. Regional water board orders for winery process wastewater including the North Coast Water Board Order No. R1-2002-0012 and Central Coast Water Board Order R3-2017-0020 explicitly outline the segregation of domestic and process wastewater systems.
 - b. Alternative domestic treatment systems may be permitted by local authorities, for example Napa County, that use non-conventional sewage disposal systems treating sewage effluent for subsurface dispersal, including winery process water. Limits for

these systems vary in stringency and are out of scope for coverage under this General Order.

- c. Some wineries may allow recreational vehicles (RV) to visit their facilities or use portable toilets to accommodate large events. Discharges from RV holding tanks or portable toilets may contain chemicals that can pollute groundwater quality. Some commercially available products used to control holding tank/portable toilet odors may contain chemicals such as formaldehyde, methyl alcohol, zinc, phenol, or other harmful chemicals. These chemicals can kill the bacteria in wastewater treatment systems and cause wastewater to be inadequately treated. Inadequately treated wastewater may cause additional problems such as leach field/seepage pit failure, surfacing wastewater, and potential exposure and health risks. Discharge of these chemicals to groundwater that creates pollution may result in enforcement activities requiring groundwater remediation. This General Order prohibits the discharge of RV holding tank wastewater or portable (chemical) toilet waste to an on-site wastewater treatment system without separate WDRs issued by the regional water board addressing the waste.
- d. Use of recycled water is subject to the Uniform Water Recycling Criteria contained in CCR Title 22. Because the use of recycled water requires additional authorization from the regional water board and State Water Board Division of Drinking Water, wineries that produce recycled water subject to Title 22 are not eligible for coverage under this General Order. Wineries that commingle wastewater in a way that makes the discharge subject to the Uniform Water Recycling Criteria (CCR, title 22, Division 4) are not eligible for coverage under this General Order.
- e. Dischargers that land apply solids that contain any amount of domestic wastewater associated solids are not covered by this General Order and are subject to the requirements in 40 Code of Federal Regulations (CFR) Part 503.
- f. Some wineries have existing wastewater systems (e.g., SDS, septic tank and leach field) that treat commingled process water and domestic wastewater.
 - i. Wineries with these existing systems shall be modified so that process water is managed and treated separately and is no longer commingled with domestic wastewater in order to maintain coverage under this General Order.
 - ii. Wineries with continued operation of an existing commingled process water and domestic wastewater system, or that choose to expand or install a new commingled system, are not eligible for coverage under this General Order and shall obtain a separate permit to regulate the commingled wastewater.

APPLICATION AND TERMINATION PROCESS

54. Existing wineries, except those with individual WDRs, general WDRs, or conditional waivers of WDRs, are required to seek coverage under this General Order by submitting a complete Notice of Intent (NOI) (Attachment B), including the appropriate filing fee (California Code of Regulations [CCR], title 23, section 2200), and a technical report including, but not limited to, the information requested in Attachment C to the regional water board. The NOI, technical report, and filing fee must be submitted within **3 years** of adoption of the General Order unless otherwise notified by the regional water board.
55. The technical report shall include a proposed schedule for full compliance that must be as short as practicable but may not exceed **5 years** from the date of the NOI. If any proposed completion dates exceed the compliance periods stipulated in this General Order, the change must be supported with appropriate technical and/or economic justification. The regional water board may modify the proposed schedule as appropriate.
56. The State Water Board intends for this General Order to be the primary permitting mechanism for wineries in the state. Dischargers covered by individual WDRs, general WDRs, or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the regional water board, it is the intent of the State Water Board that regional water boards will enroll all eligible wineries under this General Order. If a regional water board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the regional water board may issue individual WDRs.
57. New wineries that propose to begin operating after adoption of this General Order are required to seek coverage by submitting a complete NOI (Attachment B), including the appropriate filing fee (title 23 CCR, section 2200) and a technical report including, but not limited to, the information requested in Attachment C, to the regional water board at least **180 days** prior to commencement of operations.
58. For the purposes of this General Order, an NOI and accompanying technical report (as described in Attachment B and Attachment C, respectively) is equivalent to a report of waste discharge. After the regional water board determines that the NOI and accompanying technical report are complete, the initial fee has been received, and the winery can be appropriately regulated under this General Order, an NOA will be issued by the regional water board. Within the NOA, the regional water board will, at a minimum, confirm the Discharger's tier and timeline for compliance and provide an MRP. The State Water Board and regional water board may provide procedures for electronic submittal or modifications to application information or documents.
59. Upon issuance of an NOA for coverage under this General Order, the Discharger's NOI and technical report will become incorporated by reference, with the NOA, into this General Order. The Discharger is responsible for implementing all operations in a manner that complies with this General Order.

60. The Discharger is required to pay an annual fee (e.g., waste discharge permit fee) (Water Code, section 13260 et seq.). The filing fee accompanying the NOI is the first year's annual fee. The annual fee is based on the threat to water quality and complexity rating of the discharge (title 23 CCR, section 2200). The [fee schedule and ratings](http://www.waterboards.ca.gov/resources/fees/) are available at: <http://www.waterboards.ca.gov/resources/fees/>.
- a. Reduced fees may be available for Dischargers enrolled in a sustainability program accepted by the State Water Board or regional water board. Additional information is provided in the Sustainability Programs section of this General Order.
 - b. Dischargers enrolled in a Local Agency Oversight Program are responsible for submitting fees to the State Water Board and to the local agency. Reduced General Order fees may be available for Dischargers enrolled in a Local Agency Oversight Program.
61. Dischargers with de minimis facilities directed by the State Water Board or regional water board to register under this General Order are required to submit an abbreviated NOI and the associated fees.
62. Dischargers with de minimis facilities directed by the regional water board to apply for General Order coverage as a Tier 1 facility are required to submit an NOI, technical report and the associated fees.
63. Dischargers issued an NOA and who subsequently require a change in tier classification shall submit a new NOI and technical report for the appropriate tier at least **120 days** before the anticipated change. Once approved, the regional water board will issue a new NOA. A change in tier classification may also necessitate an application fee or a change in the annual fee.
64. To terminate enrollment under this General Order, Dischargers are required to submit a complete Notice of Termination (NOT) (Attachment D) at least **120 days** prior to terminating all waste discharge activities. A regional water board inspection of the facility may be required prior to termination of coverage.
- a. The Discharger must submit a complete NOT to the regional water board and, if applicable, provide a copy to the local agency providing General Order oversight.
 - b. The Discharger filing a request for termination of General Order coverage does not stay any requirement of this General Order. The Discharger continues to be responsible for the fees and self-monitoring reports required by this General Order until the NOT is approved by the regional water board.

LOCAL AGENCY OVERSIGHT PROGRAM

65. Local agencies are allowed to apply to the regional water board for oversight of wineries located in their jurisdiction and covered by this General Order. Some regional water boards work with County Environmental Health Programs and may authorize local agencies to oversee winery process water activities. Continuation of local agency

oversight consistent with the General Order increases the statewide consistency of winery process water regulations and can streamline regional water board resources for General Order implementation.

66. Local agencies are required to adhere to the Local Agency Oversight Program requirements in Attachment E, which is hereby attached and made a part of this General Order.
67. Local agencies seeking oversight responsibilities for process water discharges must demonstrate adequate resources and technical expertise to implement such a program and must also have the legal authority to administer this General Order.
 - a. The local agency must submit a Local Agency Oversight Program application to the regional water board, as described in Attachment E, to apply for authorization to administer this General Order.
 - b. The regional water board will issue an authorization letter to the local agency to indicate approval of the Local Agency Oversight Program application and that oversight authorization has been granted. The regional water board may limit the tiers that are eligible for local agency oversight.
68. Local agencies that obtain oversight responsibility will administer this General Order, but local agency oversight is not a substitute for regulation under this General Order. Dischargers are required to comply with all requirements of this General Order and the facility NOA, including the MRP and compliance schedule.
 - a. The State Water Board and regional water boards retain enforcement authority related to this General Order regardless of Discharger participation in a Local Agency Oversight Program.
 - b. The local agency may require Dischargers to comply with additional requirements related to winery waste. Results of any additional or more frequent monitoring than specified in the MRP shall be reported in the next regularly scheduled monitoring report and shall be included in calculations, as appropriate.
69. Dischargers that enroll in a Local Agency Oversight Program must apply for General Order coverage through the regional water boards by submitting a complete application as described in the Application Process section of this General Order. The regional water board will issue an NOA to authorize order coverage if approved. The Discharger is responsible for submitting annual fees to the State Water Board. The Discharger may be required to submit a separate application and fee to the local agency to enroll in the Local Agency Oversight Program.

SUSTAINABILITY PROGRAMS

70. Sustainability programs that address salt and nitrogen control for winery process water and solids in relation to groundwater quality protection can greatly assist statewide efforts to assure compliance with this General Order. Sustainability program efforts can help winery operators gain a greater understanding of the need for water quality protection.
71. Dischargers with wineries certified under a sustainability program accepted by the State Water Board or regional water board may receive a reduction in their annual fee.
- a. Additionally, Dischargers required to prepare a Salt Control Plan may refer to the sustainability program measures to minimize salt rather than generating their own report, provided the Discharger certifies that the appropriate salt control and reduction measures have been implemented. However, because of the higher salt loading potential at larger facilities, if the FDS threshold is exceeded, the regional water board may direct Tier 3 and Tier 4 facilities to prepare a Salt Control Plan that evaluates site-specific measures that may be more protective than the general sustainability program measures. Such facilities are required to implement the Salt Control Plan measures in addition to the sustainability program measures.
 - b. Dischargers with land application areas required to prepare a Nitrogen Control Plan may refer to the sustainability program measures to minimize nitrogen rather than generating their own report, provided the Discharger certifies that the appropriate nitrogen control and reduction measures have been implemented.
72. Discharger participation in a sustainability program may assist a facility in meeting the requirements of this General Order, but these programs are not a substitute for regulation under this General Order. Dischargers are required to comply with all requirements of this General Order and the facility NOA, MRP, and compliance schedule. The State Water Board and regional water boards retain enforcement authority related to this General Order regardless of Discharger participation in a sustainability program.
73. The State Water Board or regional water board will evaluate a sustainability program for its ability to demonstrate and ensure the protection of water quality. Only robust and transparent programs that achieve and document measurable water quality protection will be accepted by the State Water Board or regional water board. Sustainability programs shall include, at a minimum:
- a. Best management practices for managing and minimizing salinity and nitrogen at the winery and in the land treatment and disposal operations (e.g., ponds, LAA, SDS). The management practices are required to include, at a minimum, the BPTCs described in the Salt Control section of this General Order.
 - b. Facility best management practices (e.g., employee training, standard operating procedures).
 - c. A certification and inspection process to verify ongoing Discharger participation and compliance with sustainability program and General Order requirements.

ANTIDegradation ANALYSIS

74. State Water Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (hereafter the Antidegradation Policy), requires that disposal of waste into waters of the state be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the state. The quality of some waters is higher than established by adopted policies and that higher quality water shall be maintained to the maximum extent possible consistent with the Antidegradation Policy. The Antidegradation Policy requires the following:
- a. Maintenance of existing high quality waters of the state unless limited degradation is consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of the water, and will not result in water quality less than that prescribed in state policies. Higher quality water will be maintained until it has been demonstrated to the state that any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial uses of the water, and will not result in water quality less than that prescribed in state policies.
 - b. Any activity that produces or may produce a waste and discharges or proposes to discharge to existing high quality waters will be required to meet WDRs that will result in BPTC of the discharge necessary to assure pollution or nuisance will not occur, and the highest water quality consistent with maximum benefit to the people of the state will be maintained.
75. This General Order requires Dischargers to implement BPTCs to maintain the highest water quality consistent with maximum benefit to the people of the state. The required BPTCs are included in the NOA issued by the regional water board.
76. This General Order allows discharge to numerous groundwater sources, each with its own chemical characteristics. There is insufficient data to determine which receiving waters are high quality waters. This General Order authorizes limited degradation to high quality waters provided consistency with the terms of the applicable regional water board water quality control plan (Basin Plan), other applicable State Water Board and regional water board policies, the Antidegradation Policy, and as described in these findings.
77. This General Order includes BPTC requirements, a BPTC compliance schedule, and monitoring and reporting requirements. BPTC measures are defined for all tiers. Higher risk tiers have more BPTC requirements than lower risk tiers. This General Order does not preclude Dischargers from implementing more than the minimum BPTC measures required for each tier.
78. This General Order places restrictions on the discharge of waste from winery operations. The terms and conditions of this General Order are designed to minimize groundwater quality degradation and protect beneficial uses of waters of the state, including access to safe and reliable drinking water. The primary constituents of concern in winery waste that have the potential to degrade water quality are BOD, nitrogen, and salinity.

- a. This General Order includes BOD loading limits for land application, a BOD effluent limit for subsurface disposal, and pond operational requirements to minimize the potential for process water to create or contribute to nuisance conditions.
- b. This General Order includes a nitrogen application rate limit for land application, a nitrogen effluent limit for subsurface disposal, and pond sizing, siting, and liner hydraulic conductivity requirements to minimize the potential to cause or contribute to groundwater quality above the nitrate maximum contaminant level. Facilities that exceed the nitrogen effluent limit may be required to evaluate the winery, treatment, and disposal holistically to determine improvements needed to comply with the limit.
- c. This General Order includes a salt threshold and salt control BPTC measures to minimize process water salinity. Facilities that exceed the salt threshold may be required to evaluate the winery, land application, and disposal operations holistically for additional salt control measures.

79. The California wine industry benefits many sectors of the state's economy. This economic activity preserves agricultural land, provides jobs, attracts tourists, generates tax revenues, and, on a broader economic basis, affects other industries such as farming, banking, engineering, manufacturing, packaging, transportation, advertising, and retail. The wine industry includes approximately 4,600 wineries in the state that produce grapes across approximately 560,000 acres of vineyards, supports approximately 485,000 jobs, and generates a national annual impact of about \$220 billion and a statewide annual impact of about \$71 billion.¹⁹ The economic prosperity of communities and associated industry is of maximum benefit to the people of the state and provides sufficient justification for allowing the limited groundwater degradation that may occur. Limited degradation of groundwater by some waste constituents associated with winery process water, after effective source control, treatment, and control measures are implemented as required by this General Order, is consistent with the maximum benefit to the people of the state.

TITLE 27 EXEMPTIONS

80. The winery waste treatment, storage, and disposal activities described in this General Order are exempt from the requirements of *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste* in CCR, title 27, division 2, subdivision 1, section 20005, et seq. (hereafter Title 27). The activities are exempt from the requirements of Title 27 so long as the activity meets, and continues to meet, all preconditions listed below.

¹⁹ John Dunham and Associates, 2017.

- a. Wastewater, section 20090(b) – discharges of wastewater to land, such as evaporation ponds, percolation ponds, or subsurface leach fields, if the following conditions are met:
- i. The applicable regional water board has issued WDRs, reclamation requirements, or waived such issuance.
 - ii. The discharge complies with the applicable water quality control plan.
 - iii. The wastewater does not need to be managed according to CCR, title 22, division 4.5, chapter 11, as a hazardous waste.

These conditions are satisfied because winery process water discharges covered by this General Order must comply with the applicable regional water board Basin Plan or any applicable statewide water quality control plan or policy and process water does not need to be managed as a designated or hazardous waste.

- b. Soil amendments, section 20090(f) – use of nonhazardous decomposable waste as a soil amendment pursuant to applicable best management practices, provided that regional water boards may issue waste discharge or reclamation requirements for such use.

Application of winery waste to land is a beneficial reuse of this organic material as a soil amendment and source of plant nutrients.

- c. Reuse, section 20090(h) – recycling or other use of materials salvaged from waste, or produced by waste treatment, such as scrap metal, compost, and recycled chemicals, provided that discharges of residual wastes from recycling or treatment operations to land shall be according to applicable provisions of this division.

Application of process solids (e.g., pomace, lees, settled pond solids) to land is also a beneficial reuse of this organic material as a soil amendment and source of plant nutrients.

- d. Fully enclosed units, section 20090(i) - waste treatment in fully enclosed facilities, such as tanks, or in concrete-lined facilities of limited areal extent, such as oil water separators designed, constructed, and operated according to American Petroleum Institute specifications.

Process water is discharged to tanks, sumps, aerated ponds, and other similar equipment during normal operations for flow equalization, treatment, or storage.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

81. The State Water Board is the lead agency for purposes of complying with the California Environmental Quality Act (CEQA) (Public Resources Code, sections 21100 – 21177). The State Water Board provided notice of intent to adopt a mitigated negative declaration (<**SCH No. #**>) for this General Order on <**date**> (CCR, Title 14, section 15072) as lead agency under CEQA. The State Water Board, after the consideration of the mitigated

negative declaration and comments received during the public review process, hereby determines that any potential effects of the proposed project are mitigated by the strict eligibility criteria, discharge prohibitions, WDRs, monitoring and reporting requirements, and other requirements of this General Order, such that no significant effects will occur.

82. This General Order is intended to cover both new and existing wineries.

- a. The adoption of this General Order for new and existing wineries is categorically exempt from CEQA under CCR, title 14, section 15308 (actions by regulatory agencies for protection of the environment). Additionally, the adoption of this General Order for existing wineries is categorically exempt from CEQA under CCR, title 14, section 15301 (ongoing or existing projects).
- b. California Code of Regulations, section 15300.2 provides exceptions to these categorical exemptions based on location, cumulative impact, and significant effects due to unusual circumstances, scenic highways, hazardous waste sites, and historical resources. There is no evidence that any of these exceptions apply. However, in the event this evidence is found to exist, an Initial Study was prepared pursuant to the CEQA Guidelines (CCR, title 14, section 15063) to consider whether adoption of this General Order could have a significant effect on the environment.
- c. The General Order Initial Study analysis and early consultation with the responsible and trustee agencies did not identify any significant impacts on the environment.
- d. New or expanding wineries are subject to further CEQA evaluation on a site-specific basis by local agencies performing CEQA evaluations of proposed projects. The potential significant environmental impacts from discharges of winery waste can be mitigated to less than significant impacts by compliance with this General Order, the NOA, and any mitigation measures adopted by local agencies.
- e. The State Water Board provided notice of an opportunity for tribal cultural resource consultation per Public Resources Code section 21080.3.1, which was distributed to Assembly Bill 52 listed and non-listed tribes. A project description was transmitted to the tribes, which concluded in consultation with Buena Vista Rancheria of Mi-Wuk Indian Tribe, Rincon Band of Luiseno Indian Tribe, and the Wilton Rancheria Tribe.
- f. This General Order includes mitigation measures for potential impacts due to winery activities to Tribal Cultural Resources²⁰ in Attachment F, which is hereby attached and made a part of this General Order.

²⁰ Tribal Cultural Resource (TCR) is defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. This may include, but is not limited to, sites of historical, cultural, tribal, or related resource significance.

OTHER REGULATORY CONSIDERATIONS

83. Beneficial uses for groundwater are determined by each regional water board and are listed in their respective Basin Plans. Beneficial uses for groundwater include: agricultural supply (AGR), aquaculture (AQUA), fresh water replenishment (FRSH), groundwater recharge (GWR), hydropower generation (POW), industrial service supply (IND), municipal and domestic supply (MUN), industrial process supply (PROC), water contact recreation (REC-1), and wildlife habitat (WILD). Some beneficial uses only apply to certain geographic areas within a region.
84. Some groundwater basins in the state contain salts and nutrients that exceed or threaten to exceed water quality objectives established in the applicable Basin Plan and not all Basin Plans include adequate implementation procedures for achieving or ensuring compliance with the water quality objectives for salts or nutrients. These conditions can be caused by naturally occurring sources of salinity, discharges of agricultural, domestic, industrial, and municipal wastewater; fertilizers; and residual solids (including onsite wastewater treatment systems). In addition, irrigation using imported water, diverted water, surface water, groundwater, or recycled water, and indirect potable reuse for groundwater recharge (groundwater recharge) can contribute to increased salt and nutrient loading.
85. Basin Plans establish water quality objectives to protect beneficial uses. The objectives may be narrative, numeric, or both. This General Order requires the Discharger to comply with those objectives in receiving groundwater. All WDRs must implement the applicable regional water board Basin Plan for the region in which the discharge occurs. Therefore, this General Order requires Dischargers to comply with all applicable Basin Plan requirements, including any prohibitions and water quality objectives governing the discharge. In the event of a conflict between the requirements of this General Order and the Basin Plan, the more stringent requirement prevails unless otherwise specified in this General Order.
86. Regional water boards may require development of, or participation in, a SNMP instead of the development of site-specific Salt Control Plan in addition to compliance with the salt and nutrient management requirements in this General Order. The regional water board must accept SNMPs to be used as an alternative to site-specific Salt Control Plans in this General Order. SNMPs may include requirements to implement site-specific BPTC measures and, if applicable, participation in basin-wide offset programs. The SNMP may include both short-term, site-specific BPTC measures and participation in long-term basin planning efforts.
87. Regional water boards may require development of, or participation in, a SNMP instead of the development of site-specific Nitrogen Control Plan for land application areas in addition to compliance with the salt and nutrient management requirements in this General Order.
88. Dischargers required to prepare a SNMP may refer to regional water board accepted SNMP to minimize salt or nitrogen rather than generating their own report, provided the

Discharger certifies that the appropriate salt or nitrogen control and reduction measures have been implemented. However, the salt or nitrogen loading potential at larger facilities is higher and when the facility has exceedances of nitrogen limits or the FDS threshold in this General Order the regional water board may direct Tier 3 and Tier 4 facilities to prepare a Nitrogen Control Plan or Salt Control Plan, respectively, that evaluates site-specific measures in addition to implementing the SNMP measures.

89. The Central Valley Regional Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation. The Basin Plan amendments adopted on May 31, 2018 (Resolution No. R5-2018-0034) were conditionally approved by the State Water Board on October 16, 2019 (Resolution 2019-0057) and the Office of Administrative Law on January 15, 2020 (OAL Matter No. 2019-1203-03). The resolution, *Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to Incorporate a Central Valley-wide Salt and Nitrate Control Program (R5-2018-0034)*, resulted from a Central Valley Regional Water Board initiated collaborative stakeholder initiative known as the Central Valley Salinity Alternatives for Long-term Sustainability (CV-SALTS).

- a. For nitrate, Dischargers that are unable to comply with stringent nitrate requirements will be required to take on alternate compliance approaches that involve providing replacement drinking water to persons whose drinking water is affected by nitrates. Dischargers could comply with the new Nitrate Control Program either individually or collectively with other Dischargers. Notice to Comply letters to existing Dischargers in Priority 1 groundwater basins were mailed on May 29, 2020. Upon receipt of a Notice to Comply letter, Priority 1 Dischargers must respond no later than 330 days. Notice to Comply letters for Dischargers in Priority 2 groundwater basins will be mailed 2 – 4 years after the effective date of the Basin Plan Amendments (January 17, 2020) and Priority 2 Dischargers must respond no later than 1 year after receipt. Groundwater basins that are not currently prioritized may be designated as a high priority on a case-by-case basis when determined necessary by the Central Valley Regional Water Board. New Dischargers located in groundwater basins (regardless of priority) or those with a material change to their operation that increases the level of nitrate discharged to groundwater must comply with the Nitrate Control Program and provide data and information as applicable with their Report of Waste Discharge.
- b. For salinity, Dischargers that are unable to comply with stringent salinity requirements will instead need to meet performance-based requirements and participate in a basin wide effort to develop a long-term salinity strategy for the Central Valley. Dischargers will receive a Notice to Comply with instructions and obligations for the new Salt Control Program within one year of the effective date of the Basin Plan amendments (January 17, 2020). Upon receipt of the Notice to Comply, the Discharger will have no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). New Dischargers or those with a material change to their operation that increases the level of salt discharged to groundwater must comply with the Salt

Control Program and provide data and information as applicable with their Report of Waste Discharge.

- c. As these strategies are implemented, the Central Valley Water Board may impose additional requirements to address the goals of the Salt and Nitrate Control Programs. The Discharger may be directed by the Central Valley Water Board to comply with such requirements.
90. This General Order does not authorize the commission of any act causing damage to the property of another, or protect the Discharger from liabilities under federal, state, or local laws. This General Order does not convey any property rights or exclusive privileges.
91. This General Order does not supersede any federal, state, or local law or regulation.
92. This General Order does not preempt or supersede the authority of local governmental agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction. It is the responsibility of the Discharger to obtain any required local governmental agency permits or authorizations necessary for compliance with this General Order.
93. This General Order does not relieve the Discharger from responsibility to obtain any required local, state, or federal permits to construct facilities necessary for compliance with this General Order, nor does this General Order prevent imposition of additional standards, requirements, or conditions by any other agency.

OTHER WATER CODE CONSIDERATIONS

94. Pursuant to Water Code, section 13225(c), regional water boards may require local agencies to investigate and report on any technical factors involved in water quality control or to obtain and submit analyses of water.

This General Order allows local agencies that are approved by the State Water Board or regional water board to administer this General Order and provide oversight of wineries in their jurisdiction. Wineries under local agency oversight are required to apply for coverage under this General Order. Local agencies are required to report any inspection, permit violations, and enforcement actions to the regional water board.

95. Consistent with Water Code, section 13241, the State Water Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
- a. Past, present, and probable future beneficial uses of water;
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto;
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - d. Economic considerations;

- e. Need for developing housing within the region(s); and
- f. Need to develop and use recycled water.

96. Pursuant to Water Code, section 13263(g), the discharge of waste into waters of the state is a privilege, not a right, and adoption of this General Order does not create a vested right to discharge winery waste. Failure to prevent conditions that create or threaten to create pollution or nuisance or that may unreasonably degrade waters of the state will be sufficient reason to modify, revoke, or enforce this General Order.
97. Pursuant to Water Code, section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This General Order promotes this policy by including process water discharge specifications and prohibitions and requiring that discharges not cause or contribute to exceedances of water quality objectives that have been developed to protect municipal and domestic water supplies.

IT IS HEREBY ORDERED

IT IS HEREBY ORDERED that pursuant to Water Code sections 13263 and 13267, the Discharger, its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted hereunder, shall comply with the following:

Dischargers in all tiers shall comply with all prohibitions, specifications, provisions, and other requirements described below unless otherwise noted.

A. DISCHARGE PROHIBITIONS

1. Discharge of waste to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as "hazardous," as defined in CCR, title 23, section 2521, or classified as "designated," as defined in Water Code section 13173, is prohibited.
3. Discharge of untreated or partially treated waste from treatment system bypass is prohibited.
4. Discharge of waste to land not owned, operated, or controlled by the Discharger is prohibited.
5. Discharge of waste in a manner or location other than that described in this General Order or the NOA is prohibited.
6. Discharge of stillage and other distillery waste is prohibited.
7. Discharge and/or application of process solids to the subsurface disposal area is prohibited.

8. Discharge of high strength salinity waste (e.g., water softener brine, ion exchange regeneration brine, boiler blowdown) is prohibited.
9. Discharge of waste to an unlined pond is prohibited, except as stipulated in the Pond Specifications section for existing ponds at Tier 1 facilities and for regional water board approved existing ponds at Tier 2, 3, and 4 facilities. Discharge to new or expanding unlined wastewater ponds is prohibited.
10. Discharge of waste to spreading basins, permeable basins, or other similar rapid infiltration or high rate land application systems is prohibited.
11. Discharge of domestic wastewater to a process water treatment system, process water pond, LAA, or any surface water is prohibited.
12. Discharge of commingled process water and domestic wastewater to an SDS is prohibited, except as stipulated in the Technical Reporting Provisions section for addressing an existing commingled system.

B. EFFLUENT LIMITATIONS

1. The Discharger shall notify the regional water board when an effluent limit is exceeded.
2. Average BOD loading to the LAA shall not exceed 100 lb/ac/d²¹ over the course of any discharge cycle (i.e., irrigation cycle).
3. Instantaneous (day of application) BOD loading to the LAA shall not exceed 300 lb/ac/d.²²
4. Daily discharge flow to the subsurface disposal area shall not exceed one gallon per square foot of discharge trench per day (1 gal/sqft/d), except as stipulated in the Provisions (Technical Reporting) section for modifying an existing SDS. New and expanding SDSs shall comply with the daily discharge flow limit.

²¹ Consistent with the California League of Food Processors, 2007; North Coast Regional Water Board Order No. R1-2016-0002; Central Coast Regional Water Board Order No. R3-2017-0020; U.S. EPA publication No. 625/3-77-007 recommendation of 90 lb/ac/d.

²² Conservative BOD loading rate; Kennedy/Jenks Consultants. 2009. Wine Institute Comprehensive Guide to Sustainable Management of Winery Water and Associated Energy (California League of Food Processors, 2007).

5. **For Tiers 2, 3, and 4:** The Dischargers shall monitor the treated SDS effluent. The SDS effluent shall be measured weekly prior to discharge to the subsurface disposal area and shall not exceed total nitrogen of 10 mg/L,²³ BOD of 300 mg/L, and TSS of 330 mg/L.²⁴
- a. **For Tier 2 only:** For effluent limit exceedances:
 - i. **New or Expanding SDSs:** The Discharger shall submit a Nitrogen Control Plan if the nitrogen limit is exceeded for three consecutive samples.
 - ii. **Existing SDSs:** The Discharger shall submit a Nitrogen Control Plan if the total nitrogen limit is exceeded for three consecutive samples and is directed to do so by the regional water board in writing if site-specific conditions indicate a threat to water quality.
 - b. **For Tiers 3 and 4:** For effluent limit exceedances, the Discharger shall submit a Nitrogen Control Plan if the nitrogen limit is exceeded for three consecutive samples.
 - c. Dischargers directed by the regional water board to comply with a SNMP (accepted by the regional water board and containing nitrogen BPTC measures to address discharges in this General Order) may be allowed to implement those program BPTCs instead of preparing a Nitrogen Control Plan. The Discharger shall certify that the required nitrogen control and reduction measures have been implemented.

C. DISCHARGE SPECIFICATIONS

1) General Specifications

- a. Salt Control
 - i. A Salt Control Plan, when required, shall be prepared by or under the supervision of a California Registered Civil Engineer and include a Discharger evaluation of the winery and land treatment and disposal operations holistically, identified sources of salt in process water, evaluation of existing salt control measures and their effectiveness, identified improvements to minimize the salt loading to land and provide an implementation schedule, and discusses the feasibility of meeting the FDS threshold. The Discharger shall, at a minimum, include the applicable BPTCs described in the Salt Control section of this General Order.

²³ The federal and state drinking water MCLs for nitrate as N is 10 mg/L.

²⁴ The BOD and TSS limits are consistent with the State Water Board Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, June 19, 2012.

- ii. Winery effluent is the process water discharge from the winery prior to treatment in a pond, LAA, or SDS. The FDS threshold (in mg/L) is equal to the annual average flow-weighted FDS concentration (in mg/L) of the facility source water plus 320 mg/L. The Discharger shall describe any FDS threshold exceedance in the Compliance Letter.
 - a) **For Tiers 1 and 2:** If the FDS threshold is exceeded, the Discharger shall submit a Salt Control Plan if directed to do so by the regional water board in writing if site-specific conditions indicate a threat to water quality.
 - b) **For Tiers 3 and 4:** If the FDS threshold is exceeded, the Discharger shall submit a Salt Control Plan.
 - c) Dischargers enrolled in a State Water Board or regional water board accepted sustainability program as described in the Sustainability Programs section of this General Order may implement the appropriate salt control measures in the sustainability program in lieu of submitting a Salt Control Plan. The Discharger shall certify that the required salt control and reduction measures have been implemented.
 - (1) **For Tiers 3 and 4:** The regional water board may direct Dischargers to submit a Salt Control Plan in addition to implementing the sustainability program measures if site-specific conditions indicate a threat to water quality.
 - d) Dischargers directed by the regional water board to comply with a SNMP (accepted by the regional water board and containing salt BPTC measures to address discharges in this General Order) may be allowed to implement those program BPTCs in lieu of preparing a Salt Control Plan. The Discharger shall certify that the required salt control and reduction measures have been implemented.
 - (1) **For Tiers 3 and 4:** The regional water board may direct Dischargers to submit a Salt Control Plan in addition to complying with an SNMP program if site-specific conditions indicate a threat to water quality.
- b. The Discharger shall ensure no waste constituent is released, discharged, or placed where it can be released or discharged in a concentration or in a mass that causes a violation of the Groundwater Limitations Section of this General Order.
- c. The Discharger shall ensure all waste treatment, storage, and disposal shall not create or threaten to create a condition of pollution, contamination, or nuisance as defined by Water Code section 13050.
- d. The Discharger shall ensure all discharges shall occur within the permitted waste treatment and containment structures, LAAs, and SDSs, in the manner specified in the NOI and/or technical report and approved by the regional water board.
- e. The Discharger shall ensure all systems and equipment are operated to optimize the quality of the discharge.

- f. **For Tier 4:** Dischargers shall prepare written operating procedures for site-specific activities that generate, control, manage, or dispose of winery waste.
- g. The Discharger shall ensure all objectionable odors are not be perceivable beyond the limits of the property at an intensity that creates or threatens to create nuisance conditions.
- h. The Discharger shall ensure all conveyance, treatment, storage, reuse, and disposal systems are designed, sited, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency. For design purposes, the most recent Federal Emergency Management Agency (FEMA) approved 100-year base flood elevations may be used.
- i. The Discharger shall ensure stormwater that has contacted winery waste, processing equipment, or processing areas shall be managed as process water in accordance with this General Order.
- j. The Discharger shall take all reasonable steps to reduce the salinity loading to the process water treatment and disposal systems and the underlying groundwater by implementing good housekeeping practices, source control and waste minimization measures (such as solids screening, pressure washing, washwater and chemical reuse), and by minimizing the use of salt-containing and non biodegradable chemicals.
- k. The Discharger shall adhere to the following setbacks (minimum horizontal distances) unless a lesser setback is approved by the regional water board based on site specific conditions or except as otherwise required (e.g., county or local agency requirements, California Well Standards, part II, section 8).
 - i. Waste shall not be discharged within 100 feet of any water supply well.
 - ii. Waste shall not be discharged within 100 feet of surface waters or surface water drainage courses.
 - iii. Waste shall not be discharged within 50 feet of the property line.
- l. The Discharger shall manage all ponds, ditches, and other open containment structures to prevent breeding of mosquitoes. Specifically:
 - i. An erosion control program shall be implemented to minimize the formation of small coves and irregularities around the perimeter of the water surface.
 - ii. Weeds shall be minimized by controlling water depth, harvesting, and applying herbicides.
 - iii. Dead algae, vegetation, and debris shall not accumulate on the water surface.
 - iv. Mosquito breeding shall be minimized by consulting and coordinating with the local mosquito abatement or vector control district and supplementing the above measures as needed.

2) Pond Specifications

- a. General Ponds Specifications (for all tiers and ponds)
 - i. The new construction or rehabilitation of berms or levees (excluding internal berms that separate ponds or control the flow of water within a pond) shall be designed and constructed under the supervision of a California Registered Civil Engineer or Certified Engineering Geologist.
 - ii. The base of the ponds shall be at least five feet above the seasonal high water table.
 - iii. The ponds shall be operated and maintained to protect the integrity of containment dams and berms and prevent overtopping and/or structural failure.
 - iv. The ponds shall be managed to prevent damage from burrowing animals that may compromise pond containment integrity. Damage to pond containment shall be repaired as soon as possible.
 - v. The upper one foot of process water ponds shall have a DO concentration of at least 1.0 mg/L to minimize the potential for objectionable odors.
 - vi. The operating freeboard in a pond shall be a minimum of two feet, as measured vertically from the lowest point of overflow. The Discharger shall install and maintain a permanent staff gauge with calibration marks (or other equivalent measuring method) that clearly show the water level in each pond to enable freeboard determination.
 - vii. The ponds shall have sufficient capacity to accommodate process water, design seasonal precipitation, and ancillary inflow and infiltration, and maintain adequate freeboard. Design seasonal precipitation shall be based on the total annual precipitation for the specified storm standard, distributed monthly in accordance with historical rainfall patterns. The Discharger shall ensure ponds have available capacity necessary to comply with the pond capacity requirements in this section by **September 1** of each year to minimize the potential for spills during peak flows from crush season and precipitation.
 - viii. The ponds shall be lined or shown to be structurally sound and operating with minimal leaking.

b. New and Expanding Pond Specifications

- i. Capacity – The Discharger shall demonstrate sufficient pond capacity using normal year and wet year water balances. The water balances shall include relevant information, such as monthly rainfall and process water flows, crop evapotranspiration, irrigation factors (e.g., leaching fraction, irrigation efficiency), and operational factors (e.g., freeboard), that served as the basis for calculations. New or expanding pond design for seasonal precipitation shall be based on one of the following standards:
 - a) The Discharger shall have pond sized to meet a 100-year, 24-hour peak storm design standard, or
 - b) Smaller pond sized to meet a 25-year, 24-hour peak storm design standard, at a minimum, if approved by the regional water board. The Discharger shall submit a technical report to the regional water board that describes how the process water system will be operated and managed under 100-year, 24-hour peak storm conditions to prevent process water spills.
- ii. Hydraulic conductivity – The Discharger shall ensure new and expanding ponds are designed, constructed, and maintained to meet a hydraulic conductivity standard of 1×10^{-6} cm/s or less using one of the following:
 - a) A compacted clay liner, with a minimum clay thickness of two feet,
 - b) A Portland cement concrete liner, designed to minimize cracking and infiltration,
 - c) A synthetic liner, consisting of a 40 thousandths of an inch (mil) synthetic geomembrane or a 60-mil high-density polyethylene liner installed over a prepared base or a secondary clay or concrete liner, or
 - d) An equivalent engineered alternative specified in the NOI and/or technical report approved by the regional water board.

c. Existing Ponds Specifications

- i. Capacity – The Discharger shall comply with the following requirements to continue operating an existing pond. The regional water board may require ponds that are determined to have had, or have the potential for, frequent or significant spills to comply with the pond capacity requirements in this section within **3 years** of regional water board notification.
 - a) **For Tier 1 only:** The Discharger may continue to operate an existing pond at its present size provided all other requirements of this General Order are met. The existing pond capacity shall be provided in the NOI and/or technical report with accompanying relevant information used to determine the capacity.
 - b) **For Tiers 2, 3, and 4:** The Discharger shall demonstrate that the present pond capacity meets one of the peak storm design standards described in this section for new or expanded ponds, including obtaining regional water board approval to operate a smaller pond.

- ii. Hydraulic conductivity – The Discharger shall comply with the following requirements to continue pond operations. The regional water board may require ponds determined to have caused, or have the potential to cause, groundwater pollution to comply with the pond liner requirements in this section within **5 years** of regional water board notification.
 - a) **For Tier 1 only:** The Discharger may continue to operate an existing pond in its present lined or unlined state provided all other requirements of this General Order are met. Details of the present liner status and liner characteristics, as applicable, shall be provided in the NOI and/or technical report with accompanying relevant information as appropriate.
 - b) **For Tiers 2, 3, and 4:** The Discharger shall do one of the following:
 - (1) If the existing pond liner was installed no more than **10 years** ago, demonstrate that the liner is equivalent to the design standards in this section using pond liner design and construction details. The Discharger shall provide supporting documentation (e.g., specifications, drawings) prepared by a California Registered Civil Engineer or Certified Engineering Geologist and, if applicable, the regional water board approval for use of an engineered pond liner alternative. The Discharger shall describe how the present liner meets the hydraulic conductivity standard and if liner modifications or repairs are needed to continue pond operations.
 - (2) Demonstrate using a performance test that the existing pond is operating with minimal leaking and meets the hydraulic conductivity standard. The Discharger shall describe the performance test methodology, pond liner characteristics and conditions, visual observations, test results and conclusions, and if liner modifications or repairs are needed to continue pond operations.
 - (3) Demonstrate that the existing pond is operating with minimal percolation and has not caused significant groundwater degradation using at least **5 years** of groundwater data from an active groundwater monitoring well network designed for the pond. The Discharger shall describe how the groundwater monitoring data indicate that the pond liner is suitable for continued use and whether monitoring program modifications are needed. Groundwater monitoring at the pond shall continue unless otherwise directed by the regional water board.
- d. Pond Reporting (Expanded, New, or Existing Ponds)
 - i. Pond Capacity Reporting – The Discharger shall submit the relevant information needed to demonstrate compliance with the pond capacity requirements in an NOI and/or technical report to the regional water board for approval. The submittal for existing ponds shall be provided within **1 year** of NOA issuance. For new or expanding ponds, the submittal shall be provided at least **120 days** prior to the start of pond construction.

- ii. Pond Hydraulic Conductivity Reporting – The Discharger shall submit the information and documentation needed to comply with the pond liner requirements in the NOI and/or technical report to the regional water board for approval. The Discharger shall also provide available information for existing ponds, such as liner characteristics (e.g., material, thickness, age, condition), prior inspection results, leak test results, and liner repairs, and other relevant information to determine pond liner integrity and suitability for continued use. The submittal for existing ponds shall be provided within **1 year** of NOA issuance. For new and expanding ponds, the submittal shall be provided at least **120 days** prior to the start of pond liner installation or retrofit.
- e. Pond Performance Requirements
 - i. **For Tiers 2, 3, and 4:** Process water ponds shall be tested for leaks at least once every **5 years** using the performance test described in this section. A technical report of the evaluation shall be submitted to the regional water board within **90 days** of test completion. This periodic leak testing shall begin **5 years** after NOA issuance, pond liner installation, a previous performance test, or decommissioning of a groundwater monitoring well network at the pond, whichever is later.
 - ii. Facilities may use groundwater monitoring data from an active groundwater monitoring well network designed for the pond to demonstrate that the pond has not caused significant groundwater degradation instead of the performance test. This evaluation shall be provided in the next regularly scheduled Annual Report.
- f. Ponds and Groundwater Monitoring
 - i. **For Tiers 3 and 4:** Dischargers shall comply with one of the following groundwater monitoring requirements to assess the potential impact of operating a process water pond. The installation of any new groundwater monitoring well shall comply with requirements in the Technical Reporting Provisions section.
 - a) **For Tier 3 only:** The Discharger shall conduct groundwater monitoring to detect potential groundwater degradation from releases from the pond as specified in the MRP if directed by the regional water board.
 - b) **For Tier 4 only:** The Discharger shall conduct groundwater monitoring to detect potential groundwater degradation from releases from the pond as specified in the MRP.

3) Land Application Specifications

- a. Application of waste constituents to the LAA, on an annual basis, shall be at agronomic rates to preclude creation of pollution, contamination, or nuisance. An agronomic rate is the rate of application of nutrients in amounts no more than necessary to satisfy the plant nutrient demand (crop uptake), considering the crop, soil, climate, irrigation method and efficiency, and leaching fraction, thus minimizing

the movement of nutrients below the plant root zone.²⁵ Application at an agronomic rate must account for nutrient loading from all sources, e.g., process water, supplemental water, process solids, fertilizers, compost and soil amendments. Nitrogen application rates, for the crop being irrigated in the LAA, shall not exceed the highest crop uptake value specified in the following sources: [UC Davis California Fertilization Guidelines](https://www.cdfr.ca.gov/is/ffldrs/frep/FertilizationGuidelines/) (<https://www.cdfr.ca.gov/is/ffldrs/frep/FertilizationGuidelines/>), the Western Plant Health Association, 2002, Western Fertilizer Handbook, 9th edition, and/or the [California League of Food Processors 2007 Manual](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20(2).pdf) ([http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20\(2\).pdf](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20(2).pdf)). If none of these sources includes crop uptake values for the crop being irrigated in the LAA, the Discharger shall propose a site-specific crop uptake value (e.g., using crop tissue samples or another published reference) for approval by the regional water board.

- b. Irrigation water shall be applied to the LAA with distribution uniformity, considering LAA size, site conditions, soil properties, and irrigation method.
- c. Process water and process solids shall not be applied to the LAA during rainfall or when the ground is saturated.
- d. Process water shall be applied to the LAA in a manner that allows water to infiltrate within **48 hours**.
- e. Process solids applied to the LAA shall be uniformly distributed and incorporated into the soil within **72 hours**.
- f. All irrigation water and runoff shall be confined to the LAA and shall not enter any surface water drainage course or stormwater drainage system.
- g. Process water shall not be stored in low pressure or unpressurized pipelines and ditches.
- h. **For Tiers 3 and 4:** Dischargers shall comply with the following groundwater monitoring requirements to assess the potential impact of applying winery waste to the LAA. The installation of any new groundwater monitoring well shall comply with requirements in the Technical Reporting Provisions section.
 - i. **For Tier 3 only:** The Discharger shall conduct groundwater monitoring to detect potential groundwater degradation from waste discharge to the LAA as specified in the MRP if directed by the regional water board in writing if site-specific conditions indicate a threat to water quality.

²⁵ Adapted from the California League of Food Processors, 2007 and the State Water Board Order 2014-0090-DWQ corrected, General Waste Discharge Requirements for Recycled Water Use, June 3, 2014.

- ii. **For Tier 4 only:** The Discharger shall conduct groundwater monitoring to detect potential groundwater degradation from waste discharge to the LAA as specified in the MRP.
- iii. Dischargers with groundwater monitoring data demonstrating impacts to water quality may be required, at a minimum, by the regional water board to develop and implement a site-specific Nitrogen Control Plan,²⁶ comply with an SNMP (accepted by the regional water board and containing nitrogen BPTC measures to address discharges in this General Order), or enroll in a sustainability program with nitrogen control BPTCs and implement those program BPTCs. The Discharger shall certify that the appropriate nitrogen control and reduction measures have been implemented.

4) Subsurface Disposal Specifications

- a. A Nitrogen Control Plan, when required, shall be prepared by or under the supervision of a California Registered Civil Engineer and include a holistic assessment of the winery and land treatment and disposal operations, identified sources of nitrogen in process water, evaluation of the effectiveness of existing nitrogen treatment measures, identified (with rationale) facility, treatment, and/or disposal changes needed to comply with the nitrogen limit, and provide an implementation schedule.
- b. Discharge of waste to the subsurface disposal area shall be in a manner that precludes the creation of pollution, contamination, or nuisance and minimizes infiltration to groundwater.
- c. The SDS treatment, distribution, and disposal area shall be properly operated and maintained to optimize the effectiveness of the system.
- d. The lowest points of the SDS treatment, distribution, and disposal systems, and their appurtenances shall be sited at least five feet above the seasonal high water-table, as measured in wet weather conditions during disposal field site evaluation activities.
- e. The subsurface disposal area shall be sized to receive the peak process water volume and have sufficient reserve area to provide for 100 percent redundancy to allow continued operation during maintenance or in case of system failure.
- f. The subsurface disposal area shall consist of multiple fields or subsections to allow discharge to alternating sections of the disposal area. Process water shall be

²⁶ A Nitrogen Control Plan, when required, shall be prepared by or under the supervision of a California Registered Civil Engineer and include a holistic assessment of the winery and land treatment and disposal operations, identified sources of nitrogen in process water, evaluation of the effectiveness of existing nitrogen treatment measures, identified (with rationale) facility, treatment, and/or disposal changes needed to comply with the nitrogen limit, and provide an implementation schedule.

discharged in a manner that allows for sufficient wet and dry times to maintain the assimilative capacity of the soil and preclude the creation of nuisance conditions.

- g. The SDS dosing system and discharge piping shall be designed and operated to minimize clogging and constructed with cleanouts to flush the system.
- h. Process water shall be discharged to the subsurface disposal area with distribution uniformity, considering site conditions, soil properties, and distribution method.
- i. Process water shall not be discharged to the subsurface disposal area in a manner that allows wastewater to surface at any time.
- j. All process water shall be confined to the subsurface disposal area and shall not enter any surface water drainage course or stormwater drainage system.
- k. The subsurface disposal area shall be managed to prevent disturbance or compaction. Specifically:
 - i. Crops, trees, and other vegetation shall be controlled to prevent damage to the subsurface disposal area.
 - ii. Vehicles, heavy equipment, and large animals shall be excluded from the subsurface disposal area to prevent compaction.
 - iii. The subsurface disposal area shall not be paved, covered in plastic materials, or otherwise covered in a manner or with materials that restrict oxygen transfer.
- l. Settling tanks shall be serviced to remove accumulated solids (sludge and scum) as recommended by the manufacturer, as often as needed to maintain optimal system operations, or when any of the following conditions exist:
 - i. The combined thickness of sludge and scum exceeds one-third of the liquid depth of the tank's first compartment.
 - ii. The scum layer is within 3 inches of the outlet device.
 - iii. The sludge layer is within 8 inches of the outlet device.
 - iv. It is determined to be necessary in accordance with manufacturer recommendations.
- m. **For Tiers 3 and 4:** Dischargers shall comply with the following groundwater monitoring requirements to assess the potential impact of discharging winery process water to the SDS. The installation of any new groundwater monitoring well shall comply with requirements in the Technical Reporting Provisions section.
 - i. **For Tier 3 only:** The Discharger shall conduct groundwater monitoring of the SDS disposal area as specified in the MRP if directed by the regional water board in writing if site-specific conditions indicate a threat to water quality.
 - ii. **For Tier 4 only:** The Discharger shall conduct groundwater monitoring to detect potential groundwater degradation from waste discharge to the SDS disposal area as specified in the MRP.

D. SOLIDS SPECIFICATIONS

1. Collected process solids shall be controlled and contained in a manner that minimizes leachate formation and minimizes infiltration of waste constituents into soils in a mass or concentration that will violate the Groundwater Limitations of this General Order. At a minimum:
 - a. Stored solids shall be protected from precipitation (e.g., containerized, covered with tarps, stored under roofed areas) or stored in areas protected from stormwater runoff or runoff (e.g., bermed or graded to direct stormwater away from stockpiles) to minimize leachate formation.
 - b. Solids shall be stored and managed such that free draining liquid is contained (e.g., placed on a compacted, bermed outdoor pad, controlled with a leachate collection and return system), directed to a containment structure (e.g., process water pond), or otherwise similarly controlled and contained to prevent leachate runoff and minimize infiltration.
 - c. Solids shall be managed to prevent nuisance conditions (e.g., stored in covered containers, dried and moved offsite as soon as practicable, or promptly land applied).
2. Free draining liquid from process solids shall be managed as process water in accordance with this General Order.
3. Process solids shall be removed from sumps, tanks, ponds, and other similar systems as needed to maintain sufficient operational capacity and optimal system operations.
4. Collected process solids removed from the liquid waste, generated from crushing or processing activities, or removed from ponds, storage tanks, and SDS settling tanks that will not and/or cannot be used agronomically onsite shall be properly reused or disposed of offsite.

E. GROUNDWATER LIMITATIONS

1. Dischargers are required to comply with all applicable Basin Plan requirements, including any prohibitions and water quality objectives governing the discharge. In the event of a conflict between the requirements of this General Order and the Basin Plan, the more stringent requirement prevails unless otherwise specified in this General Order.
2. Release of waste constituents from any treatment, storage, or disposal component associated with the winery, ponds, LAA, or SDS shall not adversely affect groundwater beneficial uses or cause or contribute to an exceedance of applicable Basin Plan water quality objectives.

F. PROVISIONS

1) Technical Provisions

- a. **For Tier 4 only:** Within **180 days** of NOA issuance, the Discharger shall submit a Standard Operating Procedures Manual (SOP Manual) for activities that generate, treat, store, or dispose of winery waste. The manual shall contain written standard procedures for the winery and land discharge areas to allow for consistent and efficient operations designed to minimize the potential for groundwater degradation.
- b. **For Tiers 3 and 4:** Within **180 days** of NOA issuance, the Discharger shall submit a Spill Prevention and Emergency Response Plan that describes onsite design features and operation and maintenance activities used to prevent the accidental release of process water. The plan shall also describe spill response and mitigation measures used to minimize the potential environmental impact.
- c. The Discharger shall implement the following BPTC measures:
 - i. Good housekeeping – Within **90 days** of NOA issuance, implement good housekeeping practices, such as employing dry sweeping instead of wet rinses for cleaning facility surfaces, using water conservation devices such as auto-shutoff nozzles, directing pomace and similar waste to a solids collection system instead of down process water drains, and initiating an employee education program on best practices.
 - ii. Source control – Within **90 days** of NOA issuance, isolate water softener regeneration brine, boiler blowdown, and other similar high strength salinity waste and properly dispose of offsite instead of to the process water system.
 - iii. Solids management – Within **180 days** of NOA issuance, implement solids management practices to screen, filter, or otherwise minimize the amount of process solids discharged to the process water systems.
 - iv. Sodium substitution – Within **180 days** of NOA issuance, replace sodium-based chemicals with potassium-based or other non-sodium-based chemicals.
 - v. Chemical reduction – Within **180 days** of NOA issuance, implement reasonable measures to minimize chemical use, such as recovering and reusing chemical solutions.
- d. If required to prepare a Salt Control Plan (defined in the General Specifications, Fixed Dissolved Solids section of this General Order), the Discharger shall submit the plan within **1 year** of exceeding the FDS threshold or of receiving a regional water board notice to prepare a plan. The Salt Control Plan shall be prepared by or under the supervision of a California Registered Civil Engineer. The proposed changes shall be completed within **1 year** of a complete Salt Control Plan being accepted by the regional water board. The finished work shall be described in the next regularly scheduled Annual Report.

- e. Within **3 years** of NOA issuance, a Discharger operating an existing commingled domestic wastewater and process water treatment system shall have either:
 - i. Obtained a separate, appropriate permit to regulate the commingled wastewater. The Discharger shall notify the regional water board that regulation of the commingled wastewater has been transferred from this General Order to another permit by submitting an NOI and a copy of the permit within **30 days** of the transfer.
 - ii. Modified the system to manage the process water separately so that it is no longer commingled with domestic wastewater. The resulting process water-only system will continue to be regulated under this General Order. At least **120 days** prior to changing the existing commingled system, the Discharger shall submit a written plan to the regional water board describing the planned changes. The Discharger shall describe the completed changes in the next regularly scheduled Annual Report.
- f. Within **2 years** of NOA issuance, a Discharger operating an existing SDS shall have completed the necessary system changes to comply with the daily discharge flow limit stated in the Effluent Limitation section.
- g. If required to prepare a Nitrogen Control Plan, the Discharger shall submit the plan within **1 year** of exceeding the SDS effluent nitrogen limit or of receiving regional water board notice to prepare a plan. The Nitrogen Control Plan shall be prepared by or under the supervision of a California Registered Civil Engineer. The proposed changes shall be completed within **1 year** of a complete Nitrogen Control Plan being accepted by the regional water board. The Discharger shall describe the completed changes in the next regularly scheduled Annual Report.
- h. **For Tiers 3 and 4 only:** The Discharger shall comply with the following if required to install groundwater monitoring wells at the LAA, subsurface disposal area, and/or process water pond:
 - i. Within **180 days** of NOA issuance, complete facility upgrades to ensure facility and treatment infrastructure is upgraded to comply with sampling and analysis requirements of the MRP.
 - ii. Within **180 days** of NOA issuance or regional water board notification, submit a Monitoring Well Installation Work Plan (work plan) and a Groundwater Sampling and Analysis Plan (SAP) prepared by or under the supervision of a California Registered Civil Engineer or Geologist for approval.
 - a) The work plan shall describe the upgradient and downgradient wells necessary to evaluate changes in groundwater conditions.
 - b) The work plan shall contain site information, well locations and rationale, drilling and installation activities, monitoring well design, well development details, well survey details, a soil sampling plan (if appropriate), and a schedule for completing the work. All wells shall comply with the appropriate standards as

described in *California Well Standards, Bulletins 74-81 (December 1981) and 74-90 (June 1991)*, *Water Well Standards: State of California Bulletin 94-81*, any subsequent revisions, and any more stringent standards adopted by the local agency pursuant to Water Code section 13801, unless deviation is approved by the regional water board or local agency.

- c) The SAP shall contain the groundwater sampling plan, standard operating procedures for equipment decontamination, well purging, and water level measurements, analytical methods and reporting limits, sampling techniques, sample handling and transport, and a chain of custody example.
- iii. Within **90 days** of work plan approval, complete well installation and commence groundwater monitoring in accordance with the MRP.
- iv. Within **90 days** of well installation, submit a Monitoring Well Installation Report that contains well drilling details, description of soils encountered, and boring logs; well location and construction details; well development details; well survey results; sample collection details; field and analytical data results; field notes; and county issued well construction permits. The report shall also describe and justify any deviations from the approved work plan. The Discharger shall also submit Well Completion Reports as defined in Water Code section 13751 under separate cover to the California Department of Water Resources.

2) Monitoring Provisions

- a. The Discharger shall comply with the MRP issued with the NOA and with any revisions thereto as approved by the regional water board. A model MRP is provided in Attachment G, which is hereby attached and made a part of this General Order. When issuing the NOA, the regional water board may modify the model MRP as appropriate based on site-specific conditions. The Discharger shall submit self-monitoring reports no later than the submittal dates specified in the MRP.
- b. The Discharger shall report results of any monitoring done more frequently than required by the MRP in the next regularly scheduled monitoring report. Values obtained through additional monitoring shall be used in calculations as appropriate.
- c. The Discharger shall report all noncompliance issues in the next regularly scheduled monitoring report in addition to any other reporting or notification requirements.
- d. The Discharger shall furnish, within a reasonable time, all information requested by the regional water board to determine whether cause exists for modifying, revoking, reissuing, or terminating Discharger coverage under this General Order.
- e. The Discharger shall retain records of all monitoring data and information, including calibration and maintenance records, original strip chart recordings of continuous monitoring instrumentation, copies of all reports required by this General Order, and records of all data used to complete the application for this General Order. Records shall be maintained for a minimum of **3 years** from the date of the sample,

measurement, report, or application. This period may be extended during any unresolved litigation regarding this discharge or when requested by the regional water board. The Discharger shall furnish, upon request, to the regional water board copies of records required to be kept by this General Order.

- f. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed MRP shall be properly maintained and calibrated as recommended by the manufacturer to ensure their continued accuracy.

3) Reporting Provisions

- a. The Discharger shall notify the regional water board by telephone within **24 hours** from the time the Discharger has knowledge of a violation of this General Order that has occurred, or has a reason to believe that a violation may occur, due to:
 - 1) maintenance work, power failure, or breakdown of process water system equipment, 2) accidents caused by human error or negligence, or 3) other causes such as acts of nature. The Discharger shall also notify the regional water board by telephone within **24 hours** in the event of a process water containment failure, a spill or unauthorized discharge greater than 1,000 gallons that may reach surface water, or a spill or unauthorized discharge greater than 50,000 gallons that may discharge to land and overflow outside of the use area.
- i. Current regional water board office phone numbers can be found on the NOA or on the Regional Water Board Directory webpage:
<http://www.waterboards.ca.gov/about_us/contact_us/rwqcb_directory.shtml>
- ii. The Discharger shall submit written notification to the regional water board within **15 days** of the incident, unless otherwise directed by the regional water board. The written notification shall include the date, time, pertinent information describing the nature and cause of the noncompliance, measures taken to correct the problem and to prevent recurrence, and a timeline for corrective actions.
- b. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All plans and reports specified herein that contain work plans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering or geologic evaluations or interpretations shall be prepared by or under the direction of appropriately qualified professionals (e.g. California Registered Civil Engineer, Professional Geologist, or other registered certified specialty geologist), even if not explicitly stated. In addition, the licensee must sign and provide their registration number and stamp on the submitted plan or report.

- c. The NOI and any technical or monitoring report submitted to comply with this General Order shall be signed as follows:
 - i. For a corporation: by a principal executive officer of at least the level of senior vice president.
 - ii. For a partnership or sole proprietorship: by a general partner or the proprietor.
 - iii. For a municipality, state, federal, or other public agency: by either a principal executive officer or a ranking elected or appointed official.
 - iv. A duly authorized representative of a person described above if all of the following are completed:
 - a) The authorization is made in writing by a person described above.
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as a facility manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be a named individual or any individual occupying a named position.
 - c) The written authorization is submitted to the regional water board.
- d. Any person signing an NOI and any technical or monitoring report, or technical document shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- e. The Discharger shall electronically submit a copy of each monitoring report and any other reports required by this General Order to the appropriate regional water board as directed in the NOA.

4) Standard Provisions

- a. Bypass (the intentional diversion of waste streams from any portion of a treatment system) is prohibited. The regional water board may take enforcement action against the Discharger for bypass unless:
 - i. Unavoidable and/or Unscheduled Bypass
 - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment systems that causes them to

become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production), and

- b) There were no feasible alternatives to bypass, such as the use of auxiliary treatment systems or retention of untreated waste. This condition is not satisfied if adequate backup equipment or winery process water storage systems should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that would otherwise occur during normal periods of equipment downtime or preventive maintenance; or
- ii. Scheduled Bypass
 - a) Bypass is required for essential maintenance to ensure efficient operation,
 - b) Groundwater limitations are not exceeded,
 - c) The Discharger notifies the regional water board **10 days** in advance, and
 - d) The prohibition against discharge to surface water is not violated.
- b. A Discharger that wishes to establish the affirmative defense of an upset in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other evidence, that all the following is true:
 - i. An upset occurred and the cause(s) can be identified.
 - ii. The winery process water treatment system was being properly operated at the time of the upset.
 - iii. The Discharger submitted notice of the upset as required in Reporting Provisions section.
 - iv. The Discharger complied with any remedial measures required by this General Order, the NOA, or direction from the regional water board. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof.
- c. The prohibitions, requirements, limitations, and provisions of this General Order are severable. If any provision of this General Order is held invalid, the remainder of this General Order shall not be affected.
- d. A copy of this General Order and the facility NOA, including the MRP, shall be kept at the facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.
- e. The Discharger shall comply with all conditions of this General Order, including timely submittal of all technical and monitoring reports and implementation of required BPTCs and facility modifications. Any noncompliance with this General Order constitutes a violation of the Water Code and may be grounds for enforcement action.

- f. If, in the opinion of the State Water Board or regional water board, the Discharger fails to comply with provisions of this General Order, the State Water Board or regional water board may refer this matter to the Attorney General for judicial enforcement, issue a complaint for administrative civil liability, or take other enforcement actions. Failure to comply with this General Order may result in significant civil liabilities and criminal penalties provided by the Porter-Cologne Water Quality Control Act. The State Water Board and regional water boards reserve their right to take any enforcement actions authorized by law.
- g. The State Water Board will review this General Order periodically and will revise requirements when necessary.
- h. After notice and opportunity for a hearing, coverage of this General Order may be terminated or modified for cause, for any of the following:
 - i. Violation of any of the terms or conditions contained in this General Order.
 - ii. Obtaining this General Order by misrepresentation, or failure to fully disclose all relevant facts.
 - iii. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge.
 - iv. A material change in the character, location, or volume of discharge.
- i. The Discharger shall promptly report to the regional water board any material change or proposed change in the character, location, or volume of the discharge. The regional water board may require the Discharger to submit an NOI and/or technical report to address the change.
- j. At least **120 days** prior to termination or expiration of any lease, contract, or agreement involving disposal, recycling, or reuse areas used to justify the capacity authorized herein and assure compliance with this General Order, the Discharger shall notify the regional water board in writing describing the situation and the measures that have been, or are being, taken to assure full compliance with this General Order and NOA.
- k. Except for material determined to be confidential in accordance with California law and regulations, all reports prepared in accordance with terms of this General Order will be available for public inspection at the regional water board offices. Data on waste discharges, water quality, geology, and hydrogeology are not considered confidential.
- l. The Discharger shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with this General Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
- m. The Discharger shall maintain in good working order, and operate as efficiently as possible, any facility, treatment and control system, or monitoring device installed to achieve compliance with this General Order and the NOA. Proper operation and

maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Discharger when the operation is necessary to achieve compliance with the conditions of this General Order.

- n. The Discharger shall employ safeguards to prevent loss of control over wastes for any electrically operated equipment at the site, where the failure would cause loss of control or containment of waste materials, or a violation of this General Order. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means.
- o. The Discharger shall permit representatives of the State Water Board, regional water board, and local oversight agencies, upon presentation of proper credentials, to:
 - (a) enter premises where wastes are treated, stored, or disposed of or where records are kept, (b) copy any records required to be kept under the terms of this General Order, (c) inspect monitoring equipment required by this General Order, and (d) sample, photograph, and video record any discharge, waste, treatment or disposal system, or monitoring device.
- p. It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce its activity to maintain compliance with conditions of this General Order.
- q. In the event of any change in control or ownership of the winery or process water disposal areas, the Discharger shall immediately notify the succeeding owner or operator of the existence of this General Order by letter, a copy of which shall be immediately forwarded to the regional water board.
- r. To assume operation as Discharger under this General Order, the succeeding owner or operator shall submit an NOI to the regional water board requesting transfer of General Order coverage at least **120 days** before commencing operation of the facility. The request shall contain a statement that complies with the signatory paragraph of the Reporting Provisions section and state that the new owner or operator assumes full responsibility for compliance with this General Order. Failure to submit the request shall be considered a discharge without requirements and a violation of the California Water Code. The transfer request shall be submitted to the regional water board for consideration. The regional water board will issue an NOA when coverage of this General Order has been authorized for the new owner or operator.
- s. The Discharger shall pay an annual fee to the State Water Board in accordance with the fee schedule listed in California Code of Regulations, title 23, section 2200. Fees are based on threat to water quality and complexity ratings. The fee schedule is available at the [State Water Board fees website](https://www.waterboards.ca.gov/resources/fees/):
<https://www.waterboards.ca.gov/resources/fees/>
 - i. Reduced fees may be available for Dischargers enrolled in a certified sustainability program accepted by the State Water Board or regional water board. Additional

information is provided in the Sustainability Programs section of this General Order.

- ii. Reduced fees may be available for Dischargers enrolled in a Local Agency Oversight Program. Such Dischargers are responsible for submitting fees to the State Water Board and any required by the local agency.

CERTIFICATION

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this General Order with all its attachments is a full, true, and correct copy of a General Order adopted by the State Water Board, on <<date>>.

AYE:

NAY:

ABSENT:

ABSTAIN:

Jeanine Townsend
Clerk to the Board

ATTACHMENT A GLOSSARY

24-hour composite	Samples shall be a flow-proportioned or time-proportioned composite consisting of at least eight aliquots collected within 24 hours. Collected using automated or manual composite methods and standard collection practices.
Agronomic rate	The rate of application of nutrients in amounts no more than necessary to satisfy a plant's nutrient demand (crop uptake), considering the crop, soil, climate, irrigation method and efficiency, and leaching fraction, thus minimizing the movement of nutrients below the plant root zone. ²⁷ Application at an agronomic rate must account for nutrient loading from all sources, e.g., process water, supplemental water, process solids, fertilizers, compost and soil amendments.
Annually	Samples shall be collected at least once per calendar year. Unless otherwise specified or approved, samples shall be collected in October.
Bi-weekly	Samples shall be collected at least once every two weeks.
Bypass	Intentional diversion of waste from any portion of a treatment system.
Continuous	Specified parameter shall be measured by a meter continuously.
Daily	Samples shall be collected at least once every day.
Day	Calendar day.
Existing	Facility or system was in operation on or before the adoption date of this General Order.
FDS threshold	The FDS threshold (measured in mg/L) is equal to the annual average FDS concentration (measured in mg/L) of the facility source water plus 320 mg/L. An exceedance of the FDS threshold is not a violation of this General Order, however this General Order requires the Discharger to submit a Salt

²⁷ Adapted from the California League of Food Processors, 2007 and the State Water Board Order 2014-0090-DWQ corrected, General Waste Discharge Requirements for Recycled Water Use, June 3, 2014.

	Control Plan or implement salt control BPTCs in response to non-compliance with the FDS threshold.															
Flow-weighted average	Average constituent concentration determined on a flow-proportioned basis. Calculated as the sum of the constituent concentration (in mg/L) multiplied by the flowrate (in gpd or mgd) collected across multiple periods of time (e.g., every month), then divided by the total volume discharged across the entire period (e.g., annual total).															
General minerals	Analysis for General Minerals shall include the constituents listed, at a minimum. General Minerals analyses shall be accompanied by documentation of cation/anion balance. <table><tr><td>Alkalinity</td><td>Calcium</td><td>Nitrate</td><td>Sodium</td><td>FDS</td></tr><tr><td>Bicarbonate</td><td>Magnesium</td><td>Phosphorous</td><td>Chloride</td><td>TDS</td></tr><tr><td>Carbonate</td><td>Hardness</td><td>Potassium</td><td>Sulfate</td><td></td></tr></table>	Alkalinity	Calcium	Nitrate	Sodium	FDS	Bicarbonate	Magnesium	Phosphorous	Chloride	TDS	Carbonate	Hardness	Potassium	Sulfate	
Alkalinity	Calcium	Nitrate	Sodium	FDS												
Bicarbonate	Magnesium	Phosphorous	Chloride	TDS												
Carbonate	Hardness	Potassium	Sulfate													
Irrigation cycle	Sum of days of application plus subsequent dry days between successive applications. Also referred to as discharge cycle.															
Loading rate	The loading rate (in lb/ac) is calculated as the constituent concentration (in mg/L) multiplied by the irrigated volume in one day (in MG) and multiplied by the conversion factor 8.34, then divided by the irrigated area (in acres).															
Loading rate, cycle average	Average loading rate across one irrigation cycle. Calculated as the sum of the daily loading rates (in lb/ac) in an irrigation cycle divided by total duration of the irrigation cycle (in days).															
Loading rate, instantaneous	Loading rate on the day of application.															
Monthly	Samples shall be collected at least once per month.															
New or expanding	Facility or system was constructed and/or began operations after the adoption date of this General Order.															
Process water	Wastewater generated from the wine making process. Winery process water includes, but is not limited to, grape juice, washwater, solids leachate, cooling water, cleaning chemicals, water softener regeneration brine, and stormwater directed through the process water collection, treatment, or disposal system and/or land applied.															
Quarterly	Samples shall be collected at least once per calendar quarter. Unless otherwise specified or approved, samples shall be collected in January, April, July, and October.															

Regional water board	Regional water quality control board. Also refers to Regional Water Board Members or staff. All references to a regional water board include the Executive Officer, who may act for the regional water board in carrying out this General Order (Water Code, sections 13050(b) and 13223).
Semi-annually	Samples shall be collected at least twice per calendar year. Unless otherwise specified or approved, samples shall be collected in April and October.
Setback	Minimum horizontal distance between two features.
State Water Board	State Water Resources Control Board. Also refers to State Water Board Members, Executive Director, Division of Water Quality Deputy Director, or staff.
Upset	An exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations due to factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper action.
Weekly	Samples shall be collected at least once per week.
Year	Refers to calendar year unless otherwise noted.

STATE WATER BOARD
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

**ATTACHMENT B
NOTICE OF INTENT**

The State Water Board and regional water board may provide procedures for electronic submittal or modifications to the Notice of Intent (NOI) and its associated supporting information or documents.

Discharger Information

Facility owner name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Owner type: (mark one)

☐ Individual ☐ Corporation ☐ Partnership

☐ Other (please specify): _____

Federal Tax Identification Number: _____

Secretary of State Business License Number: _____

Operator Information (if different from facility owner information)

Operator name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

ATTACHMENT B – NOTICE OF INTENT
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

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Operator type: (mark one)

☐ Individual ☐ Corporation ☐ Partnership

☐ Other (please specify): _____

Disposal Area Information (if landowner different from facility owner)

Landowner name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Owner type: (mark one)

☐ Individual ☐ Corporation ☐ Partnership

☐ Other (please specify): _____

Facility Information

Winery name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Facility type:

☐ Existing operation ☐ New operation

Assessor's parcel numbers

Facility: _____

Discharge point 1: _____

Discharge point 2: _____

ATTACHMENT B – NOTICE OF INTENT
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

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Latitude (lat) and Longitude (long): *(in degrees, minutes, seconds)*

Facility: lat: _____ long: _____
Discharge point 1: lat: _____ long: _____
Discharge point 2: lat: _____ long: _____

Type of Discharge:

Type of discharge described in this application: **Waste Discharge to land**

Mark all that apply:

☐ Industrial process water ☐ Domestic wastewater treatment, disposal
☐ Waste pile ☐ Process water reclamation

Reasons for Filing

Mark all that apply:

☐ New discharge or facility ☐ Change in design or operation
☐ Change in quantity/type of discharge ☐ Change in ownership/operator
☐ Waste discharge requirements update
☐ Other (please specify): _____

California Environmental Quality Act (CEQA)

Name of lead agency: _____

Has a public agency determined that the proposed project is exempt from CEQA?

☐ Yes ☐ No

If yes, state the basis for the exemption and name of the agency supplying the exemption:

Has a "Notice of Determination" been filed under CEQA?

☐ Yes ☐ No

ATTACHMENT B – NOTICE OF INTENT
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

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If yes, enclose a copy of the CEQA document, environmental impact report (EIR), or Negative Declaration. If no, identify the expected type of CEQA document and expected completion date.

Expected CEQA documents: ☐ EIR ☐ Negative Declaration

Expected CEQA completion date: _____

Other Permits

Is the facility discharge covered by another permit, waiver, or other permitting mechanism? (e.g., NPDES Industrial Stormwater General Permit or Irrigated Lands Regulatory Permit waste discharge identification number(s))

☐ Yes ☐ No

For each permit, waiver, or permitting mechanism, list the type, issuing agency, and date of issuance:

Tier Specification

☐ Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Tier 4
☐ De minimis

Current winery effluent flow (gallons per year): _____

Winery effluent flow at facility buildout (gallons per year): _____

Site Conditions

Process water is discharged to: (check all that apply)

☐ Pond(s) ☐ Land application area ☐ Subsurface disposal area
☐ Other (publicly owned treatment works, tanks)

Process solids are disposed of via: (check all that apply)

☐ Land application area ☐ Offsite reuse or disposal

Technical Report

Provide a complete technical report with all the information required in Attachment C of this General Order.

The technical report includes a complete characterization of the discharge and a site map showing the location of the facility. A complete characterization includes, but is not limited to, design and actual flows, a list of constituents and the discharge concentration of each constituent, a list of other appropriate waste discharge characteristics, a description and schematic drawing of all treatment processes, a description of any BPTC measures used, and a description of disposal methods.

Filing Fee

Pursuant to Water Code section 13260 et seq., Dischargers enrolled under this General Order are required to pay an annual fee, as determined by the State Water Resources Control Board. The filing fee accompanying this NOI is the first year's annual fee. The annual fee is based on the threat to water quality and complexity of the discharge in accordance with California Code of Regulations, title 23, section 2200. Dischargers enrolled under this General Order will be assigned a threat to water quality and complexity rating as described in the General Order and will be assessed the corresponding fee, plus any applicable surcharges. The NOI is to be accompanied by a check, made out to the State Water Resources Control Board for payment of the filing fee.

Certification

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name: _____ Title: _____

Signature: _____ Date: _____

INTERNAL OFFICE USE ONLY

Date NOI received: _____ Letter to Discharger: _____

Fee amount received: _____ Check number: _____

ATTACHMENT C
TECHNICAL REPORT FOR REPORT OF WASTE DISCHARGE

Pursuant to Water Code, section 13267, Dischargers may be required to furnish, under penalty of perjury, technical or monitoring program reports as a condition of this MRP. The information presented in the technical report is required by Water Code, section 13267 and is relied upon by the regional water board to prepare the Notice of Applicability (NOA) for coverage under the General Order. The Discharger shall ensure that the information presented in the technical report is accurate. Misstatements, errors, or omissions that exist in the technical report may be included in the NOA and become enforceable.

The technical report outline presented below is intended to provide general guidance for Dischargers and consultants and should be tailored to a facility's site-specific conditions as appropriate. Submitting a technical report consistent with this format will assist the Discharger in providing the necessary information to the regional water board, expedite review of the technical report, and streamline the permitting process. It is recommended that the Discharger contact their regional water board to discuss the project before preparing the technical report. The State Water Board and regional water board may provide procedures for electronic submittal or modifications to the technical report, its associated supporting information or documents, and the issuance of the NOA.

1. FACILITY BACKGROUND

1.1. Facility Description

- 1.1.1. Describe what the facility does and any previous uses at the site. Describe major facility operations (e.g., operates vineyards, crushes grapes, receives grape juice, makes grape juice and/or wine) and whether the facility operates year-round or for specific months (e.g., crush only).
- 1.1.2. Describe all the water supply sources (e.g., onsite groundwater well, municipal connection). Describe water sources used for supplemental irrigation (e.g., irrigation canal, agricultural well).
- 1.1.3. Describe how domestic wastewater is managed (e.g., community sewer connection, portable toilets, septic system).
- 1.1.4. For facilities with existing permit coverage (e.g., waste discharge requirements, county permit), provide the permit or order number and site Waste Discharger Identification (WDID) number.

1.2. Facility Maps

- 1.2.1. Provide a location map showing the property boundaries of the facility and disposal areas relative to key features (e.g., surface water bodies, drainage features, parcel boundaries, city or county boundary, etc.).

1.2.2. Provide a site plan (a scaled and labeled plan view drawing) showing key site features (e.g., processing areas, crush pads, storage areas, storage tanks, loading areas, ponds, land application areas, subsurface treatment system and disposal areas, water supply wells, monitoring wells). Identify sample locations and flowmeter locations.

1.2.3. Provide the associated Assessor Parcel Numbers (APN), section numbers, township and range for the facility and land discharge areas.

1.3. California Environmental Quality Act (CEQA)

1.3.1. If a CEQA evaluation was prepared or a categorical exemption employed, provide a copy to the regional water board.

2. FACILITY TIER AND WINERY EFFLUENT FLOW

2.1. Provide a table with at least **5 years** of historical annual winery effluent flow (in gallons or million gallons), including the current year, and the anticipated annual flow at facility buildout. Describe how flows were determined (e.g., flowmeter, storage tank water balance etc.).

2.2. Provide a table of the current year winery effluent flows by month (in gallons or million gallons), including the days of operation for each month.

2.3. For new wineries, provide an estimated winery effluent flow for the future year and anticipated annual flow at facility buildout.

2.4. Identify the General Order tier that is most appropriate for the facility and the rationale (e.g., tier determination based on winery process water generated).

3. PROCESS WATER GENERATION, TREATMENT, REUSE, AND DISPOSAL

3.1. Describe the winery processing operations and identify activities and areas that generate process water. Identify the activities (e.g., crushing, juice making, winemaking, blending, bottling) that occur during crush and/or the off-season.

3.2. Process Water Management

3.2.1. Describe the process water collection, treatment, reuse, and disposal systems, including use of ponds, land application, and subsurface disposal. If multiple ponds, land application sites, and/or subsurface disposal systems are used, describe how, and the proportion of, process water that is directed to each.

3.2.2. Provide a list of chemicals used during processing and cleaning. Include the chemical name, active ingredient, and annual volume used. Describe any chemicals that are disposed of separately from the process water and the disposal method, e.g., water softener brine discharged offsite.

- 3.3. Provide a process flow diagram or schematic showing the facility process water system components and the flow path from source water to final reuse or disposal. Include pretreatment (e.g., screening), chemical addition points, sampling locations, and flowmeter locations. Include the process solids generation and reuse or disposal components.
- 3.4. Process Water Ponds
 - 3.4.1. Describe the pond system (e.g., number of ponds, types of ponds), pond treatment process (e.g., aerated and number of aerators), and how process water is discharged from the winery and between ponds. Identify the pond size and water storage capacity and describe how those were determined for each pond. Identify the relative usage (e.g., operating at 70% capacity) of each pond.
 - 3.4.2. Provide normal year and wet year water balances to demonstrate that the process water ponds have sufficient capacity and meet the storm design standard. To request regional water board approval to operate a smaller pond, also provide the information described in the Pond Specifications section of the General Order.
 - 3.4.3. Provide pond characteristics (e.g., age, liner material and thickness, condition) and describe significant repairs or modifications made since the pond or pond liner was installed. To request regional water board approval to operate an existing lined or unlined pond, also provide the information described in the Pond Specifications section of the General Order.
- 3.5. Land Application Area
 - 3.5.1. Describe how process water is delivered from the winery to the land application area. Describe how supplemental irrigation water is delivered.
 - 3.5.2. Describe the land application area (e.g., total and usable acreage, how it is subdivided), irrigation method and field rotation, tailwater collection and return system (if applicable), types of crops grown and harvested, typical growing season, fertilizers used, organic and inorganic soil amendments used, .
 - 3.5.3. If process solids are used as a soil amendment, describe the land application process, annual amount of solids applied, and the parcel and acreage.
- 3.6. Subsurface Disposal Systems
 - 3.6.1. Describe how process water is discharged from the winery to the subsurface disposal system.
 - 3.6.2. Describe the subsurface treatment process, treatment capacity, and relative usage (e.g., operating at 70% capacity).
 - 3.6.3. Describe the subsurface disposal area (e.g., total and reserve acreage, how it is subdivided), subsurface distribution system, dosing method and field rotation, types of crops grown and harvested, and typical growing season.

- 3.6.4. If the system receives domestic wastewater, describe how the commingled wastewater is managed and disposed.

4. WATER QUALITY

4.1. Source Water

- 4.1.1. Describe the facility source water supply. Provide water quality data in tabular form characterizing the source water, including the constituents listed in the Source Water Monitoring section of the MRP.

4.2. Process Water

- 4.2.1. Provide water quality data in tabular form characterizing the winery effluent, including the constituents listed in the Winery Effluent Monitoring section of the MRP.
- 4.2.1.1 Describe how the winery effluent data compares to the FDS threshold and what salt control measures are currently employed.
- 4.2.2. Provide water quality data in tabular form characterizing the discharge to the land application area, including the constituents listed in the Effluent to Land Application Area Monitoring section of the MRP.
- 4.2.3. Provide water quality data in tabular form characterizing the discharge to the subsurface disposal area and the hydraulic loading. Include the constituents listed in the Effluent to Subsurface Disposal Area Monitoring section of the MRP.

5. SOLIDS MANAGEMENT

- 5.1. Describe how process solids are generated, stored, reused, and disposed.
- 5.2. Describe how crush pads, solids storage containers, and solids stockpiles are managed to control and contain leachate. Describe how leachate is treated and disposed. Describe if leachate and stormwater that fall on crush pads are managed differently (e.g., valving system to direct to different ponds).
- 5.3. Provide the amount of process solids (in tons) generated annually. If process solids are generated from multiple sources (e.g., process screenings, pond dredging), identify the amount (in tons) or proportion from each source. If multiple disposal methods are used, identify the amount (in tons) or proportion directed to each.
- 5.4. Provide process solids characterization data (e.g., moisture and nitrogen content) if available.

6. GROUNDWATER CHARACTERIZATION

- 6.1. Describe the groundwater monitoring well network (including well ID, location, well survey coordinates, well depth, screened interval, and whether wells are upgradient or downgradient) and when monitoring began.

- 6.2. Provide historical data in tabular form characterizing the underlying groundwater, including the constituents and parameters listed in the Groundwater Monitoring section of the MRP, if available.

7. FACILITY IMPROVEMENTS AND PROPOSED SCHEDULE

- 7.1. Describe any proposed changes to the facility (e.g., new land application areas, pond expansion) and/or material changes to the discharge. Identify any facility changes or BPTC measures required in this General Order that are not in immediate compliance.
- 7.2. Provide a proposed schedule for the facility changes. If any proposed completion dates exceed the compliance timeframes in this General Order, provide technical and/or economic justification to support the proposed schedule.

8. SUMMARY INFORMATION

- 8.1. Provide the following information for the facility.

a) Discharger name: _____

b) Facility name: _____

c) Proposed General Order tier: _____

d) Processing season:

Crush: Days of operations: _____ Which months: _____

Off-season: Days of operations: _____ Which months: _____

e) Winery effluent flow:

Current year (gal/yr): _____ Buildout (gal/yr): _____

f) Process solids:

Current year (ton/yr): _____ Disposal method: _____

g) Ponds:

#1: Size (gal): _____ Treatment type: _____ Liner type: _____

#2: Size (gal): _____ Treatment type: _____ Liner type: _____

#3: Size (gal): _____ Treatment type: _____ Liner type: _____

h) Land application area:

Total acres: _____ For process water: _____ For solids: _____

Crop grown: _____ Growing months: _____

Crop grown: _____ Growing months: _____

If process water directed to LAA and SDS, proportion to LAA (%): _____

i) Subsurface disposal system:

Treatment type: _____ Disposal area (acres): _____

Crop grown: _____ Growing months: _____

Crop grown: _____ Growing months: _____

If process water directed to LAA and SDS, proportion to SDS (%): _____

j) Groundwater monitoring network:

No. of wells: _____ Avg depth to GW (ft): _____

Indicate if wells are site-wide or monitor for a specific feature: _____

List features: _____

9. CERTIFICATION

"I certify under penalty of perjury that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the program or those directly responsible for gathering the information, the information submitted is, true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this General Order, including the criteria for eligibility and the development and implementation of the local agency oversight program, if required, will be complied with."

Print Name: _____ Title: _____

Signature: _____ Date: _____

STATE WATER RESOURCES CONTROL BOARD
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

ATTACHMENT D
NOTICE OF TERMINATION

The State Water Board and regional water board may provide procedures for electronic submittal or modifications to the Notice of Termination and its associated supporting information or documents.

Discharger Information

Facility owner name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Owner type: (mark one)

☐ Individual ☐ Corporation ☐ Partnership

☐ Other (please specify): _____

Federal Tax Identification Number: _____

Operator Information (if different from facility owner information)

Operator name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Operator type: (mark one)

☐ Individual ☐ Corporation ☐ Partnership

☐ Other (please specify): _____

Disposal Area Information (if landowner different from facility owner)

Landowner name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Owner type: (mark one)

☐ Individual ☐ Corporation ☐ Partnership

☐ Other (please specify): _____

Facility Information

Winery name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Assessor's parcel numbers

Facility: _____

Discharge point 1: _____

Discharge point 2: _____

Latitude (lat) and Longitude (long): *(in degrees, minutes, seconds)*

Facility: lat: _____ long: _____

Discharge point 1: lat: _____ long: _____

Discharge point 2: lat: _____ long: _____

ATTACHMENT D – NOTICE OF TERMINATION
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

D-3

Reasons for Filing

Mark all that apply:

- ☐ Operations will cease and closure activities will be completed.
☐ Operations are subject to another permit, waiver, or permitting mechanism.

Please list the type, issuing agency, and date of issuance:

☐ Operations are no longer subject to the General Order.

Please explain: _____

☐ Other (please specify): _____

Tier Specification

- ☐ Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Tier 4
☐ De minimis

Discharger Responsibilities

The Discharger is responsible for compliance with the General Order and payment of annual fees until a completed Notice of Termination (NOT) is approved by the regional water board.

Certification

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name: _____ Title: _____

Signature: _____ Date: _____

INTERNAL OFFICE USE ONLY

Date NOT received: _____ Letter to Discharger: _____

STATE WATER RESOURCES CONTROL BOARD
ORDER WQ-XXXX-XXXX-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS FOR
WINERY PROCESS WATER

ATTACHMENT E
LOCAL AGENCY OVERSIGHT PROGRAM

The State Water Board and regional water board may provide procedures for electronic submittal or modifications to the Local Agency Oversight Program application and its associated supporting information or documents.

A. INTRODUCTION

Some local agencies¹ have historically provided oversight of land applied winery process water discharges that are often issued waste discharge requirements (WDRs) from regional water quality control boards (regional water boards). This statewide winery general order (General Order) provides an administrative procedure to formalize local agency oversight. However, a regional water board may restrict the local agency oversight. To obtain local oversight authority, a local agency shall:

1. Submit the local oversight application to the regional water board;
2. Obtain written approval from the regional water board or State Water Board; and,
3. Implement the approved program and comply with the required reporting.

To apply for local oversight authority, a local agency shall fill out the attached application form and provide all additional information required and/or requested by the regional water board or State Water Board. The requirements in this Attachment are issued pursuant to Water Code section 13225(c).

B. LOCAL AGENCY QUALIFICATIONS

The regional water board will evaluate the local agency's eligibility for authorization to act in the local oversight capacity. The local agency shall demonstrate having the following to be deemed a Local Agency Program Administrator:

1. Governmental authority - the agency shall have the ability to develop and implement a local ordinance or similar permitting authority adequate to provide authorization, monitor performance, and compel compliance for General Order violations.

¹ A local agency may be any governmental organization that can provide oversight and has the authority to develop and implement an ordinance providing administrative authority consistent with the requirements in this General Order.

2. Adequate personnel to effectively implement the local ordinance – the agency organizational structure shall provide adequate oversight including permitting, fee collection, design and technical report reviews, inspection, and enforcement activities.
3. Technical expertise in the areas of winery processes, water quality, winery process water treatment, winery process water disposal, groundwater quality assessment, and General Order requirements, including specific winery tier conditions.
4. Funding mechanisms to ensure on-going support for the technical, administrative, and overhead costs of the local oversight program.
5. Local agencies may limit their program applicability to prescribed winery size, subareas within their jurisdiction, winery process water treatment methods, or other technical criteria. For cause, a local agency may determine that a winery is not eligible for initial or continued local agency oversight and shall seek primary oversight from the regional water board.

C. LOCAL AGENCY OVERSIGHT CONDITIONS

General Provisions

1. All wineries that receive local agency oversight shall enroll under this General Order.
2. The State Water Board and regional water boards retain enforcement authority related to this General Order regardless of Discharger participation in a local agency oversight program.
3. The regional water board may limit the General Order tiers covered by a Local Agency Oversight Program.
4. The local agency acts as an administrator in implementing the requirements of this General Order.
5. The local agency shall design the oversight program to, at a minimum, comply with the evaluation and performance requirements of this General Order.
6. The monitoring requirements and practices described in the General Order Monitoring and Reporting Program (MRP) are, generally, minimum levels of monitoring. The local agency may make requirements more stringent, including requiring additional monitoring if necessary. Additional monitoring, beyond that specified in this General Order, is acceptable and may be necessary to ensure proper performance of the process water systems, such as in response to treatment changes or investigations of uncertainties. Results of additional monitoring conducted for monitoring stations and parameters given in the MRP shall be reported in accordance with Monitoring, Inspection, and Compliance Reporting section of Attachment E. Other additional monitoring conducted shall be explained in the monitoring reports, and the data shall be made available to the regional water board upon request.

Monitoring, Inspection, and Compliance Reporting

1. The local agency shall have a General Order compliance program including inspection and enforcement procedures. All records shall be available and provided to the regional water board upon request.
2. The local agency shall have a construction inspection program including procedures for field inspection, documentation of construction activities, and permitting. All records shall be available and provided to the regional water board upon request.
3. The local agency shall retain, for a period of at least **3 years**, either a paper or electronic copy of all Local Agency Oversight Program documentation.
4. Spill or Illicit Discharge Reporting – The local agency is required to report (e.g. phone call or email) to the regional water board any spill or illicit discharge incidents from a facility in the Local Agency Oversight Program within **24 hours** and provide a written follow-up of the incident within **10 days** of the occurrence.
5. Annual Reporting – The local agency is required to provide an Annual Report to the appropriate regional water board pursuant to Water Code section 13225(c) by **June 1** of the following calendar year. The Annual Report shall include:
 - a. A list of wineries enrolled under the Local Agency Oversight Program, including the following for each winery on the list: the winery name; facility address; General Order tier; disposal types (LAA, SDS, pond, combination) and volumes per system, total annual process water discharge (effluent) volume for the facility, associated compliance schedules and full compliance/end date, .
 - b. A summary of General Order violations; violations found during inspections of wineries; and, corrective actions taken per enrolled winery.
 - c. A list of wineries inspected by the Local Agency Program Administrator.
 - d. If requested by the regional water board, water quality monitoring data collected per this General Order to adequately characterize the impacts of winery process waste on groundwater or surface water quality.

D. APPLICATION

Local Agency Information

Local agency name: _____

Street address: _____

City: _____

County: _____ State: _____ Zip: _____

Contact person name: _____

Contact person title: _____

Telephone: _____ Email: _____

Alternate contact name: _____

Alternate contact title: _____

Telephone: _____ Email: _____

Local Agency Oversight Program Applicability

Describe the winery tiers, process water treatment systems, and disposal alternatives the program will address. Provide additional information as necessary. Indicate the tiers are eligible for coverage under the agency program:

☐ Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Tier 4

☐ De minimis

Application Report: Agency Description of Local Oversight Program

Include a report with the application describing each of the following items, include documentation when appropriate.

1. Documentation of the agency's legal authority to implement the Local Agency Oversight Program. Include a copy of the existing or proposed ordinance.
2. Program requirements.
3. Local agency fee schedule for enrollees.
4. Program exceptions for addressing General Order tiers.

5. List of reference links for rules, regulations, ordinances, design standards, and/or technical guidance materials used to implement the local oversight program.
6. Mark all of the following that have been developed, or in the process of development in the local oversight program geographic area(s). Attach additional information as appropriate.

- ☐ Sustainable Groundwater Management Act (SGMA) Groundwater Management Agency (formed)
- ☐ SGMA Groundwater Sustainability Plan
- ☐ Wellhead Protection Plan
- ☐ Salt and Nutrient Management Plan(s) (SNMP)
- ☐ Winery Sustainability Program
- ☐ Recycled Water Distribution
- ☐ Irrigated Lands Regulatory Program enrollment
- ☐ Tank and Haul operation ordinances
- ☐ Authorizations to discharge into a publicly owned treatment works
- ☐ Local Agency Management Plan for Onsite Wastewater Treatment Systems

Certification

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name: _____ Title: _____

Signature: _____ Date: _____

ATTACHMENT F TRIBAL MITIGATION MEASURES

A. Introduction

This attachment to the General Waste Discharge Requirements for Winery Process Water (General Order) describes procedures Dischargers shall comply with under specific situations to protect tribal cultural resources (TCRs) for permit coverage under this General Order. The mitigation measures outlined in this General Order are not intended to replace those that may be developed and implemented by: 1) the appropriate local land use authorities and other public agencies with permitting authority over a specific project or 2) a new winery operation subject to a site-specific project level California Environmental Quality Act (CEQA) analysis. TCRs are defined in California Public Resources Code (PRC) section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed, or eligible for listing, in the California Register of Historical Resources;
2. Listed in a local register of historical resources as defined in PRC section 5020.1(k); or,
3. Determined to be a resource by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1.

The Discharger shall comply with the appropriate mitigation measures described below to identify and protect TCRs at new or expanding wineries. Any information regarding TCRs obtained during tribal consultation shall comply with all applicable laws related to confidentiality and public disclosure of the information.

B. Procedures for TCR Evaluation at New or Expanding Wineries

The Discharger shall perform a Native American archaeological resources records search at the appropriate regional information center of the California Historical Resources Information System (CHRIS) before engaging in any significant ground disturbing winery activities at a new or expanding winery. Examples of significant ground disturbing activities include, but are not limited to, new deep ripping, trenching, excavation, road construction, or pond construction. The results shall be documented. The requirement to perform a CHRIS records search may be satisfied by using the results of a previous CHRIS records search completed for the specific parcel or parcels where the new or expanding winery activities are proposed to occur. The Discharger shall:

1. Contact the culturally affiliated California Native American tribes to report any Native American archaeological sites or artifacts identified in a CHRIS positive result;

2. Notify the regional water board Executive Officer if they receive a CHRIS positive result or Sacred Lands Inventory positive result; and,
3. Conduct a physical cultural resources survey for the property/area if a prior physical cultural resources survey has not been conducted.

The Discharger shall conduct the following process for a physical cultural resources survey:

1. Request a Sacred Lands Inventory for the project area from the Native American Heritage Commission;
2. Contact the local tribes about the project to inquire about TCRs in the project area;
3. Conduct a survey of the property;
4. Record potential historical and archaeological resources; and,
5. Write a report of their findings which shall be submitted to the appropriate regional information center of the CHRIS and the regional water board.

The Discharger can demonstrate CEQA compliance for the surveyed portion of the property by using previously completed survey reports or record search results if TCRs were not identified for that portion of the winery property/parcel. No further action is required by the Discharger for that portion of the property/parcel if the report or prior report finds no TCRs.

The Discharger and/or the regional water board shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe when the survey and research reveal a TCR or a Sacred Lands Inventory positive result. The Discharger shall:

1. Provide the proposed final conservation measures to the California Native American tribes that are potentially culturally affiliated (affected tribes) for a **30 day** comment period;
2. Demonstrate the goal of conserving TCRs with appropriate dignity by careful consideration of any comments or mitigation measure recommendations submitted by the affected tribe(s) within this **30 day** comment period;
3. Implement the proposed final conservation measures if no comments are received from the affected tribe(s) or comments from the affected tribe(s) have been addressed through mitigation measures such as avoidance of the area, fencing, soil capping, onsite burial, or other equally protective measures (see Mitigation Measures to Protect TCR Sites on Wineries below); and,
4. Provide a copy of the final mitigation and conservation measures to any affected tribe(s) identified by the Native American Heritage Commission and to the regional water board Executive Officer. Final mitigation measures are subject to approval by the regional water board Executive Officer.

New wineries will likely be subject to a project-specific CEQA analysis by a county, city, or state agency for evaluation and approval of grading, building construction, and other environmental impacts. Expanding wineries may include activities that require a

project-specific CEQA analysis, depending upon the need for grading, construction, or any other environmental impacts that may be caused by operation of the expanded winery. As such, the conclusions and development of mitigation measures by local land use authorities and other public agencies as they relate to potential environmental impacts for new or expanding wineries may be different than those determined in this General Order and its analysis of potential environmental impacts. Therefore, future lead agencies should base their findings on the site-specific information developed for the project. The Discharger shall provide the regional water board Executive Officer any findings from a project-specific CEQA analysis such as a CHRIS positive result or Sacred Lands Inventory positive result.

C. Procedures for Discovery During Significant Ground Disturbing Activities

The Discharger shall immediately cease significant ground disturbing winery activities regulated under this General Order within 50 feet (100-foot diameter circle) of any uncovered or discovered indicators of a TCR, suspected archaeological materials, or discovery of a TCR. The Discharger shall:

1. Notify the Native American Heritage Commission within **7 days** of the discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery (potentially affected tribes);
2. Notify any potentially affected tribe(s) of the discovery within **48 hours** of receiving the list from the Native American Heritage Commission;
3. Develop any necessary mitigation measure proposals, which may include those listed in the Mitigation Measures to protect TCR Sites on Wineries section below);
4. Submit the proposed final mitigation measures to the potentially affected tribe(s) for a **30 day** comment period;
5. Demonstrate the goal of conserving TCRs with appropriate dignity by careful consideration of any comments or mitigation measure recommendations submitted by the potentially affected tribe(s) within this **30 day** comment period;
6. Implement the proposed final conservation measures if no comments are received from the affected tribe(s) or comments from the affected tribes have been addressed through mitigation measures such as avoidance of the area, fencing, soil capping, onsite burial, or other equally protective measures (see the Mitigation Measures to Protect TCR Sites on Wineries section below); and,
7. Provide a copy of the final mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission and to the regional water board Executive Officer.

The final mitigation measures are subject to approval by the regional water board Executive Officer. The regional water board Executive Officer shall require mitigation measures (e.g., from the list below) when the affected tribe(s) and the Discharger cannot reach an

agreement. Winery activities can resume within the affected zone upon affected tribe(s)/Discharger agreement or Executive Officer approval.

D. Mitigation Measures for Treatment of Human Remains

The Discharger shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 upon discovery of any human remains. The Discharger shall take the following actions upon the discovery of human remains:

1. Immediately cease all ground-disturbing activities in the vicinity of the discovery;
2. Immediately notify the county coroner;
3. Discontinue ground disturbing activities until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met; and,
4. Ensure that the human remains are treated with appropriate dignity.

The coroner has **2 working days** to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative per Health and Safety Code section 7050.5, and **24 hours** to notify the Native American Heritage Commission for Native American remains. The Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American per Public Resources Code section 5097.98. The most likely descendent has **48 hours** from the time they are granted access, to make recommendations to the landowner or representative for the treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.

The landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98 if the:

1. Native American Heritage Commission is unable to identify a descendant;
2. Mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner;
3. Most likely descendent does not make recommendations within **48 hours**;
4. Most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98; and/or,
5. Landowner does not accept the descendant's recommendations. The landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

E. Mitigation Measures to Minimize and Avoid Significant Adverse Impacts to TCR Sites on Wineries

The following are examples of mitigation measures that, if feasible for a given site, may be used to minimize and avoid significant adverse impacts to TCR sites:

1. Avoidance of the site;
2. Confidentiality of the site location;
3. Fence off or cap-in-place areas of very high sensitivity such as burial and cemetery sites;
4. Use aboveground irrigation lines or route irrigation lines around TCR sites;
5. Avoid irrigation or waste discharge over TCR sites;
6. Provide worker training about potential TCR resources in the area;
7. Protect the cultural character and integrity of the resource; and/or,
8. Other effective mitigation measures that reduce impacts to TCR sites to a less than significant level.

Note: Not all mitigation measures will apply to individual wineries. Appropriate selection of the mitigation measures above as tailored to a project's individual impacts will reduce impacts to a less than significant level.

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ATTACHMENT G
MONITORING AND REPORTING PROGRAM

This model monitoring and reporting program (MRP) contains the monitoring requirements for facilities covered by the General Waste Discharge Requirements for Winery Process Water, Order WQ 20YY-XXXX (General Order). This MRP is required pursuant to Water Code section 13267. The Discharger shall not implement any changes to the MRP unless and until a revised MRP is issued or adopted by the regional water quality control board (regional water board). Dischargers enrolled under this General Order and administratively supervised by a Local Agency Oversight Program shall comply with this MRP. A local agency may require additional monitoring and reporting, but the local agency program does not replace the requirements contained herein.

The Discharger owns and/or operates the winery that is subject to the Notice of Applicability (NOA) and the General Order. The reports are necessary to ensure that the Discharger complies with the NOA and General Order. Pursuant to Water Code section 13267, the Discharger shall implement this MRP and shall submit the monitoring reports described herein. Pursuant to Water Code section 13268, failure to submit technical or monitoring program reports or a statement of compliance as described herein or falsifying information is guilty of a misdemeanor and may be subject to enforcement action.

The State Water Board and regional water boards have transitioned primarily to a paperless office system and may provide procedures for electronic submittal or modifications to the MRP and its associated supporting information or documents. Additional information regarding submittal of electronic reports is provided under the Reporting section of this MRP.

The Discharger may submit a request to the regional water board that the MRP be revised to reduce monitoring frequency if monitoring consistently shows no significant variation in magnitude of a constituent concentration or parameter after at least **2 years** of monitoring. The proposal shall include adequate technical justification for the requested reduction in monitoring frequency and be approved in writing by the regional water board Executive Officer.

Dischargers in all tiers shall comply with all monitoring and reporting requirements described in this MRP unless otherwise noted. Acronyms used within this MRP are defined in the Acronyms and Abbreviations section of this General Order and a glossary of terms is included in Attachment A of this General Order.

QUALITY ASSURANCE AND CONTROL

All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. The Discharger shall use clean sample containers and sample handling, storage, and preservation methods in accordance with approved U.S. EPA analytical

methods or as recommended by the selected analytical laboratory. All analytical samples shall be labeled and records maintained to show the name of the sampler, date, time, sample location, sample type, collection method, bottle type, and any preservative used for each sample. All samples collected for laboratory analyses shall be preserved as required and submitted to the laboratory within the required holding time appropriate for the analytical method used and the constituents analyzed.

All samples submitted to a laboratory for analysis shall be identified in a properly completed and signed chain of custody form containing the sampler, date, time, sample location, sample type, collection method, bottle type, and any preservative used for each sample. The chain of custody form shall also contain custody information, including the date, time, transport method, and to whom samples were relinquished.

Consistent with Water Code section 13176, data produced and reports submitted for compliance with this General Order must be generated by a laboratory with accreditation from the State Water Board, Division of Drinking Water, Environmental Laboratory Accreditation Program (ELAP), where accreditation is specific to the analyses required, or the laboratory must hold a valid certificate of accreditation for equivalent analytical test methods validated for the intended uses and approved by the State Water Board or regional water board. The laboratory must include quality assurance/quality control data in all data reports and submit electronic data as required by the State Water Board and regional water boards. Data generated using field tests are exempt pursuant to California Water Code Section 13176. Field instruments may be used to test field parameters (such as for pH, electrical conductivity, and dissolved oxygen) provided that the operator is trained in the proper use of the instrument and each instrument is serviced and/or calibrated at the recommended frequency by the manufacturer and in accordance with manufacturer instructions. Field calibration reports shall be maintained for at least **3 years**.

All sample and analysis field logs, laboratory reports, and quality assurance/quality control data shall be reported with the sample results to which it applies. The reports shall include applicable information such as the method, equipment, analytical detection, quantitation limits, recovery rates, an explanation for any recovery rate that is outside method specifications, results of method blanks, results of matrix spikes and surrogate samples, and the frequency of quality control analysis. Sample results shall be reported unadjusted for blank results or spike recovery. In cases where contaminants are detected in the quality assurance/quality control samples (e.g., laboratory blanks), the accompanying sample results shall be appropriately flagged.

Monitoring information shall include the analytical laboratory reports, method detection limit (MDL), and the reporting limit (RL) or practical quantification limit (PQL). If the regulatory limit for a given constituent is less than the RL or PQL, then any analytical result for that constituent that are below the RL or PQL but above the MDL shall be reported and flagged as estimated.

SOURCE WATER MONITORING

For each source of water supply used for winery processing activities (water supply well, surface water, municipal source, etc.), the Discharger shall calculate the flow-weighted average concentration for the specified constituent using monthly flow data and the most recent chemical analysis conducted.

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Flow	gpd or mgd	Metered or recorded ⁽¹⁾	Continuous or daily ⁽²⁾
TDS	mg/L	Grab	Tier 1: Annually ⁽²⁾ Tiers 2, 3, 4: Quarterly ⁽²⁾
FDS	mg/L	Grab	Tier 1: Annually ⁽²⁾ Tiers 2, 3, 4: Quarterly ⁽²⁾
Flow-weighted FDS	mg/L	Computed average	Tier 1: Annually ⁽²⁾ Tiers 2, 3, 4: Quarterly ⁽²⁾
General minerals ⁽³⁾	mg/L	Grab	Tiers 3, 4: Annually ⁽²⁾

(1) Source water volume may be measured directly via a flowmeter or determined from customer billing information.

(2) Flow measurements and samples shall be collected when the facility is in operation and discharging process water.

(3) With the exception of wastewater samples, samples shall be filtered. If field filtering is not feasible, samples shall be collected in unpreserved containers and submitted to the laboratory within **24 hours** with a request (on the chain-of-custody form) to immediately filter then preserve the sample.

WINERY EFFLUENT MONITORING

Winery effluent flow measurements and samples are required while process water is being generated. The Discharger shall collect winery effluent flow measurements and samples after screening and at a point in the system where process water discharges from the winery but before treatment in a pond, land application area, or subsurface disposal system. For each winery effluent discharge point, the Discharger shall calculate the flow-weighted average concentration for the specified constituent using monthly flow data and the most recent chemical analysis conducted.

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<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Flow	gpd or mgd	All tiers: metered, or Tiers 1, 2: calculated ⁽¹⁾	Continuous or daily
Days of operation (generating process water)	day	NA	Daily
TDS	mg/L	Grab	Monthly
FDS	mg/L	Grab	Monthly
Flow-weighted FDS	mg/L	Computed average	Monthly

- (1) Winery effluent volume shall be measured directly via a flowmeter or, for Tier 1 and Tier 2 facilities only, may be calculated using an accurate alternative method (e.g., assume effluent flow is equal to facility source water use, calculate effluent flow from a daily water balance of all effluent storage tank levels). The regional water board may specify a required flow measurement method in the Discharger NOA.

POND MONITORING

In addition to pond samples, the Discharger shall inspect the pond and note the pond berm and liner conditions in field logs, which shall be included in the monitoring reports. Process water ponds shall be monitored until dry or until discharge is infeasible as follows:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Freeboard	0.1 foot ⁽¹⁾	Observation	Weekly
Berm condition ⁽²⁾	NA	Observation	Weekly
Liner condition ⁽³⁾	NA	Observation	When visible
Dissolved oxygen ⁽⁴⁾	mg/L	Field	Weekly
pH	pH units	Field	Weekly
EC	µmho/cm	Field	Weekly

- (1) Freeboard shall be monitored to the nearest tenth of a foot.
- (2) Inspect the pond berm for evidence of burrowing animals, erosion, cracks, and other conditions that may impact berm integrity.
- (3) Inspect the pond liner for evidence of damage (e.g., cracks, tears, punctures) and other conditions that may impact liner integrity.
- (4) Dissolved oxygen (DO) samples should be collected opposite the pond inlet between the hours of 0800 and 0900. To minimize the potential for objectionable odors, the DO content in the upper zone (one foot) of any process water pond shall be at least 1.0 mg/L.

EFFLUENT TO LAND APPLICATION AREA MONITORING

The Discharger shall collect effluent samples at a point in the system following treatment and before process water is discharged to the land application area. Time of collection of the sample shall be recorded. Effluent monitoring shall include the following:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Flow	gpd or mgd	All tiers: metered, or Tiers 1, 2: calculated ⁽¹⁾	Continuous or daily
pH	pH units	Field	Weekly
EC	µmho/cm	Field	Weekly
BOD ₅	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Weekly
TSS	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Weekly
FDS	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Monthly
TDS	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Monthly
Total Kjeldahl nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Monthly
Ammonia as nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Monthly
Nitrate as nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Monthly
Nitrite as nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Monthly
Total nitrogen	mg/L	Computed	Monthly
General minerals	mg/L	24-hour composite	Tiers 3, 4: Annually

(1) Effluent volume shall be measured directly via a flowmeter or, for Tier 1 and Tier 2 facilities only, may be calculated using an accurate alternative method (e.g., assume effluent flow is equal to facility source water use, calculate effluent flow from a daily water balance of all effluent storage tank levels). The regional water board may specify a required flow measurement method in the Discharger NOA.

LAND APPLICATION AREA MONITORING

The Discharger shall perform the following routine monitoring and loading calculations for the land application area. In addition, the Discharger shall inspect the land application area and note the field conditions in field logs, which shall be included in the monitoring reports. Data shall be collected and presented in tabular format and shall include the following:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Field conditions ⁽¹⁾	NA	Observation	Weekly
Application field number	NA	NA	Daily
Application area	acres	NA	Daily
Process water flow	gpd or mgd	All tiers: metered, or Tiers 1, 2: calculated ⁽¹⁾	Continuous or daily
Process water loading	in/d/ac ⁽³⁾	Calculated	Daily
Supplemental water flow	gpd or mgd	Meter or estimated	Daily
Supplemental water loading	in/d/ac ⁽³⁾	Calculated	Daily
Precipitation	Inches	Rain gauge ⁽⁴⁾	Daily
Total hydraulic loading ⁽⁵⁾	in/mo/ac ⁽³⁾	Calculated	Monthly
<u>BOD₅ loading</u> ⁽⁶⁾			
Day of application	lb/ac/d	Calculated	Daily
Cycle average	lb/ac/d	Calculated	Daily
<u>Nitrogen loading</u> ⁽⁷⁾			
From process water	lb/ac/mo	Calculated	Monthly
From fertilizers	lb/ac/mo	Calculated	Monthly
From process solids	lb/ac/mo	Calculated	Monthly
From other sources	lb/ac/mo	Calculated	Monthly
Cumulative nitrogen loading	lb/ac/yr	Calculated	Annually
<u>Salt loading</u> ⁽⁸⁾			
From process water	lb/ac/mo	Calculated	Monthly
Cumulative salt loading	lb/ac/yr	Calculated	Annually

(1) Inspect the land application area for evidence of erosion, field saturation, runoff, or presence of nuisance conditions (e.g., flies, ponding, etc.).

(2) Process water flow volume shall be measured directly using a flowmeter or, for Tier 1 and Tier 2 facilities only, may be calculated using an accurate alternative method (e.g., assume effluent flow is equal to facility source water use, calculate effluent flow from a daily water balance of all effluent storage tank levels). The regional water board may specify a required flow measurement method in the Discharger NOA.

(3) Report to the nearest 0.001 inch.

- (4) National Weather Service or California Irrigation Management Information System (CIMIS) data from the nearest weather station is acceptable.
- (5) Combined loading from wastewater, supplemental irrigation water, and precipitation.
- (6) BOD₅ loading rates shall be calculated using the applied volume of process water, applied acreage, and the average of the three most recent results of process water BOD₅.
- (7) Nitrogen loading shall be calculated using the applied volume of process water, applied acreage, and average process water concentration for total nitrogen. Include loading from other sources of nitrogen applied to the land as applicable, including fertilizers, process solids, soil amendments, supplemental irrigation water, etc.
- (8) Salt loading shall be calculated using the applied volume of process water, applied acreage, and average process water concentrations for FDS.

SUBSURFACE DISPOSAL SYSTEM MONITORING

The Discharger shall conduct settling tank monitoring including the following:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u> ⁽¹⁾	<u>Frequency</u>
Thickness of accumulated sludge and floating scum layer in each tank compartment	Inches	Staff gauge	Annually
Vertical distance between bottom of floating scum layer and top of tank outlet	Inches	Staff gauge	Annually
Vertical distance between top of accumulated sludge layer and bottom of tank outlet	Inches	Staff gauge	Annually

(1) Or an equivalent measuring method.

EFFLUENT TO SUBSURFACE DISPOSAL AREA MONITORING

The Discharger shall collect effluent samples at a point in the system following subsurface disposal system treatment and before process water is discharged to the subsurface disposal area. Time of collection of the sample shall be recorded. Effluent monitoring shall include the following:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Flow	gpd or mgd	All tiers: metered, or Tiers 1, 2: calculated ⁽¹⁾	Continuous or daily
pH	pH units	Field	Weekly
EC	µmho/cm	Field	Weekly
BOD ₅ ⁽²⁾	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
TSS	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
FDS	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
TDS	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
Total Kjeldahl nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
Ammonia as nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
Nitrate as nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
Nitrite as nitrogen	mg/L	Tiers 1, 2: Grab Tiers 3, 4: 24-hour composite	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
Total nitrogen	mg/L	Computed	Tiers 1, 2: Bi-weekly Tiers 3, 4: Weekly
General minerals	mg/L	24-hour composite	Tiers 3, 4: Annually

(1) Effluent volume shall be measured directly via a flowmeter or, for Tier 1 and Tier 2 facilities only, may be calculated using an accurate alternative method (e.g., assume effluent flow is equal to facility source water use, calculate effluent flow from a daily water balance of all effluent storage tank levels). The regional water board may specify a required flow measurement method in the Discharger NOA.

(2) Five-day, 20 °C biochemical oxygen demand (BOD₅).

SUBSURFACE DISPOSAL AREA MONITORING

Subsurface disposal area monitoring is required while process water is being discharged from the system. The Discharger shall perform the following routine monitoring and loading calculations for the land application area. In addition, the Discharger shall inspect the land application area and note the field conditions in field logs, which shall be included in the monitoring reports. Data shall be collected and presented in tabular format and shall include the following:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Disposal area conditions ⁽¹⁾	NA	Observation	Weekly
Disposal area field number	NA	NA	Daily
Disposal area acreage	Acres	NA	Daily
Precipitation	Inches	Rain gauge ⁽²⁾	Daily
Process water flow	gpd or mgd	All tiers: metered, or Tiers 1, 2: calculated ⁽¹⁾	Continuous or daily
Hydraulic loading	gal/sqft/d ⁽⁴⁾	Calculated	Daily
Hydraulic loading	gal/sqft/mo ⁽⁴⁾	Calculated	Monthly

- (1) Inspect the dosing system (e.g., pump controllers, valves, distribution piping) and identify maintenance and repair needs. Inspect the subsurface disposal area for evidence of erosion, deep-rooted plants, burrowing animals, field saturation, water surfacing, runoff, or presence of nuisance conditions (e.g., odors, flies, ponding, etc.).
- (2) National Weather Service or CIMIS data from the nearest weather station is acceptable.
- (3) Process water flow volume shall be measured directly via a flowmeter or, for Tier 1 and Tier 2 facilities only, may be calculated using an accurate alternative method (e.g., assume effluent flow is equal to facility source water use, calculate effluent flow from a daily water balance of all effluent storage tank levels). The regional water board may specify a required flow measurement method in the Discharger NOA.
- (4) Measured as gallons per square foot of discharge trench per day (gal/sqft/d) or gallons per square foot of discharge trench per month (gal/sqft/mo).

SOLIDS MONITORING

Process solids monitoring shall include the following:

<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Solids source ⁽¹⁾	NA	NA	Monthly
Solids generated	wet tons	Measured or estimated	Monthly
Disposal method	NA	NA	Monthly
<u>Land applied solids</u> ⁽²⁾			
Applied solids	wet tons	Measured or estimated	Each application ⁽³⁾
Application field number	NA	NA	Each application
Application area	acres	NA	Each application
Moisture content	%	Grab	Each application
Total Kjeldahl nitrogen	mg/L	Grab	Each application
Ammonia as nitrogen	mg/L	Grab	Each application
Nitrate as nitrogen	mg/L	Grab	Each application
Nitrite as nitrogen	mg/L	Grab	Each application
Total nitrogen	mg/L	Computed	Each application
Phosphorous	mg/L	Grab	Each application
Potassium	mg/L	Grab	Each application

(1) Identify the source of the process solids, e.g., facility screenings, pond dredging, etc.

(2) Monitor and sample solids only when process solids are applied to the LAA.

(3) Monitor and collect a representative sample for each application. Only one grab sample is required if one application from the same source occurs over multiple days or is hauled in multiple loads. For example, a stockpile of process solids that is transported in multiple trucks to the land application site is considered one application.

GROUNDWATER MONITORING

After measuring water levels and prior to collecting samples, each monitoring well shall be adequately purged until pH, temperature, and EC have stabilized. Water that has been standing within the well screen, casing, and filter pack may not be chemically representative of formation water. Depending on the hydraulic conductivity of the geologic setting, the volume of water removed during purging is typically a minimum of 3 volumes of water within the well casing and screen, or additionally the filter pack pore volume. Alternatively, low flow purging and sampling techniques may be utilized. Samples shall be collected and analyzed for the following:

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<u>Constituent / Parameter</u>	<u>Units</u>	<u>Sample Type</u>	<u>Frequency</u>
Depth to groundwater	0.1 foot ⁽¹⁾	Measured	Tier 3: Semi-annually Tier 4: Quarterly
Groundwater elevation	0.1 foot ⁽²⁾	Calculated	Tier 3: Semi-annually Tier 4: Quarterly
Groundwater gradient	feet/feet	Calculated	Tier 3: Semi-annually Tier 4: Quarterly
Groundwater flow direction	degrees	Calculated	Tier 3: Semi-annually Tier 4: Quarterly
pH	pH units	Field	Tier 3: Semi-annually Tier 4: Quarterly
EC	µmho/cm	Field	Tier 3: Semi-annually Tier 4: Quarterly
FDS	mg/L	Grab	Tier 3: Semi-annually Tier 4: Quarterly
TDS	mg/L	Grab	Tier 3: Semi-annually Tier 4: Quarterly
Total Kjeldahl nitrogen	mg/L	Grab	Tier 3: Semi-annually Tier 4: Quarterly
Nitrate as nitrogen	mg/L	Grab	Tier 3: Semi-annually Tier 4: Quarterly
Nitrite as nitrogen	mg/L	Grab	Tier 3: Semi-annually Tier 4: Quarterly
Total nitrogen	mg/L	Grab	Tier 3: Semi-annually Tier 4: Quarterly
Iron, dissolved	mg/L	Grab	Annually
Manganese, dissolved	mg/L	Grab	Annually
General minerals ⁽³⁾	mg/L	Grab	Annually

(1) Measure to the nearest tenth of a foot.

(2) Measure to the nearest tenth of a foot above mean sea level.

(3) Samples shall be filtered with the exception of wastewater samples. If field filtering is not feasible, samples shall be collected in unpreserved containers and submitted to the laboratory within **24 hours** with a request (on the chain-of-custody form) to immediately filter then preserve the sample.

REPORTING

Dischargers in all tiers shall submit Compliance Letters and Annual Reports. Tier 4 Dischargers shall also submit Quarterly Reports. Tier 3 Dischargers required to conduct semi-annual groundwater monitoring shall submit Semi-annual Reports twice a year that contain only the sections specified.

A Compliance Letter shall be submitted any month in which a violation occurs and it shall also serve as the transmittal letter accompanying each monitoring report. Standalone Compliance Letters are due by the **first day of the second month** after the monitoring period. For example, a Compliance Letter for January is due on March 1.

Dischargers shall report all groundwater monitoring results in Quarterly Reports or Semi annual Reports, which are due by the **first day of the second month** after the reporting period. The fourth quarter and second semi-annual monitoring results may be incorporated into the Annual Report instead of submitted as standalone reports.

All monitoring results for the reporting year shall be reported in the Annual Report, which is due by **April 1** after the reporting year. For example, the annual monitoring report for reporting year 2020 is due on April 1, 2021.

The reporting schedules are summarized in Tables G-1 through G-4.

Table G-1. Compliance Letter Reporting Schedule (All Tiers)

<u>Report</u>	<u>Reporting period</u>	<u>Due date</u>
Compliance letter ⁽¹⁾	Jan – Dec	First day of second month after reporting period.

(1) Submit any month in which a violation occurs. Also submit it as the transmittal letter for each monitoring report.

Table G-2. Semi-annual Reporting Schedule (Tier 3)

<u>Report</u>	<u>Reporting period</u>	<u>Due date</u>
First semi-annual	Jan – Jun	Aug 1
Second semi-annual	Jul – Dec	Feb 1

Table G-3. Quarterly Reporting Schedule (Tier 4)

<u>Report</u>	<u>Reporting period</u>	<u>Due date</u>
First quarter	Jan – Mar	May 1
Second quarter	Apr – Jun	Aug 1
Third quarter	Jul – Sep	Nov 1
Fourth quarter	Oct – Dec	Feb 1

Table G-4. Annual Reporting Schedule (All Tiers)

<u>Report</u>	<u>Reporting period</u>	<u>Due date</u>
Annual	Jan – Dec	April 1

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, sample location, constituents, concentrations, and observations are readily discernible. The data shall be summarized in such a manner that illustrates clearly whether the Discharger complies with this General Order and facility NOA. The Discharger shall include copies of analytical laboratory reports. Results of any monitoring done more frequently than specified in the MRP shall be reported in the next regularly schedule monitoring report and shall be included in calculations as appropriate.

All monitoring reports and compliance letters shall comply with the signatory requirements in the Reporting Provisions section of the General Order.

All monitoring reports that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1.

The State Water Board and regional water boards have transitioned primarily to a paperless office system. Unless otherwise directed, the Discharger shall submit all narrative reports in portable document format (pdf) and all data in a spreadsheet (e.g., csv, txt, xls) or Microsoft Word (e.g., doc) format via regional water board email as listed in Table G-5. The NOA will include instructions and the information to be included in the transmittal email accompanying the report.

In some regions, the Discharger will be directed to submit all reports and analytical data to the State Water Board GeoTracker database. [GeoTracker database information](http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml) is provided on the Internet <http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml>.

Table G-5. Regional Water Board Email Addresses for Electronic Report Submittal

<u>Regional Water Board:</u>	<u>Email Address:</u>
North Coast Regional Water Board	northcoast@waterboards.ca.gov
San Francisco Bay Regional Water Board	wdr.monitoring@waterboards.ca.gov
Central Coast Regional Water Board	centralcoast@waterboards.ca.gov
Los Angeles Regional Water Board	losangeles@waterboards.ca.gov
Central Valley Regional Water Board – Redding	centralvalleyredding@waterboards.ca.gov
Central Valley Regional Water Board – Rancho Cordova	centralvalleysacramento@waterboards.ca.gov
Central Valley Regional Water Board – Fresno	centralvalleyfresno@waterboards.ca.gov
Lahontan Regional Water Board – South Lake Tahoe	lahontan@waterboards.ca.gov
Lahontan Regional Water Board – Victorville	lahontan@waterboards.ca.gov
Colorado River Regional Water Board	rb7-wdrs_paperless@waterboards.ca.gov
Santa Ana Regional Water Board	santaana@waterboards.ca.gov
San Diego Regional Water Board	rb9paperless@waterboards.ca.gov

A. All Compliance Letters shall include the following:

1. Discharger name, facility name, facility tier, MRP number, Waste Discharge Identification Number, and contact information (telephone number and email).
2. A discussion of any violations that occurred during the reporting period, all actions taken or planned for correcting the violations and preventing future violations, such as operation or facility modifications, and a time schedule for completing the corrective actions. If the Discharger previously submitted a report describing corrective actions or a time schedule for implementing the corrective actions, reference to the previous correspondence is satisfactory.
3. This penalty of perjury statement shall be included and signed by the Discharger or the Discharger's duly authorized representative in compliance with the Reporting Provisions section of the General Order.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

B. All Quarterly and Semi-annual Reports shall include the following, as indicated:

For Tier 3 only: Submit Semi-annual Reports that contain the information described in the Facility Information, Groundwater Reporting, and Compliance Summary sections below.

For Tier 4 only: Submit Quarterly Reports that contain the information described in all the sections below.

Facility Information

1. Names and telephone numbers of persons to contact regarding the discharge for emergency and/or routine situations.
2. A scaled map that shows facility structures (e.g., crush pads), process solids storage areas, ponds, the LAA, the subsurface disposal area, water supply and groundwater monitoring wells, etc.
3. Copies of laboratory analytical reports and chain-of-custody forms if requested by the regional water board.

Source Water Reporting

1. Results of the monitoring specified in the Source Water Monitoring section of the MRP. Results shall include supporting calculations.

Process Water Reporting

1. Results of the monitoring specified in the Winery Effluent Monitoring section of the MRP. Results shall include supporting calculations.
2. A comparison of the flow-weighted average FDS results from source water supplies and effluent monitoring to the FDS threshold.

Pond Reporting

1. Results of the monitoring specified in the Pond Monitoring section of the MRP.
2. A summary of pond monitoring log notations, if applicable. The entire contents of the log do not need to be submitted.

Land Application Area Reporting

3. Results of the monitoring and loading calculations specified in the Effluent to Land Application Area Monitoring and Land Application Area Monitoring sections of the MRP.

4. Calculation of the monthly hydraulic load for process water and supplemental water applied to each discrete irrigation area for each month.
5. Calculation of the instantaneous (day of application) and cycle average BOD loading rates applied to each discrete irrigation area for each month.
6. A summary of LAA monitoring log notations, if applicable. The entire contents of the log do not need to be submitted.

Subsurface Disposal Area Reporting

1. Results of the monitoring and loading calculations specified in the Subsurface Disposal System Monitoring, Effluent to Subsurface Disposal Area Monitoring, and Subsurface Disposal Area Monitoring sections of the MRP.
2. Calculation of the monthly hydraulic load applied to each discrete disposal area for each month.
3. A summary of subsurface disposal area monitoring log notations, if applicable. The entire contents of the log do not need to be submitted.

Solids Reporting

1. Results of the monitoring specified in the Solids Monitoring section of the MRP.
2. Monthly amount of process solids land applied to each discrete application area and the applied acreage.

Groundwater Reporting

1. Results of the monitoring specified in the Groundwater Monitoring section of the MRP. If there is insufficient water for sampling the monitoring well, the well shall be reported as dry for the reporting period.
2. A table showing groundwater depth, elevation, screened interval, and constituent concentrations for at least the 5 previous years (if applicable), up through the current monitoring period for each monitoring well.
3. A groundwater contour map based on the groundwater elevations for that monitoring period. The map shall show the gradient and direction of groundwater flow at the facility, pond, LAA, and/or subsurface disposal area. The map shall also include the locations of the water supply wells, groundwater monitoring wells, and waste discharge areas.
4. Copies of the field logs recorded during groundwater monitoring.

Compliance Summary

1. A discussion of any violations that occurred during the reporting period, all actions taken or planned for correcting or preventing future violations, such as operation or facility modifications, and a time schedule for completing the corrective actions.
2. Description of any groundwater monitoring well maintenance, repairs, or modifications needed and provide an implementation schedule.

C. All Annual Reports (All Tiers), in addition to the Quarterly (Tier 4) and Semi-annual Reports (Tier 3) requirements above, shall include the following:

Facility Information

1. A summary of any changes in processing that might affect waste characterization and/or discharge flow rates.

Source Water Reporting

1. Results of the monitoring specified in the Source Water Monitoring section of the MRP by month for the reporting year. Results shall include supporting calculations.

Process Water Reporting

1. A comparison of the flow-weighted average FDS results from source water supplies and effluent monitoring to the FDS threshold by month for the reporting year.
2. For each month, calculation of the maximum daily flow and the monthly average flow.

Pond Reporting

1. If a performance evaluation was conducted during the reporting year, a description of the pond liner integrity and leak detection tests and a discussion of the pond liner performance.

Land Application Area Reporting

1. Monthly and annual discharge volumes for the reporting year expressed in gallons or million gallons and inches.
2. Types of crops grown, planting and harvest dates, and the quantified nitrogen and FDS uptakes (as estimated by technical references or determined by representative plant tissue analysis). The applied nitrogen and FDS (in lb/ac) to each discrete irrigation area tabulated by month and totaled for the reporting year.

3. A monthly balance for the reporting year that includes:
 - a. Monthly average ETo (observed evapotranspiration) – information sources include the [California Irrigation Management Information System](https://cimis.water.ca.gov/) (CIMIS) (<https://cimis.water.ca.gov/>).
 - b. Monthly crop uptake
 - i. Crop uptake values and method used – crop tissue samples or crop uptake values and source nitrogen application rates, as demonstrated with an annual nitrogen balance, for the crop being irrigated at the LAA, shall not exceed the highest crop uptake value specified in the following sources: [UC Davis California Fertilization Guidelines](https://www.cdfa.ca.gov/is/ffldrs/frep/FertilizationGuidelines/) (<https://www.cdfa.ca.gov/is/ffldrs/frep/FertilizationGuidelines/>), the Western Plant Health Association, 2002, Western Fertilizer Handbook, 9th edition, and/or the [California League of Food Processors 2007 Manual](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20(2).pdf) ([http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20\(2\).pdf](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20(2).pdf)). If none of these sources includes crop uptake values for the crop being irrigated in the LAA, the Discharger shall propose a site-specific crop uptake value for approval by the regional water board.
 - ii. Crop evapotranspiration – data sources for crop water utilization rates include:
 - a) [Irrigation Training & Research Center](http://www.itrc.org/etdata/index.html) (ITRC) at Cal Poly (<http://www.itrc.org/etdata/index.html>).
 - b) [California League of Food Processors 2007 Manual](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20(2).pdf) ([http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20\(2\).pdf](http://clfp.com/documents/Manualofgoodpractice/CLFP%20Manual_COMPLEE_FINAL_3-14-07%20(2).pdf))
 - iii. Irrigation efficiency – frequently, engineers include a factor for irrigation efficiency such that the application rate is slightly greater than the crop utilization rate.
 - iv. Monthly average precipitation – data sources include:
 - a) [CIMIS](https://cimis.water.ca.gov/) (<https://cimis.water.ca.gov/>)
 - b) [Climate Data Online](https://www.ncdc.noaa.gov/cdo-web/) (<https://www.ncdc.noaa.gov/cdo-web/>) from the National Oceanic and Atmospheric Administration (NOAA) National Centers for Environmental Information (NCEI).
 - c) Onsite facility rain gauge.
 - v. Monthly average and annual average discharge flowrates.
 - vi. Monthly estimates of the crop evapotranspiration, amount of wastewater applied and/or the amount of supplement water applied to meet crop needs if insufficient wastewater.
4. Total annual nitrogen loading (in lb/ac/yr) to each discrete irrigation area, as calculated from the sum of the monthly loading from all sources of nitrogen applied to the land, and compared to the crop uptake of the crop harvested or removed.

5. Total annual FDS loading (in lb/ac/yr) to each discrete irrigation area, as calculated from the sum of the monthly loading.

Subsurface Disposal Area Reporting

1. Monthly and annual discharge volumes for the reporting year expressed in gallons or million gallons and inches.
2. Types of crops grown and planting and harvesting dates for any crops grown on the subsurface disposal area.

Solids Reporting

1. Total amount of process solids generated during the reporting year in tons.
2. A description of the process solids disposal method. If more than one method is used, include the percentage disposed by each method. Include the name and location of the disposal site, and describe the use or disposal of the material (e.g., land application, composting, landfill disposal).
3. Monthly and total amount of process solids land applied to each discrete application area and the applied acreage during the reporting year.
4. Descriptions of any pond dredging, subsurface disposal system settling tank solids pump out, or other such activities conducted during the reporting period. Include a description of the activity, the amount of material removed, date, type of service, service provider, and destination of solids removed for offsite reuse or disposal.

Groundwater Reporting

1. A table and graphs showing historical groundwater depth, elevation, and constituent concentrations up through the current reporting year.
2. A map showing the gradient and direction of groundwater flow at the facility, pond, LAA, and/or subsurface disposal area for the most recent reporting period. The map shall also include the locations of the water supply wells, groundwater monitoring wells, and waste discharge areas.
3. A discussion of the groundwater elevation and constituent concentration trends over time and any impacts the discharge is having or projected to have on groundwater quality.

Compliance Summary

1. A discussion of any violations that occurred during the reporting year, all actions taken or planned for correcting or preventing future violations, such as operation or facility modifications, and a time schedule for completing the corrective actions.

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2. If a pond liner performance evaluation was conducted during the reporting year, description of any liner maintenance, repairs, or modifications needed to maintain pond performance and provide an implementation schedule.
3. Description of any groundwater monitoring well maintenance, repairs, or modifications needed, planned, or completed during the reporting year and provide an implementation schedule.
4. Descriptions of any facility or best practicable treatment or control (BPTC) improvements or modifications required by the facility NOA that were begun and/or completed during the reporting year and planned for the next reporting year. Include an implementation schedule.
5. Descriptions of any other notable repair or maintenance activities conducted this reporting year or planned for the subsequent year and provide the implementation schedule.

The Discharger shall implement the above monitoring program as of the NOA effective date.

Ordered by:

NAME, Executive Officer

DATE