

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2021-0001**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT MITIGATED NEGATIVE  
DECLARATION FOR GENERAL WASTE DISCHARGE REQUIREMENTS FOR  
WINERY PROCESS WATER**

**WHEREAS:**

1. California Water Code (Water Code), section 13260(a), requires that 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 Waste Discharge Requirements (WDRs) or a waiver of WDRs.
2. Discharge of winery waste is an activity subject to the Water Code. Waste is defined in Water Code section 13050(d) and the discharge of winery waste can affect the quality of waters of the state.
3. State Water Resources Control Board (State Water Board) staff prepared a General Waste Discharge Requirements Order for Winery Process Water (General Order). This General Order is 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.
4. The adoption and implementation of the General Order involves a discretionary action by the State Water Board; therefore, the adoption and implementation of the General Order is considered a project subject to environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereafter CEQA).
5. The State Water Board, acting as the lead agency for this project, prepared an Initial Study, Mitigated Negative Declaration (MND), in accordance with title 14, California Code of Regulations, section 15070 et seq. The MND addresses the CEQA requirements for the discretionary action of the State Water Board 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.
6. The State Water Board finds that the project will have no potentially significant impacts because it mitigates the potentially significant impacts to a less than significant level.

7. The potential environmental impacts of site-specific projects regulated under the General Order are foreseeable only to a limited extent. Therefore, additional environmental review will be performed by local agencies for new or expanding wineries.
8. Wineries are constructed because of factors unrelated to the adoption and implementation of the General Order. The effect of the State Water Board's discretionary action adopting and implementing 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 Quality Control Boards can require and prepare individual WDRs.
9. On February 11, 2019 the State Water Board transmitted an administrative General Order to the public to exchange and receive informal input on the General Order. Staff held five public workshops statewide in Hopland, Lodi, Napa, San Luis Obispo, and Temecula. 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.)
10. On November 8, 2019 the State Water Board transmitted the consultation offer. 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.
11. On July 3, 2020 the State Water Board transmitted a public notice for a 30-day public review and comment period on the draft General Order and MND and posted the documents on the [General Order program page](https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html) ([https://www.waterboards.ca.gov/water\\_issues/programs/waste\\_discharge\\_requirements/winery\\_order.html](https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html)). The Notice of Intent to adopt a MND were posted on the WDR program page for wineries and on the State Water Board information webpages, the notice was emailed to the Statewide General WDRs for Wineries and State Water Board email (lyris) lists; over 700 existing wineries; known stakeholders and trustee agency emails, the notice was mailed to newspapers for each California county (other than Lassen County Times and the Plumas County Portola Reporter due to no operating newspaper), and staff mailed hardcopies of said notice to each California County Clerk for a 30-day posting for CEQA in a conspicuous place in the locality to be affected by the proposed project.

12. On July 22, 2020, the State Water Board held a public workshop on the General Order and MND. During the workshop, the State Water Board directed staff to review regional water board winery permits, industry-provided costs data, and considered cost of compliance in revisions to the order, which staff completed.
13. On July 24, 2020 the Notice of Completion and Environmental Document Transmittal was electronically completed with the State Clearing House (SCH# 2020070485) with a comment period ending August 5, 2020 (the July 3, 2020 package mailed to the State Clearing House documentation became backlogged over 30 days). The Notice of Completion and Environmental Document Transmittal was also provided to selected state review agencies (Air Resources Board, Coastal Commission, Department of Fish and Wildlife, Department of Food and Agriculture, Native American Heritage Commission, Regional Water Quality Control Boards (all), CalRecycle, State Lands Commission, Department of Toxic Substances Control, Department of Water Resources, and Department of Public Health).
14. Caltrans Headquarters and District 7 (Los Angeles) submitted comments to the State Clearing House by the close of the review period.
15. The State Water Board held a public meeting on January 20, 2021 in Sacramento to provide information, answer questions and listen to comments from the public and stakeholders on the General Order and MND prior to adoption.
16. The documents and other materials that constitute the record of proceedings on which the State Water Board findings are based are located at State Water Resources Control Board, Division of Water Quality, 1001 I Street, 15th floor, Sacramento, California, 95814. The custodian for these documents is the Division of Water Quality.
17. The State Water Board will file a Notice of Determination for this project with the Governor's Office of Planning and Research within five days from issuance of this resolution in accordance with California Code of Regulations, title 14, section 15075., along with payment of applicable fees as required by [the Department of Fish and Wildlife](#) (<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>).

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

Has determined that the proposed project will have a less than significant effect on the environment as described in the Initial Study and hereby adopts the Mitigated Negative Declaration.

**CERTIFICATION**


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 20, 2021.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Tam M. Doduc  
Board Member Sean Maguire  
Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board