16 October 2026

Charlie Jones
Lava Cap Winery
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Placerville, CA 95667

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NOTICE OF APPLICABILITY; STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2021-0002-DWQ; GENERAL WASTE DISCHARGE REQUIREMENTS FOR WINERY PROCESS WATER; LAVA SPRINGS INC., LAVA CAP WINERY; EL DORADO COUNTY

On 5 September 2024, Lava Springs, Inc. (Discharger) submitted a Notice of Intent (NOI) to Central Valley Regional Water Quality Control Board (Central Valley Water Board) seeking coverage under Tier 2.1 of the State Water Resources Control Board's (State Water Board) *General Waste Discharge Requirements for Winery Process Water*, Order WQ 2021-0002-DWQ (General Order) for Lava Cap Winery (the Winery). The Winery is owned and operated by the Discharger.

The Winery was previously regulated under the Central Valley Water Board's *Conditional Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region*, Order R5-2020-0002, which expired on 20 February 2025. Based on the information provided in the NOI, the Winery's waste discharge qualifies for coverage of the General Order. Therefore, this Notice of Applicability (NOA) enrolls the Winery under the General Order and assigns the Winery enrollee number **2021-0002-DWQ-R5S002.** Table 1 below provides information about the winery and enrollment.

Table 1: Facility Information

NOA Enrollee Number:	WQ 2021-0002-DWQ-R5S002
Winery Address/GPS Coordinates	2221 Fruitridge Road, Placerville, CA 95667 (38.7516°, -120.7411°)
Assessor Parcel Numbers (APNs)	085-480-017-000, 085-480-032-000
Permitted Annual Process Water Volume:	100,000 gallons per year
General Order Tier:	2.1
Discharge or Reuse Method(s)	Land application on 80 acres of vineyards (wastewater and solid waste)
Process Water Ponds	0
CIWQS/ECM ID:	755904
GeoTracker ID:	WDR100030354

ENROLLMENT RESPONSIBILITIES

The Discharger should be familiar with the entire General Order and its attachments enclosed with this NOA, which describe mandatory discharge and monitoring requirements. Sampling, monitoring, and reporting requirements applicable to treatment and disposal methods must be completed in accordance with the attached Monitoring and Reporting Program (MRP) **2021-0002-DWQ-R5S002**. A copy of the General Order is enclosed and is also available at the State Water Board's webpage (https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/wqo2021-0002-dwq.pdf).

The General Order contains additional operational and reporting requirements that are not summarized in this NOA. Please review this NOA carefully to ensure it completely and accurately reflects the facility's name and location, and the details of the proposed discharge. Failure to comply with the requirements in this NOA, the General Order, with all attachments, and the MRP could result in an enforcement action pursuant to the Water Code, including but not limited to administrative civil liability (i.e., monetary penalties). If the method of waste disposal changes form that described in this NOA, the Discharger must submit a new NOI describing the new operation.

The Discharger is responsible for maintaining compliance with the General Order and its attachments, the information provided in the Winery's NOI and this NOA. A copy of the General Order and its attachments, including the MRP, and this NOA shall be kept at the Winery for reference and key operating personnel shall be familiar with their contents.

FACILITY AND DISCHARGE DESCRIPTION

The Winery activities are classified as Tier 2.1 with a maximum permitted winery process water flow of 100,000 gallons per year. Winery wastewater is typically generated from equipment cleaning during the wine marking process. Based on the NOI, the Winery crushes approximately 300 tons of grapes per year and generates approximately 90,500 gallons of winery process wastewater on an annual basis. Process wastewater is collected into two 1,000-gallon tanks and then applied to 80 acres of vineyard (land application areas, LAAs) via a trailer with a 1,000-gallon portable tank. The NOI indicates that storage tanks and portable tanks used for land application have sight gauges and embossed volume measurements on the tanks.

The Discharger estimates that approximately 75 tons (wet weight) of solids (grape stems, seeds, and skins) are produced annually during the harvest season from August through November. Solid waste is collected in 1,000-pound capacity bins and applied to the 80 acres of vineyard via a manure spreader pulled by a tractor on the same day when the solids are produced.

If winery waste is generated in excess of the maximum permitted flow, any excess waste shall be disposed of off-site at a permitted facility.

SALT AND NITRATE CONTROL PROGRAMS

As part of the Central Valley Salinity Alternatives for Long Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting (Resolution R5-2018-0034). The Basin Plan amendments became effective on 17 January 2020 and were revised by the Central Valley Water Board in 2020 with Resolution R5-2020-0057. More information on CV-SALTS can be found at the CV-SALTS Website (https://www.cvsalinity.org/).

Pursuant to the Basin Plan amendments, the Discharger was sent a Notice to Comply on 5 January 2021(**CV-SALTS ID: 2867**). The Discharger submitted an NOI for the Salt Control Program and elected to participate in the Prioritization and Optimization (P&O) Study under the Alternative Salinity Permitting Approach. In accordance with the General Order, the Discharger is exempt from compliance with Discharge Specifications D.1.b and D.1.d, and Groundwater Limitations F.1 and F.2, as they apply to water quality objectives for salinity, provided the Discharger is implementing the Phase I requirements of the Salt Control Program Alternative Permitting Approach (i.e., full participation in the P&O Study. See General Order, Finding 83).

The Discharger is not currently subject to the Nitrate Control Program because the Winery and related disposal areas are not within a prioritized basin, have not received a Notice to Comply, and are not proposing a new or expanded discharge of nitrate. The Discharger may become subject to the Nitrate Control Program in the future if the

Central Valley Water Board issues a Notice to Comply or authorizes increased nitrate discharges into the basin.

As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of this NOA to ensure the goals of the Salt and Nitrate Control Programs are met. More information regarding this regulatory planning process can be found on the Central Valley Water Board CV-SALTS website (https://www.waterboards.ca.gov/centralvalley/water_issues/salinity).

FACILIY SPECIFIC REQUIREMENTS

Dischargers authorized under the General Order are classified into regulatory tiers based on the permitted annual process water design flow. The Winery's total annual discharge flow (i.e., winery effluent flow) categorizes the Winery as Tier 2.1. The fees and monitoring requirements are connected to and commensurate with the complexity of the discharge regulated under each Tier.

The Discharger shall comply with all applicable sections in the General Order, including:

A. Discharge Prohibitions

This section applies in its entirety.

B. Effluent Limitations.

Sections B.1 through B.4 apply to this winery. Although not comprehensive, the following General Order effluent limitation requirements are highlighted here to support compliance:

1. The annual total process water discharge flow from the Winery shall not exceed **100,000 gallons per year** (Effluent Limitation B.2).

2. Average BOD loading to the LAAs shall not exceed **100 pounds per acre per day** over the course of any discharge cycle (i.e., irrigation cycle). BOD loading shall be determined using a moving average of the three most recent BOD process water sample results (Effluent Limitation B.3).

3. Nitrogen application rates shall not exceed the crop agronomic rate as defined in the General Order (Effluent Limitation B.4).

C. Discharge Specifications (Tier 1)

This section does not apply to this winery.

D. Discharge Specifications (Tier 2)

Sections D.1. and D.3.a through D.3.f apply to this Winery, except as otherwise noted in the Salt and Nitrate Control Programs section above (i.e., requirements related to water quality objectives for salinity).

Although not comprehensive, the following General Order discharge specification is highlighted here to support compliance:

The flow-weighted annual average fixed dissolved solids (FDS) concentration of the process water, measured prior to treatment in LAA, is used to determine if the facility is meeting the FDS threshold. 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** (Discharge Specification D.1.a.ii).

Based on Discharge Specification D.1.a.ii.a), the Discharger is required to submit a Salt Control Plan if the FDS threshold is exceeded. However, Discharge Specification D.1.a.ii.d). allows dischargers to participate in a regional Salt and Nutrient Management Plan in lieu of submitting an individual Salt Control Plan. As discussed above, the Discharger selected the P&O Study for the Salt Control Program and, therefore, provided the Discharger remains in good standing under the CV-SALTS Alternative Salinity Permitting Approach, the requirement for a Salt Control Plan under Discharge Specification D.1.a.ii.a is satisfied.

E. Solids Specification

This section applies in its entirety.

F. Groundwater Limitations

This section applies in its entirety, except as otherwise noted in the Salt and Nitrate Control Programs section above (i.e., requirements related to water quality objectives for salinity).

G. Provisions

Sections G.1.a, G.1.b and G.2 through G.4 apply to this winery. Although not comprehensive, the following General Order technical provisions are summarized here to support compliance:

G.1.a. For existing facilities with planned upgrades**:** Within **90 days** of NOA issuance, the Discharger shall complete facility upgrades to ensure facility and treatment infrastructure are capable of complying with the sampling and monitoring requirements of the MRP. Monitoring as required in the MRP shall commence once upgrades are complete.

G.1.b. Dischargers with existing facilities shall implement the following Best Practicable Treatment or Control (BPTC) measures within the noted compliance timeframes. Dischargers with new or expanding facilities shall implement the following BPTC measures at the onset of facility operations; the compliance timeframes are not applicable unless specifically authorized by the regional water board.

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-shut off 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 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 unless technologically or economically infeasible.

v. Chemical reduction – Within **180 days** of NOA issuance, implement measures to minimize chemical use, such as recovering and reusing chemical solutions.

ANNUAL FEE, OWNERSHIP CHANGES, ENROLLMENT TERMINATION

General Order section G.4 Standard Provisions includes specific requirements for fees and notice to the Central Valley Water Board. Key requirements are summarized below:

A. Annual fees

The Discharger shall pay an annual fee (waste discharge permit fee, per Water Code section 13260 et seq.) to maintain General Order coverage until coverage under the General Order is formally terminated. The fee amount due annually is provided via an invoice issued by the State Water Board fee program, covering the fiscal year of July 1 through June 30. A copy of the current fee schedule is available online at the State Water Board Fee website (https://www.waterboards.ca.gov/resources/fees/).

B. Facility and Ownership Changes

The Discharger shall notify Central Valley Water Board staff prior to any significant changes in either the treatment or discharge methodologies, or the volume or character of the treated waste discharged from the facility. If the Discharger anticipates wastewater flow in excess of the maximum permitted flow, it shall submit a revised NOI and technical report to the Central Valley Water Board for the appropriate tier at least **120 days** before the anticipated change. Any proposed increase in flow shall not be implemented until it has been authorized by the Central Valley Water Board through issuance of a new or revised NOA. A change in tier classification may also necessitate an application fee and/or a change in the annual fee.

In the event of any change in control or ownership of the winery or process water discharge areas, the Discharger shall notify the succeeding owner or operator of the existence of this NOA and the General Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board. In addition, the succeeding owner shall submit an NOI request for General Order enrollment to the Central Valley Water Board for consideration at least **90 days** prior to commencing operation of the Facility. Failure to submit the request shall be considered a discharge without Waste Discharge Requirements and a violation of the Water Code. The Central Valley Water Board will issue a new NOA when coverage of this General Order has been authorized for the new owner or operator.

C. General Order Enrollment Termination

To terminate coverage, the Discharger shall submit a Notice of Termination and a final Annual Report at least **120 days** prior to termination of related onsite activities. The Notice of Termination form is provided in General Order Attachment D. The final Annual Report shall be submitted through GeoTracker.

The Central Valley Water Board reserves the right to inspect the Winery before approving a Notice of Termination. Filing a Notice of Termination of General Order coverage does not suspend or alter any requirement of the General Order. The Discharger remains responsible for payment of all applicable fees and submittal of self-monitoring reports required by the General Order until written approval of the Notice of Termination is issued by the Central Valley Water Board.

ADMINISTRATIVE REVIEW

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the State Water Board website (http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.

Now that the NOA has been issued, the Board's Compliance and Enforcement section will take over management of this case. If you have any questions regarding this matter, please contact Brendan Kenny by phone at (916) 464-4644635 or by email at Brendan.Kenny@waterboards.ca.gov.

Digitally signed by John J, Baum

on 16 October 2026

for Patrick Pulupa, Executive Officer

Enclosure: Monitoring and Reporting Program 2021-002-DWQ-R5S002
Order WQ 2021-0002-DWQ

cc: El Dorado County Environmental Health Department, Placerville
Howard Hold, Central Valley Water Board, Rancho Cordova (via email)
Stephanie Torres, State Water Resources Control Board, DWQ (via email)
Central Valley Water Board, CV-SALTS Unit (via email)

FROM: Scott Armstrong
Senior Engineering Geologist

DATE: 31 August 2026

APPLICABILITY OF COVERAGE UNDER STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2021-0002-DWQ, GENERAL WASTE DISCHARGE REQUIREMENTS FOR WINERY PROCESS WATER; LAVA SPRINGS INC., LAVA CAP WINERY; EL DORADO COUNTY

On 5 September 2024, Lava Springs, Inc. (Discharger) submitted a Notice of Intent (NOI) to Central Valley Regional Water Quality Control Board (Central Valley Water Board) seeking coverage under Tier 2.1 of the State Water Resources Control Board's Water Resources Control Board Order WQ 2021-0002-DWQ, General Waste Discharge Requirements for Winery Process Water (General Order) for discharges of winery process wastewater generated at the Lava Cap Winery (Winery) in El Dorado County.

This memorandum provides a summary of Central Valley Water Board staff's review of the NOI, and the applicability of the Winey's discharge to be covered under the General Order.

The Winery is located at 2221 Fruitridge Road, Placerville, CA 95667. Lava Springs, Inc. owns and operates the Winery. The Winery was previously regulated under the Central Valley Water Board's *Conditional Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region*, Order R5-2020-0002*,* which expired on 20 February 2025.

Based on the Discharger's 2019 Annual Report, approximately 70,000 gallons of winery process wastewater and 45 tons of solids were applied to the 80-ares of LAAs.

For CV-SALTS program, the Discharger elected to participate in the Prioritization and Optimization Study under the Alternative Salinity Permitting Approach.

Notice of Applicability 2021-0002-DWQ-R5S002 contains a discharge flow limit of **100,000 gallons per year.**