

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT: Melissa Gunter  
MEETING DATE: September 8, 2021

**ITEM: 8**

**Statewide General Waste Discharge Requirements for Winery Process Water: Update and Next Steps** – Presentations by Laurel Warddrip, State Water Resources Control Board, Melissa Gunter, San Francisco Bay Regional Water Board, and Kim Withrow, Napa County Environmental Health Division – Information Item

**DISCUSSION:**

This item will provide an update on the Statewide General Waste Discharge Requirements for Winery Process Water (Winery Order). We will present an overview of the Winery Order, including background information, Order requirements, and our implementation plans. Napa County Environmental Health Division (Napa County) will present on their current winery regulatory program and plans to continue the program consistent with the Winery Order.

On January 20, 2021, the State Water Resources Control Board (State Water Board) adopted the Winery Order, and on July 6, they adopted the Winery Order fee schedule. The Winery Order is intended to streamline and improve permitting consistency statewide for winery process water discharges to land for reuse or disposal, and we anticipate the Order to be applicable for the majority of wineries in our region. About 800 wineries in our region will be eligible for enrollment.

The Winery Order classifies wineries into four risk-based regulatory tiers based on the facility's permitted annual process water design flow, which is the total volume of process water that is or may be discharged from the winery, including process water generated from outdoor processing areas, and measured prior to treatment (e.g., before discharged to a pond, land application area (LAA), or subsurface disposal system). Winery Order requirements include effluent limitations, loading limits, siting and operational requirements, monitoring and reporting requirements, and schedules to comply. Those requirements vary depending on the regulatory tier, with the most stringent requirements applied to Tier 4, the highest risk tier, producing process water flows from 1 million to 15 million gallons per year. The Winery Order also includes a provision that exempts wineries producing less than 10,000 gallons per year from applying for coverage, provided the winery implements appropriate general practices to manage their process water.

Existing wineries, except those currently regulated, must seek coverage under the General Order by January 20, 2024. Existing wineries that have regulatory oversight may continue discharging under that authority until those permits expire or come up for renewal. New wineries are required to seek coverage at least 180 days prior to commencement of operations.

In preparation for winery operator enrollment, State Water Board staff have posted the adopted Winery Order, example requirement matrices, and an introductory video. We are currently developing a regional Winery Order Implementation Plan, with Napa County staff's input, to support the enrollment and implementation processes including the clarification of roles and responsibilities, permitting workflows, outreach approaches, and technical guidance. Additionally, we are building staff capacity in our section and tapping into cross-divisional support through our internal Sustainable Groundwater Workgroup to support Winery Order implementation.

The Winery Order rollout includes collaboration with the regional water quality control boards and stakeholders to develop tools to promote a streamlined enrollment process. Those tools include a statewide enrollment plan, compliance calendars, annual report and monitoring templates, an electronic enrollment process including the Notice of Intent, and improved webpage accessibility. Staff are working on application procedures, reporting templates, and posting fee payment information on our website.

The Winery Order includes a Local Agency Oversight Program that allows local agencies, such as a county, to apply for oversight of wineries located within the agency's jurisdiction to support the implementation of and compliance with the Winery Order. Napa County plans to apply for the Local Agency Oversight Program. The County has had a winery regulatory program in place for several decades under a Memorandum of Understanding between the County and the Regional Water Board. Continuation of the County's program, consistent with the Winery Order, can streamline Regional Water Board resources for Winery Order implementation. We have worked with County staff throughout the Winery Order development, and we continue to work with the County to facilitate the application for the Program. Wineries in Napa County (estimated around 450) will still be required to enroll in the Winery Order, and the Local Agency Oversight Program will oversee implementation.

**SUPPORTING DOCUMENTS:**

1. [June 2021 RB2 Executive Officer's Report](#) – Winery Order Summary
2. [Winery Order](#)
3. [Media Release for Adoption](#)
4. [Winery Order Introduction Video](#)
5. [Winery Order Requirement Matrices](#)
6. [Fee Schedule](#)