



San Francisco Bay Regional Water Quality Control Board

Sent via email – no hard copy to follow

April 30, 2024
CIWQS Place No. 767398

Napa County Planning, Building & Environmental Services
Environmental Health Division
Attn: Joelle Gallagher, Napa County Board of Supervisors Chair
1195 Third Street
Napa, CA 94559
Sent electronically to Joelle.Gallagher@CountyofNapa.org

Subject: Permitting Winery Process Water Discharges to Land in Napa County Until Local Agency Oversight Program Approval

Dear Ms. Gallagher:

This letter serves as an interim agreement between the San Francisco Bay Regional Water Quality Control Board (Water Board) and Napa County Planning, Building and Environmental Services (Napa County) for providing regulatory oversight and issuing operating permits to existing wineries that discharge process water or waste to land until Napa County is authorized to implement the General Waste Discharge Requirements for Winery Process Water, Order WQ 2021-0002-DWQ (Winery Order), via the Local Agency Oversight Program. This updated Memorandum of Understanding (also referred to as Agreement) clarifies Napa County's and the Water Board's roles and responsibilities and expectations for the permitting and oversight of these wineries in accordance with the State Water Resources Control Board's (State Water Board) Winery Order adopted January 20, 2021.

This Agreement supersedes the 1991 Memorandum of Understanding Regarding Winery Process Waste Treatment and Disposal between the Water Board and Napa County and enables Napa County to continue to effectively regulate existing wineries previously permitted by Napa County and subject to the existing Napa County Winery Waste Discharge Program (Winery Program).¹ This Agreement also provides

¹ The Memorandum of Understanding superseded Napa County Agreement No. 1985, was effective November 21, 1991, and was approved by the Napa County Board of Supervisors on February 11, 1992.

information on the Winery Order application process to assist Napa County in communicating the process with applicants, also referred to as Dischargers.

This Agreement is interim and entered into with the expectation that Napa County will apply for local oversight authority under the Winery Order Local Agency Oversight Program. Authorization of Napa County's Winery Order Local Agency Oversight Program will terminate this Agreement. We will evaluate this Agreement and Napa County's progress towards becoming a Winery Order Local Agency Oversight Program annually and make updates as needed.

A. Background

The Water Board issued a letter authorizing Napa County to permit subsurface disposal from small wineries in 1979. A Memorandum of Understanding between Napa County and the Water Board was established in 1982 and designated to Napa County the primary responsibility of approval and regulation of winery wastewater discharges. The Memorandum update in 1991 (Attachment C) included conditions, criteria for wastewater treatment and storage ponds, and a procedure for waiver of waste discharge requirements issued by the Water Board for winery process wastewater treatment and discharge to land surface in Napa County. In 2003, Napa County also began permitting the advanced treatment of winery waste with storage of treated process water in tanks followed by land surface discharge with concurrence from Water Board staff.

The State Water Board adopted the Winery Order in January 2021 to regulate waste discharges to land for facilities currently or planning to produce wine or grape juice that generate between 10,000 and 15,000,000 gallons of process water per year, and discharge process water or waste to land.

B. Winery Order Local Agency Oversight Program

The Winery Order provides an optional administrative procedure for local agencies with governmental authority to provide oversight of the implementation of the Winery Order in their local agency's jurisdiction. Due to the history of winery wastewater permitting in Napa County and the success and continual improvement of the program over time, we anticipate that Napa County will apply to the Water Board for local agency oversight authority via the Winery Order Local Agency Oversight Program. [Winery Order](#) Attachment E outlines the Local Agency Oversight Program application process, qualifications, conditions, and monitoring, inspection, and compliance reporting, and contains the application.

Winery Order Findings 67 through 71 provide additional information on the local agency's role, in the context of the Local Agency Oversight Program, to oversee the implementation of the Winery Order technical requirements. Winery Order findings referenced in this Agreement and supporting resources are summarized in Attachment A of this Agreement.

C. Napa County Winery Permitting Program Overview

Napa County regulates wastewater treatment and disposal systems in unincorporated areas of Napa County and parcels not served by public sewer located within city limits. Napa County permits winery process water discharges to land via subsurface disposal systems, as well as those with surface disposal after a pre-treatment system or process water pond. Napa County issues operational permits and requires monitoring for wineries with wastewater ponds and alternative treatment systems, which are also routinely inspected by an approved service provider or winery staff.² Napa County's roles and responsibilities include the issuance of construction and grading permits for wineries and related accessory uses and structures, and conditional winery use permits that define operating parameters and include visitation and employee numbers, events, and wine production amount.³ The County's use permit review process also includes an evaluation in compliance with the California Environmental Quality Act (CEQA).

Within Napa County Planning, Building & Environmental Services, the Engineering Division reviews and issues grading permits, and the Building Division issues building permits. The Environmental Health Division reviews the permit applications and can comment and request revisions to correct or clarify plans as they relate to wastewater infrastructure and discharges prior to issuance.

Napa County adopted a new Micro-Winery Ordinance in April 2022 that applies to wineries that produce between 201 and 5,000 gallons of wine annually. The Ordinance amended the Napa County Code to allow micro-winery owners to obtain a use permit via the zoning administrator rather than the Planning Commission. Home-based wine fermentation in Napa County can produce up to 200 gallons of wine per year.

Napa County conducts inspections during facility construction and wastewater treatment system installation. After installation, the County regularly inspects treatment systems that include ponds and alternative treatment systems. Additionally, liquid wastewater haulers and hold and haul systems are inspected. Napa County also responds to complaints regarding illicit discharges, odors, and illegal or substandard construction of wastewater systems.

Napa County's existing Winery Program includes technical guidelines and design standards that address winery wastewater pretreatment, setbacks, winery wastewater ponds with surface irrigation disposal, and wineries that discharge via surface drip or subsurface. The Winery Program also includes effluent limitations for wineries that

² An alternative sewage treatment system is defined in the Napa County Design, Construction, and Installation of Alternative Sewage Treatment Systems standards as any sewage treatment and dispersal system other than a conventional sewage disposal system. A conventional sewage treatment system is defined in the Napa County Onsite Wastewater Treatment Systems Technical Standards as a sewage treatment system suitable for sites with adequate soil depth, satisfactory soil structure and exceptional site conditions that uses a septic tank and gravity to disperse effluent throughout the dispersal leach field, and in which no advanced treatment is utilized nor requires design by a qualified professional.

³ Napa County's oversight of wineries is primarily described in three ordinances. Napa County Ordinance No. 947 addresses Napa County Code pertaining to wineries, accessory uses, and accessory structures. Napa County Ordinance No. 1379 was adopted in 2013, and Ordinance No. 1340 was adopted in 2010.

discharge to land surface. Napa County also conducts reviews of water quality monitoring data collected from facilities with ponds.

As of January 20, 2023, there are a total of 409 producing wineries in Napa County, which includes facilities that pretreat and discharge to municipal sewer system, and 56 that are approved, but not yet producing. Of the producing wineries, 196 are in the County's existing Winery Program, including those that hold and haul, which is not covered under the Winery Order. Wineries that discharge to land that are not currently permitted through the Napa County Winery Program, in addition to new wineries, shall apply for Winery Order coverage through the Water Board.

D. Conditions

The Winery Order provides general waste discharge requirements (WDRs) applicable to wineries and other similar facilities with activities related to producing wine or grape juice, that generate between 10,000 and 15,000,000 gallons of process water per year and discharge it and/or the production solids to land for reuse or disposal. Such facilities are referred to as "winery" or "facility" in this Agreement and the facility owner or operator is referred to as "Discharger" or "dischargers."

Since Napa County has not yet applied to oversee wineries covered by the Winery Order via the Local Agency Oversight Program, the Water Board and Napa County agree to collaboratively regulate winery process waste discharges, subject to the following conditions:

1. The Water Board will be responsible for all existing wineries without regulatory oversight (by Napa County or the Water Board) of the winery process water system and related discharges to land and will oversee compliance with the Winery Order's requirement for wineries to apply for coverage via the electronic Notice of Intent (eNOI) process by **January 20, 2024**. The application process consists of submitting the eNOI online, along with a supporting technical report, and an application fee, which is also the first annual fee. Additional information on the Winery Order application process is included in Attachment B of this Agreement.
2. Napa County will be responsible for all existing wineries with an operational permit authorizing the discharge of winery process waste to land issued by Napa County, which were eligible for a three-year Winery Order application date extension up to January 20, 2027, or earlier at the discretion of Napa County or the Water Board based on whether the facility remains in substantial compliance with local requirements.
3. The Water Board will be responsible for new and expanding wineries and will oversee their compliance with the Winery Order's application requirements. Napa County will oversee compliance with any additional local requirements that do not conflict with the Winery Order requirements.

A winery is considered to be expanding when it increases process water discharge volumes, increases domestic wastewater discharge if commingled with process water, adds a wastewater treatment system, changes treatment, or changes the disposal method (e.g., going from leachfield to spray irrigation).

4. Napa County and the Water Board will coordinate via email and regularly scheduled meetings on the review of enrollment applications, approvals of technical report submittals in support of Winery Order requirements, and issuance of Winery Order enrollment confirmation letters (i.e., Notices of Applicability). The Water Board will write and issue the Notice of Applicability and send a copy to the County.
5. The Water Board will continue to regulate systems that treat combined domestic wastewater and winery process water with aboveground discharge via waste discharge requirements and/or water reclamation requirements issued by the Water Board.
6. Napa County will continue to conduct winery project design reviews prior to the issuance of a local use permit. Napa County will also review construction drawings prior to the issuance of a building permit for the wastewater treatment system to confirm that the proposed design meets Napa County permit requirements and design standards and is protective of water quality.
7. The Water Board will provide technical assistance to Napa County as requested during the design review process.
8. Napa County will continue to perform routine inspections on a regular basis. Permitted facilities with a pond or an alternative treatment system with land surface discharge will be prioritized in Napa County's annual inspection schedule.⁴ Spot inspections will also be performed during the wet season to monitor compliance with pond freeboard requirements. The County requires that alternative systems that discharge subsurface be inspected by a qualified service provider twice per year.
9. The Water Board will also conduct periodic spot inspections of facilities at any point during the design, construction, or operation phase.
10. If there is a spill of untreated winery process waste greater than 1,000 gallons at a facility that runs off the site or any amount that is treated or untreated that enters a storm drain or surface waterbody, the agency that is notified of the spill will send an email notification to the other agency. Napa County's spill reporting protocol requires dischargers to notify the Napa County Planning, Building & Environmental Services Department if the spill is ongoing, is greater than 1,000 gallons, and/or has the potential to reach any portion of the stormwater conveyance system and/or a surface waterbody. Napa County's spill reporting protocol also requires dischargers to contact Napa County if winery process waste is released during a rain event. Napa

⁴ Napa County defines alternative sewage treatment systems as any sewage treatment and dispersal system other than a conventional sewage disposal system.

County shall ensure that dischargers are informed of the spill reporting protocol and the contacts for telephone and email notifications of spills. Any significant release or threatened release of a hazardous material or a material that could threaten human health or the environment requires immediate reporting by the responsible person to the California Office of Emergency Services (OES) State Warning Center 1-800-852-7550.

11. The Water Board will continue to enforce the California Water Code in cases where there are violations or threatened violations of the Water Board's Water Quality Control Plan for the San Francisco Bay Basin ([Basin Plan](#)).⁵
12. The Water Board will review Napa County's application for the Local Agency Oversight Program upon submittal for authorization to administer the Winery Order. The application is included in section C of [Winery Order](#) Attachment E. Upon approval, the Water Board will issue an authorization letter to Napa County.

E. Interim Winery Permitting Workflow

The following winery permitting workflow addresses Napa County's winery permitting program and the applicability to existing wineries currently permitted by Napa County until Napa County is an authorized Local Agency Oversight Program. Agreement Attachment B outlines the steps to enroll unpermitted, new, or expanding wineries under the Winery Order.

1. Napa County will continue to regulate existing wineries that are currently regulated under Napa County's existing Winery Program in accordance with the conditions of the permit issued by Napa County.

Existing wineries permitted by Napa County were eligible for a three-year Winery Order application date extension up to January 20, 2027, unless otherwise notified by Napa County or the Water Board. Napa County required dischargers to submit a Winery Discharge Coverage Continuation Request application to request continuation of permit coverage. The application was an online form wherein the Discharger verified that their annual reports and production data have been submitted. Napa County confirmed compliance with the current program requirements to determine if the application was approved. Napa County notified dischargers whose applications were approved that they must remain in compliance with Napa County's existing Winery Program to remain regulated under Napa County's program. Napa County may require dischargers that fail to remain in compliance to apply for Winery Order coverage. If directed to apply for Winery Order coverage, the Discharger will have up to five years from the issuance of the Notice of Applicability, at the discretion of the Water Board and Napa County, to be in full compliance with the Winery Order.

Website links and additional resources to support the understanding and implementation of the Winery Order are listed in Attachment A to this Agreement.

⁵ The Basin Plan is the Water Board's master water quality control planning document that designates beneficial uses and water quality objectives for waters of the State. It also includes programs of implementation to achieve water quality objectives.

2. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by a Discharger, Napa County permits require dischargers to notify the succeeding owner or operator of the existence of the winery discharge regulatory requirements and to submit a [Record Update Form](#) to Napa County.
3. The Water Board will process Notices of Intent submitted by unpermitted existing wineries for Winery Order enrollment. Additional information on the Winery Order enrollment process is included in Agreement Attachment B.
4. Napa County's *Winery Wastewater Guidelines for Surface and Subsurface Disposal and Reuse* (Guidelines) will be updated by Napa County before the County enrolls as a Local Agency Oversight Program, if they elect to enroll, to reflect Winery Order requirements. The Winery Order conditions apply even if Napa County implements the Local Agency Oversight Program. Napa County may elect to update winery monitoring requirements for existing County-permitted wineries prior to enrollment under the Winery Order to support alignment with the Winery Order. Napa County will communicate with dischargers if monitoring changes occur.
5. Napa County's Guidelines include technical design standards that are more detailed than those prescribed in the Winery Order. The County's Guidelines that are in alignment with Winery Order requirements remain in effect for all wineries in the County's jurisdiction.

F. Exempt Wineries

As provided in the Winery Order, wineries that discharge less than 10,000 gallons of process water per year to land are not required to enroll under the Winery Order provided they comply with the prohibitions and implement the best management practices stated in [Winery Order](#) Finding 12, which are also stated in Attachment A to this Agreement. Exempt wineries are not required to notify the Water Board. If the Water Board determines a Discharger to be exempt from Winery Order coverage, the Water Board will provide the facility information to Napa County if requested. The Winery Order does not exempt wineries from Napa County's permitting process related to other activities associated with the construction and operation of the winery. Napa County will oversee any other Napa County-required permits or authorizations for wineries exempt from coverage under the Winery Order. A winery's exempt status does not diminish the State Water Board or Water Board permitting or enforcement authority related to waste discharges.

The State Water Board's Winery Order website includes an [Eligibility Survey](#) that dischargers may use to determine if they are eligible for coverage under the Winery Order.

Closing

Through this Memorandum of Understanding, the Water Board Executive Officer updates the 1991 Memorandum of Understanding Regarding Winery Process Waste Treatment and Disposal between the Water Board and Napa County so that Napa County can effectively continue to regulate existing wineries previously permitted by Napa County and subject to the Napa County Winery Program. This Agreement is interim and will be reviewed annually and revised based upon whether Napa County applies as the local agency responsible for implementing the Winery Order via the Local Agency Oversight Program, acceptable to the Water Board Executive Officer.

If you have any questions, please contact Margaret Monahan at (510) 622-2377 or Margaret.Monahan@waterboards.ca.gov or Sarah Acker at (510) 622-2494 or Sarah.Acker@waterboards.ca.gov.

Sincerely,

Eileen M. White

Eileen White
Executive Officer

Attachments: A: Referenced Winery Order Findings & Resources
 B. Winery Order Enrollment Process & Conditions
 C: 1991 Memorandum of Understanding

cc (via email): Water Board
 Teresita Sablan, Teresita.Sablan@Waterboards.ca.gov
 Margaret Monahan, Margaret.Monahan@Waterboards.ca.gov
 Keith Lichten, Keith.Lichten@waterboards.ca.gov

 Napa County
 Kim Withrow, Kim.Withrow@countyofnapa.org
 Brian Bordona, Brian.Bordona@countyofnapa.org
 Armeda Simpson-VanDam, Armeda.Vandam@countyofnapa.org

Napa County hereby agrees to the conditions specified in the foregoing updated Memorandum of Understanding.

Sincerely,

Joelle Gallagher
Napa County Board of Supervisors Chair

APPROVED AS TO FORM
OFFICE OF COUNTY COUNSEL

By: 

Douglas Parker, Deputy

Date: June 24, 2024

Attachment A
State Water Resources Control Board's
Waste Discharge Requirements for Winery Process Water Order
References and Resources

Findings from the State Water Resources Control Board's (State Water Board) General Waste Discharge Requirements for Winery Process Water Order WQ 2021-0002-DWQ ([Winery Order](#)) referenced in the Napa County updated Memorandum of Understanding (Agreement) are stated in section A below for ease of reference. The Winery Order conditions restated in section A are listed in the order they appear in the Agreement. In addition, section B includes resources and website links that provide additional information relevant to the understanding and implementation of the Winery Order.

A. Winery Order References Cited in the Agreement

- 1) Winery Order **Findings 67 through 71** section B addresses the **Local Agency Oversight Program** and is referenced in Agreement section B.

67. Local agencies may apply to the State Water Board or regional water board for oversight of wineries located within the local agency jurisdiction and covered by the Winery 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 Winery Order can streamline regional water board resources for Winery Order implementation.

68. 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 the Winery Order. The primary role of the local agency is to oversee implementation of the technical requirements of the Winery Order after the Discharger enrolls in the Winery Order and related enrollment in the local oversight program. The regional water board or State Water Board may coordinate with the local agency on the Discharger's Winery Order enrollment, Notice of Applicability issuance, and Notice of Termination approvals to support the requirements of the Winery Order.

69. Local agencies seeking oversight responsibilities for winery waste discharges must demonstrate adequate resources and technical expertise to implement such a program and must also have the legal authority to administer the Winery Order.

- a. The local agency must submit a Local Agency Oversight Program application to the State Water Board or regional water board, as described in Attachment E, to apply for authorization to administer the Winery Order.
- b. The State Water Board or 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 State Water Board or regional water board may limit the tiers that are eligible for local agency oversight.

70. Local agencies that obtain oversight responsibility will administer the Winery Order, but local agency oversight is not a substitute for regulation under the Winery Order. Dischargers are required to comply with all requirements of the Winery Order and the facility Notice of Applicability (NOA), Monitoring and Reporting Program (MRP), and compliance schedule.
- a. The State Water Board and regional water boards retain enforcement authority related to the Winery 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.
71. Dischargers that enroll in a Local Agency Oversight Program must apply for Winery Order coverage through the State Water Board or regional water board by submitting a complete application as described in the Application and Termination Processes section of the Winery Order. The State Water Board or 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. Dischargers with wineries enrolled in a State Water Board or regional water board authorized Local Agency Oversight Program may receive a reduction in their annual fee. The Discharger may be required to submit a separate application and fee to the local agency to enroll in the Local Agency Oversight Program.

- 2) Winery Order **Finding 58** addresses the **Winery Order compliance time schedule** and is referenced in Agreement section E.1.

58. For existing facilities: 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 Notice of Intent. If any proposed completion dates exceed the compliance periods stipulated in the Winery Order, the change must be supported with appropriate technical and/or economic justification. The regional water board may modify the proposed schedule as appropriate and will provide the approved schedule in the Notice of Applicability.

- 3) Winery Order **Finding 12** addresses **Exempt Winery Prohibitions and Best Management Practices** and is referenced in Agreement section F.

12. Wineries with process water design flows less than 10,000 gallons per year (gal/yr) are unlikely to degrade water quality and are therefore exempt from the Winery Order provided they comply with the following:

- a. The Discharger shall not discharge waste:
 - i. To surface waters or surface water drainage courses.
 - ii. That is classified as "hazardous," as defined in California Code of Regulations (CCR), title 23, section 2521, or classified as "designated," as defined in Water Code section 13173.

- iii. That is untreated or partially treated from the treatment system.
- iv. To land not owned, operated, controlled, or contracted by the Discharger.
- b. The Discharger shall implement the following management practices:
 - i. Manage winery product, winery waste, and winery waste areas (e.g., storage, loading, conveyance, treatment, and disposal areas) to prevent, mitigate, and promptly clean up any spills.
 - ii. Maintain all winery waste within property boundaries and within appropriate onsite use areas (e.g., loading, processing, storage, treatment, disposal, and reuse areas).
 - iii. Manage winery waste to minimize nuisance conditions (e.g., objectionable odors; mosquitoes in ponds, ditches, and other open storage areas).
 - iv. Manage stormwater that contacts winery waste as process water. Protect stored process solids from precipitation to minimize process water generation.

B. Websites and Resources Referenced in the Agreement

1. Napa County Winery Waste Discharge Requirements [website](#)

<https://www.countyofnapa.org/1918/Winery-Waste-Discharge-Requirements-WDRs>

2. Napa County [Record Update Form](#)

<https://www.countyofnapa.org/DocumentCenter/View/3839/Current-Record-Update-Form-07-19-PDF?bidId=>

3. State Water Board's General Waste Discharge Requirements for Wineries [website](#)

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html

The *Resources* tab in the *General Information* section of the State Water Board's Winery Order website includes additional resources to support Winery Order compliance, such as a compliance calendar, and guidance on pond lining and biochemical oxygen demand calculations.

4. Waste Discharge Requirements for Winery Process Water Order ([Winery Order](#))

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2021-0002-dwq.pdf

5. [Apply for Winery Order Coverage online](#) via the online application (Notice of Intent)

The online electronic Notice of Intent will be uploaded to the California Integrated Water Quality System (CIWQS), a State Water Board's permit database.

https://ciwqs.waterboards.ca.gov/ciwqs/EformsServlet?Purpose=goToUserInfo&Redirect_Page=eforms/eformsUserInfo.jsp

6. **Winery Order Electronic [Notice of Intent Help Guide](https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/2023/winery-enoi-guide.pdf)**

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/2023/winery-enoi-guide.pdf

7. **Winery Order Tiers**

Tier	Facility Process Water Flow for Tier Determination (gallons per day)	Facility Process Water Flow for Fee Determination (gallons per day)
Exempt	< 10,000	<10,000
Tier 1	10,000 – 30,000	10,000 – 30,000
Tier 2	30,001 – 300,000	30,001 – 100,000
		100,001 – 300,000
Tier 3	300,001 – 1,000,000	300,001 – 600,000
		600,001 – 1 million
Tier 4	1,000,001 – 15,000,000	1 million – 3 million
		3 million – 7 million
		7 million – 15 million

8. **Winery Order Fees**

Winery Order annual fees are based on the annual process water flow. Fees are subject to change annually per the California Code of Regulations Title 23, division 3, chapter 9, *Waste Discharge Reports and Requirements*, article 1, *Fees*, sections 2200-2200.9. Refer to the Winery Order [webpage](#) or the Water Quality Fees [webpage](#) under *Winery Process Water Program Fees* for the current rates.

- a. State Water Board Water Quality Fees [webpage](#)

https://www.waterboards.ca.gov/resources/fees/water_quality/

- b. State Water Board [Fee Payment Guide](#)

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/fee_payment_guide.pdf

- c. Water Quality Annual [Fee Invoice Lookup](#)

<https://public3.waterboards.ca.gov/infofees/faces/invoiceSearch.xhtml>

9. **Winery Order Example Requirement [Matrices](#)**

This document includes a summary of Winery Order requirements per tier, provided for informational purposes only. Requirements are based on treatment and discharge methods and some requirements may not be applicable based on the project design. Refer to the Winery Order for the complete requirements.

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/winery_order_ex_req_matrices.pdf

10. Winery Order [Exemption Criteria](#)

The Winery Order includes criteria for facilities that meet the necessary requirements to be considered “exempt”. Additional information on the exemption criteria is located on the State Water Board’s Winery Order website under the ‘General Information - Exemption Criteria’ tab. Refer to section A.3) above for additional information on the exemption criteria and conditions.

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html

11. Contacts

- a. State Water Board winery email address

DWQ-Winery@Waterboards.ca.gov

- b. San Francisco Bay Regional Water Board winery email address

RB2-Winery@waterboards.ca.gov

- c. Napa County Winery Order Program email address

winerydischarge@countyofnapa.org

- d. To receive updates related to the Winery Order, sign up for the email subscription list at the bottom of the State Water Board’s [website](#).

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html

12. Water Board’s Water Quality Control Plan for the San Francisco Bay ([Basin Plan](#))

The Water Board’s Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay Region.

https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html

13. [GeoTracker](#) Monitoring and Reporting Online Database

GeoTracker is the State Water Board’s Internet-accessible database system used to track and archive compliance data related to discharges. The monitoring data reporting website is accessible on the [GeoTracker](#) website under [GeoTracker ESI Login](#). The State Water Board prepared an Electronic Submittal of Information (ESI) [Help Guide](#) for the Winery Order reporting to GeoTracker.

GeoTracker website: https://www.waterboards.ca.gov/ust/electronic_submittal/

GeoTracker ESI Login: https://www.waterboards.ca.gov/ust/electronic_submittal/

GeoTracker Submittal of Information Help Guide:

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/2024/geotracker-esi-help-guide.pdf

Attachment B
State Water Resources Control Board's
General Waste Discharge Requirements for Winery Process Water Order
Application Process Guidance

The [Winery Order](#) is a permit that is applicable to facilities that currently or plan to produce wine or grape juice generating between 10,000 and 15,000,000 gallons of process water **per year** that results in the discharge of process water or solids to land, such as to a pond or via land application for irrigation or through a septic-subsurface disposal system.

The application process for enrolling new, expanding, or unpermitted wineries in the State Water Resources Control Board's General Waste Discharge Requirements for Winery Process Water (Winery Order) is summarized herein and addressed in Winery Order Findings 57 through 66. Refer to the Memorandum of Understanding between Napa County and the Water Board (also referred to as Agreement) for information on existing wineries currently permitted through the Napa County Winery Waste Discharge Program. For questions related to Winery Order enrollment, contact the San Francisco Bay Regional Water Quality Board (Water Board) at RB2-Winery@waterboards.ca.gov. Section C of this attachment provides resources related to Water Board permitted wineries to support Water Board and Napa County coordination.

A. Exempt Wineries

The Winery Order sets criteria for facilities that meet the necessary requirements to be considered “exempt” from applying for Winery Order coverage. To be considered exempt, a winery must produce less than 10,000 gallons of winery process water per year and agree to the criteria stated in Winery Order Finding 12, which includes exempt winery prohibitions and best management practices. The exempt criteria are also stated in Agreement Attachment A.

B. Winery Order Application Process

1. Apply for Winery Order coverage through the Water Board by submitting a complete application, which consists of the following:
 - a. Application form, which is referred to as a [Notice of Intent](#),
 - b. Technical report, and
 - c. Application / first year [fee](#).¹
2. Enrollment under the Winery Order is considered complete when the fee payment is received and processed, a Notice of Applicability is issued by the Regional Water Board, and the Legally Responsible Official's signature has been submitted to the Water Board.

¹ Select 'California Code of Regulations (Fee Schedule)' listed under the Winery Process Water Program Fees. The Winery Order fiscal year 2023-24 fee schedule is in section (3)(A).

3. The Notice of Intent can be completed and submitted online and is referred to as the [electronic Notice of Intent](#) or eNOI. The Winery Order [Electronic Notice of Intent Help Guide](#) is also accessible online to support the application process.
4. After the electronic Notice of Intent is submitted online, the Legally Responsible Official signee must provide a signed copy (e.g., digital signature, scanned signed copy, image of signed copy, mailed with wet signature) of the submitted application to the Water Board via RB2-Winery@waterboards.ca.gov. Include the electronic Notice of Intent Form ID with the signature submittal. The Notice of Intent Form ID is automatically generated when the eNOI is initiated. Although an electronic submittal of the signed application is preferred, it can also be sent via mail to:

San Francisco Bay Regional Water Quality Control Board
Attn: Winery Order
1515 Clay Street, Suite 1400
Oakland, CA 94612

If documents are sent via mail, send a notification email to the email address stated above.

5. An email notification will be sent from the California Integrated Water Quality System (CIWQS) Help Desk to the applicant and the Water Board when an electronic Notice of Intent is submitted and ready for Water Board review.² An application-specific Form ID is automatically generated when the electronic Notice of Intent is initiated.
6. A **technical report** must be prepared as part of the Winery Order application package and must be uploaded via the online electronic Notice of Intent. [Winery Order Attachment C](#) includes a technical report outline that is intended to provide general guidance on the content to include in the technical report that is tailored to site-specific conditions as appropriate. Submitting a technical report consistent with the outlined format will assist the applicant in providing the necessary information to the Water Board, which will support an expedited review of the technical report and streamline the permitting process.
7. Winery Order enrollees are responsible for submitting fees to the State Water Board. Napa County fees are separate and remain applicable for other County-issued winery related permits. If Napa County implements a Local Agency Oversight Program, then Dischargers enrolled in an approved Local Agency Oversight Program will receive a 50 percent fee reduction on the Winery Order annual fee. The full fee amount shall be submitted unless otherwise notified. The initial fee serves as an application and first year fee. The State Water Board will issue annual invoices for payment of the annual fee after the first year. The fee is based upon the annual amount of winery process water discharged to land and is subject to change annually.³ Refer to the State Water Board's Winery Fee Schedule on the [Winery](#)

² CIWQS denotes the California Integrated Water Quality System, which is the Water Board's online permit management database.

³ The annual fee schedule is per California Code of Regulations, Title 23, division 3, chapter 9. Waste Discharge Reports and Requirements, article 1 Fees, sections 2200-2200.9.

[Order website](#) to determine the fee at the time of application. The State Water Board's [Fee Payment Guide](#) provides additional information on submitting payment.

8. The Winery Order **fee payment options** include:

➤ **Paying by Check:**

Make check payable to "SWRCB Fees"

Note 'FA-' followed by the applicant-specific eNOI **Form ID** (e.g., FA-10337) on the check unless an invoice number or a Regulatory Measure is provided by the Water Boards, in which case, include that number. The Form ID is generated if the Notice of Intent is submitted by the applicant via the [electronic Notice of Intent](#).

Mail to:

San Francisco Bay Regional Water Quality Control Board
Attn: Winery Order
1515 Clay Street, Suite 1400
Oakland, CA 94612

➤ **Paying by Electronic Funds Transfer (EFT)** (Bank Account or Credit Card)

EFT payments are submitted to the State Water Board [online](#).

The application Fee Type is Waste Discharge Requirement (Non-15) Application, and the Application Number is **FA-** followed by the **eNOI Form ID** or the Regulatory Measure identification number determined by the Water Board following submittal of the Notice of Intent.

- For questions about fees or invoicing, contact the State Water Board Fee Branch at FeeBranch@waterboards.ca.gov. The State Water Board's [Winery Order website](#) contains additional information on fees under the 'Enrollment and Fees' tab.
- To support timely processing, we recommend submitting proof of fee payment to the Regional Water Board via RB2-Winery@waterboards.ca.gov.

9. Following review and approval of the Winery Order application (Notice of Intent) by Water Board staff, the Water Board will issue a **Notice of Applicability letter to the applicant approving enrollment** under the Winery Order and conditionally authorizing the discharge of winery process waste to land. The Notice of Applicability will also include a copy of the Winery Order and a Monitoring and Reporting Program, which will collectively serve as a Waste Discharge Requirements permit. The application review process is iterative and Water Board staff may contact the applicant to request additional information to support the process.

10. **Questions** about the application process can be submitted to the Water Board via email to RB2-Winery@waterboards.ca.gov. Submit questions related to the Napa County Winery Waste Discharge Program to winerydischarge@countyofnapa.org. The State Water Board's winery email address is DWQ-Winery@waterboards.ca.gov

11. The State Water Board sent notifications via mail to wineries in a phased outreach process. Although the State Board conducted outreach to wineries, it is the applicant's responsibility to apply for Winery Order coverage even if they did not receive an outreach letter from the State Water Board.
12. In the event of any **change in control or ownership of land** or waste discharge facilities presently owned or controlled by a Discharger, the Discharger shall notify the succeeding owner or operator of the existence of the Waste Discharge Requirements (also referred to as a permit or Order) by letter, a copy of which shall be emailed to the Water Board at RB2-Winery@waterboards.ca.gov.
 - a. If discharge of winery process waste to land will continue under the new ownership, the new owner shall apply for regulatory coverage for the discharge under the Winery Order per the process stated in Winery Order Findings 57 through 64 and summarized herein.
13. To **terminate enrollment** under the Winery Order, submit a Notice of Termination to the Water Board at least 120 days prior to termination of discharge. [Winery Order Attachment D](#) includes the Notice of Termination form. The Water Board reserves the right to inspect the winery before approving a Notice of Termination. Filing a Notice of Termination to request termination of existing Water Board permit coverage does not stay any requirements of the permit. The Discharger continues to be responsible for the fees and self-monitoring reports required by the Winery Order until the Notice of Termination is approved in writing by Water Board staff.

C. Water Board Permitted Winery Resources

1. Information on Water Board permitted wineries is accessible via the Water Board's California Integrated Water Quality System (CIWQS) database by searching the online [Facility-at-a-Glance](#) or the [Regulated Facilities Reports](#).⁴ If Napa County implements a Local Agency Oversight Program, greater access to the Water Board's CIWQS database will be pursued.

⁴ To query the Regulated Facility Report, select the County, WDR Program, and Winery Facility Type.