

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

EXECUTIVE OFFICER SUMMARY REPORT

AUGUST 14, 2024

ITEM NO. 4

SUBJECT

Consideration of Tentative Order No. R9-2024-0055, *An Order Rescinding Order No. 2001-159, Waste Discharge Requirements for Phillips B. & Carol J. Baily, Baily Vineyard & Winery, Riverside County* (Tentative Order No. R9-2024-0055). (Brandon Bushnell)

STAFF RECOMMENDATION

Staff recommends adoption of Tentative Order No. R9-2024-0055.

KEY ISSUES

Tentative Order No. R9-2024-0055 (**Supporting Document 1**), if adopted, rescinds Order No. 2001-159, *Waste Discharge Requirements for Phillips B. & Carol J. Baily, Baily Vineyard and Winery Riverside County* (Order No. 2001-159). The discharge of winery process water at Baily Vineyard and Winery (Facility) will be regulated under State Water Resources Control Board Order WQ 2021-0002-DWQ, *General Waste Discharge Requirements for Winery Process Water* (Winery Order).¹

PRACTICAL VISION

Tentative Order No. R9-2024-0055 is consistent with the Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.² The use of statewide permits, like the Winery Order, helps the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality. Additionally, enrolling dischargers in the Winery Order maintains consistent regulation of wineries throughout the state.

¹ Winery Order:

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/docs/wqo2021-0002-dwq.pdf

² Practical Vision:

https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

DISCUSSION

The purpose of this item is to provide the Board with information to assist in its consideration of Tentative Order No. R9-2024-0055. If adopted, Tentative Order No. R9-2024-0055 will rescind Order No. 2001-159 and activate the Facility's enrollment in the Winery Order.

The Facility is owned and operated by Phillips B. & Carol J. Baily (collectively, Discharger); and located at 36150 Pauba Road, Temecula in the County of Riverside (**Supporting Document 2**). San Diego Water Board staff inspected the Facility on May 31, 2022, and did not observe any violations of the requirements specified in Order No. 2001-159 during the inspection.

San Diego Water Board staff determined the Facility's winery process water discharge is eligible for enrollment in the Winery Order based on the Discharger's monitoring reports and information gathered during the facility inspection conducted on May 31, 2022. Implementation of the Winery Order provides a more appropriate, consistent, and streamlined statewide approach to regulating winery process water discharged to land. Discharges from wineries have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, and flow ranges, and require the same or similar treatment standards. While the Discharger may request to be regulated under individual waste discharge requirements (WDRs), the Facility's enrollment in the Winery Order allows the San Diego Water Board to effectively and efficiently regulate discharges from wineries, while prioritizing the agency's limited resources.

San Diego Water Board staff prepared a Notice of Applicability (NOA) (**Supporting Document 3**) in accordance with the Winery Order, after determining the Facility's enrollment is appropriate as a tier 1 facility. The NOA contains site-specific monitoring and reporting requirements for the Facility. Since this Facility is operating under individual WDRs, the San Diego Water Board's Executive Officer issued the NOA, prior to the San Diego Water Board considering rescission of the Facility's existing individual WDRs. San Diego Water Board staff posted a draft copy of the NOA to the San Diego Water Board's website on April 9, 2024.

SIGNIFICANT CHANGES

The significant differences between the Winery Order and Order No. 2001-159 are:

1. Order No. 2001-159 includes specific individual WDRs for the Facility, whereas the Winery Order regulates wineries consistently statewide.

2. The Facility satisfies the Winery Order conditions to be classified as a tier 1 facility. Winery Order requires tier 1 facilities to monitor flow and conduct visual inspections. This is less monitoring than is required by Order No. 2001-159, which also required the Discharger to conduct effluent quality monitoring. The monitoring and reporting program required by the Winery Order, however, is more appropriate because Tier 1 wineries that discharge small volumes (10,000 – 30,000 gal/yr or approximately 28 – 83 gallons per day) of process water are considered to have a low potential for degrading water quality provided they comply with General Order requirements. Additionally, the monitoring is consistent with the monitoring and reporting requirements for facilities of similar size and discharge across the state.

COMPLIANCE RECORD

The San Diego Water Board issued two staff enforcement letters for four violations of Order No. 2001-159 for deficient or late monitoring in 2010 and again in 2013. The Discharger submitted all other required monitoring reports on time. Staff reviewed these monitoring reports and determined them to be complete.

PUBLIC NOTICE

San Diego Water Board staff notified the Discharger and known interested parties of this action on March 18, 2024 (**Supporting Document 4 and 5**). Additionally, San Diego Water Board staff posted Tentative Order No. R9-2024-0055 on its website, along with a draft of the Facility's NOA, on March 18, 2024. The San Diego Water Board did not receive any comments during the public comment period. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2024-0055
2. Vicinity and Facility Map
3. Notice of Applicability for Baily Vineyard and Winery
4. Transmittal Letter
5. Notice of Public Hearing and Written Comment Period