



San Diego Regional Water Quality Control Board

March 18, 2024

Phil Baily
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Temecula, CA 92592
Sent by email: phil@bailywinery.com

In reply refer to/attn.:
WDR100028015:BBushnell

Subject: Notice of Applicability for Order WQ 2021-0002-DWQ, Baily Vineyard and Winery, Riverside County

Phil Baily:

This Notice of Applicability (NOA) is to inform the Baily Vineyard and Winery, Inc. (Discharger) that the Baily Vineyard and Winery (Facility) is anticipated to be enrolled in State Water Resources Control Board (State Water Board) Order WQ 2021-0002-DWQ, *General Waste Discharge Requirements for Winery Process Water* (Winery Order), as a Tier 1 facility. The Facility's enrollment in the General Order is effective upon the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), adopting 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).

The San Diego Water Board reviewed Order No. 2001-159, *Waste Discharge Requirements for Phillips B. & Carol J. Baily, Baily Vineyard & Winery Riverside County* (Order No. 2001-159) and the Discharger's record of compliance with Order No. 2001-159. Implementation of the General Order provides a more appropriate and consistent statewide approach to regulating winery process wastewater. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's enrollment in the General Order allows the San Diego Water Board to effectively and efficiently regulate discharges from wineries, while prioritizing the agency's limited resources.

The State Water Board adopted the Winery Order on January 20, 2021. The San Diego Water Board reviewed the Discharger's January 22, 2024, electronic Notice of Intent (NOI)¹ to enroll the Facility in the Winery Order. The San Diego Water Board

¹ For the purposes of the Winery Order, an NOI, including technical reports and supporting documentation are equivalent to a report of waste discharge.

determined the Facility meets the enrollment eligibility criteria of the Winery Order, based on the information provided in the NOI. An electronic copy of the Winery Order is available at the following website:

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

NOA FINDINGS AND REQUIREMENTS – The Discharger is responsible for complying with all applicable requirements in the Winery Order and this NOA, including submittal of all required reports. The Discharger is the sole entity with legal authority to: (1) update information in the NOI, submitted to the San Diego Water Board to obtain enrollment in the Winery Order; (2) request enrollment status changes to the San Diego Water Board, including tier designations and enrollment termination. The Discharger may designate in writing a third-party agent or a subordinate as a duly authorized representative to sign and submit reports and represent them in issues related to the Winery Order. The San Diego Water Board or the State Water Board will hold the Discharger liable for any noncompliance with the Winery Order or this NOA.

Please review this NOA carefully to ensure it completely and accurately reflects the Facility name, location, and details of the proposed discharge. Failure to comply with the requirements of the Winery Order may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability (monetary penalties). Discharges of wastes not in compliance with the Winery Order are prohibited.

1. FACILITY AND DISCHARGE DESCRIPTION

The Facility is located at 36150 Pauba Road, Temecula, Riverside County, within the Pechanga (HA) of the Santa Margarita Hydrologic Unit. The Facility generates approximately 15,000 gallons per year of winery process water and 12 tons of winery process solids. The Discharger disposes of the winery process water to a percolation pond at the Facility.

2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Winery Order regulates discharges from new and existing wineries and pursuant to the California Environmental Quality Act (CEQA) the State Water Board considered the environmental impacts associated with the adoption of the Winery Order by preparing a mitigated negative declaration (State Clearing House No. #2020070485) for the Winery Order on July 3, 2020, and submitting to the State Clearing House on July 24, 2020 as lead agency under CEQA in accordance with California Code of Regulations, title 14 section 15072.

3. FACILITY REQUIREMENTS

The Discharger must be familiar with the Winery Order, and this NOA, in particular the Monitoring and Reporting Program (MRP) in section 4 below. The Discharger is

responsible for operating the Facility in compliance with the Winery Order and this NOA.

4. MONITORING AND REPORTING PROGRAM

The Discharger must comply with the MRP established in this NOA. The MRP establishes a monitoring and reporting schedule to demonstrate compliance with the Winery Order and this NOA. The Discharger must not implement any changes to the MRP requirements unless, and until, revised requirements are issued by the San Diego Water Board Executive Officer.

The Discharger must comply with the monitoring requirements below, which are based on the model monitoring and reporting program established by the State Water Board in Attachment G of the Winery Order.

a. Reporting Frequency

i. Annual Monitoring Reports

The Discharger must submit annual monitoring reports to the San Diego Water Board, by uploading the reports to the State Water Board's internet accessible GeoTracker database.² GeoTracker is the Water Boards' database system for tracking and archiving compliance data from regulated facilities. The Discharger's annual monitoring reports must contain the effluent monitoring results, specified in this NOA. The Discharger's first annual monitoring report is the 2023 Annual Monitoring Report, which must be submitted to the San Diego Water Board by March 1, 2025.

ii. Compliance Letters

The Discharger must submit a Compliance Letter to the San Diego Water Board, by uploading the letter to the State Water Board's GeoTracker database. The Discharger's Compliance Letters self-report any instance of non-compliance with the Winery Order or this NOA. The Discharger is not required to submit a Compliance Letter to the San Diego Water Board if the Facility is fully compliant with the Winery Order and this NOA. The Discharger must ensure Compliance Letters are received by the San Diego Water Board by the first day of the second month after the month in which a violation or exceedance occurs. For example, a Compliance Letter for a violation or exceedance occurring in January is due on March 1.

² Instructions and information on GeoTracker Electronic Reporting Requirements is available at the following website: https://www.waterboards.ca.gov/ust/electronic_submittal/index.html. For any questions or help with submittals, please contact the GeoTracker Help Desk at (866) 480-1028.

b. Effluent Monitoring

The Discharger must monitor the winery process water effluent at the Facility, as described in Table 1:

Table 1. Effluent Monitoring

Constituent	Unit	Sample Type	Sampling Frequency	Reporting Frequency
Flowrate	Gallons per Day	Metered or calculated ²	Continuous, daily, or average daily flow ¹	Annual
Days of operation (generating process water)	Day	Observation	Daily	Annual

Table Notes:

- 1) "Average daily flow" is defined as the average of daily flowrates measured or estimated during the first seven days of the discharge occurring each month.
- 2) The Discharger must measure the winery process water effluent flowrate directly via a flowmeter or calculate the flowrate using an accurate alternative method (e.g., assume that the effluent flowrate is equal to the Facility's source water use, or calculate effluent flowrate from a daily water balance of all effluent storage tank levels).

5. FACILITY AND OWNERSHIP CHANGES

a. Treatment or Disposal Methodology Changes

The Discharger must notify the San Diego Water Board prior to any significant changes in either the treatment or disposal methodologies, or the volume or character of the treated waste discharged from the Facility.

b. Tier Designation Changes

The Discharger must submit a new Report of Waste Discharge to the San Diego Water Board when requesting to change the Facility's tier designation, after the Board's issuance of this NOA. The Discharger must submit the Report of Waste Discharge to the San Diego Water Board at least 120 days before the anticipated change. The San Diego Water Board will review and consider the Discharger's request. If the San Diego Water Board concurs with the Discharger's request, the Board will issue a new NOA to the Discharger, with the Facility's new tier designation. The Discharger may be required to pay an application fee and/or a change in annual fee, based on the San Diego Water Board tier designation.

c. Facility Control or Ownership Changes

The Discharger must notify the San Diego Water Board prior to any planned changes in control or ownership of the Facility or winery process water disposal areas. The Discharger must notify the succeeding owner or operator of the existence of the Winery Order and this NOA by letter, and immediately provide a copy of the letter to the San Diego Water Board Executive Officer. In addition, the succeeding owner or operator must submit a Report of Waste Discharge to the San Diego Water Board, requesting enrollment in the Winery Order. The succeeding owner or operator must ensure the San Diego Water Board received the Report of Waste Discharge at least 90 days prior to the succeeding owner or operator commencing operations at the Facility. The San Diego Water Board will review the Report of Waste Discharge submitted by the succeeding owner or operator, and consider the Facilities enrollment in the Winery Order. If the San Diego Water Board concurs with the Report of Waste Discharge submitted by the succeeding owner or operator, the San Diego Water will issue a new NOA. Failure by the succeeding owner or operator to submit the required Report of Waste Discharge to the San Diego Water Board shall be considered a discharge without waste discharge requirements and a violation of the California Water Code.

6. ENFORCEMENT

The Discharger must review and ensure this NOA completely and accurately reflects the Facility's discharge. The Discharger is responsible for compliance with the Winery Order and this NOA. Failure to comply with the requirements in the Winery Order and this NOA could result in an enforcement action as authorized by provisions of the California Water Code, including assessment of administrative civil liability (monetary penalty). Discharges of wastes other than those described in this NOA are prohibited.

7. ANNUAL FEES AND SAN DIEGO WATER BOARD CONTACT INFORMATION

The Discharger has been paying an annual fee for Order No. 2001-159 and therefore an application fee is not required. The Discharger must pay an annual fee (waste discharge permit fee, pursuant to California Water Code, section 13260 et seq.) to the State Water Board to maintain active enrollment in the Winery Order and must continue to pay an annual fee until enrollment in the Winery Order is terminated by the San Diego Water Board. The fee amount due annually will be in the invoice provided to the Discharger and is determined by the State Water Board fee program, covering the State of California's fiscal year of July 1 through June 30. A copy of the current fee schedule is available electronically on the fee resource webpages referenced in the Additional Winery Water Quality Resources section below.

8. ADDITIONAL WINERY WATER QUALITY RESOURCES

Below are some links to helpful resources:

- [Water Boards' Winery Order Webpage](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)
- [Waste Discharge Requirements Program Contacts](https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/waste_discharge_requirements_statewide_contacts.html)
(https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/waste_discharge_requirements_statewide_contacts.html)
- [CIWQS Facility-At-A-Glance Report](https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset)
(<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset>)
- [Water Quality Fees Webpage](https://www.waterboards.ca.gov/resources/fees/water_quality/)
(https://www.waterboards.ca.gov/resources/fees/water_quality/)

Please contact Brandon Bushnell at 619-521-8044 or via email at Brandon.Bushnell@waterboards.ca.gov if you have any questions or comments.

Respectfully,

for David W. Gibson
Executive Officer

cc (via email): Kristine Kim, County of Riverside Department of Environmental Health,
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Jeff Kirshberg, Rancho California Water District,
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DWG:rnm:ac:bb

Tech Staff Info & Use

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