

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS75057-SBf-2 (2/19)

Short Title: Winery Wastewater Management.

(Public)

Sponsors: Senator Horton.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE
MANAGEMENT OF WINERY WASTEWATER.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that it is desirable to promote and increase wine production in North Carolina while ensuring the protection of the water resources of the State. It is the intention of the General Assembly to promote a cooperative and coordinated approach among the agencies of the State in the management of winery wastewater, with an emphasis on reasonable regulatory controls so as to minimize regulatory burdens, as appropriate, and maximize the protection of the quality of the waters and the health of the citizens of the State.

SECTION 2. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall jointly prepare technical assistance information on the management of winery cleaning and process wastewater. This information shall emphasize local means of addressing winery cleaning and process wastewater management, including both on-site subsurface wastewater systems, permitted by county health departments, and connection to publicly owned treatment works. Furthermore, the Department of Environment and Natural Resources, in consultation with the Department of Agriculture and Consumer Services, shall develop design criteria for the management of winery cleaning and process wastewater through nondischarge land application systems. The technical assistance information shall be completed by April 1, 2004, and shall be made available to the public. The design criteria shall be completed by July 1, 2004.

SECTION 3. G.S. 143-215.1 is amended by adding two new subsections to read:

"(d2) A wastewater management system for the treatment and disposal of cleaning and process wastewater from a winery that produces 200 or more gallons of wine per

1 year that cannot dispose of its wastewater through an on-site subsurface wastewater
2 system or connect to a publicly owned treatment works may be permitted in accordance
3 with subsection (d) of this section provided all of the following conditions are met:

4 (1) The use of treated winery cleaning and process wastewater for
5 irrigation is restricted to vineyards, pastures, or landscape irrigation
6 areas under the ownership or control of the winery owner and
7 designated in the permit.

8 (2) Treated winery cleaning and process wastewater is applied so that it
9 does not exceed the needs of the vegetation or the absorptive capacity
10 of the land.

11 (3) Treated winery cleaning and process wastewater is applied so that
12 ponding or runoff of the wastewater does not occur.

13 (4) Measures are taken to prevent breeding of insects and creation of other
14 hazards to public health.

15 (5) For a land area onto which treated winery cleaning and process
16 wastewater is applied, setbacks from a property boundary shall not be
17 required if the wastewater is applied so that it does not drift off-site of
18 the property owned by the winery and signs are posted every 200 yards
19 along the winery property boundary stating, "Winery cleaning and
20 process wastewater being reused to irrigate lands."

21 (6) For a winery that employs a drip irrigation disposal system and does
22 not comply with the requirements of subdivision (5) of this subsection,
23 the drip irrigation disposal system shall be located at least 50 feet from
24 any property boundary, unless a waiver is granted by the owner of the
25 adjoining property for a reduction in the setback.

26 (7) For a winery that employs a spray irrigation disposal system and does
27 not comply with the requirements of subdivision (5) of this subsection,
28 the spray irrigation disposal system shall be located at least 150 feet
29 from any property boundary, unless a waiver is granted by the owner
30 of the adjoining property for a reduction of setback.

31 (8) Notwithstanding any other subdivision of this subsection, the use of
32 treated winery cleaning and process wastewater for irrigation shall not
33 occur within 100 feet of any drinking water well or other source of
34 potable water.

35 (9) Notwithstanding any other subdivision of this subsection, an
36 impoundment of treated winery cleaning and process wastewater shall
37 not be located within 100 feet of any drinking water well or other
38 source of potable water.

39 (d3) A wastewater management system for the treatment and disposal of cleaning
40 and process wastewater from a winery that produces less than 200 gallons of wine per
41 year shall be deemed permitted provided all of the following conditions are met:

42 (1) No winery cleaning and process wastewater is discharged to surface
43 waters.

1 (2) The winery cleaning and process wastewater does not degrade the
2 groundwater of the State.

3 (3) The winery shall not create any water quality condition that would
4 constitute a nuisance that affects an adjoining property owner."

5 **SECTION 4.** G.S. 143-215.3D(a) is amended by adding a new subdivision to
6 read:

7 "(a) Annual fees for discharge and nondischarge permits under G.S. 143-215.1. –

8 . . .

9 (9) Winery Wastewater Management Systems. – The annual fee for a
10 winery wastewater management system permit issued pursuant to G.S.
11 143-215.1(d) and (d2) shall be:

12 a. One hundred dollars (\$100.00) for wineries that produce less
13 than 10,000 gallons of wine annually.

14 b. Three hundred dollars (\$300.00) for wineries that produce
15 10,000 or more gallons of wine but less than 100,000 gallons of
16 wine annually.

17 c. Six hundred seventy-five dollars (\$675.00) for wineries that
18 produce 100,000 or more gallons of wine annually."

19 **SECTION 5.** The Department of Environment and Natural Resources and
20 the Department of Agriculture and Consumer Services shall jointly prepare and submit
21 an interim report to the Environmental Review Commission on progress in developing
22 and distributing the technical assistance information on the management of winery
23 cleaning and process wastewater and in developing the design criteria for the
24 management of winery cleaning and process wastewater required by Section 2 of this
25 act on or before April 1, 2004, and shall submit a final report to the Commission on or
26 before September 1, 2004.

27 **SECTION 6.** This act is effective when it becomes law.