

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE BILL 220**

Short Title: Winery Wastewater Management. (Public)

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Sponsors: Senators Horton; Allran, Bingham, Brock, Carpenter, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Garwood, Hartsell, Kinnaird, Lucas, Metcalf, Queen, Rucho, Shaw, Soles, and Weinstein.

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Referred to: Agriculture/Environment/Natural Resources.

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February 26, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE  
2 MANAGEMENT OF WINERY WASTEWATER.  
3

4 The General Assembly of North Carolina enacts:

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

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

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

26 "(d2) A wastewater management system for the treatment and disposal of cleaning  
27 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.