



## New requirements for wineries will be rolling out this summer!

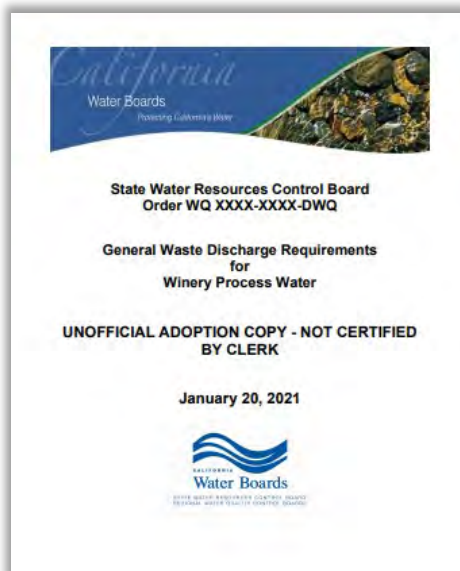
Although this new Order hasn't been officially certified, it is on the fast track to being adopted, and will most likely become effective this summer. Unlike the Industrial General Permit and the Construction General Permit which deal with discharges to water bodies, "the Waste Discharge Requirements (WDR) Program regulates all discharges of waste to land. Waste discharge requirements adopted under the WDR Program protect surface water by either prohibiting discharge of a pollutant to waters of the U.S. or prescribing requirements for discharge to surface waters that are not waters of the U.S., and they protect groundwater by prescribing waste containment, treatment, and control requirements." <sup>1</sup> Typically, one of two WDRs are issued to facilities – individual WDRs (sometimes referred to as specific WDRs) or general WDRs. Individual WDRs are created by the Water Board for a unique facility which doesn't quite fit into any other WDR category. Whereas general WDRs are widely used for more common industries like agriculture, dairies, forestry, and now wineries.

Due to the increasing size of the wine industry in California, the Water Board has developed

In the past several decades we've seen dozens of different industries have to comply with storm water regulations. Industries that vary from manufacturing plants to corps yards – in fact, even some school districts have become a regulated industry. But, up to this point, one of California's most up and coming industries hasn't had its own specific set of regulations – that being the wine industry. In this month's edition of **The Rain Events**, we are going to be taking a closer look at the new General Waste Discharge Requirement for Winery Process Water Order which is in the process of being released to California wineries.

a general WDR to govern the discharge of winery process water and waste water associated with the making, cleaning, or maintaining of wineries. The Order was initially adopted because of the large number of existing wineries without any form of WDRs (according to a 2020 estimate listed in the Winery Order [Winery Order 1.1.3], only 16% of wineries are permitted by WDRs). It appears that "the State Water Board intends for this General

**Order (Winery Order) to be the primary permitting mechanism for wineries in the state."** <sup>2</sup> On January 20, 2021 the State adopted this new Winery Process Water Order, and currently the final stages of review and comments and fee scheduling are taking place so that enrollment can start rolling out in the next several months (you can see a draft version of the proposed Winery Order on the [Water Board website](#)). It should be noted that this Order is not for all wineries (since not all wineries meet the minimum requirements or are already permitted under another order), and that this Order is only applicable for operations which include the production of grape juice or wine (breweries, distilleries, or event venues located at a winery or any other such things are not regulated under this Order). It is the hope of the State that once the fee schedule is adopted, this order will begin rolling out in phases. With the help of an electronic enrollment process, the State hopes to have all applicable wineries enrolled under this order by January 2024, with the necessary compliance goals being achieved by the end of the five-year compliance schedule given to facilities upon the issuance date of their Notice of Applicability.



Structured into four tiers, the Winery Order will be regulating wineries based on the amount of process water they produce per year. The Order's first tier becomes effective for any winery which produces over 10,000 gallons of process water per year, the second tier for facilities which produce up to 300,000 gallons of process water per year, the third tier for facilities with up to 1,000,000 gallons of process water per year, and the fourth tier of the Winery Order regulates facilities which produce up to 15 million gallons of water per year. Wineries which are smaller or larger than these tier specifications are either exempt or will be handled differently.

To determine if this Order is applicable to your facility, you will have to look at what are you producing (*does it fall in the wine and grape juice specification?*), and how much process water your facility is producing per year – this may require the help of a flow meter and digging for some information. Be prepared! It may take a little bit of work, since you're not only going to have to determine how much processed water is being produced per year, but also where your discharges go. *Are you discharging to land, tank and haul, or something else?* Once the Order becomes open for enrollment, using all the information you just gathered, you will have to submit a Notice of Intent (form given in Attachment B), a technical report (the outline for which is included in Attachment C), and pay any associated fees. When that process is complete, the Regional Water Board will review your application and issue a Notice of Applicability – thus the winery becomes enrolled under the new Winery Order and it all becomes a matter of compliance and implementation.

In a compliance nutshell, *wineries are now required to properly dispose, monitor, and balance all water discharges – discharges including mechanisms such as land application for irrigation purposes, pond storage, or subsurface disposal. The process water, any discharges of chemicals, juice, wine, or cleaning water must be under the effluent limits listed in the new Order.* The removal and disposal of solids from the winery process is also being regulated so as to reduce over-abundance of nitrogen in the soil as well as any nuisance odors (think those giant stinky piles of crushed



## State Water Board Adoption

- January 20, 2021
- California Environmental Quality Act Mitigated Negative Declaration
- General Order (included change sheets)

Watch the webinar provided by the Water Board about the new Winery Order.

grape skins and stems that are used to amend the soil after each harvest) and ground water degradation. Pollutants of concern that are highlighted and addressed in this new Order are nitrogen, salts, and biochemical oxygen demand (BOD). Too much salt or nitrogen being added to the soil from these waste process water discharges can have negative affects on the quality and balance of the soil and water. Too much salt is definitely not a good thing—take a lesson from ancient history and remember what the Romans allegedly used to do to the farmlands of their enemies... spread salt all over the soil so that nothing would grow.

In addition to the new compliance regulations, *the new Winery Order has a three-year enrollment period, coupled with a maximum five-year compliance schedule.* Established wineries must get their facilities up to date with the new requirements; and new wineries cannot open and be operational unless they are designed to accommodate the new regulations and file for a WDR 180 days before operations begin.

As mentioned before, the four tiers of coverage are based on the number of gallons of process water produced at a winery per year. Each of these tiers have specific regulations and requirements which build upon each other (you can see what is specifically required in each tier [HERE](#)). The different tiers require things like best management practices, good housekeeping, source control, solids management, odor control, salt control, adequate process water ponds, proper land application, adequate

discharge setbacks, subsurface disposal systems, and groundwater monitoring and reporting—which if you've been around storm water for any time, this should be familiar territory.

**So what's the big deal with Waste Discharge Requirements?** Is this just another type of permit? Actually, WDRs are for facilities that aren't necessarily having storm water discharges to water bodies. But don't be fooled—just because a facility doesn't discharge to a water body, does not mean it doesn't affect water quality (*For example, if you are discharging winery process water to your land that contains chemicals, those chemicals will eventually find their way into the ground water and ultimately can end up in your drinking water. Yuck!*) Improper waste water discharges to land can be equally detrimental to water quality – hence the reason for WDRs. It should also be noted that **just because you have a WDR doesn't mean you don't need coverage by the Industrial General Permit , and just because you have IGP coverage doesn't mean you don't need a WDR.** Some facilities just need one or the other, while some end up needing both! If in doubt of what your facility needs, talk with the Water Board's [Storm Water Help Desk](#).

<sup>1</sup>Waste Discharge Requirements for Waste Water

<sup>2</sup>Winery Order Page 19, Point 59

## The Rain Events

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# *Storm Water Contest...*

Each month, we invite our readers to participate in a contest to test their knowledge of the Industrial General Permit and show their storm water compliance program. We enter all submittals to our monthly newsletter question into a drawing and one person is selected at random to receive a \$25 gift card. Last month's contest question was:

*Are NONAs just for facilities with no discharge?*

Congratulations to Martijn who answered our contest question - *"No." NONA's aren't just for facilities with no discharge.* Martijn we hope you enjoy your next Amazon shopping trip!

## *...This Month's Contest*

*If you have a WDR do you need Industrial General Permit coverage or vice versa?*

We need industrial storm water sleuths to help us with this month's question. Submit your answers by Friday, July 9th. Email your answer to [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com). One winner will be selected by a random drawing to receive a \$25 gift card to *Home Depot*.

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