

GUIDANCE: POND LINERS STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR WINERY PROCESS WATER

2022

DISCLAIMER: *All guidance materials are intended to provide the regulated community and the public with a general understanding of the Statewide General Waste Discharge Requirements for Winery Process Water (Winery Order) from a staff perspective. Such materials are informational only, and are not intended to implement, interpret, or create new requirements. In the case of any conflict with existing statutes, regulations, or orders, the actual statute, regulation, or order governs.*

Do all process water ponds at a winery require a new pond liner within 5 years of Winery Order adoption?

No. The Winery Order pond liner requirements vary based on winery characteristics, such as:

- The winery regulatory tier, which is based on the total volume of process water that may be discharged from the winery (in gallons per year).
- Whether the winery has an existing lined or unlined pond or is planning a new or expanding pond.
- The age and condition of the pond liner.
- Other site-specific considerations.

Tiers 1 and 2 wineries may be allowed to continue operating an existing pond in its present lined or unlined state by submitting required pond and liner information in a Notice of Intent (NOI) and/or technical report; Tier 2 wineries will be required to obtain regional water quality control board (regional water board) approval.

Tiers 3 and 4 wineries may be allowed to continue operating their existing lined ponds by demonstrating (using one of the alternatives provided in the Winery Order) that the pond liner is designed (or equivalent) to the hydraulic conductivity standard for new or expanding ponds and/or operating with minimal percolation and groundwater degradation; required information must be submitted in an NOI and/or technical report for regional water board approval.

Existing unlined ponds at Tiers 3 and 4 wineries must be upgraded to meet the design standard for new or expanding ponds within the compliance timeline outlined in the Winery Order. In instances where existing lined ponds at Tiers 2, 3, or 4 wineries are determined to have caused, or have the potential to cause, groundwater pollution, those ponds must also be upgraded to comply with the pond liner requirements for new or

expanding ponds. Similarly, Tier 2 wineries with unlined ponds that are determined to pose a higher threat to water quality (e.g., located in an area with a high concentration of unlined ponds) must also meet the liner requirements for new or expanding ponds.

New or expanding ponds at Tiers 2, 3, and 4 wineries must be constructed to meet the hydraulic conductivity design standard; required information demonstrating compliance must be submitted in an NOI and/or technical report for regional water board approval. Tier 1 wineries may be allowed to construct an unlined or lined pond provided that required pond and liner information is submitted to the regional water board. However, if an existing, new, or expanding Tier 1 pond is determined to have caused, or have the potential to cause, groundwater pollution, such ponds are required to comply with the pond liner requirements for Tier 2 ponds.

Note that discharge to an unlined pond is otherwise prohibited except under the conditions set forth in the Winery Order.

The compliance timelines for submitting required information in an NOI and/or technical report and for completing pond liner upgrades, pond testing, or other pond liner related activities are outlined in the Winery Order. Individual winery compliance timelines proposed by the dischargers must be as short as practicable, may not exceed 5 years from the date the Notice of Applicability (NOA) is issued, and may be modified by the regional water board as needed. The regional water board approved compliance timeline will be included in the NOA issued to the winery.

The information provided here are general statements. Dischargers should refer to the Winery Order to identify the requirements applicable to an individual winery, its ponds, and its site-specific conditions. For some additional information, please refer to the Winery Order:

- Page 3, #11 and Table 1 (Tier Determination)
- Page 19 (Application and Termination Processes)
- Page 33, #A.10 (unlined pond discharge prohibition)
- Page 36, #C.2 (Tier 1, Process Water Pond Specifications)
- Page 40, #D.2 (Tiers 2, 3, and 4, Process Water Pond Specifications)

Additional guidance materials are posted under the “Resources” tab on the public [Winery Order program 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).