


## Texas Wineries Struggle with Water Regulations



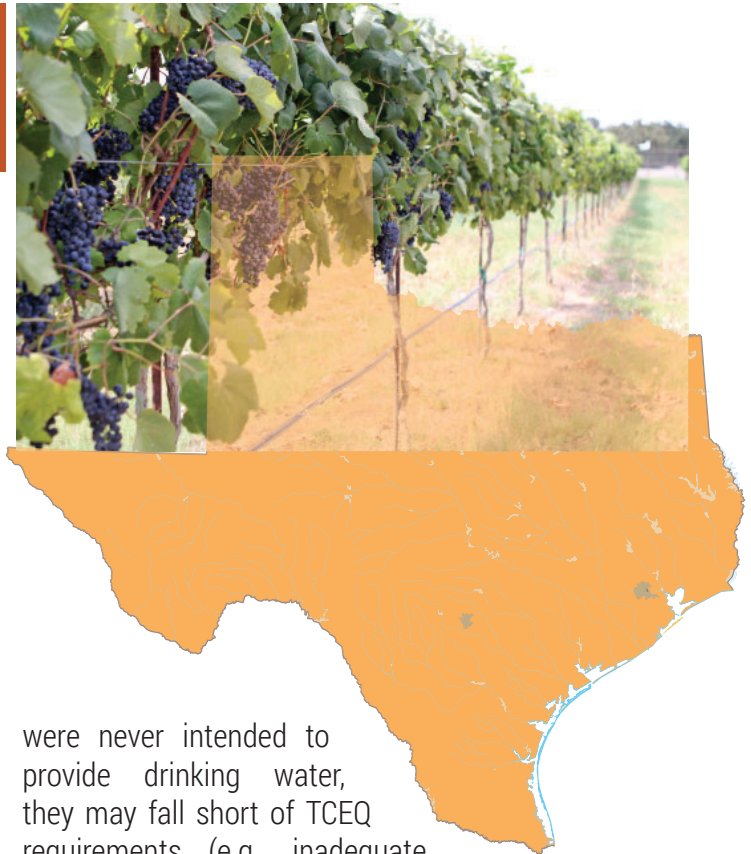
The Texas Wine & Grape Growers Association represents 500+ wineries and over 4,000 acres of producing vineyard farmland in the Lone Star State. With a reported \$13 billion contribution to the state economy in 2017, the Texas wine industry seems to be doing well. Many wineries are becoming popular event destinations for weddings, graduation parties and reunions following the addition of lodges, cabins, pools, meeting space and similar amenities. The wine, food, atmosphere and local vibe can all add up to a great weekend.



Behind the scenes these businesses often struggle with environmental regulatory compliance, in particular water-related programs. The Texas Commission on Environmental Quality (TCEQ) regulates environmental permitting for wineries and has published a comprehensive guide for the industry titled, **"Wineries: Am I Regulated?" (RG-532)**, which identifies common activities at wineries that may require permitting. Our article examines the water programs that seem to be the root of most of the problems.

### Wells

Texas wineries often get their raw water from a well, many of which were originally drilled for private or irrigation use but are now supplying the tasting room, kitchen, guest rooms and restrooms. Because these wells

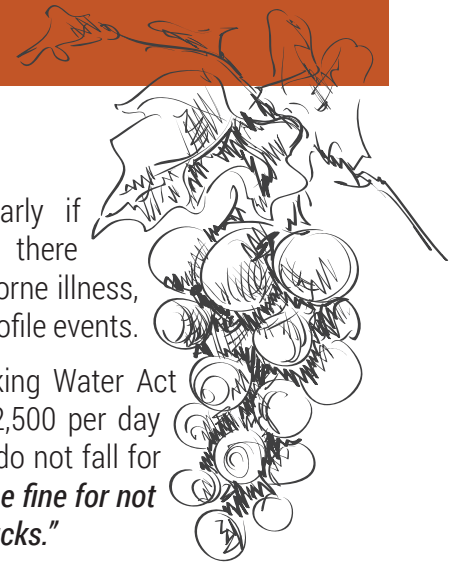


were never intended to provide drinking water, they may fall short of TCEQ requirements (e.g., inadequate construction, too close to contamination sources such as septic tanks, livestock or waste sites) and cannot be converted to a potable water source without a detailed evaluation and TCEQ approval.

### Public Water Supply

Serving at least 25 individuals for at least 60 days out of the year makes you a public water supply (PWS). Between employees and visitors, many wineries see over 25 people on any given day, so it is easy to hit these thresholds when factoring in water used for drinking, handwashing, dishwashing, cooking and bathing.

Following PWS registration, the TCEQ requires extensive system information including well or intake construction records, an engineering report (plans and specs) and procedures for storage, disinfection, maintenance and routine chemical and bacteriological sampling. Once approved, a certified operator conducts numerous operational, monitoring and reporting activities.



### Wastewater

Wastewater is another sore spot. Treatment of more than 5,000 gallons per day or discharge from common winery operations (e.g., equipment washing or disinfection) requires a TCEQ permit. In the case of septic tanks, a common problem is that many original systems have been expanded without proper permits and are being overloaded by the rapidly growing number of guests. County codes may prohibit the use of septic systems above certain volumes, meaning the site could need a more robust treatment system or some other means of disposal.

### Stormwater

Stormwater runoff may require permitting and even treatment prior to discharge depending on the amount of discharged water, facility location, receiving body of water and contaminants found to be present. If your operations are described in the TCEQ Multi Sector General Permit for stormwater, the permitting process is simplified.

### Enforcement Implications

Although TCEQ enforcement activity in this sector has so far been limited to resolving formal complaints, Texas wineries should not mistake lack of regulatory contact for lack of concern. A review of public data reveals that of the hundreds of wineries in Texas, only a handful hold TCEQ permits. Non-compliance invites formal action

and penalties, particularly if complaints increase or there are incidents of water-borne illness, fish kills or other high-profile events.

Penalties for Safe Drinking Water Act violations are up to \$32,500 per day per violation, so please do not fall for the urban myth that, ***"The fine for not doing this is only 300 bucks."***

### Conclusion

Getting into compliance does not have to be complicated or costly, and many wineries may qualify for no-cost assistance through the **TCEQ EnviroMentor** program, managed by their **Small Business and Local Government Assistance (SBLGA)** section. Certain modifications to your operation might even exclude you from particular permitting requirements, saving unnecessary expense and complications.

**Be proactive and choose your consulting partner carefully.** Ask for a site visit and a detailed review of what is needed of your particular system. Getting a water or wastewater system designed, constructed and approved is not a DIY project, but waiting to get caught is not the smart strategy. ■



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