
North Coast Regional Water Quality Control Board

March 2, 2020

Certified Mail No. 7016 2710 0000 2653 3418

Mr. Mike Ward
Jackson Family Wines
425 Aviation Blvd.
Santa Rosa, CA 95403
Mike.Ward@jfwmail.com

Dear Mr. Ward:

Subject: Notice of Violation of State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit or IGP) and Waste Discharge Requirements (WDRs) Order No. 99-37

File: Skylane Facility Blending and Barreling, 1150 1160 1170 & 1180 Kittyhawk Blvd., Windsor CA 95492, Sonoma County, WDID No. 1 49I014829

As the operator of the Skylane Facility Blending and Barreling & Bottling, you are hereby given notice that North Coast Regional Water Quality Control Board (Regional Water Board) Staff have observed unauthorized non-storm water discharges to Airport Creek from the subject site and documented violations of the Industrial General Permit.

A. Background

Jackson Family Wines (JFW) has filed two individual Notice of Intent (NOI) applications for IGP coverage for its Skylane Facility. One NOI covers the Blending and Barreling portion of the facility, and the other NOI covers the Bottling area. Both NOIs cover the same physical facility. This facility is a wine blending, barreling, and bottling operation. No handling of grapes or crushing activities take place in this facility.

According to information available in the State Water Resource Control Board's (SWRCB) Storm Water Multiple Application and Report Tracking System (SMARTS), the facility is located on an approximately 30-acre property, with 17 acres of industrial activities exposed to storm water. The receiving water body is Airport Creek, which is located along the south side of the facility. Storm water runoff enters drain inlets and discharges to Airport Creek via a subsurface pipeline system.

There are seven storm drain structures, referred to as diversion boxes, which can be directed either to the onsite process wastewater ponds or to the storm drain system

which discharges to Airport Creek. A series of three diversion boxes are located at the mobile bottling line truck parking area to convey washdown water to the process wastewater treatment system. Facility staff must manually switch the diversion box plug to convey storm water to the drainage system and Airport Creek when a storm is forecasted and switch the diversion box plug back to route washdown water to the process wastewater system.

On September 5, 2019, in response to a report from Sonoma County Water Agency (SCWA) staff of a “discharge of wine waste” in Airport Creek adjacent to the subject facility, Regional Water Board staff participated in an inspection of the facility in the company of staff from SCWA and Jackson Family Wines (JFW). During the inspection, the inspection party observed water discharging out of an 18-inch culvert from the facility into Airport Creek. Regional Water Board and JFW staff looked for discharge sources throughout the facility and identified a missing plug in one of the diversion boxes that made it possible for process wastewater to enter the storm drain system. After JFW staff placed a plug into the drain outlet to the storm drain system in the diversion box, Regional Water Board and JFW staff returned to the culvert at Airport Creek and observed that water continued to flow from the culvert. Regional Water Board staff requested that JFW keep Regional Water Board staff apprised as to the status of flows from the culvert and results of any further investigation.

Subsequent investigation by JFW staff from September 5 to September 15 (reported in a September 19, 2019 letter from JFW (September 19 report)) identified two more potential sources of non-stormwater discharges: an unplugged storm water inlet at an additional diversion box located near nine outside wine storage tanks (reported by JFW to be the “likely” source of flow to the creek), and solar panel washdown flows from facility roofs into roof drains (hard plumbed to the storm drains). Per discharger’s report, the corrective actions have been taken to address both non-storm water discharges. However, exact date of corrective actions is unknown.

Per Regional Water Board staff direction, JFW staff collected two samples of the water flowing from the culvert and into Airport Creek, on September 9, 2019 and September 12, 2019.

The table below summarizes analytical results for the two samples.

| Date | Parameter | Test Method | Sample Result (mg/L) |
|-----------------|---------------------------------|--------------------|-----------------------------|
| 9/9/2019 | Total Suspended Solids (TSS) | SM 2540D | 137 |
| | Biochemical Oxygen Demand (BOD) | SM 5210B | 456 |

| Date | Parameter | Test Method | Sample Result (mg/L) |
|------------------|---------------------------------|--------------------|-----------------------------|
| 9/12/2019 | Field pH | | 7.5-8 |
| | Lab pH | | 7.01 |
| | Total Suspended Solids (TSS) | SM 2540D | 79.6 |
| | Biochemical Oxygen Demand (BOD) | SM 5210B | 894 |
| | Total dissolved Solids (TDS) | SM 2540C | 1100 |

With respect to the diversion box near the wine storage tanks, the September 19 report indicated that the outlets were unlabeled; that the outlet to the wastewater pond was plugged, but the outlet to the storm water system was not plugged; that it was unclear how long the wrong outlet had been plugged; that the nine large wine storage tanks in this area are “not frequently cleaned and sanitized” for much of the year; and that for approximately four weeks per year, the tanks are used to hold wine during bottling operations, and as many as three tanks per day may be cleaned and sanitized during this period, resulting in up to 1,600 gallons of wastewater per cleaning and sanitization. Regional Water Board staff may request further information regarding activities in this area, under separate cover.

JFW’s September 19 report described and proposed a number of corrective actions intended to prevent future non-stormwater discharges from the facility. Also, as Regional Water Board staff discussed with you at our October 3, 2019, meeting, JFW must now include laboratory analyses for BOD and TDS in all future storm water and non-storm water samples collected during self-monitoring activities conducted pursuant to the IGP and the facility SWPPP.

B. Relevant Requirements

On the September 5, 2019, site inspection, Regional Water Board staff observed an unauthorized non-storm water discharge, and JFW’s September 19 report confirmed continued non-storm water discharges into Airport Creek over subsequent days. The non-storm water discharges represent violations of permit requirements. Attachment A – Regulatory Citations, provides references to these requirements and regulations.

C. Alleged Violations

Staff observed on September 5, 2019, and JFW staff confirmed, continued unauthorized non-storm water discharges into Airport Creek for several more days, violating the following provisions of the Industrial General Permit, Waste Discharge Requirement Order No. 99-37, and the federal Clean Water Act:

- Section III. B, Discharge Prohibitions
- Sections X. H.c and H.f., Storm Water Pollution Prevention Plan (SWPPP)
- Clean Water Act (CWA) Section 301 (33 U.S.C. Sec. 1311): Prohibits the discharge of any pollutant into Waters of the United States except in compliance with the CWA
- Waste Discharge Requirements (WDRs), Order 99-37, Section E.9 (Noncompliance)

D. Future Enforcement Action

Please note that correcting the conditions of non-compliance on the Property and correcting deficiencies in facility plans and reports does not preclude enforcement for the violations alleged in this notice. The Regional Water Board reserves its right to fully enforce the law by taking enforcement actions such as issuing a cleanup and abatement order or time schedule order, seeking administrative civil liabilities, and/or making a referral to the California Attorney General's office for civil enforcement. Administrative civil liabilities may be assessed by the Regional Water Board on a daily basis in the amount up to \$10,000 for each day the violation occurs, including up to \$10 per gallon of waste discharged beyond the first 1,000 gallons discharged, pursuant to Water Code section 13385.

If you have questions about this Notice of Violation (NOV) letter, please contact Regional Water Board Staff Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov or by phone at (707) 576-2609.

You may also contact me at Heaven.Moore@waterboards.ca.gov or by phone at (707) 576-2753. Additionally, we are available to meet with you if you wish to discuss this letter or the facility permit requirements in further detail.

Sincerely,

Heaven Moore, P.E.
Senior Water Resources Control Engineer - NPDES Unit

200302_FK_er_JFW Skylane NOV

Attachments

Attachment A – Regulatory Citations

cc: North Coast Regional Water Quality Control Board

Charles Reed, Charles.Reed@Waterboards.ca.gov

Heaven Moore, Heaven.Moore@waterboards.ca.gov

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Sonoma County Permit and Resource Management Department

John Mack, John.Mack@sonoma-county.org

Attachment A – Regulatory Citations

| Regulatory Section | Citation |
|---|---|
| Federal Clean Water Act (CWA) section 301 (33 U.S.C. Sec. 1311) | Prohibits the discharge of any pollutant into waters of the United States except in compliance with the CWA. |
| Waste Discharge Requirement (WDRs) section E.9 (Noncompliance) | <p>In the event the discharger is unable to comply with any of the conditions of this Order due to:</p> <ul style="list-style-type: none"> a. Breakdown of waste treatment equipment; b. Accidents caused by human error or negligence; or c. Other causes such as acts of nature; <p>The discharger must notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm his notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.</p> |
| IGP - Section III. Discharge Prohibitions, Subsection B | Except for non-storm water discharges (NSWDs) authorized in Section IV, discharges of liquids or materials other than storm water, either directly or indirectly to waters of the United States, are prohibited unless authorized by another NPDES permit. Unauthorized NSWDs must be either eliminated or authorized by a separate NPDES permit. |

| Regulatory Section | Citation |
|--|--|
| IGP - Section X. Stormwater Pollution Prevention Plan (SWPPP), Subsections H.c | Spill and Leak Prevention and Response The Discharger shall: i. Establish procedures and/or controls to minimize spills and leaks; ii. Develop and implement spill and leak response procedures to prevent industrial materials from discharging through the storm water conveyance system. Spilled or leaked industrial materials shall be cleaned promptly and disposed of properly; iii. Identify and describe all necessary and appropriate spill and leak response equipment, location(s) of spill and leak response equipment, and spill or leak response equipment maintenance procedures; and, iv. Identify and train appropriate spill and leak response personnel. |
| IGP - Section X. Stormwater Pollution Prevention Plan (SWPPP), Subsections H.f | Employee Training Program The Discharger shall: i. Ensure that all team members implementing the various compliance activities of this General Permit are properly trained to implement the requirements of this General Permit, including but not limited to: BMP implementation, BMP effectiveness evaluations, visual observations, and monitoring activities. If a Discharger enters Level 1 status, appropriate team members shall be trained by a QISP; ii. Prepare or acquire appropriate training manuals or training materials; iii. Identify which personnel need to be trained, their responsibilities, and the type of training they shall receive; iv. Provide a training schedule; and, v. Maintain documentation of all completed training classes and the personnel that received training in the SWPPP. |