



North Coast Regional Water Quality Control Board

February 24, 2022

Certified Mail 7021 0950 0001
6499 6872
Flowers Vineyard and Winery
c/o Huneus Wines
Attn: Alejandro Huneus, Counsel
1040 Main Street, Suite 204
Napa CA 94574
alejandro@huneuswines.com

Certified Mail 7021 0950 0001
6499 6896
Flowers Vineyard and Winery
Attn: Zach Shaw, Facility Manager
4035 Westside Rd
Healdsburg CA 95448
zach.shaw@flowerswinery.com

Dear Mr. Huneus and Mr. Shaw:

Subject: Notice of Violation of North Coast Regional Water Quality Control Board Waste Discharge Requirements Order No. R1-2002-0012 and the Federal Clean Water Act Section 301.

File: Flowers Winery, 4035 Westside Road, Healdsburg, Sonoma County
WDID No. 1B97071RSON

As owner and operator of the Flowers Winery (Facility), you are hereby given notice that the unauthorized overflow of process wastewater and comingled stormwater to drainageways tributary to the Russian River from the Facility violated discharge prohibitions in Waste Discharge Requirements Order No. R1-2002-0012, and the federal Clean Water Act (33 USCA § 1251 et al.). Additionally, nonsubmittal of monitoring reports from February 2018 through January 2022 violated provisions of WDRs Order No. R1-2002-0012, and Monitoring and Reporting Program (MRP) No. R1-2002-0012.

Background

The Flowers Winery (Facility) is located at 4035 Westside Road, Healdsburg in Sonoma County. Winery buildings, vineyards and a land application irrigation field are located on parcel APN No. 110-100-028. The Facility's process wastewater treatment pond is located on two parcels; the northeast portion of the pond is on parcel 110-100-017 and the southwest portion is on parcel 110-100-028. An unnamed drainage, a tributary to the Russian River, is located south of the Facility. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list for sediment and temperature.

GREGORY A. GIUSTI, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

The Facility is authorized to discharge treated winery process wastewater to land as irrigation water as per North Coast Regional Water Quality Control Board (Regional Water Board) Waste Discharge Requirements (WDRs) Order No. R1-2002-0012, *General Waste Discharge Requirements for Discharges of Winery Waste to Land*. The Facility is additionally enrolled under State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit).

On October 25, 2021, the Regional Water Board received notice of a breach of the Facility's process wastewater pond and a resulting discharge of comingled wastewater and stormwater to stormwater drainage ways. Additional information on the breach and proposed corrective actions taken by the Facility were provided on October 27, 2021.

On November 2, 2021, staff met with Facility manager Zach Shaw at the Facility for a site inspection to observe the location of the pond breach and stormwater drainage ways.

Alleged Violations

The October 25, 2021, overflow of process wastewater and comingled stormwater to an unnamed tributary to the Russian River from the Facility violated the following provisions of WDRs Order No. R1-2002-0012, and the federal Clean Water Act:

1. WDRs Order No. R1-2002-0012,
Section B. 11, Discharge Prohibitions: Bypass or overflow of treated or untreated winery waste is prohibited.
Section B. 12, Discharge Prohibitions: The direct or indirect discharge of any waste to surface waters or surface water drainage courses is prohibited.
Section H.5, General Provisions: The discharger shall comply with General Monitoring and Reporting Program No. R1-2002-0012.
2. Clean Water Act Section 301 (33 U.S.C. 1311): Prohibits the discharge of any pollutant into waters of the United States without a permit.

The nonsubmittal of monitoring reports to the Regional Water Board during the time of February 2018 through January 2022 violated provisions of WDRs Order No. R1-2002-0012, and MRP No. R1-2002-0012.

Future Enforcement Action

Please note that correcting the conditions of non-compliance at the Facility 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. An actual unauthorized discharge to waters of the state may subject you to administrative civil liabilities of up to \$5,000 per day of violation for each violation, or \$10 for each

gallon of waste discharged pursuant to Water Code section 13350, while unlawful discharges to waters of the United States and violations of the Clean Water Act may subject a person to up to \$10,000 per day of violation for each violation, and up to \$10 per gallon of waste discharged over 1,000 gallons not cleaned up pursuant to Water Code section 13385.

If you have questions about this Notice of Violation (NOV) letter, please contact Regional Water Board Staff Rachel Prat at Rachel.Prat@waterboards.ca.gov.

You may also contact me at Jeremiah.Puget@waterboards.ca.gov. Additionally, we are available to meet with you virtually if you wish to discuss this letter or the Facility permit requirements in further detail.

Sincerely,

Jeremiah Puget
Senior Environmental Scientist - Groundwater Permitting Unit

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Attachments

Attachment A – Regulatory Citation
Attachment B – Staff Inspection Memo

cc: North Coast Regional Water Quality Control Board
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Flowers Winery Representatives

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Sonoma County Permit and Resource Management Department

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