



North Coast Regional Water Quality Control Board

January 31, 2022

Manzana Products Inc.
Attn: Jean-Jacques Ducom, CEO
P.O. Box 209
Sebastopol, CA 95473
ждуcom@manzanaproductsco.com

Certified Mail No. 7021 0950 0001 6499 5981

Dear Mr. Ducom:

Subject: **Notice of Violation** of North Coast Regional Water Quality Control Board Waste Discharge Requirements Order No. 85-79 and the Federal Clean Water Act Section 301 and Directive to Enroll in Order No. R1-2016-0002.

File: Manzana Products Company, 9141 Green Valley Rd.
Sebastopol, Sonoma County, WDID No. 1B781410SON

As owner and operator of the Manzana Products Company (Facility), you are hereby given notice that the unauthorized discharge of stormwater and comingled process wastewater to Atascadero Creek from the Facility violated discharge prohibitions in Waste Discharge Requirements Order No. 85-79, and the federal Clean Water Act (33 USCA § 1251 et al.).

Background

The Manzana Products Company (Facility) operates an apple processing plant located at 9141 Green Valley Road, Sebastopol in Sonoma County. The Facility processing plant, warehouses, offices and wastewater treatment and disposal systems are located on three parcels totaling approximately 38 acres. Atascadero Creek, a tributary to the Russian River, is located directly west of the Facility's process wastewater storage pond and designated irrigation disposal areas. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list for sediment and temperature.

The Facility is authorized to discharge treated apple processing wastewater to land as irrigation water as per North Coast Regional Water Quality Control Board (Regional Water Board) Waste Discharge Requirements (WDRs) Order No. 85-79. 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).

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

On December 3, 2021, the Regional Water Board received notice of a discharge to Atascadero Creek. Representatives of the Marin Sonoma Vector Control District (MSVCD) were at the Facility and witnessed the pumping of water from the wastewater disposal area of the Facility to Atascadero Creek. A satellite image map showing the location of the discharge in relation to the Facility's wastewater ponds was provided by email.

On December 3, 2021, Regional Water Board staff (staff) contacted Facility staff Mr. Skyler Nelson regarding the complaint. Mr. Nelson explained that stormwater collected in the south irrigation field was being pumped to Atascadero Creek, that it was not process wastewater.

On December 14, 2021, Mr. Marc Nadale, MSVCD Field Supervisor provided staff with a narrated video file of the reported discharge. The video shows a white colored liquid being pumped from the south irrigation field to Atascadero Creek. The narrator states that "The water has a smell to it, and it looks like wastewater coming from the back pasture from overirrigation at Manzana's". The video shows the discharge creating foam at the point of discharge to Atascadero Creek.

On December 16, 2021, staff met with Mr. Nelson at the Facility for a site inspection and Staff informed him that a Notice of Violation would be issued for the December 3, 2021 pumping of stormwater, and comingled process wastewater from the irrigation field to Atascadero Creek.

Relevant Requirements

The Facility's discharge to Atascadero Creek was observed and video documented on December 3, 2021. The video shows a white, foam creating, liquid being pumped from the Facility south irrigation field over a berm wall to Atascadero Creek. Mr. Nelson confirmed with staff that water collected in the south irrigation field was pumped to Atascadero Creek.

WDR Order No. 85-79, prohibits the discharge of waste to the Russian River or its tributaries. Additionally, as per the Facility's Stormwater Pollution Prevention Plan (SWPPP) which was submitted to the State Water Resources Control Board as part of the Facility's enrollment process under the Industrial Stormwater Permit, the Facility would implement the following maintenance action for stormwater accumulated in the irrigation fields, "Low voltage sump pumps are used to transfer stormwater that has accumulated in irrigation fields which is pumped into adjacent Pond 3 reservoir." Rather than pump the water in the irrigation field back to the treated process wastewater storage pond (identified as Pond 3), in accordance with the Facility SWPPP, Facility staff pumped the water directly to Atascadero Creek.

Alleged Violations

The December 3, 2021 release of stormwater and comingled process wastewater to Atascadero Creek violated the following provisions of WDRs Order No. 85-79, and the federal Clean Water Act:

- WDRs Order No. 85-79, Section A. 1, Discharge Prohibitions: The discharge of waste to the Russian River or its tributaries is prohibited.
- 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.

Directive to Respond within 90 Days

During the inspection staff informed Mr. Nelson that WDRs Order No. 85-79 is not up to date with current regulations for food processors and informed him that General WDRs for Discharges of Wine, Beverage and Food Processor Waste to Land, Order No. R1-2016-0002 (General WDRs WBFP R1-2016-0002) would be the appropriate regulatory measure for the Facility. Based on the observations detailed in the attached inspection report, the Regional Water Board has determined that, pursuant to Water Code sections 13260¹, you are required to respond to this NOV within 90 days by enrolling the Facility under the General WDRs WBFP R1-2016-0002 by submitting the information required in the application (Form 200) and technical information form, which can be found online at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/wine_beverage_food/

If the invoices for the Facilities coverage under WDRs Order No. 85-79 are paid and up to date no application fee will be required.

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. Failure to take appropriate steps to obtain regulatory coverage under Order No. R1-2016-0002 as directed by this Notice, may subject you to administrative civil liabilities of up to \$1,000 per day pursuant to Water Code section 13261.

¹ Water Code section 13260 states, in relevant part: (a) All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system. (c) Each person subject to subdivision (a) shall file with the appropriate regional board a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge.

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

220131_RSP_er_Manzana NOV

Attachments

Attachment A – Regulatory Citations
Attachment B – Staff Inspection Memo

cc: North Coast Regional Water Quality Control Board

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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 Section 301 (a):	<p>Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.</p>
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	<p>“A person who fails to furnish a report or pay a fee under section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”</p>

North Coast Regional Water Quality Control Board

INSPECTION MEMO

Name and Location of Facility Inspected

Manzana Products Company, 9141 Green Valley Rd, Sebastopol, Sonoma County

Waste Discharge Requirement Order: No. 85-79

WDID: 1B78141OSON

Inspection Date

December 17, 2021

Inspection Time

11:10 AM

Names & Titles of Site Representative

Skyler Nelson, Facility Safety and Environmental Specialist, Manzanita Products Co.

Consent for inspection Provided?

Yes, Skyler Nelson

Notified of Inspection?

Yes, Regional Water Board staff provided advance notification to Skyler Nelson

Regional Water Board Inspector Name & Title

Jeremiah Puget, Senior Environmental Scientist, Groundwater Protection Unit

Rachel Prat, Environmental Scientist, Groundwater Protection Unit

Nic Colbrunn, Scientific Aid, Groundwater Protection Unit

Weather Conditions at the Time of the Inspection: Cloudy

Inspection Memo Prepared By: Rachel Prat

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A. Background

The Manzana Products Company (Facility) is located at 9141 Green Valley Road, Sebastopol in Sonoma County. Most of the Facility, including the cannery, bottling area, offices, three warehouses, outdoor stainless storage tanks, process wastewater pond system, domestic waste mound system and north irrigation field are located on parcel APN No. 130-090-020. A warehouse, additional outdoor stainless steel storage tanks and the south irrigation field, are located on adjacent parcel APN No. 130-090-021 at 3860 Ross Road. A smaller warehouse is located north of the Facility at 9140 Green Valley Road, on parcel APN 130-090-002. (Enclosed Facility map).

The Facility is owned by Manzana Products Company Inc. (Discharger). The Facility operates under Sonoma County Use Permit UPE02-0148.

Facility generated, apple processing wastewater is treated and disposed of onsite. The process wastewater system includes a collection sump, three treatment ponds, and two irrigation fields for disposal. Treated effluent is applied via overhead sprinklers to approximately three to four acres of land. The discharge is authorized as per Regional Water Quality Control Board (Regional Water Board) Order No. 85-79, Waste Discharge Requirements for Manzana Products Company, Inc.

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). The Industrial General Permit requires the Discharger to manage and control all storm water and non-storm water discharges that come into contact with pollutant sources related to the industrial activities on site.

On December 3, 2021, the Regional Water Board received notice of a discharge to Atascadero Creek. Representatives of the Marin Sonoma Vector Control District (MSVCD) were at the Facility and witnessed the pumping of water from the wastewater disposal area of the Facility to Atascadero Creek. A satellite image map showing the location of the discharge in relation to the Facility's wastewater ponds was provided. Subsequently on December 14, 2021, Mr. Marc Nadale, MSVCD Field Supervisor provide a video file which was narrated. The videoed discharge was white in color and creating foam at the discharge point to Atascadero Creek. "The water has a smell to it, and it looks like wastewater coming from the back pasture from overirrigation at Manzana's". The satellite image and images from the December 3, 2021 video are in Attachment A.

On December 3, 2021, Skyler Nelson was contacted regarding the complaint. Mr. Nelson explained that stormwater collected in the south irrigation field was being pumped to Atascadero Creek, that it was not process wastewater. The south irrigation field is bermed between the Creek and the field and stormwater collects in this area. The Facility historically manages stormwater in this manner. Prior to land application of treated process wastewater to the irrigation fields, ponded stormwater, if present, is

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pumped to the creek. We discussed the WDR Order 85-79 that authorizes the Facility's process wastewater discharge to the irrigation fields including the Order's prohibition of discharging process wastewater to the Creek. I requested that photos of the irrigation site, berm, pump and ponds and any additional information on the stormwater discharge be submitted to the Regional Water Board. We also discussed the age of the WDR Order and the need to update the discharge authorization. I emailed Mr. Nelson a link to the Regional Water Boards' Wine Beverage and Food Processor (WBFP) WDR Order, for review, and enrollment.

B. Inspection Narrative and Findings

On Thursday, December 16, 2021, Regional Water Board staff met with Mr. Nelson at the Facility. Regional Water Board staff signed in at the check-in station and went through the COVID-19 protocol. Mr. Nelson provided consent of Regional Water Board staff's inspection of the Facility including the taking of photos.

We began the inspection with an overview of the process wastewater system and the location of the wastewater ponds, irrigation fields and Atascadero Creek. Ponded water was observed in the north irrigation field (Photo 1) at the borders with Atascadero Creek and the north wall of the wastewater storage pond (Pond 3). Pond 3 was full during the inspection with approximately one to two feet of freeboard observed. The north irrigation field is sunken below the surrounding land area and slopes to the west. A Facility driveway and parking area are immediately east of the field and Green Valley Road is to the north (Photo 2). Several standing PVC pipes were arranged in a grid like pattern in the west half of the north irrigation field. Overhead irrigation sprinkler heads were attached to the standing pipes at approximately 4-5 feet above ground surface. Mr. Nelson stated that the irrigation fields need to be dry to satisfy Marin Sonoma Vector Control Agency requirements. A stormwater drop inlet with wood lid, was identified at the eastern border of the north irrigation field (Photo 3). Two green septic tank riser lids, an electrical panel and a mound were visible in the east portion of the north irrigation field (Photo 1 and 2). According to Mr. Nelson, the septic tank and mound system treat and dispose of Facility domestic waste.

Process wastewater originating at the Facility is directed to an open concrete sump where it passes through and over a screen (Photo 4 and 5). Larger processing solids, such as whole apples are captured by the screen. Following the sump, wastewater passes through a septic tank where additional solids are settled out. The septic tank is located between the sump outlet and the initial treatment pond (Pond 1). Mr. Nelson confirmed that Pond 1 was historically larger. Outdoor stainless steel storage tanks were constructed on the historical southern portion of Pond 1 approximately five years ago. Two aerators were operating on Pond 1 during the inspection. When questioned Mr. Nelson said that the aboveground overhead sprinkler adjacent to Pond 1 was used to spray water from Pond 3 onto Pond 1 for odor control. He also confirmed that stormwater is directed to Pond 1 via pipes located in the bank of Pond 1. Two aboveground plastic tanks located adjacent to Pond 1 marked with Heritage Systems

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wastewater biogenerator, are operated by Heritage Systems to assist in the treatment process. A pH and a Dissolved Oxygen sensor, associated with the Heritage additive system were located within Pond 1, west of the aerators. Mr. Nelson stated that an on-site pilot composting and high strength BOD wastewater re-use project was no longer in operation and an associated aboveground green plastic storage tank located near Pond 1 was no longer in use.

The second treatment pond in series (Pond 2), is located adjacent to the west of Pond 1. Effluent from Pond 1 gravity flows to Pond 2. Cattails surround the perimeter of Pond 2. One aerator was in operation on Pond 2 during the inspection (Photo 6 and 7). A second aerator, requiring repair, was located on the bank of Pond 2. A 4-inch PVC pipe gravity feeds wastewater from Pond 2 to Pond 3.

The third pond in the series, Pond 3, is the largest of the 3 ponds and is located west of Pond 2. Pond 3 is used for the storage of treated process wastewater prior to land application. Pond 3 was partially covered with duck weed and had areas where willows and other vegetation were established along the pond walls. Other vegetation and wooden debris was observed floating along the wall of Pond 3 (Photo 8). A wooden platform, with electrical panel is located midway along the berm between Pond 2 and Pond 3 (Photo 9). Mr. Nelson told us there was a depth gauge for Pond 3 but it was not visible during the inspection. A second wooden platform with electrical panel is located at the southeast corner of Pond 3 (Photo 10). There were several hoses and pipes running along the banks and berms of all the ponds. It was unclear which piping was currently in use and which had been abandoned. A flow meter connected to piping near the southeast platform was confirmed to be the meter used to monitor wastewater flow volumes reported in self-monitoring reports.

The south irrigation field is located adjacent to the south wall of Pond 3 and Pond 2. The irrigation field is bermed to the west and south within the flood plain of Atascadero Creek. At the time of the inspection the western portion of the south irrigation field was flooded with water (Photo 11). The southern berm of the irrigation field was breached and water from the flood plane was flowing into the field (Photo 12). Two portable, gasoline powered, pumps, and a plastic gasoline container were located along the west berm of the south irrigation field (Photo 13). An orange hose attached to the outlet of one of the pumps was on the other side of the berm, within the Atascadero Creek flood plain.

Mr. Puget discussed the need to implement best management practices identified in the Facility's Stormwater Pollution Prevention Plan (SWPPP), such as the appropriate storage of gasoline, to limit or prevent impacts to water quality. Mr. Puget additionally explained that the Facility's coverage under the Industrial Stormwater General Permit was overseen by Regional Water Board staff, Farzad Kasmeh and that we would be informing Farzad of this inspection.

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We walked back to the parking lot and driveway adjacent to the north irrigation field. Along the way we passed by the stainless-steel storage tanks constructed on the former footprint of Pond 1 (Photo 14). East of the tanks, we observed a stormwater drop inlet (Photo 15) which directed stormwater to Pond 1. Additional pipes conveying stormwater to Pond 1 were observed (Photo 16).

We then walked along the northern berm of the north irrigation field, adjacent to Green Valley Road to get to observe the stormwater outlet identified on the SWPPP map (Photo 17). Three pipes used to convey stormwater were located along the north berm of the north irrigation field (Photo 18). Several rocks were located near where the pipes discharged, making identification of the down gradient drainage channel difficult.

At the conclusion of the inspection, Mr. Nelson was informed that a Notice of Violation would be issued for the pumping of stormwater, and combined process wastewater from the irrigation field to Atascadero Creek. Regional Water Board staff confirmed to Mr. Nelson that the pumping of stormwater or process wastewater to Atascadero Creek or the flooded flood plain was not allowed. Mr. Nelson said he would forward us the contact information for the Facility's technical engineer. We informed Skyler that we would forward him a copy of the inspection memo for this site visit.

Enclosures(s)

1. Facility Map
2. Regional Water Board Photos from December 16, 2021 inspection.

Attachment A: Information Provide by Marin Sonoma Mosquito Vector Control District

1. Facility map with discharge location
2. Screenshots from December 3, 2021 video.

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Facility Map:



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Photos:



Photo 1 – Process wastewater storage pond (Pond 3), north irrigation filed, septic tank riser, mound system electric panel, and portion of mound. Photo taken facing southwest.

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Photo 2 – North irrigation field and domestic waste mound system. Photo taken facing northwest.

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Photo 3 – Stormwater drop inlet with wood lid, at southeast corner of north irrigation field. Photo taken facing southwest.

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Photo 4- Process wastewater sump, septic tank risers, Pond 1 and Heritage Systems additive tank. Photo taken facing south.

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Photo 5- Concrete process wastewater sump with screen. Photo taken facing northeast.

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Photo 6- Second treatment pond (Pond 2) in series. Photo taken facing southeast.

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Photo 7- East wall of Pond 2, with Pond 1 in the background. Photo taken facing west.

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Photo 8- West wall of Pond 3, with willows, duckweed, floating vegetation and wood.
Photo taken facing west.

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Photo 9- Berm between Pond 2 and Pond 3 with wooden platform. Photo taken facing southwest.

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Photo 10- Southeast corner of Pond 3, wooden platform with electric panel and pump. Flooded south irrigation field in background. Flow meter area. Photo taken facing southwest.

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Photo 11- Flooded south irrigation field with breach of south berm in distance. Photo taken facing southwest from berm between irrigation field and Pond 2.

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Photo 12- South berm of south irrigation field, with water flowing into field from Atascadero Creek. Photo taken facing south from berm between Pond 3 and south irrigation field.

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Photo 13- West berm of south irrigation field, with portable pumps, gas can, and orange discharge hose to Atascadero Creek. Photo taken facing south from berm between Pond 3 and south irrigation field.

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Photo 14 – Stainless steel storage tanks located in former footprint of Pond 1. Photo taken facing southeast from Pond 1.

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Photo 15 – Stormwater junction box east of stainless steel tanks adjacent to Pond 1.

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Photo 16 – Discharge pipes to Pond 1. Photo taken from southeast corner of Pond 1.

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Photo 17 – North berm of north irrigation field, adjacent to Green Valley Road. Photo taken facing west.

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Photo 18 – Three stormwater culverts in north berm of north irrigation field, adjacent to Green Valley Road. Photo taken facing southeast.

Attachment A
Site Map and Evidence of Discharge
Provided by the Marin Sonoma County Mosquito Abatement District

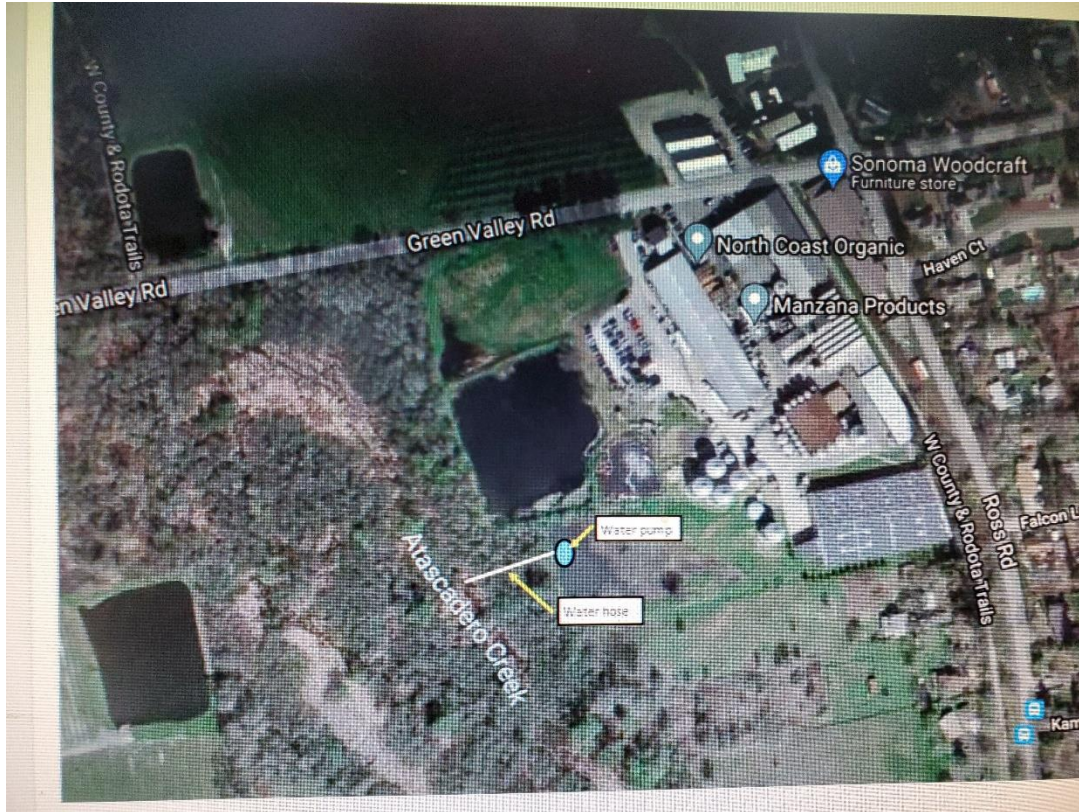


Image A1. Site Map showing Manzana Products with the wastewater treatment facility and Atascadero Creek to the West.

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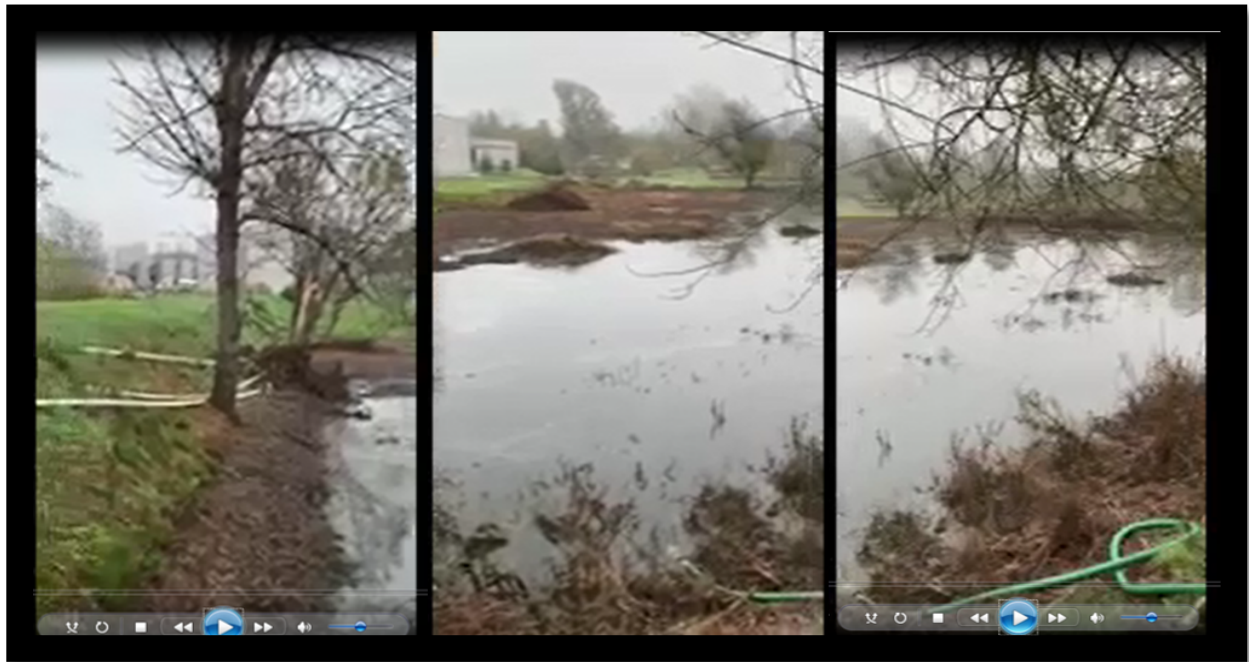


Image A2. December 3, 11:00 a.m. Wastewater Disposal Area. Manzana Products in the background.



Image A3. On the left is the sump pumping from hose in wastewater disposal area. The middle and right show the pump outlet into Atascadero Creek and white foam in the creek from the white colored discharge.