North Coast Regional Water Quality Control Board

February 3, 2022

Mr. Bill Batchelor
Russian River Winery
2191 Laguna Rd.
Santa Rosa, CA 95401
bill@martinraywinery.com

Certified Mail No. 7021 0950 0001 6499 5998

Dear Mr. Batchelor:

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), Waste Discharge Requirements (WDRs) Order No. 96-42, and the Federal Clean Water Act Section 301.

File: Russian River Winery, 2191 Laguna Road, Santa Rosa, Sonoma County
WDID No. 1 49I024297

As the operator of the Russian River Winery (Facility), you are hereby given notice that the unauthorized discharge of wine to drainageways tributary to Mark West Creek from the Facility on October 26, 2021 violated discharge prohibitions in the Industrial General Permit, your Waste Discharge Requirements Order, and the federal Clean Water Act (33 USCA § 1251 et al.).

A. Background

The Russian River Winery (Facility) is located on a 6.6-acre property at 2191 Laguna Road, approximately one mile west of Mark West Creek. The latitude and longitude are 38.468721 and -122.850901. The receiving water body is Mark West Creek, a tributary to the Russian River, which is identified as impaired on the Clean Water Act Section 303(d) list for sediment and temperature.

The Facility applied for coverage under Waste Discharge Requirements (WDRs) Order No. 96-42, on June 27, 1996, for Martini-Prati Wines, Inc, and the winery is currently doing business as Russian River Winery. At this Facility these requirements apply to activities and discharges from a process wastewater pond. The resulting treated wastewater is then used for on-site for irrigation.

In addition, according to the information submitted by the Discharger on Stormwater Multiple Application and Report Tracking System (SMARTS) on August 18, 2015, Robert Wade, Facility Manager, enrolled the site for coverage under State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Storm

Water Discharges Associated with Industrial Activities (Industrial General Permit), identifying the Operator and Facility as Russian River Winery Inc., and naming you as facility contact. 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.

The Facility controls discharges in part through the use of a wastewater diversion box/valve that is located near the Facility entrance to convey washdown and wastewater to the Facility's process wastewater treatment pond. Facility staff must manually switch the diversion box plug to convey stormwater to the roadside trench/channel via a culvert when a storm is forecasted and manually switch the diversion box plug back to route wastewater to the process wastewater pond. Under permitted operations, the Facility's stormwater runoff discharges to the roadside trench, which drains to the adjacent northern property via culvert and into an underground storm drain system that leads to Mark West Creek, approximately one mile east of the Facility.

On October 26, 2021, the Facility's staff reported via Cal OES, the release of two hundred gallons of red wine from a holding tank at the Facility, and the subsequent discharge of the wine into a roadside trench tributary to Mark West Creek.

Per the Discharger's incident report, the wine spill occurred while facility staff were draining and transferring the wine from one holding tank to another. The spilled wine discharged from the holding tank onto the paved facility yard, entered storm drain system including drop inlets and French drains, flowed toward the Facility's entrance and across the road, before discharging into the roadside ditches and culverts on both sides of Laguna Road.

Per the Discharger, the Facility staff took immediate actions as follows: placing a white bin under the holding tank racking door to contain the remaining wine in the tank, recovering the wine spill materials from the ground and stormwater drainage system by using a pump machine and brooms and storing the wine and pomace in white bins on-site, diverting the spill captured by facility's inlets to an existing sump by turning the diversion valve ten minutes after the spill incident happened, placing sand bags around the inlets within the facility's yard to minimize the wine spills discharged through the inlets.

Per the Discharger, the existing spill prevention and response plan is revised to include the following actions and ensure that all Facility's employees are trained and eventually this type of spill is prevented from happening in the future:

All drain and press work orders need to clearly state the expected gallons per ton of the source tank and the expected final volume of the receiving tank.

The original volume of the receiving tank must be recorded.

Any volume of juice drained from the source tank to the receiving tank shall be recorded for both tanks.

Before moving on to pressing, the work order must be submitted to winemaking for review.

Winemaking will make the calculations for both the source tank and the receiving tanks to make sure that the draining went as anticipated.

Winemaking will then either approve opening the tank door to shovel out the pomace or recommend sluicing juice into the source tank to break up any boluses.

The Discharger estimated that approximately 200 gallons of red wine escaped the Facility and was unrecovered and 20 tons of fruit as pomace and wine was recovered and collected in the white bins.

Per the Regional Water Board staff direction, the Discharger collected a sample from the roadside trench (Facility's north sampling point) approximately an hour after the wine spill occurred. Per the lab result, a high level of BOD concentration of 3500 mg/L and a low level of pH of 5.1 were detected.

B. Relevant Requirements

During the October 26, 2021 site inspection, the Regional Water Board staff did not identify the location(s) of the receiving water where the Facility's runoff is indirectly discharged to. Any potential discharge may violate permit requirements. Attachment A – Regulatory Citations, provides references to these requirements and regulations.

C. Alleged Violations

The October 26, 2021 release of wine into Mark West Creek violated the following provisions of the Industrial General Permit, Waste Discharge Requirements Order No. 96-42, and the federal Clean Water Act:

- Waste Discharge Requirements (WDRs): Order 96-42, Section A. Discharge Prohibitions

- Industrial General Permit: Section III. B, Discharge Prohibitions: Prohibits non-storm water discharges not in compliance with the permit.

- 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.

D. Future Enforcement Action

Violations of the above listed requirements could result in administrative civil liabilities in the amount up to $10,000 for each day the violation occurs, and up to $10 per gallon of waste discharged beyond the first 1,000 gallons not cleaned up, pursuant to Water Code sections 13350 and/or 13385.

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.

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.

You may also contact me at Heaven.Moore@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,

Heaven Moore
Digitally signed by Heaven Moore
Date: 2022.02.03 15:07:53 -08'00'
Water Boards

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

220203_FK_dp_RussianRiverWinery_NOV

Attachments Attachment A – Regulatory Citations
Attachment B – Inspection Report

cc: **North Coast Regional Water Quality Control Board**
Charles Reed, Charles.Reed@Waterboards.ca.gov
Heaven Moore, Heaven.Moore@waterboards.ca.gov
Diana Henrioulle, Diana.Henrioulle@waterboards.ca.gov
Farzad Kasmaei, Farzad.Kasmaei@Waterboards.ca.gov

Sonoma County Permit and Resource Management Department
John Mack, John.Mack@sonoma-county.org

Attachment A – Regulatory Citations

Regulatory Section	Citation
Waste Discharge Requirement (WDRs) Order No. 96-42, Section A.1	The discharge of any waste not specifically regulated by this Order is prohibited.
Waste Discharge Requirement (WDRs) Order No. 96-42, Section A.2	Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC), is prohibited. [Health and Safety Code, Section 5411].
Waste Discharge Requirement (WDRs) Order No. 96-42, Section A.4	discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited.
Waste Discharge Requirement (WDRs) Order No. 96-42, Section A.5	discharge of waste to the Laguna de Santa Rosa, or its tributaries, is prohibited.
IGP - Section III. Discharge Prohibitions, Subsection B	Except for non-storm water discharges 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 National Pollutant Discharge Elimination System (NPDES) permit. Unauthorized non-storm water discharges must be either eliminated or authorized by a separate NPDES permit.
Federal 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.

North Coast Regional Water Quality Control Board

Attachment B **INSPECTION MEMO**

Name and Location of Facility Inspected
Russian River Winery, 2191 Laguna Rd, Santa Rosa, Sonoma County

Industrial General Permit
WDID #: 1 49I024297

Inspection Date
October 26, 2021

Inspection Time
10:20 AM

Names & Titles of Site Representative
Bill Batchelor, Chief Operations Officer
Nick Caughie, Facility Maintenance

Consent for inspection Provided?
Yes, Bill Batchelor

Notified of Inspection?
Yes, Regional Water Board staff provided advance notification to Bill Batchelor

Inspector Name & Affiliation
Farzad Kasmaei, Regional Water Board

Weather Conditions at the Time of the Inspection: Light rain

Facility Receiving Water Name(s): Mark West Creek

Inspection Memo Prepared By: Farzad Kasmaei

A. Background

The Russian River Winery (Discharger) is a 6.6-acre winery located at 2191 Laguna Rd in the City of Santa Rosa (Facility). The Facility is located at a latitude and longitude of 38.468721, -122.850901.

A facility-specific Waste Discharge Requirements order No. 96-42 was adopted by the Regional Water Board on June 27, 1996 for Martini-Prati Wines, Inc, and the winery is currently doing business as Russian River Winery. Winery process wastewater, which consists primarily of wash water from the wine-making process and related cleanup activities, discharges through storm drain drop inlets and a trench drain within the Facility's yard. Process wastewater then drains into a sump on the north side of the Facility near the entrance where it is pumped into a process wastewater pond at the northeast side of the Facility to be treated. The resulting treated wastewater is used for irrigation.

In addition, the Discharger enrolled for coverage 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 stormwater and non-storm water discharges that come into contact with pollutant sources related to the industrial activities on site.

A wastewater diversion box/valve is located near the entrance to the Facility to convey washdown and wastewater to the process wastewater treatment pond. Facility staff must manually switch the diversion box plug to convey stormwater to the roadside trench/channel via a culvert when a storm is forecasted and switch the diversion box plug back to route wastewater to the process wastewater pond. Under permitted operations, the Facility's stormwater runoff, discharges to the roadside trench, drains to the adjacent northern property via culvert and underground storm drain system that eventually drains runoff into Mark West Creek approximately one mile from the east side of the Facility.

B. Inspection Narrative and Findings

On October 26, 2021, staff of Russian River Winery (Bill Batchelor) reported, via Cal OES No. 21-6036, the release of two hundred gallons of red wine from a holding tank at the Facility, and the subsequent discharge of the wine into a roadside trench connected to Mark West Creek, a tributary to the Russian River. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list for both sediment and temperature.

The wine spill incident occurred on October 26, 2021, at 7:15 a.m. while Facility's staff were transferring wine from one holding tank to another. After receiving the Cal OES spill notification, I called Mr. Batchelor to gather some information about this incident

prior to my site inspection. During the phone conversation, Mr. Batchelor stated that no samples had been collected by the Discharger at the time of the spill incident. As a result, per my direction, Mr. Batchelor collected a sample at the discharge point immediately following our call. Also, I notified the Discharger that they needed to analyze the sample for additional analytical parameters including Total Dissolved Solids (TDS) and Biochemical Oxygen Demand (BOD) besides the basic parameters.

I met Mr. Bachelor at the office building at 10:20 a.m., discussed the spill incident, and then we walked through the Facility's yard. He said that a California Department of Fish and Wildlife (CDFW) Warden had inspected the Facility prior to my arrival. Mr. Nick Caughie, Facility staff maintenance, joined us shortly after my arrival and explained the incident within the crush pad area where the spill occurred. Mr. Caughie said that at the time of the spill Facility crew were draining and transferring wine from tank No. 433 (Picture 1) to tank No. 430 on the east portion of the Facility nearby the crush pad area. After draining about 2,200 gallons of wine, the Facility's crew noticed that no more wine was coming out of the tank draining pipe. As a result, they thought that the tank was empty, and it would be safe to open up the racking door. When the racking door was opened, the Facility's staff realized that the tank drain pipe was plugged with pomace. In order to control and contain the pomace and wine coming out of the tank, the crew took immediate action by placing a big white plastic bin under the racking door, and began pumping and using large brooms to recover the wine spill material from the ground.

Per Mr. Batchelor, a significant volume of the red wine that was released on the paved crush pad area was pumped to and retained in bins. However, some of the spilled wine and pomace drained into storm drain inlets and a French drain near the crush pad. The storm drain inlets and French drain are connected to a diversion valve via underground piping located on the north side of the Facility adjacent to the entrance area (Pictures 3 and 4). Per Mr. Batchelor, since the diversion valve was open to the storm drain at the time of the spill, a small amount of the red wine was discharged to the roadside trench via a culvert before it was closed by Facility staff approximately 10 minutes after the spill occurred. Once the valve was turned to the appropriate position, the spilled material drained to an existing sump and then to the onsite process wastewater pond. Also, some of the wine and pomace that was not captured by the storm drain inlets flowed toward the winery entrance area in a form of sheet flow, discharged to the public road (Vine Hill School Road), and then drained to the roadside trenches on both sides of the road (Pictures 6 and 7) where samples were later collected. Mr. Batchelor stated that some of the sheet flow within the entrance area had been recovered by pumping and using big brooms. Also, a wattle was installed along the roadside trench to minimize the discharge of the wine spill (Picture 7). The Discharger protected some inlets within the Facility's yard with sandbags (Picture 5).

According to the Discharger, 730 gallons in total have been recovered and stored in PT-SD and PT-2 holding tanks, holding 300 and 430 gallons of spilled wine respectively (Picture 11). Also, the recovered pomace has been stored in several big white plastic bins within the Facility's yard (Picture 12).

During my inspection, I observed red staining on the crush pad and entrance areas. Also, red staining was observed on soil within the roadside trenches (Picture 9). Due to light rain during the inspection a low volume of runoff was observed in the roadside trench; however, the water was clean, and it was not red (Picture 8).

The Discharger estimated that approximately 200 gallons of red wine escaped the Facility and was unrecovered and 20 tons of fruit as pomace and wine was recovered and collected in the white bins.

Attachment(s):

1. Photos
2. Facility Site map

Photos:

Picture 1- View of the holding tank No. 433. The Facility's crew draining the tank. Picture taken by Farzad Kasmaei.

Picture 2- View of the spill incident area and a white bin that was used to store recovered pomace and wine. Picture taken by Farzad Kasmaei.

Picture 3- View of a storm drain inlet within the crush pad area. Red staining was observed on the ground. Evidence of discharged wine spill to an on-site inlet. Picture taken by Farzad Kasmaei.

Picture 4- View of the wastewater trench drain near the crush pad area. Red staining was observed on the ground and inside of the trench. Picture taken by Farzad Kasmaei.

Picture 5- View of the Facility's yard and inlets protected with sandbags. Picture taken by Farzad Kasmaei.

Picture 6- View of the red staining on the ground within the entrance area (Facility's gate) where the spill has flowed to the adjacent road. Picture taken by Farzad Kasmaei.

Picture 7- View of red staining in the road (Vine Hill School Road). Picture taken by Farzad Kasmaei.

Picture 8- View of a culvert that drains the Facility's runoff into the roadside trench/channel where the samples were collected. The water appeared clear. Picture taken by Farzad Kasmaei.

Picture 9 - View of red staining in soil within the roadside trench area and installed wattle. Picture taken by Farzad Kasmaei.

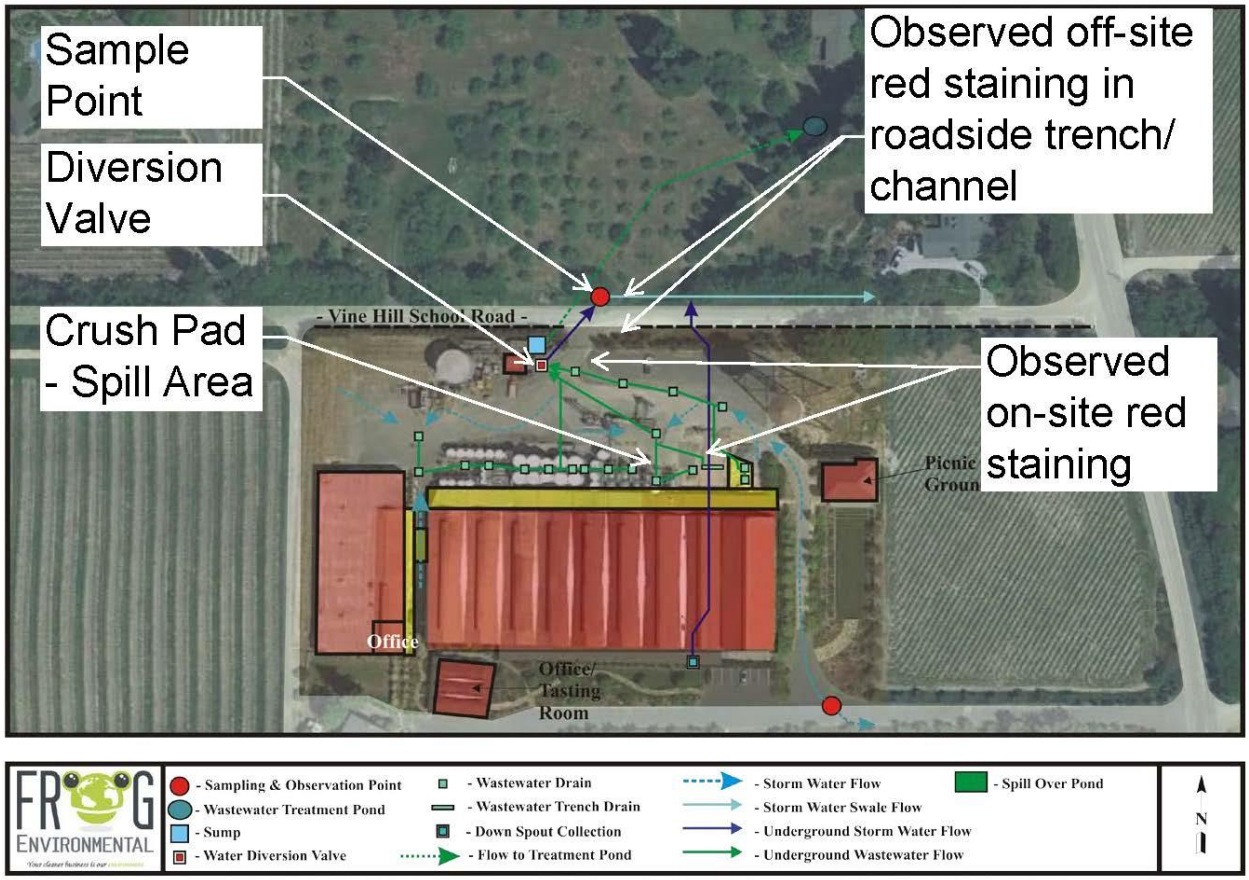
Picture 10 - View of red staining on the road and Facility staff using a broom to remove the spill material from the ground to the extent feasible. Picture taken by Farzad Kasmaei.

Pictures 11 – View of the recovered wine stored in tanks labeled as PT-SD and PT-2. Picture taken by Farzad Kasmaei.

Pictures 12 – View of white plastic bins used to hold the recovered wine spill material. Picture taken by Farzad Kasmaei.

Pictures 13 – View of the process wastewater pond located on the northeast side of the Facility. Picture taken by Farzad Kasmaei.

Site Map:



Picture 14 – Site map showing stormwater and wastewater drainage system, crush pad area, diversion valve, and discharge/sample location.