California Regional Water Quality Control Board
North Coast Region
Water Code Section 13267 Investigative Order No. R1-2023-0058

Directing Vintage Wine Estates, Inc.
to Submit Sampling and Monitoring Reports
Pertaining to Alleged Discharges from Ray's Station Winery

Process Wastewater WDID No. 1B180163RMEN
Stormwater WDID No. 1 23I025637

Mendocino County

FINDINGS

The North Coast Regional Water Quality Control Board (Regional Water Board) finds that:

1. Vintage Wine Estates, Inc. (Discharger) is the owner and operator of the Ray's Station Winery located at 13300 Buckman Drive, Hopland, CA 95449 (Facility).

2. The Discharger is enrolled for coverage under the Regional Water Board General Waste Discharge Requirements for Discharges of Wine, Beverage and Food Processor Waste to Land in the North Coast Region (WBFP WDR), Order No. R1-2016-0002[1].

3. Prior to the introduction of the WBFP WDR, previous ownerships of the Facility were enrolled under Regional Water Board Waste Discharge Requirements (WDR) R1-2000-0081. Ownerships include Stimpson Lane Vineyards and Estates from 2000 to 2006, transferred to Weibel Family Wine Group in March of 2006, and later transferred to Vintage Wine Estates, Inc. in July of 2012.

4. The process wastewater system serving the Facility is subject to the WBFP WDR as per an August 30, 2021, Regional Water Board Notice of Coverage (NOC) letter. Facility process wastewater is screened for solids and pumped to the wastewater treatment pond system located onsite. The treatment system consists of two lined aeration ponds, one processed wastewater treated effluent storage pond, and five Rapid Infiltration Basins (RIB) for disposal. Effluent is

[1] The WBFP WDR can be found online at: WBFP WDR (ca.gov).

sampled at an above ground pipe outlet located on the west side of the second lined aeration pond and prior to discharge into the effluent storage pond. Each RIB is 0.26 acres in size and is designed to dispose up to 66,400 gallons per wet loading/drying cycle. The pond wastewater treatment system is designed to produce effluent in compliance with the WBFP WDR effluent limitations for above ground reuse or disposal. Trash, recyclables, and waste oil are temporarily stored and disposed of by contractors. Processed solids were temporarily stored in the solids disposal area located on the Southeast corner of the Facility and sold to vendors. No process solids exist on site as of the most recent Facility inspection conducted on May 5, 2023.

5. The Facility was formerly authorized to discharge to a process treatment pond system located at 3811 Highway 175, on nearby property owned by McDowell Valley Vineyards via Regional Water Board Waste Discharge Requirements Order No. R1-2000-0081. The then-owner of the Facility, Weibel Family Wine Group, halted discharge to the McDowell Valley Vineyard Pond in 2009 and began discharging to an onsite pond treatment system. The Discharger applied for enrollment under the WBFP WDR in 2018 and again in 2020. On August 30, 2021, the Discharger was authorized via enrollment under the WBFP WDR to dispose of treated process wastewater onsite to a 12-acre vineyard and to five onsite rapid infiltration spreading basins. The Discharger projected that the RIBs would be constructed by the end of October of 2021. The Regional Water Board rescinded Order No. R1-2000-0081 on April 7, 2022.

6. The process wastewater treatment system is designed to treat an average daily flow of 91,100 gallons per day of process wastewater during the Facility's peak production period as described in its Technical Information Form.

7. The Discharger allegedly violated requirements of the WBFP WDR. Effluent data submitted in self-monitoring reports between September 30, 2021, and June 30, 2023, indicates a total of 47 effluent violations, including 13 Nitrate (as N), seven (7) Sodium, 22 Chloride, two (2) Nitrite a N, and three (3) Ammonia (as N). Alleged WBFP WDR violations include but are not limited to: Effluent Limitations for Above Ground Reuse or Disposal Condition 1; Discharge Prohibitions Conditions 8 and 9; General Provisions Conditions 2 and 5; and Solids Discharge Specifications, Condition 4. Wastewater Discharge specific violations include but are not limited to, Wastewater Discharge Specifications Condition 7.

8. The Facility is additionally enrolled for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, as amended in 2015 and 2018, (Industrial General Permit)[2] as of July 1, 2015.

[2] The Industrial General Permit can be found online at: Industrial General Permit (ca.gov).

9. The Discharger is required to comply with all the conditions of the Industrial General Permit.

10. An on-site stormwater retention pond is located directly southwest portion of the property, adjacent to the intersection of Highway 175 and Buckman Drive. Stormwater runoff from the Facility drains into a rock lined ditch adjacent to the RIB features and enters the stormwater retention pond via culvert. One discharge point and sampling location, DP#1, is located at the stormwater retention pond outlet pipe on the southwest corner of the pond. Per the Industrial General Permit, samples are collected once the on-site stormwater pond reaches capacity and flows through the outlet pipe. If stormwater overwhelms the pond and samples cannot be taken at DP#1, samples are required to be taken at the point of discharge via surface flow.

11. A municipal drainage ditch conveys stormwater run-off from the Facility southward down Buckman Drive to the McDowell Valley Vineyard Pond, located approximately 2,000 feet southwest of the Facility. The McDowell Valley Vineyard Pond is an onstream pond and a tributary to the Russian River, a water of the state and United States. The entire Russian River watershed is listed as impaired for sediment and temperature under Clean Water Act section 303(d).

12. Beginning in January 2019, nearby residents on multiple sides of the Facility property experienced foul odors emanating from the facility resulting in several complaints of nuisance odor conditions to Regional Water Board staff (Staff). In response, Staff conducted multiple inspections of the Facility, as well as several additional drive-by inspections of the Facility to confirm the presence of nuisance conditions beginning on July 24, 2020. During the inspection on July 24, 2020, Staff met with Facility representatives to discuss the odor complaint; the current WDR Order authorizing the discharge; a June 2018 application for enrollment under Order No. R1-2016-002; the need to update the application to address the recently implemented odor control corrective actions; and Discharge Prohibition number 2 of Order R1-2000-0081, under which the Facility was enrolled at the time of the 2020 inspection. Discharge Prohibition 2 prohibits the creation of nuisances, including odors emanating from the Facility.

13. During the July 24, 2020, inspection, Staff discussed the results of a 2019 investigation of the process wastewater pond subdrains and the presence of sulfate reducing anerobic microbes in the underdrain water. The resulting corrective action taken in 2019 was to cap the underdrain to eliminate the subsurface water discharge to a drainage ditch and the associated sulfur odor. Additional corrective actions included increased operation of pond aerators, increased sampling of wastewater effluent and site soils, and an evaluation of the pomace storage area located on the southwest corner of the property,

approximately 150 feet from the nearest neighboring residential dwelling. Despite the corrective actions taken place in 2019 and 2020, additional odor complaints were received by the Discharger and the Regional Water Board over the following two-years.

14. Following enrollment under the WBFP WDR in August of 2021, Staff conducted a routine inspection of the Facility on June 16, 2022. During the inspection, the Facility manager acknowledged the presence of odors emanating from wastewater Pond 1 on the southeast corner of the Facility due to the failure of one of the pond aerators. During the inspection, Staff observed that the 50-horsepower aerator was not in operation and had been pulled out of Pond 1 for servicing. Two 25-horsepower aerators were observed by Staff to be in operation on Pond 1.

15. On July 22, 2022, Staff issued a Staff Enforcement Letter citing the alleged violation of Discharge Prohibition, Condition 11 of the WBFP WDR[3] in response to nuisance odor concerns noted by the neighboring community. The 50-horsepower aerator was repaired and in operation in July 2022. Facility odors were reported to have diminished in intensity after the 50-horsepower aerator was back in operation on Pond 1 and the issue was considered resolved.

16. On March 27, 2023, neighboring residents reported to Staff that intense foul-smelling odors were once again emanating from the Facility and that the Facility was "releasing water from the pond", later identified by Staff as the storm water retention pond.

17. On March 29, 2023, Staff inspected the Facility in response to the March 27, 2023, complaints. Prior to the inspection, Facility staff acknowledged that they had detected odors on March 24, 2023, and that the odors were generated from a pomace storage pile recently disturbed and partially submerged in water located in the Southeast corner of the property. During the inspection Facility staff stated that the Facility was unable to find an entity willing to accept the stockpiled pomace. Facility staff additionally confirmed a recent discharge from the stormwater retention pond located at the southwest corner of the property as well as multiple discharges of water from the RIBs to land as emergency discharges throughout the rainy season. Facility staff stated the water was discharged out of the RIBs and to land via portable pumps when the water level encroached on the two-foot free board limit, which Facility representatives believed was allowed as per the August 30, 2021, Regional Water Board NOC under the WBFP WDR.

[3] Under WBFP WDR, Discharge Prohibition, Condition 11, creation of a nuisance as defined by Water Code section 13050 is prohibited.

18. During the March 29, 2023 inspection and noted in the March 29, 2023 inspection report, it was brought to Staff's attention that the Facility was applying treated process wastewater onsite to areas not previously identified or approved as land application areas. According to a July-December 2022 self-monitoring report, the Facility was using a water truck to land apply treated wastewater to green and landscape areas to reduce the demand on the RIBs. Facility staff stated the land applied treated wastewater had not entered the stormwater conveyance system at any time. They further stated that the RIBs were unable to operate as designed, with a specific wetting and drying cycle, due to their collection of precipitation.

19. On April 28, 2023, during a tour of the affected neighborhood, Staff witnessed the discharge of water from the Facility's water truck. The discharge occurred along the grassy perimeter of the grape pomace storage area in the southeast corner of the Facility, the stormwater conveyance along the northern and southern portions of the Facility. These areas were not previously identified or approved as land application areas and include rocked drainage features that are part of the Facility's stormwater conveyance system, that are unpermitted and prohibited areas for process wastewater disposal. Staff additionally detected foul-smelling odors at three separate neighboring homes. Staff observed the large pile of grape pomace in the southeast corner of the Facility and noted that the odors were emanating from the pomace pile and/or one of three wastewater ponds. Other observations included the presence of organic biofilms located in the rock lined drainage ditch/spill way of the stormwater retention pond and the McDowell Valley Vineyard Pond. The Discharger allegedly violated the WDR by generating wastewater runoff that was potentially comingled with stormwater and then discharged to the unlined stormwater retention pond. Infiltration of such contaminated (untreated) wastewater runoff via the stormwater retention pond is prohibited and may result in groundwater impact.

20. The August 30, 2021 Regional Water Board NOC letter states, "As per enrollment under the WBFP WDR, the Discharger is authorized to dispose of treated process wastewater to an adjacent 12-acre vineyard and to onsite rapid infiltration spreading basins". Following observations made during the April 28, 2023 tour, a Notice of Violation (NOV) was issued to the Facility on May 2, 2023, for nuisance conditions defined by Water Code section 13050 and unauthorized discharge of treated process wastewater, a violation of the WBFP WDR.

21. Staff most recently inspected the Facility on May 5, 2023. During the inspection of the on-site stormwater retention pond, the Discharger confirmed that the design calculation (design storm standard) for the stormwater retention pond was available. However, at the time of the inspection, the Storm Water Pollution Prevention Plan (SWPPP) was not yet updated to include such technical documents to demonstrate that the pond is adequately sized. Calculations were

later received on July 24, 2023, with results indicating the pond is adequately sized.

Legal and Regulatory Authority:

22. This Water Code section 13267 Investigative Order (Order) conforms to and implements policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000), including section 13267, and the Water Quality Control Plan for the North Coast Region (Basin Plan) adopted by the Regional Water Board, that includes beneficial uses, water quality objectives, and implementation plans.

23. Water Code section 13267, subdivision (a), provides that the Regional Water Board may investigate the quality of any waters of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The reports required by this Order will assist the Regional Water Board in its investigation into whether the Discharger has taken, or will take, necessary actions in response to previous discharges and odor complaints to protect water quality and the beneficial uses of surface waters in the Russian River watershed. The burden of compiling these reports, including the costs associated with collecting the information, bear a reasonable relationship to the benefits that will be obtained from having the necessary information for the Regional Water Board to properly regulate and monitor the Facility and to protect the water quality in the Russian River watershed.

24. Industrial General Permit section XI.B.6.c. requires the sampling and analysis of additional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment as described in Section X.G.2. These additional parameters may be modified (added or removed) in accordance with any updated SWPPP pollutant source assessment. Additionally, Industrial General Permit section XI.B.6.f., requires the sampling and analysis of additional parameters if directed by the Regional Water Board.

25. The Discharger's treatment system, which includes the use of chemical flocculants, may pose a threat to the quality and beneficial uses of receiving waters if not properly operated or maintained or in the event of a catastrophic release or system overwhelm. The appropriate operation of the treatment system requires a high level of sophistication, constant oversight, and an effective operations and maintenance program that includes both preventive and corrective maintenance activities. Failure to appropriately implement the

treatment system and an associated operations and maintenance program increases the risk to water quality. This Order requires additional technical reporting, as specified below, pursuant to Water Code section 13267.

26. Water Code section 13267, subdivision (b) specifies that the burden to provide the required reports, including the costs, must bear a reasonable relationship to the need for the reports and their benefits. This Order requires copies of reports, engineering reports, monitoring reports, and cost reporting. The burdens, including the costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to understand the impacts of discharges to tributaries of the Russian River, to ensure that any threat to water quality created by activities at the Facility are properly assessed and controlled, and to prevent unauthorized discharges of waste to waters of the state and United States. Staff estimate the costs of the reports to be between approximately $42,636 and $81,177[4].

    a. Groundwater Monitoring and Subsurface Investigation: Associated tasks involve the assessment of groundwater quality and subsurface conditions and connectivity. Efforts will likely include well development and installation, collection of samples, laboratory testing, and data analysis. Estimated costs for completing associated reporting requirements and tasks range between $20,894 and $45,905 for the installation of three and six groundwater monitoring wells, respectively.

    b. Stormwater Monitoring Plan: Associated tasks involve stormwater monitoring and inspections, field sampling collection and analysis of parameters described in Required Action 2.iv at locations described in Required Action 2.i. Estimated costs for completing associated reporting requirements and tasks range between $4,092 and $5,112.

    c. Investigation of Biofilm Presence: Associated tasks focus on the examination of biofilm presence within the stormwater conveyance system and retention basin. It encompasses sample collection, laboratory tests, and analysis to identify and understand biofilm formation. The estimated cost for the Investigation and associated reports ranges from $6,680 to $11,600.

    d. Investigation of Solids Storage and Disposal: Associated tasks involve assessing the management of solid waste, including its storage and disposal methods. Submittals include design plans, best management

[4] Estimates based on the "Underground Storage Tank Cleanup Fund 2018 Cost Guidelines Update" dated August 2018, which can be found here: 2018 Cost Guidelines Update (ca.gov).

practices (BMPs), and Standard Operating Procedures (SOPs) associated with solids storage and disposal. The estimated cost for the Investigation and associated reports ranges from $4,360 to $7,280.

e. Wastewater Disposal, Treatment, and Monitoring: Associated tasks involve the submittal of design plans, SOPs, daily operation logs, and BMPs associated with unauthorized land application of treated process wastewater effluent via a water truck. Additional submittals include Facility maps displaying and identifying areas where water pumped from the RIBs was applied or discharged to land. Estimated costs for completing associated reporting requirements range between $4,360 and $7,280.

f. Cost of Compliance: Estimated costs for preparing the Cost of Compliance Report range between $2,000 and $3,000.

REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code section 13267, the Discharger shall provide the following information:

1. **Groundwater Monitoring and Subsurface Investigation:**

   a. By **April 1, 2024**, the Discharger shall submit, for Staff review and concurrence, a work plan including a schedule of implementation to investigate and evaluate groundwater elevation, flow direction and quality, including potential impacts to sensitive receptors from constituents of concern as described in the WBFP WDR appendix c.vi, Groundwater, and associated with the process wastewater. The work plan should assess the full lateral and vertical extent of process wastewater impacts to groundwater and the potential connectivity and influence of the process wastewater to the stormwater conveyance system, the stormwater retention pond, and waters of the state and United States. The purpose of the investigation is to assess the assimilative capacity of groundwater (receiving waters) beneath the Facility as compared to water quality objectives from all potential sources of salts and nutrients including the process wastewater systems and the on-site domestic wastewater systems.

   b. Following approval of the work plan by the Regional Water Board Executive Officer, begin implementing the work plan per the approved schedule of implementation by no later than **August 1, 2024**.

   c. An initial report containing results of the monitoring and sampling events shall be submitted to the Regional Water Board by **October 1, 2024.** Additional monitoring and sampling reports are then to be submitted on a

quarterly basis from **January 2, 2025, to January 2, 2027**. Quarterly reports shall be submitted on January 2, April 2, July 2, October 2 during this period. A minimum of two years of sampling is required to allow for the collection of seasonal data. The monitoring reports shall include, but are not limited to:

i. Description of the monitoring and sampling activities.

ii. Recommendations for any additional assessment or testing needed to characterize groundwater, wastewater, and stormwater constituents.

iii. Evaluation of the connectivity and influence of the process wastewater, domestic wastewater, stormwater conveyance systems, and the stormwater retention basin to groundwater elevation, flow direction, and water quality.

iv. Evaluation of chemical concentration trends, supported with appropriate graphs.

v. Maps showing all Facility sampling locations.

vi. Maps showing quarterly groundwater elevation contours for groundwater zones.

vii. Tabulated current measured depth to groundwater.

viii. Tabulated sampling analytical results.

ix. Copy of sampling field logs that document, as appropriate, measured depth to water, water quality parameters, date and time, volume of water removed, and sample conditions.

2. **Stormwater Monitoring Plan:**

a. By **April 1, 2024**, the Discharger shall develop a stormwater monitoring and sampling plan that meets the following:

i. Sample influent stormwater at all locations prior to entering the stormwater retention pond. The pipes that flow into the retention pond are identified in the Monitoring Diagram included in the July 14, 2023, updated Facility SWPPP.

ii. The samples must be representative of stormwater associated with industrial activities and any commingled authorized non-stormwater discharges.

iii. Daily sample collection from each stormwater retention pond influent pipe shall occur within four hours of the start of the discharge, or the start of facility operations if the Qualified Storm Event (QSE) occurs within the previous 12- hour period (e.g., for storms with discharges that begin during the night for facilities with day-time operating hours). Sample collection should occur during scheduled Facility operating hours and when sampling conditions are safe consistent with the conditions described in Section XI.C.6.a of the Industrial General Permit.

iv. All samples shall be analyzed for the following parameters:

1. pH
2. Volatile Organic Compounds by EPA Method 8260
3. Semi-Volatile Organic Compounds by EPA Method 8720
4. Total Dissolved Solids (TDS)
5. Biochemical Oxygen Demand (BOD) – SM 5210B
6. Nitrite plus Nitrate as Nitrogen – SM 4500-NO3-E
7. Sodium (Na)
8. Chloride (Cl)

v. For each rain event that generates runoff which enters the stormwater retention pond, samples must be collected from each discharge point into the stormwater retention pond and analyzed for the required constituents listed in Required Action 2.a.iv. This process must be repeated until samples have been successfully collected and analyzed for each discharge point for three distinct rain events. Analysis may be discontinued for a constituent if two consecutive results have been reported at less than one-half the primary (or secondary if no primary) maximum contaminant level.

vi. For each constituent reported above the primary or secondary drinking water maximum contaminant level for samples collected under this Order, within 90 days of receipt of the laboratory report with the exceedance, provide an updated pollutant source assessment in accordance with Section X.G.2 of the Industrial General Permit.

vii. Sampling Analysis Reporting shall be compliant with Sections XI.B.8, 10, and 11 of the Industrial General Permit.

viii. All sampling results, laboratory reports, chains of custody, and all other supporting documentation shall be submitted to the Regional Water Board within 30 days after laboratory results are received. All reports shall be uploaded to SMARTS.

3. **Investigation of Biofilm Presence:**

a. By **August 1, 2024**, the Discharger shall conduct an investigation of biofilm presence at the Facility. This investigation aims to assess and address any potential sources, extent, and potential impacts of biofilm in compliance with water quality objectives[5] and applicable regulations. The investigation shall encompass groundwater, stormwater, and surface waters, all processing equipment, tanks, conveyance systems, ponds, and other relevant infrastructure that may be associated with water usage, storage, and transportation. Objectives and procedures shall include but are not limited to:

i. Identifying areas susceptible to biofilm formation.

ii. Assessing the composition and nature of the biofilm present.

iii. Evaluating potential sources that contribute to biofilm formation.

iv. Investigating any potential adverse effects of the biofilm on water quality, beneficial uses, nuisance conditions, and waste treatment and disposal operations.

b. Investigation procedures, reporting, and proposed corrective actions shall include but are not limited to:

i. Sampling: Collection of water and biofilm samples from various points throughout the Facility and property, including wastewater processing equipment, infrastructure, drainage points, and waters of the state. Ensure appropriate sampling techniques and methods to preserve sample integrity.

ii. Laboratory Analysis: Send collected samples to an Environmental Laboratory Accreditation Program (ELAP)[6] certified laboratory for

[5] Basin Plan Section 3.3.2. Biostimulatory Substances Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
[6] Environmental Laboratory Accreditation Program (ELAP) | California State Water Resources Control Board.

analysis of microbial community composition, biofilm composition, and potential contaminants.

iii. Visual Inspection: Conduct visual inspections of processing equipment, conveyance systems, and storage areas to identify visible signs of biofilm growth, corrosion, or other relevant issues.

iv. Document any corrective actions previously taken to address biofilm presence and related issues.

c. Based on the investigation's findings, the Discharger shall submit a corrective action plan to the Regional Water Board by **October 1, 2024**, to address biofilm presence and any related water quality concerns. These actions should be taken in accordance with applicable regulations and BMPs.

4. **Investigation of Solids Storage and Disposal:**

a. By **April 1, 2024**, the Discharger shall submit the following information pertaining to the Facility processed solids (pomace) storage area:

i. All design plans for the Facility process solids storage area, including stormwater conveyance system, and permeability of soil.

ii. SOPs for pomace management during the time of January 1, 2020 through June 30, 2023, including but not limited to: BMPs, such as covering of pomace pile, run-on water controls, actions to prevent standing water in storage area; and corrective actions to address standing water in the storage area, odors, and run-off.

iii. Pomace pile sampling plan and analytical results, from January 2020 to June 2023.

iv. Volume of pomace stored onsite between January 2020 and June 2023, including all inputs and subtractions of pomace and/or other solid or additive to the storage area with date of addition or removal; and identification of all disposal locations including onsite reuse areas, and off-site disposal.

v. Document any corrective actions previously taken to address odor presence related to pomace storage, processing, or removal.

5. **Wastewater Disposal, Treatment, and Monitoring:**

a. By **April 1, 2024**, the Discharger shall submit Facility SOPs, BMPs, daily operations logs, and monitoring and sampling data associated with the land application of treated process wastewater effluent via a water truck that occurred in 2023, including but not limited to:

    i. Capacity of the water truck and truck filling protocol.

    ii. Daily operation logs showing dates of use, total volumes, and disposal flows of trucks filled and used to spray-irrigate effluent, including any field notes or observations associated with land application activities.

    iii. Locations where effluent was applied to land and observations noted prior to land application that were used to assess: any ponding or soil saturation, areas of potential discharge to the stormwater conveyance system, potential runoff, or discharge to stormwater conveyance system.

    iv. Effluent sampling activities and sampling results prior to the filling of or discharge from the water truck.

    v. Identification of Facility staff who operated the water truck and their supervisor(s), including all relevant training of water truck operators regarding land application.

    vi. Local weather conditions for the 48 hours prior to, during, and 48 hours following each land application event.

b. By **April 1, 2024**, the Discharger shall submit an updated map of the Facility property in its entirety displaying and identifying all areas where (1) water pumped from the RIBs was applied to land, and (2) water was discharged to land via water truck. (1) and (2) shall be depicted independently so that the source of water applied can be discerned. The Map shall include but is not limited to:

    i. The stormwater conveyance system, including all components such as drop inlets, drainage ditches, culverts, and stormwater retention basin.

    ii. The wastewater treatment and conveyance system including all ponds, pipes, pumps, valves, meters, RIBs, and other appurtenant infrastructure.

    iii. Drinking water and other groundwater wells, with the well type clearly labeled.

iv. Domestic wastewater disposal field.

v. The solids storage and disposal area.

c. By **April 1, 2024**, the Discharger shall submit Facility daily operations logs associated with the operation of the process wastewater system and the alleged unauthorized disposal of process wastewater from the RIBs and the water truck. Information shall include but is not limited to:

i. Identification of the date, time, and volume of water pumped from each RIB to adjacent land and the stormwater retention pond.

ii. Identification of the date, time, and volume of effluent applied to land via the water truck.

iii. Total volume of effluent applied to land via the water truck.

iv. Total volume of comingled stormwater and process wastewater discharged to waters of the state and/or the United States, with identification of the receiving water(s).

v. Identification of the Facility staff member who set up the pump and the discharge line as well as their supervisor, including any field notes or observations recorded by the staff member.

vi. Total volume of comingled stormwater and process wastewater pumped to land from the RIBs. The total period of time the pump was run when discharging water to land and the stormwater retention pond.

vii. Identification of which RIB water was pumped from and the location where that water was pumped to.

viii. Facility operation logs identifying the dates and volumes of process wastewater flows discharged to each RIB, in order to identify the source of the pumped water (process wastewater effluent, precipitation, or a combination of the two).

d. By **April 1, 2024**, the Discharger shall submit all Facility SOPs and BMPs for the pumping of water from the RIBs to land, including but not limited to:

i. All activities taken to avoid discharges to the stormwater conveyance system.

ii. Pumped water sampling activities and sampling results prior to the discharge.

iii. All relevant training of Facility staff responsible for operating the pump and laying out the discharge line.

6. **Reporting Specifications:**

   a. When reporting data, the Discharger shall arrange the information in tabular form so that the date, the constituents, and the concentrations of all sampling and monitoring results are readily discernible and shall summarize the data in such a manner as to illustrate clearly the compliance with this Order.

   b. All reports shall be prepared by a registered professional or their subordinate and shall be signed by the registered professional.

7. **Cost of Compliance**
   Provide an itemized table by date and cost for all BMPs, reporting, monitoring, and other compliance measures associated with the Facility in compliance with this 13267 Investigative Order. Include supporting documentation such as invoices, laboratory costs, and contract amounts. Submit to NorthCoast@Waterboards.ca.gov and Kelsey.Cody@Waterboards.ca.gov.

PROVISIONS

1. **Use of Registered Professionals:** The Discharger shall provide technical reports prepared under the direction of appropriately qualified professionals. In preparing the technical reports, any engineering or geologic evaluations and judgments shall be performed by or under the direction of registered professionals pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. Reports submitted by or on behalf of the Discharger shall include a statement of qualifications and registration numbers of the responsible lead professional. The lead professional shall sign and affix their registration stamp to the report.

2. **Qualified Professionals:** The Discharger's reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals shall be qualified, licensed, where applicable, and competent and proficient in the fields pertinent to the required activities.

3. **Signatory Requirements:** The technical reports shall be signed and certified by either a principal executive officer or the person with overall responsibility for environmental matters for the Discharger. Additional reports submitted in support of the technical report shall be signed by the principal author.

4. **Certification Statement:** Any report submitted in response to this Order shall include the following perjury statement:

   "*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations*."

5. **Report Submittal:** The technical reports shall be submitted electronically to:

   a. Non-Stormwater Reports (Required Actions 1,3,4,5)
   The Regional Water Board via the State Water Resources Control Board's Geographic Environmental Information Management System database (GeoTracker).

   The Discharger-specific GeoTracker Global ID is **WDR100040371**. In order to submit reports electronically, create a secure GeoTracker Electronic Submittal of Information (ESI) account and log in. The account will be connected to the Global ID. The Discharger can request a username and password online by accessing the 'Getting Started' section on the GeoTracker ESI webpage (https://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

   b. Stormwater Reports (Required Action 2)
   The Regional Water Board at NorthCoast@waterboards.ca.gov and uploaded within two business days of submittal to the State Water Resources Control Board (State Water Board) Stormwater Multiple Application and Report Tracking System (SMARTS).

6. **Modification of Order:** Any modifications must be requested in writing as soon as the need is recognized and prior to the compliance date. Any modification, including a compliance date extension, may only be granted by written modification of this Order or by a letter from the Assistant Executive Officer.

NOTIFICATIONS

1. **Enforcement Discretion:** The Regional Water Board reserves the right to take any enforcement action authorized by law for violations of the terms and conditions of this Order. Furthermore, compliance with this Order is wholly distinct from any possible enforcement that may follow from the discharges themselves, pursuant to violations of the California Water Code or other orders issued by the Regional Water Board or State Water Board.

2. **Enforcement Notification:** Pursuant to California Water Code section 13268, failure to submit the required technical reports as required by Water Code section 13267, subdivision (b), or falsifying any information provided therein, may result in the imposition of administrative civil liability up to $1,000 per violation per day.

3. **California Environmental Quality Act Compliance**: The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, sections 15306 and 15321, subdivision (a)(2). The submission of technical information does not constitute a project with environmental impacts.

4. **Appeal Notification:** Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

It is hereby ordered:

Digitally signed by Claudia E. Villacorta
Date: 2023.12.20 14:22:05 -08'00'

Claudia E. Villacorta, P.E.
Assistant Executive Officer

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