



North Coast Regional Water Quality Control Board

May 2, 2023

Rick Hughes
Vintage Wine Estates
Ray's Station Winery
13300 Buckman Drive
Hopland, CA 95449
rhughes@raysstation.com

GLS signature tracking No.: 559309400

Zach Long
Vintage Wine Estates, Inc.
205 Concourse Boulevard
Santa Rosa, CA 95403
ZLong@vintagewineestates.com

GLS signature tracking No.: 559309418

Dear Mr. Hughes:

Subject: Notice of Violation of General Waste Discharge Requirements Order No. R1-2016-0002 for Ray's Station Winery, Process Wastewater Treatment System

File: Ray's Station Winery, 13300 Buckman Drive, (Process Wastewater), Hopland, WDID No. 1B180163RMEN; CIWQS Place ID. 852905

Dear Mr. Hughes:

Please respond within 15 days of the date of this letter.

This letter is to notify you that the facility identified as Ray's Station Winery, Process Wastewater Treatment System (the Facility) is in violation of requirements listed below:

1. North Coast Regional Water Quality Control Board (Regional Water Board) General Waste Discharge Requirements for Discharges of Wine, Beverage and Food Processor Waste to Land in the North Coast Region, Order No. R1-2016-0002 (WBFP WDR).
2. California Water Code (Water Code) Sections 13260 and 13350.

Background

The purpose of this letter is to notify you that the Regional Water Board staff (Staff) have received several complaints of nuisance conditions from the residents surrounding

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

the Facility dating back to January 2019. Staff have conducted multiple inspections of the Facility, as well as a few additional drive-by inspections of the Facility. During the inspection on June 16, 2022, the Facility manager acknowledged the presence of odors emanating from wastewater Pond 1 on the southeast corner of the Facility. During this inspection, Staff confirmed that one of the two 25-horsepower aerators was broken, and the Facility was waiting to receive replacement parts. Due to the decommissioned aerator, foul-smelling odors which were impacting the neighboring community had been reported to Staff frequently. On July 22, 2022, Staff issued a Staff Enforcement Letter citing the alleged violation of Discharge Prohibition 11 of the WBFP WDR Order No. R1-2016-0002 with respect to the nuisance odor concerns noted by multiple neighboring residents. After replacement parts were obtained in July 2022 these odors were reported to have diminished in intensity and the issue was considered resolved.

On March 27, 2023, neighboring residents alerted Staff that the intense foul-smelling odors were once again emanating from the Facility. On April 28, 2023, during a tour of the affected neighborhood Staff (Rachel Prat, Kelsey Cody, and Jeremiah Puget) detected the foul-smelling odors at three separate neighboring homes between 10:30am and 11:30am. Staff observed a large pile of grape pomace in the southwest corner of the Facility adjacent to wastewater Pond 1, near Highway 175. Staff noted that the odors were emanating from the pomace pile and/or wastewater Pond 1 and could be detected throughout the adjacent neighborhood.

Additionally, in the semi-annual July – December 2022 Facility self-monitoring report, the Discharger cited the use of a water truck to land apply treated wastewater to green and landscape areas in order to reduce the demand on the infiltration basins. On April 28, 2023, Staff (Kelsey Cody, and Jeremiah Puget) witnessed the discharge of water from the Facility's water truck along the grassy perimeter to the north of the facility and the grassy perimeter to the south of the Facility along Highway 175. Staff (Rachel Prat, Kelsey Cody, and Jeremiah Puget) additionally witnessed a discharge from the water truck near the grape pomace storage area in the southwest corner of the Facility. These observations occurred between the hours of 10:00am and noon.

Alleged Violations

1. Creation of nuisance conditions. Discharge Prohibition 11 of the WBFP WDR Order No. R1-2016-0002. Creation of pollution, contamination, or nuisance as defined by section 13050 of the Porter-Cologne Water Code (Water Code)

Water Code section 13050(m) defines a nuisance as anything which meets the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) Affect at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) Occurs during, or as a result of, the treatment or disposal of wastes.

2. Unauthorized discharge of treated process wastewater. August 30, 2021, Regional Water Board Notice of Coverage (NOC) letter, for enrollment under General Waste Discharge Requirements for Discharges of Wine, Beverage and Food Processor Waste to Land in the North Coast Region, Order No. R1-2016-0002.

The NOC 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."

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Water Code and WBFP WDR Order No. R1-2016-0002 warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented by Staff, may represent continuing violations of the Water Code and WBFP WDR Order No. R1-2016-0002. Please note that correcting the conditions of non-compliance at the Facility does not preclude enforcement for the violations alleged in this notice.

As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, cease and desist order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both, pursuant to Water Code section 13350. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$10,000 for each day the violation occurs and \$10/gallon beyond the first 1,000 gallons not cleaned up for actual discharges to waters of the United States without a permit pursuant to Water Code section 13385.

Recommendations

Within 15 days from the date of this letter, please advise our Staff, Rachel Prat, of your intentions, plan, and schedule to implement corrective actions. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact our Staff Rachel Prat by email at Rachel.Prat@waterboards.ca.gov or by phone at 707-576-2542.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future

enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

You may also contact the WDR Program Manager Kelsey Cody at Kelsey.Cody@waterboards.ca.gov, or by phone at 707-576-2347, or me at Jeremiah.Puget@waterboards.ca.gov or by phone at 707-576-2835. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Jeremiah Puget
Senior Environmental Scientist
Enforcement Unit

Cc:

North Coast Regional Water Quality Control Board

Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov
Charles Reed, Charles.Reed@waterboards.ca.gov
Rachel Prat, Rachel.Prat@waterboards.ca.gov
Kelsey Cody, Kelsey.Cody@waterboards.ca.gov
Zane Stromberg, Zane.Stromberg@waterboards.ca.gov
Jordan Filak, Jordan.Filak@waterboards.ca.gov

State Water Resources Control Board

Nathan Jacobsen, Nathan.Jacobsen@waterboards.ca.gov

Mendocino County

Marlayna Bourbonnais Duley, Environmental Health Manager, Mendocino County
Environmental Health; bourbonm@mendocinocounty.org

Facility and Consulting Firms

Chris Almind, Ray's Station Winery, calmind@raysstation.com
Chase Cambron, Ray's Station Winery, ccambron@raysstation.com
Jeff Nicholson, Vintage Wine Estates, JNicholson@vintagewineestates.com
Gina Giacone, Summit Engineering Inc.; gina@summit-sr.com
Jason Flowers, Summit Engineering Inc.; JasonF@summit-sr.com
Ashley Boudet, Heritage Systems: aboudet@heritagesystemsinc.com