

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2009-0056

In the Matter of

Jepson Vineyards Ltd.
WDID No. 123S014121

For

Late Submittal of Annual Storm Water Report
For Fiscal Year 2007-2008

Mendocino County

The Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), hereby gives notice that:

1. Jepson Vineyards Ltd., (hereinafter Discharger) operates a vineyard and winery located at 10400 South Highway 101, Ukiah, California (hereinafter Facility).
2. The U.S. Environmental Protection Agency issued regulations for storm water discharges on November 16, 1990. Subsequently, the State Water Resources Control Board (State Water Board) adopted Water Quality Order No. 91-013-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (hereinafter General Permit). On September 17, 1992, the State Water Board amended the General Permit, and on August 17, 1997, the State Water Board issued Order No. 97-03-DWQ, which revised and replaced the General Permit.
3. Provision E(1) of the General Permit requires that all facility operators seeking coverage under the General Permit file a Notice of Intent (NOI) for each of the facilities they operate. The Discharger filed a NOI for the Jepson Vineyards Ltd. June 1, 1998, and was assigned WDID No. 123S014121 for the Facility.
4. Section B(14) of the General Permit requires that all facility operators submit an Annual Report by July 1st of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located.
5. The Discharger failed to submit its 2007-2008 Annual Report for the Facility by July 1, 2008.
6. California Water Code section 13399.31(b) requires a Regional Water Board to provide Notice of Noncompliance to a discharger who has failed to submit an Annual Report. Should a discharger who is so notified fail to submit an Annual

Report within 30 days of notification, section 13399.31(c) requires that the Regional Water Board's Executive Officer send a second notice to the Discharger. Subsection (d) requires the Regional Board to impose penalties if the Discharger fails to submit the annual report within 60 days from the first notice.

7. On August 8, 2008, the Executive Officer issued the first Notice of Noncompliance to the Discharger citing failure to submit the 2007-2008 Annual Report. The August 8th Certified Mail was received by the Discharger on August 11, 2008. On September 22, 2008, the Executive Officer issued the second Notice of Noncompliance letter to the Discharger. We have not received the signed return receipt. On April 10, 2009, staff contacted the Discharger to discuss status of submittal of the annual report and left a voicemail message. Staff contacted and spoke to a Discharger representative on April 15; a representative of the Discharger hand-delivered the 2007-2008 annual report to the Regional Water Board office on April 20, 2009.
8. Under Water Code section 13399.31, subdivision (d), if the Discharger fails to submit an annual report within 60 days from the date the first notice is sent, the Regional Water Board shall impose the penalties described in Water Code section 13399.33, subdivision (c). The minimum penalty under Water Code section 13399.33, subdivision (c) is \$1,000 in addition to the costs incurred by the Regional Water Board.
9. The 2007/2008 Annual Storm Water Report was due July 1, 2008. We received the annual report on April 20, 2009,
10. The issuance of a Complaint for Administrative Civil Liability does not have the potential to result in a physical change in the environment and, therefore, is not a "project" subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.). It is also exempt from CEQA in accordance with title 14, California Code of Regulations, section 15321, subsection (a)(2).

JEPSON VINEYARDS LTD. IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer proposes that the Discharger be assessed an administrative civil liability in the amount of \$1,000 for failure to submit the 2007/2008 Annual Stormwater Report by July 1, 2008.
2. A hearing will be conducted on this Complaint by the Regional Water Board on December 10, 2009, unless the Discharger waives the right to a hearing by signing and returning the waiver form attached to this Complaint by October 26, 2009. By doing so, the Discharger agrees to:

Pay the total assessed penalty of \$1,000 in full to the State Water Resources Control Board, Waste Discharger Permit Fund, by October 26, 2009.
3. If the Discharger waives the hearing and pays the liability, the resulting settlement may become effective on October 27, 2009. If there are significant public

comments, the Assistant Executive Officer may withdraw the Complaint, reissue it as appropriate, or take other appropriate action.

4. If a hearing is held, the Regional Water Board may impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the matter to the Attorney General to have a Superior Court consider enforcement.
5. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability that stem from violation of the Clean Water Act, including NPDES Permit violations. Accordingly, interested persons will be given thirty days to comment on any proposed settlement of this Complaint.
6. Notwithstanding the issuance of this Complaint, the Regional Water Board shall retain the authority to assess additional penalties for violations of the Discharger's Storm Water Permit.

Luis G. Rivera
Assistant Executive Officer

September 24, 2009