

2006-2007
ANNUAL REPORT

DESCRIPTION OF BASIC ANALYTICAL PARAMETERS

The Industrial Activities Storm Water General Permit (General Permit) requires you to analyze storm water samples for at least four parameters. These are pH, Total Suspended Solids (TSS), Specific Conductance (SC), and Total Organic Carbon (TOC). Oil and Grease (O&G) may be substituted for TOC. In addition, you must monitor for any other pollutants which you believe to be present in your storm water discharge as a result of industrial activity and analytical parameters listed in Table D of the General Permit. There are no numeric limitations for the parameters you test for.

The four parameters which the General Permit requires to be tested are considered *indicator* parameters. In other words, regardless of what type of facility you operate, these parameters are nonspecific and general enough to usually provide some indication whether pollutants are present in your storm water discharge. The following briefly explains what each of these parameters mean:

pH is a numeric measure of the hydrogen-ion concentration. The neutral, or acceptable, range is within 6.5 to 8.5. At values less than 6.5, the water is considered acidic; above 8.5 it is considered alkaline or basic. An example of an acidic substance is vinegar, and an alkaline or basic substance is liquid antacid. Pure rainfall tends to have a pH of a little less than 7. There may be sources of materials or industrial activities which could increase or decrease the pH of your storm water discharge. If the pH levels of your storm water discharge are high or low, you should conduct a thorough evaluation of all potential pollutant sources at your site.

Total Suspended Solids (TSS) is a measure of the undissolved solids that are present in your storm water discharge. Sources of TSS include sediment from erosion of exposed land, and dirt from impervious (i.e. paved) areas. Sediment by itself can be very toxic to aquatic life because it covers feeding and breeding grounds, and can smother organisms living on the bottom of a water body. Toxic chemicals and other pollutants also adhere to sediment particles. This provides a medium by which toxic or other pollutants end up in our water ways and ultimately in human and aquatic life. TSS levels vary in runoff from undisturbed land. It has been shown that TSS levels increase significantly due to land development.

Specific Conductance (SC) is a numerical expression of the ability of the water to carry an electric current. SC can be used to assess the degree of mineralization, salinity, or estimate the total dissolved solids concentration of a water sample. Because of air pollution, most rain water has a SC a little above zero. A high SC could affect the usability of waters for drinking, irrigation, and other commercial or industrial use.

Total Organic Carbon (TOC) is a measure of the total organic matter present in water. (All organic matter contains carbon) This test is sensitive and able to detect small concentrations of organic matter. Organic matter is naturally occurring in animals, plants, and man. Organic matter may also be man made (so called synthetic organics). Synthetic organics include pesticides, fuels, solvents, and paints. Natural organic matter utilizes the oxygen in a receiving water to biodegrade. Too much organic matter could place a significant oxygen demand on the water, and possibly impact its quality. Synthetic organics either do not biodegrade or biodegrade very slowly. Synthetic organics are a source of toxic chemicals that can have adverse effects at very low concentrations. Some of these chemicals bioaccumulate in aquatic life. If your levels of TOC are high, you should evaluate all sources of natural or synthetic organics you may use at your site.

Oil and Grease (O&G) is a measure of the amount of oil and grease present in your storm water discharge. At very low concentrations, O&G can cause a sheen (that floating "rainbow") on the surface of water (1 qt. of oil can pollute 250,000 gallons of water). O&G can adversely affect aquatic life and create unsightly floating material and film on water, thus making it undrinkable. Sources of O&G include maintenance shops, vehicles, machines and roadways.

If you have any questions regarding whether or not your constituent concentrations are too high, please contact your local Regional Board office. The United States Environmental Protection Agency (USEPA) has published stormwater discharge benchmarks for a number of parameters. These benchmarks may be helpful when evaluating whether additional BMPs are appropriate. These benchmarks can be accessed at our website at <http://www.swrcb.ca.gov>. It is contained in the Sampling and Analysis Reduction Certification.

See Storm Water Contacts at

<http://www.waterboards.ca.gov/stormwtr/contact.html>

FORM 1-SAMPLING & ANALYSIS RESULTS

FIRST STORM EVENT

- If analytical results are less than the detection limit (or non detectable), show the value as less than the numerical value of the detection limit (example: <.05)
- If you did not analyze for a required parameter, do not report "0". Instead, leave the appropriate box blank.
- When analysis is done using portable analysis (such as portable pH meters, SC meters, etc.), indicate "PA" in the appropriate test method used box.
- Make additional copies of this form as necessary.

NAME OF PERSON COLLECTING SAMPLE(S): KARL ESTIMAN TITLE: _____ SIGNATURE: _____

DESCRIBE DISCHARGE LOCATION Example: NW Out Fall	DATE/TIME OF SAMPLE COLLECTION	TIME DISCHARGE STARTED	ANALYTICAL RESULTS For First Storm Event															
			BASIC PARAMETERS					OTHER PARAMETERS										
			pH	TSS	SC	O&G	TOC											
DITCH NW OF WINEBLY	3/12/07 10:45 AM	10:20 AM	6.4	ND	81	ND												
TEST REPORTING UNITS:			pH Units	mg/l	umho/cm	mg/l	mg/l											
TEST METHOD DETECTION LIMIT:				3	10	5												
TEST METHOD USED:			EPA 10.1	EPA 160.2	EPA 120.1	EPA 1664												
ANALYZED BY (SELF/LAB):			LAB	LAB	LAB	LAB												

TSS - Total Suspended Solids

SC - Specific Conductance

O&G - Oil & Grease

TOC - Total Organic Carbon

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SIDE A

FORM 2-QUARTERLY VISUAL OBSERVATIONS OF AUTHORIZED
NON-STORM WATER DISCHARGES (NSWDS)

- Quarterly dry weather visual observations are required of each authorized NSWSD.
- Observe each authorized NSWSD source, impacted drainage area, and discharge location.
- Authorized NSWSDs must meet the conditions provided in Section D (pages 5-6), of the General Permit.
- Make additional copies of this form as necessary.

QUARTER: JULY-SEPT. DATE: 8/30/06	Observers Name: <u>Queen Williams</u> Title: <u>VP OPERATIONS</u> Signature: 	WERE ANY AUTHORIZED NSWDS DISCHARGED DURING THIS QUARTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES, complete reverse side of this form.
QUARTER: OCT.-DEC. DATE: 10/23/06	Observers Name: <u>Queen Williams</u> Title: <u>VP OPERATIONS</u> Signature: 	WERE ANY AUTHORIZED NSWDS DISCHARGED DURING THIS QUARTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES, complete reverse side of this form.
QUARTER: JAN.-MARCH DATE: 3/6/07	Observers Name: <u>Queen Williams</u> Title: <u>VP OPERATIONS</u> Signature: 	WERE ANY AUTHORIZED NSWDS DISCHARGED DURING THIS QUARTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES, complete reverse side of this form.
QUARTER: APRIL-JUNE DATE: 6/5/07	Observers Name: <u>Queen Williams</u> Title: <u>VP OPERATIONS</u> Signature: 	WERE ANY AUTHORIZED NSWDS DISCHARGED DURING THIS QUARTER? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, complete reverse side of this form.

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FORM 2-QUARTERLY VISUAL OBSERVATIONS OF AUTHORIZED
NON-STORM WATER DISCHARGES (NSWDs)

SIDE B

DATE /TIME OF OBSERVATION	SOURCE AND LOCATION OF AUTHORIZED NSWD	NAME OF AUTHORIZED NSWD	DESCRIBE AUTHORIZED NSWD CHARACTERISTICS		DESCRIBE ANY REVISED OR NEW BMPs AND PROVIDE THEIR IMPLEMENTATION DATE
			At the NSWD Source	At the NSWD Drainage Area and Discharge Location	
8/30/06 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	EASTERN, WEST OF WINEERY	SPRING WATER	Clear	Clear	
10/23/06 <input type="checkbox"/> AM <input type="checkbox"/> PM	EASTERN W. OF WINEERY	Spring water	Clear	Clear	
4/30/07 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	EASTERN W. OF WINEERY	Spring water	Clear	Clear	
3/6/07	EASTERN W. OF WINEERY	Spring water	Clear	Clear	
9/00 <input type="checkbox"/> AM <input type="checkbox"/> PM	EASTERN W. OF WINEERY	Spring water	Clear	Clear	
6/5/07	EASTERN W. OF WINEERY	Spring water	Clear	Clear	
1/00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	EASTERN W. OF WINEERY	Spring water	Clear	Clear	
— <input type="checkbox"/> AM <input type="checkbox"/> PM					

**FORM 3-QUARTERLY VISUAL OBSERVATIONS OF UNAUTHORIZED
NON-STORM WATER DISCHARGES (NSWDS)**

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SIDE A

- Unauthorized NSWDS are discharges (such as wash or rinse waters) that do not meet the conditions provided in Section D (pages 5-6) of the General Permit.
- Quarterly visual observations are required to observe current and detect prior unauthorized NSWDS.
- Quarterly visual observations are required during dry weather and at all facility drainage areas.
- Each unauthorized NSWSD source, impacted drainage area, and discharge location must be identified and observed.
- Unauthorized NSWDS that can not be eliminated within 90 days of observation must be reported to the Regional Board in accordance with Section A.10.e of the General Permit.
- Make additional copies of this form as necessary.

QUARTER: JULY-SEPT. DATE/TIME OF OBSERVATIONS 8/30/06 9:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u> Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u>	WERE UNAUTHORIZED NSWDS OBSERVED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WERE THERE INDICATIONS OF PRIOR UNAUTHORIZED NSWDS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES to either question, complete reverse side.
QUARTER: OCT.-DEC. DATE/TIME OF OBSERVATIONS 10/23/06 4:30 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u> Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u>	WERE UNAUTHORIZED NSWDS OBSERVED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WERE THERE INDICATIONS OF PRIOR UNAUTHORIZED NSWDS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES to either question, complete reverse side.
QUARTER: JAN.-MARCH DATE/TIME OF OBSERVATIONS 3/6/07 9:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u> Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u>	WERE UNAUTHORIZED NSWDS OBSERVED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WERE THERE INDICATIONS OF PRIOR UNAUTHORIZED NSWDS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES to either question, complete reverse side.
QUARTER: APRIL-JUNE DATE/TIME OF OBSERVATIONS 6/5/07 1:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u> Observers Name: <u>QUEEN WILKINS</u> Title: <u>VP-OBSERVATIONS</u> Signature: <u>[Signature]</u>	WERE UNAUTHORIZED NSWDS OBSERVED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WERE THERE INDICATIONS OF PRIOR UNAUTHORIZED NSWDS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES to either question, complete reverse side.

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FORM 3 QUARTERLY VISUAL OBSERVATIONS OF UNAUTHORIZED
NON-STORM WATER DISCHARGES (NSWDs)

SIDE B

OBSERVATION DATE (FROM REVERSE SIDE)	NAME OF UNAUTHORIZED NSWD	SOURCE AND LOCATION OF UNAUTHORIZED NSWD	DESCRIBE UNAUTHORIZED NSWD CHARACTERISTICS		DESCRIBE CORRECTIVE ACTIONS TO ELIMINATE UNAUTHORIZED NSWD AND TO CLEAN IMPACTED DRAINAGE AREAS. PROVIDE UNAUTHORIZED NSWD ELIMINATION DATE.
			AT THE UNAUTHORIZED NSWD SOURCE	AT THE UNAUTHORIZED NSWD AREA AND DISCHARGE LOCATION	
<input type="checkbox"/> AM <input type="checkbox"/> PM	EXAMPLE: Vehicle Wash Water	EXAMPLE: NW Corner of Parking Lot			
<input type="checkbox"/> AM <input type="checkbox"/> PM					
<input type="checkbox"/> AM <input type="checkbox"/> PM					
<input type="checkbox"/> AM <input type="checkbox"/> PM					

ENVIRONMENTAL ANALYSES

ANALYTICAL RESULTS

Lab Order: H031077
 Project ID DITCH

Parameters	Result Units	R. L.	DF Prepared	Batch	Analyzed	Batch	Qual
Lab ID: H031077001	Date Collected: 3/26/2007 10:45	Matrix: Water					
Sample ID: DITCH	Date Received: 3/28/2007 15:15						
Total Suspended Solids Analysis	Analytical Method: EPA 160.2 / SM2540C				Analyzed by: KMC		
Total Suspended Solids	ND mg/L	3	0.5		03/30/07 11:36	BIO 4120	
pH, Electrometric Analysis	Analytical Method: EPA 150.1 / SM4500B				Analyzed by: KMC		
pH	6.4 pH Units		1		03/30/07 00:00	BIO 4141	
Electrical Conductance Analysis	Analytical Method: EPA 120.1				Analyzed by: EJP		
Conductivity	81 umhos/cm	10	1		04/04/07 00:00	WET 3241	
Oil & Grease, Gravimetric Analysis	Prep Method: EPA 1664			Prep by: NL			
	Analytical Method: EPA 1664				Analyzed by: NL		
Oil & Grease, Total	ND mg/L	5	1	04/02/07 07:34	WGR 2724	04/02/07 07:37	WGR 2726





STORUBOOK
MOUNTAIN
WINERY

August 21, 2007

Storm Water Annual Report 2006-2007
Explanations

E1: We only sampled one storm water discharge this year because there were no other storms that qualified under the rules.

G1: In our area all the discharges began either during non-operation hours or they were not preceded by three days of dry weather. I did do some visual observations anyway to make sure there were no problems, but those too did not qualify as they were not within the first hour after discharge.



STORUBOOK
MOUNTAIN
WINERY

November 29, 2007

Storm Water Resources Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

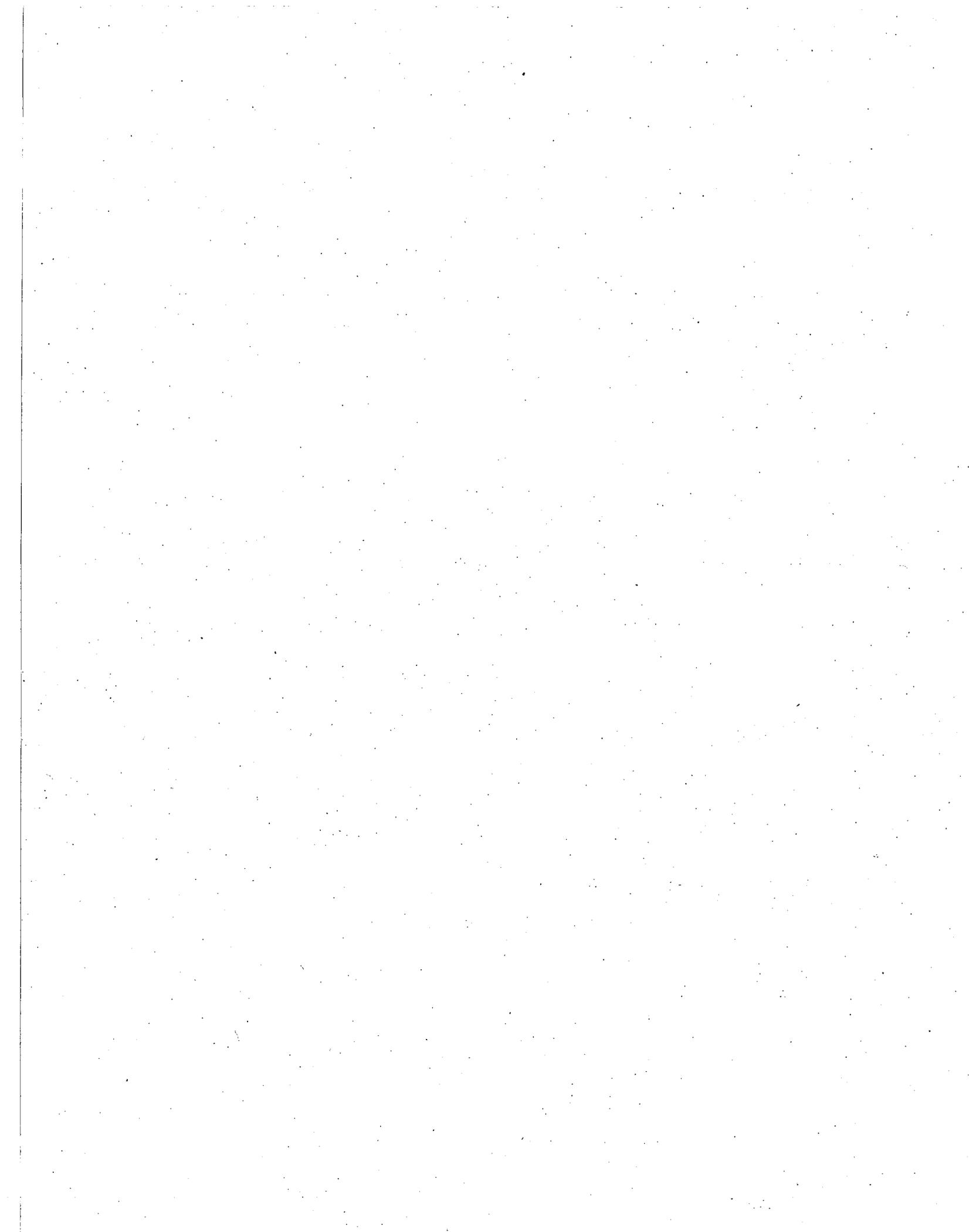
Re: 2006-07 Annual Report
2281014091

I have received a second notice that our annual report for 06-07 has not been received. I had filed it with the address in Sacramento, as that is the address on the cover letter. According to the web site, this is the address I should have sent it to. Please accept our filing at this time.

Please let me know if there is anything further that I need to do to clear up this matter.

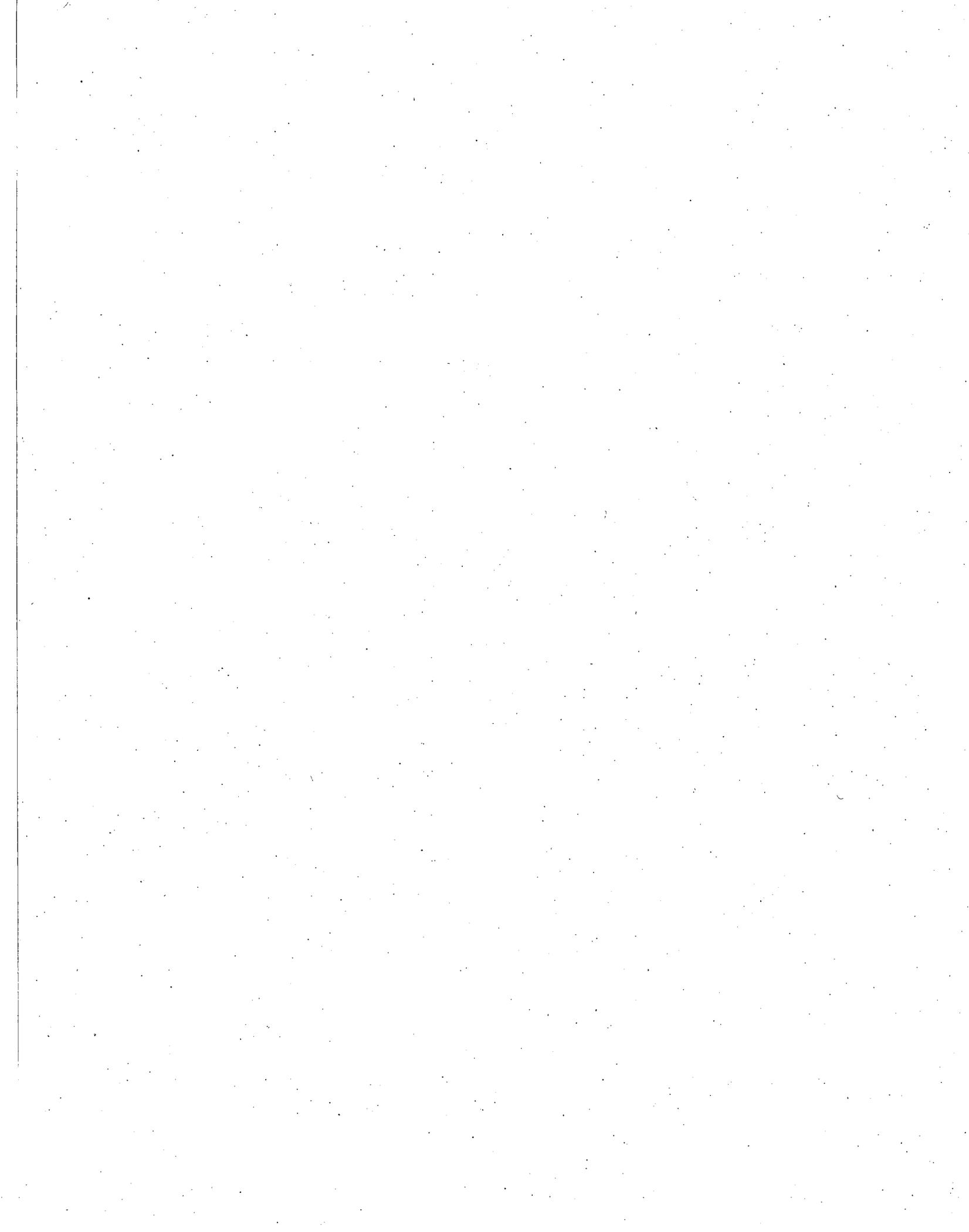
Thank you,

Colleen Williams
VP-Operations



APPENDIX E

Discharger's Comment Letter of September 25, 2008



Recd. via email @ RB2
on 7/25/08

What happened: (see attachment 1)

I received a notice in August, 2007 regarding the non-filing of our annual report for 2006-07.
I downloaded the forms from the website and filled them out.
I sent them to the address on the first page of the report (Sacramento).
I received a second letter in November regarding non-filing.
I went to the website to find where to file.
The website cannot find our address. (see attachment 2)
I used the map to find where to send the form. (see attachment 3)
I filed the form to Santa Rosa.

Why:

The forms do not make it clear where to send the reports as they used to.
The Water Board website cannot find our address.
The map does not have county line markers, making it hard to find us on the map.

What I have done since finding out about this complaint:

I responded to the complaint, sent another copy of the report, and asked that the hearing date be postponed. (see attachment 1)
I have spoken with Michelle Fox who said that the hearing could not possibly be postponed because the board had already been notified that Sept. 10 was the date of the meeting.
I have called the Sacramento and Santa Rosa offices to find out what they would do with an incorrectly filed report.
I left a message on the Sacramento office line but have received no response.
I left a message for Rhonda Raymond in the Santa Rosa office, she was on vacation until Sept. 4.
I have spoken with Rhonda Raymond in the Santa Rosa office.

She says that usually they would forward the report on to the correct office, but that "it could just as easily have been misplaced in the jumble of paperwork."

She is checking with Mr. Azevedo in her office to see if he keeps a spreadsheet of received reports, if he would put one in if it did not belong there, and if they have any record of receiving it.

The earliest she can get me the information is September 11.

I have left two messages (Sept. 2 and 3) for Michelle Fox in the Oakland office regarding not having received the agenda as promised in the complaint. I received no response.

I left a message (Sept. 3) for Keith Lichten in the Oakland office regarding the promise agenda.

He returned my call right away and said he could email it to me.

I left a message (Sept 4) for Mr. Lichten asking him to email it to me.

I received the agenda on Sept. 5, well after the "no less than 10 days before the hearing."

Why this complaint and the statements in it are unfair:

I tried to file the report twice.

We have very little exposure. We have a natural spring in a cistern that has been there for more than 100 years, thereby disqualifying us from the non-exposure filing. (see attachment 4)

We have always filed our reports on time.

We have never had any spills or problems with our storm water.

We do not spend \$1000 per year to comply with the requirements of the permit as stated in the complaint.

With only one site to test we spend approximately \$300 on lab testing.

I spend perhaps two hours filing the report.

With only one site to inspect, each inspection takes very little time.

We did not realize any savings because we did the lab test, inspections, and the annual report.

We have never been asked to show that we could not afford the fine as stated in the complaint.

We have recently been inspected by the Napa County Environmental Management Department as part of their triennial inspection.

The inspector looked over our Storm Water plans and facility. (see attachment 5)

What is Storybook Mountain:

Storybook Mountain Vineyards is a very small family run company.

The majority of our production happens inside.

Most of our outdoor equipment is covered with tarps after harvest (during the rain season) and is not exposed to storm water.

We produce about 5000 cases of wine per year.

We crush approximately 70 tons of certified organic grapes per year.

ENVIRONMENTAL PROTECTION AGENCY RESOURCES CONTROL BOARD

Board Decisions | Water Issues | Publications/Forms | Press

Regional Boards

Windows Internet Explorer



3835 Highway 128, Calistoga, CA, not found

OK

Water Quality

Regional Board

North Coast RWQCB (1)

Address: 5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403

Phone: (707) 576-2220

Fax: (707) 523-0135

Website

128



MF # 2548
 Site # 1
 Job # _____
 SWIR

Napa County Department of Environmental Management
 1195 Third Street, Suite 101 • Napa, CA 94559 • Telephone: (707) 253-4471 • Fax: (707) 253-4545
 www.co.napa.ca.us/em

Unified Program Facilities with Business Plans- Stormwater Inspection Checklist

Facility Name: XXXXXXXXXX Date: XXXX-XX-XX Time: _____ AM/PM
 Address: _____ City: CA
 Facility Representative: _____ Phone: 707-5310 Fax: _____
 Inspection Type: Routine Re-inspection Complaint or Request Pre-announced: Yes No Pictures: Yes No

Facility status is evaluated for each item on this checklist-any category for which the NO is checked indicates non-compliance.

Ref.	Requirement/Standard	Compliance			Corrective Action	Corrected Immediately
		YES	NO	NA		
PP01	Storm drains are free from leaves, debris, etc. and do not show signs of visible pollutants.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Remove litter and debris, clean up signs of pollutants and prevent any pollutant from being handled in such a way as to end up in the stormwater conveyance system.	
PP02	Facility has properly maintained all post construction BMP's such that they function as designed and/or according to the maintenance agreement with the local jurisdiction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintain BMP's such that they function as designed and/or according to any maintenance agreements with the local jurisdiction.	
PP03	Outdoor parking and/or equipment storage areas are free of visible pollutants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clean outdoor vehicle and/or equipment storage areas. All outdoor washing wastewater must be disposed of into the sanitary sewer or approved closed loop system.	
PP04	If an oil water separator exists, it is inspected and cleaned regularly.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Inspect oil water separator on a regular basis and clean/maintain as needed to keep it functioning properly.	
PP05	All indoor drains are connected to an approved sewer system and not connected to any stormwater conveyance system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Immediately disconnect any illicit connection to the stormwater conveyance system; connect the plumbing such that all drains go to the sanitary sewer system.	
PP06	All wash water from outdoor vehicle or equipment washing is properly collected and disposed in a manner that prevents pollutants from entering the stormwater conveyance system or contaminating groundwater. If wash areas have drains, drains must connect to an approved system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Eliminate any illicit connection-all wastewater is to be properly collected and disposed of into the sanitary sewer or approved closed loop system, or other approved method. Discontinue use of the outdoor wash area immediately until a temporary solution is approved and a long term solution is proposed.	
PP07	Outdoor wash areas are constructed and maintained so as to prevent run-on.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provide a berm or properly sloped area that directs all wash water to the approved sewer or closed system. Eliminate all potential for run-on	
PP08	Trucks and/or heavy equipment must be stored or maintained so as to not drip oil or other pollutants where they will come into contact with stormwater runoff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provide an appropriate equipment and vehicle storage/parking area that can be washed periodically, with all wash water captured for proper disposal. Maintain vehicles so as not to leak oil, gas, or other pollutant.	
PP09	Repair, maintenance/processing manufacturing areas must be enclosed with all drains going to an approved sewer system OR if outdoors, the area must be periodically cleaned with any wash water collected and disposed of properly and the area must be protected from stormwater run-on.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plumb all indoor areas to an approved sewer system; If outdoors, periodically clean areas and capture any wash water for proper disposal and correct drainage so as to prevent stormwater runoff.	
PP10	If fueling occurs on site, mechanisms must be in place for spill mitigation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provide mechanism for spill mitigation.	
PP11	All drains in the fueling area must discharge to an approved sewer system or closed system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Eliminate any illicit connections or discharges by directing all runoff from the fueling area to drains that are connected to an approved sewer system or closed system. Do not allow any runoff from paved or non-paved areas to enter the stormwater conveyance system.	
PP12	All hazardous materials stored outside must be kept in such a manner so as to prevent contact with stormwater runoff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Move all materials indoors, or provide a properly bermed and contained area that will prevent any non-stormwater discharges from entering the stormwater conveyance system.	
PP13	If the facility is required to be permitted under the NPDES Industrial permit, a copy of the SWPPP must be available on-site and must include a site map, and employee-training program.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintain a complete copy of the SWPPP onsite including the site map and the employee training program. Conduct required sampling and keep records as required. If you do not have a NPDES permit, contact the Regional Water Quality Control Board for information.	
PP14	If the facility is permitted under the NPDES Industrial permit, the facility must ensure employee training is current and maintain records of employee training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Keep employee training up-to-date and maintain records of employee training.	
PP15	If the facility is permitted under the NPDES Industrial permit, the sampling required under that permit is current.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review sampling requirements and begin/continue to sample as required under the Industrial permit.	



Napa County Department of Environmental Management
 1195 Third Street, Suite 101 • Napa, CA 94559 • Telephone: (707) 253-4471 • Fax: (707) 253-4545
 www.co.napa.ca.us/em

MF # 10973
 Site # 1
 Job# _____
 SWIR _____

PP16	If the facility is permitted under the NPDES Industrial permit, the sample results are within the established benchmarks.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA	Investigate BMPs to determine why the sample results are not within the established benchmarks. Correct deficiencies in the existing BMPs or establish new BMPs to prevent the illicit discharges and resample to prove effectiveness of corrective action.
PP17	The site shows no evidence of past releases or illicit discharges or if evidence exists of a past release or discharge, immediate actions were taken to contain and abate the release or discharge and the Department of Environmental Management was properly notified	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA	Any person owning or occupying a premises who has knowledge of any release of pollutants which might enter a stormwater conveyance system shall immediately take all reasonable action to contain and abate the release or illicit discharge and shall notify the Department of Environmental Management within 24 hours of such release or discharge.

Educational materials provided:
 CASQA BMP fact sheet(s) Stormdrain Markert(s) DEM Industrial BMP guide
 NSSSA Surface Cleaning Guide Other _____

Actual Illicit Discharge: No Yes. If yes-identify which Reference # from above and provide a description _____

If yes-was the discharge immediately discontinued and properly cleaned up? Yes No

OBSERVATIONS/ COMMENTS & CORRECTIVE ACTION REQUIRED:

This is a Notice to Comply. Items marked NO indicate the facility is NOT IN COMPLIANCE. If an item was found not in compliance but was corrected immediately, that will be noted above. Those items not corrected immediately must be corrected by _____. A re-inspection may be conducted to confirm compliance with these requirements by the date specified above.

You are required to submit documentation of corrective action to this department for the following items:

Environmental Health Specialist: _____ Date: 09/26/08
 Signature _____
 Print Name _____

Facility Representative: _____ Title: _____
 Signature _____
 Print Name _____

All checklist items above are enforceable by the local Stormwater Ordinances:
 Napa County: Ordinance 1240, Chapter 16.28 ;City of Napa: Ordinance No. O2004 4, Chapter 8.36-City of Calistoga: Ordinance No. 607, Chapter 19.05

STORYBOOK MOUNTAIN WINERY, INC. AND AFFILIATE
COMBINING STATEMENT OF OPERATIONS

Year Ended December 31, 2006 (As Restated)

	Storybook Mountain Winery, Inc.	Storybook Mountain Vineyards	Intercompany Eliminations	Combined
Sales, Net	\$ 1,467,888	\$ -0-	\$ -0-	\$ 1,467,888
Cost of Wine Sold	822,283	-0-	(128,193)	694,090
Gross Profit	645,605	-0-	128,193	773,798
Lease Income	-0-	278,877	(278,877)	-0-
Services	10,000	-0-	(10,000)	-0-
Gross Profit and Revenue from Services	655,605	278,877	(160,684)	773,798
Operating Expenses				
Sales and Marketing	358,659	-0-	(31,850)	326,809
General and Administrative	161,495	150,635	(138,116)	174,014
Total Operating Expenses	520,154	150,635	(169,966)	500,823
Income from Operations	135,451	128,242	9,282	272,975
Interest Expense	93,056	188,112	-0-	281,168
Other Income	2,812	24,273	-0-	27,085
Income (Loss) Before Income Taxes	45,207	(35,597)	9,282	18,892
Income Tax Expense (Note 9)	23,000	800	-0-	23,800
Net Loss	\$ 22,207	\$ (36,397)	\$ 9,282	\$ (4,908)

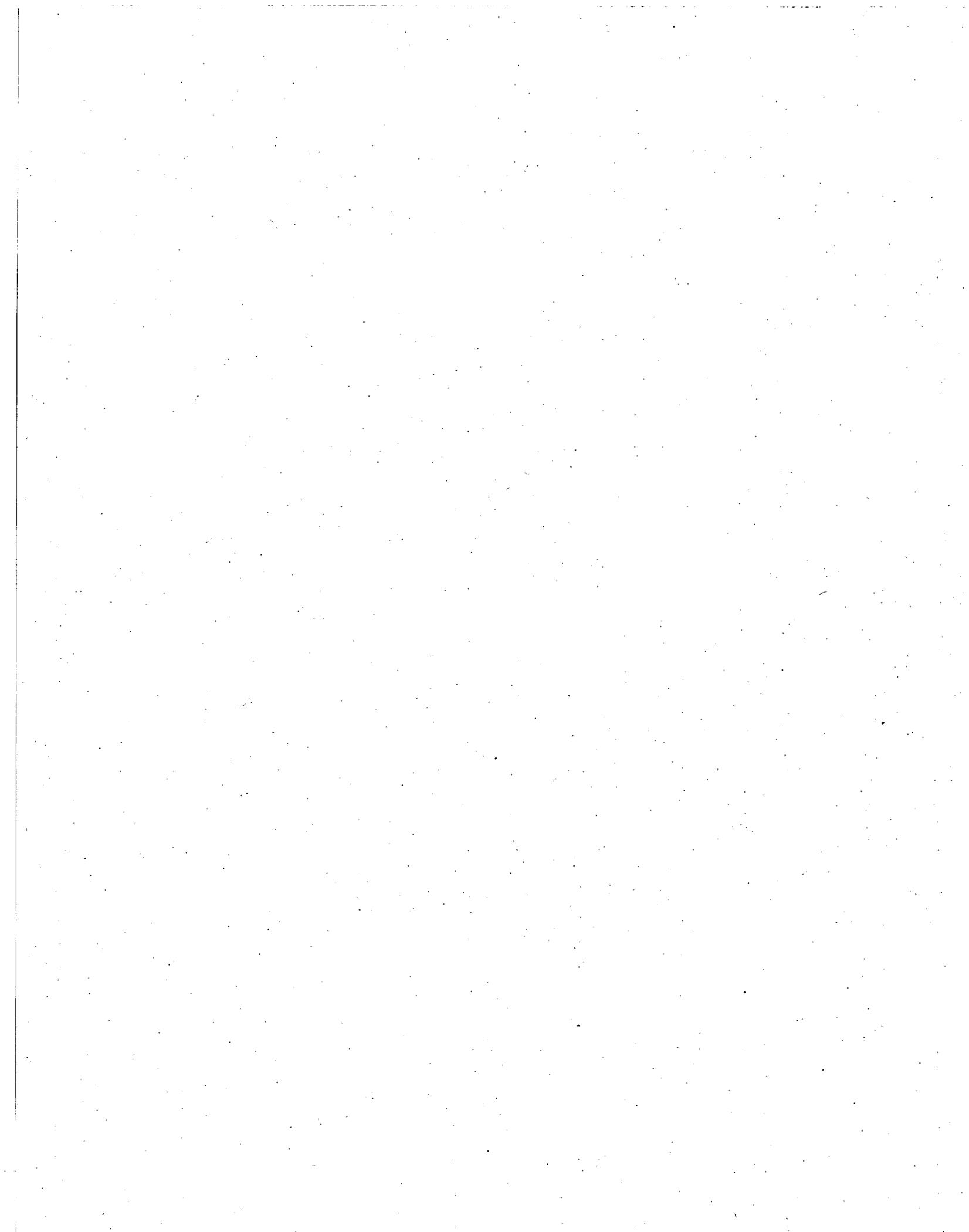
The accompanying notes are an integral part of the financial statements.
This statement has not been audited, see accompanying accountants' review report.

**STORYBOOK MOUNTAIN WINERY, INC. AND AFFILIATE
COMBINING STATEMENT OF OPERATIONS**

For the Year Ended December 31, 2007

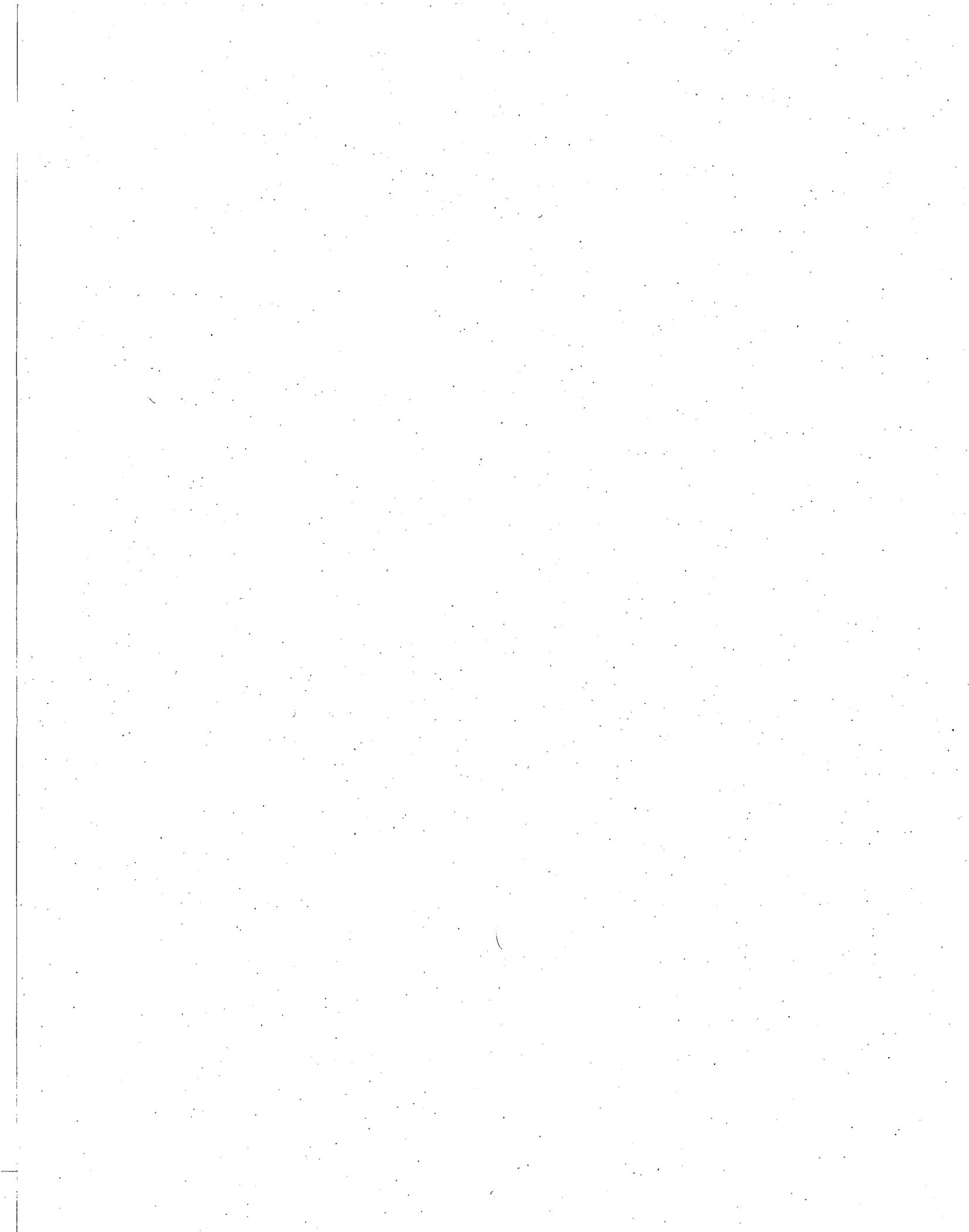
	Storybook Mountain Winery, Inc.	Storybook Mountain Vineyards	Intercompany Eliminations	Combined
Revenue	\$ 1,271,217	\$ -0-	\$ -0-	\$ 1,271,217
Cost of Wine Sold	673,491	-0-	(110,459)	563,032
Gross Profit	597,726	-0-	110,459	708,185
Lease Income	-0-	278,877	(278,877)	-0-
Services	10,000	-0-	(10,000)	-0-
Gross Profit and Revenue from Services	607,726	278,877	(178,418)	708,185
Operating Expenses				
Sales and Marketing	319,589	-0-	(31,850)	287,739
General and Administrative	157,664	152,802	(140,876)	169,590
Total Operating Expenses	477,253	152,802	(172,726)	457,329
Income from Operations	130,473	126,075	(5,692)	250,856
Interest Expense	104,507	185,569	-0-	290,076
Other Income	2,714	12,830	(13,630)	1,914
Income (Loss) Before Income Taxes	28,680	(46,664)	(19,322)	(37,306)
Income Tax Expense (Note 9)	15,800	800	-0-	16,600
Net Income (Loss)	<u>\$ 12,880</u>	<u>\$ (47,464)</u>	<u>\$ (19,322)</u>	<u>\$ (53,906)</u>

The accompanying notes are an integral part of the financial statements.
This statement has not been audited, see accompanying accountants' review report.



APPENDIX F

Board Advisory Counsel's Letter of September 9, 2008





California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

September 9, 2008

Colleen Williams, Vice President
Storybook Mountain Winery, Inc.
3835 Highway 128
Calistoga, CA 94515

Michelle Rembaum-Fox
Prosecution Team
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Complaint No. R2-2008-043

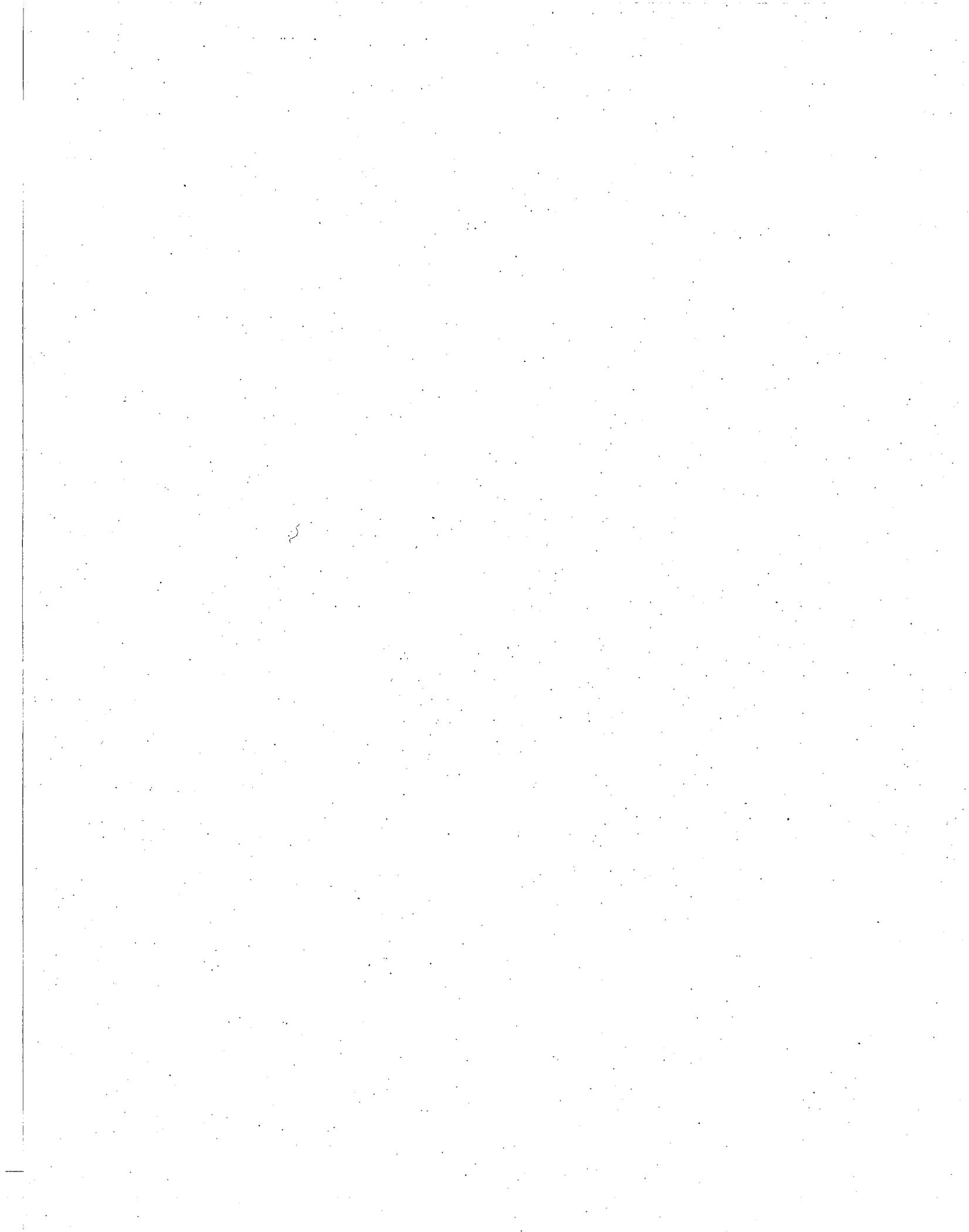
Dear Ms. Williams and Ms. Rembaum-Fox:

I am writing to you in my capacity as the attorney who is advising the Board in connection with the enforcement action proposed by the Board's prosecuting staff against Storybook Mountain Winery. As you know the Board is currently scheduled to hear this item at its meeting tomorrow.

Ms. Williams has requested on behalf of Storybook Winery that the matter be postponed because she states that no one is available to attend tomorrow's hearing. I have consulted with the Chair and this matter will be postponed until the Board's meeting October 8, 2008. The meeting will start at 9 am. That postponement should allow Storybook sufficient time to arrange for representation at the hearing.

If either party wishes to provide any written evidence to support its position in this matter, please provide that evidence two weeks in advance of the hearing. It should be mailed to me at the address listed above, with a copy provided by mail to the other party. Further, both parties may provide evidence in the form of testimony at the hearing on this matter.

In particular, Storybook Winery may wish to consider presenting any available evidence that would support its statements that it sent its 2006-2007 Annual Report to the other boards on the dates identified in Ms. Williams' letter. The prosecuting staff may wish to consider presenting any available evidence it wishes the Board to consider on the subject of whether the other boards



mentioned in Ms. Williams' letter received the Annual Reports allegedly sent by Ms. Williams, and if those reports were received, whether the boards forwarded the reports to this Board.

If you have any questions, please contact me in writing with a copy to the other party at ddickey@waterboards.ca.gov, by facsimile to (510) 622-2457 or by mail at the address listed above

Sincerely,

A handwritten signature in black ink that reads "Dorothy Dickey". The signature is written in a cursive, flowing style.

Dorothy Dickey
Attorney

Note: Sent by Facsimile to Ms. Williams & by email to Ms. Rembaum-Fox

cc.: John Muller, Chair
Bruce Wolfe, Executive Director
Thomas Mumley, AEO, Prosecution Team
Keith Lichten, Prosecution Team



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger
Governor

Certified Mail No.: 7007 2560 0001 7504 8282
Return Receipt Requested

October 16, 2008
WDID No. 2 28I014091
CIWQS Place No. 262236 (MRF)

Storybook Mountain
Attn: Ms. Colleen Williams
3835 Highway 128
Calistoga, CA 94515

**Subject: Transmittal of Administrative Civil Liability Order No. R2-2008-0088 –
Storybook Mountain, 3835 Highway 128, Calistoga, Napa County**

Dear Ms. Williams:

Enclosed please find a copy of Order No. R2-2008-0088 Setting Administrative Civil Liability for the subject facility. The Water Board adopted the Order at its October 8, 2008, hearing.

If you have any questions, please call Michelle Rembaum-Fox of my staff at (510) 622-2387 or via email to mrembaumfox@waterboards.ca.gov

Sincerely,

Digitally signed
by Bruce Wolfe
Date: 2008.10.16
16:04:56 -07'00'

Bruce H. Wolfe
Executive Officer

Enclosure: Order No. R2-2008-0088

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2008-0088

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY FOR:

Storybook Mountain
3835 Highway 128
Calistoga, Napa County

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Water Board), finds with respect to Storybook Mountain (hereinafter called the Discharger), that:

1. The Discharger operates the facility, which discharges storm water associated with industrial activity. In 1998, the Discharger submitted a Notice of Intent (NOI) to obtain coverage under the State Water Resources Control Board's discharge permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order NO. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The Discharger's Waste Discharge ID No. is 2 281014091.
2. The General Permit states, in part:

"Section B. Monitoring Program and Reporting Requirements

"14. All facility operators shall submit an Annual Report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located and to the local agency (if requested)."
3. The Discharger violated Section B of the General Permit by failing to submit its 2006/2007 annual report by July 1, 2007.
4. On August 6, 2007, the Executive Officer issued a Notice of Noncompliance (NNC) letter to the Discharger. The Discharger was notified of its obligation to submit an annual report and to comply with the General Permit. The Discharger was required to respond by September 8, 2007, but failed to do so.
5. By certified mail dated November 13, 2007, the Executive Officer issued a second NNC letter to the Discharger. This letter was to inform the Discharger that it was in violation of the General Permit and that the Executive Officer would recommend enforcement actions if an annual report was not submitted. No written or verbal response to the letter was provided by the Discharger.

Storybook Mountain

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Order No. R2-2008-0088

6. Water Board staff confirmed that the facility was still in business at the above address via telephone on May 28, 2008.
7. As of June 15, 2008, the Discharger has failed to submit its 2006/2007 annual report. The Discharger has been in violation of the General Permit for a total of 350 days (July 2, 2007 through June 15, 2008).
8. California Water Code (CWC) Section 13385 states, in part:
 - (a) *Any person who violates any of the following shall be liable civilly in accordance with this section:*
 - (2) *Any waste discharge requirements or dredge and fill material permit.*
 - (c) *Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:*
 - (1) *Ten thousand dollars (\$10,000) for each day in which the violation occurs.*
9. CWC Section 13385 authorizes Administrative Civil Liability not exceeding \$10,000 for each day in which the violation occurs. The 2006/2007 annual report was ultimately submitted as part of the Complaint response on August 5, 2008.
10. The Discharger's late submittal of its Annual Report is a violation of CWC Section 13385 for which the Board may impose administrative civil liability.
11. On July 11, 2008, the Assistant Executive Officer issued a Complaint (R2-2008-0043) to the Discharger proposing a \$24,200 Administrative Civil Liability for the violation of the General Permit, and CWC Section 13385.
12. The Water Board, after hearing all testimony, determined the Discharger is subject to civil liabilities. In determining the amount of civil liability the following factors have been taken into consideration:

"...the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup and abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and other matters of justice may require."
13. The Water Board determined, with respect to the factors required in the Findings, the following:

Storybook Mountain

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Order No. R2-2008-0088

a. Nature, circumstances, extent, and gravity of the violation

Late submittal of the annual report is a significant violation because the Water Board relies on the report to determine the Discharger's compliance with the General Permit.

The Discharger was given a number of warnings, including two Notices of Noncompliance and was contacted once by telephone. These annual reports are a key means of determining the quality of stormwater runoff from the Discharger's site and ensuring the Discharger is implementing appropriate control measures at its site. In addition, the annual report eventually submitted past the deadline indicated that requirements of the General Permit, including site monitoring, were not fully met.

b. Toxicity of Discharge and Susceptibility to Cleanup

The violation for which liability is proposed is late submittal of a required report. Civil liability is not proposed for a specific discharge.

c. Prior history of violations

The discharger has submitted annual reports from previous years late, including: the 2004-2005 report was received 40 days late, the 2003-2004 report was 69 days late, and the 2002-2003 report was about two weeks late.

d. Degree of culpability

The storm water regulations are applicable to all industrial sites on a nationwide basis. All dischargers are required to comply with the General Permit. The Discharger is fully culpable for violating the terms and conditions of the General Permit, which implements the Clean Water Act.

e. Savings resulting from the violation

The Discharger has realized cost savings by: failure to perform required sampling and analyses, and failure to fully implement and/or document its SWPPP. Assuming an average-sized site, the minimum economic savings for not submitting an annual report is approximately \$1000/year.

f. Discharger's ability to pay and ability to continue business

The Water Board has considered the Discharger's financial submittals.

g. Other matters that justice may require

Staff time to prepare a Complaint and supporting information is estimated to be 20 hours. Based on an average cost to the State of \$125 per hour, the total cost is \$2,500.

14. A \$10,000 Administrative Civil Liability is appropriate based on the determinations in the Findings. This amount includes staff costs of \$2,500 and estimated economic savings of \$1,000.

Storybook Mountain

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Order No. R2-2008-0088

15. This action is an Order to enforce the laws and regulations administered by the Water Board. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15321(a) (2), Title 14, of the California Code of Regulations.
16. The Discharger may petition the State Board to review this action. The State Board must receive the petition within 30 days of the date this order was adopted by the Water Board. The petition will be limited to raising only the substantive issues or objections that were raised before the Water Board at the public hearing or in a timely submitted written correspondence delivered to the Water Board.

IT IS HEREBY ORDERED that Storybook Mountain is civilly liable for the violation of the General Permit cited in Complaint No. R2-2008-0043 and shall pay the administrative civil liability in the amount of \$10,000. The liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

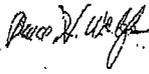
I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of Order No. R2-2008-0088 adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 8, 2008.

Digitally signed
by Bruce Wolfe

Date:

2008.10.16

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Bruce H. Wolfe
Executive Officer