

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

**STAFF SUMMARY REPORT
(Michelle Rembaum-Fox/Keith H. Lichten)
MEETING DATE: October 8, 2008**

ITEM: 5

SUBJECT: **Storybook Mountain, Calistoga, Napa County – Hearing to Consider Administrative Civil Liability for Late Submittal of Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities**

CHRONOLOGY: This item was continued from the September 10, 2008, Board meeting.

DISCUSSION: We have prepared a Tentative Order (Appendix A) for the Board's consideration that would impose an administrative civil liability (ACL) of \$24,200 on Storybook Mountain (the discharger) for late submittal of an annual report required by its NPDES permit to discharge industrial storm water.

The discharger operates a winery. The winery is an industrial activity that requires a federal Clean Water Act NPDES permit for discharge of storm water. Accordingly, the facility is covered by the state Industrial Storm Water General Permit (Permit). The Permit requires implementation of: a storm water pollution prevention plan to manage sources and activities at the facility that may pollute storm water discharges; a monitoring program; and an annual comprehensive site compliance evaluation that is part of an annual report.

The permit requires submittal of the annual report by July 1 of each year. The annual report is the primary means of ensuring that the facility is in compliance with permit requirements. The report must certify that the storm water pollution prevention plan has been implemented and summarize the compliance evaluation, monitoring observations, and sampling results. The annual report must be signed and certified by a responsible corporate officer who performs decision-making functions for the facility.

The discharger did not submit its 2006/07 annual report by July 1, 2007. Consequently, on July 11, 2008, the Assistant Executive Officer issued an ACL Complaint to the discharger in the amount of \$24,200 (Appendix B). This was after we issue two notice of noncompliance letters (Appendix C), one in August 2007 and one November 2007, and notified the discharger by telephone in June 2008. The discharger finally submitted its 2006/2007 annual report to us on August 11, 2008, 406 days after the due date and after the subject ACL Complaint was issued.

The discharger submitted a letter that included the Annual Report (Appendix D) in response to the Complaint requesting that we reverse our decision to issue the ACL complaint. The letter acknowledges the reporting delinquency and claims that after

receiving the first notice of noncompliance, the annual report was sent on August 21, 2007, to the State Water Board at its Sacramento address. The submittal states that the initial delay was due to a personnel issue—an employee who had left the winery with the information necessary to complete the Report. The discharger states that after receiving the second notice of noncompliance, they sent the annual report to the North Coast Santa Rosa Regional Water Board in Santa Rosa.

While a number of annual reports each year are misdirected to other Regional Water Boards or the State Water Board, standard practice is to forward them to the correct Region. We confirmed with staff that this standard practice is followed at the North Coast Regional Water Board and the State Water Board. We did not receive a copy of the discharger's annual report from the North Coast Regional Water Board or the State Water Board. The discharger's submittal did not include information beyond the comment letter demonstrating the report was misdirected. The Annual Report Form clearly states the report should be submitted to the discharger's Regional Water Board, as did the two letters we mailed to the discharger. Also, the discharger has correctly submitted past annual reports to our office.

The discharger submitted additional comment materials on September 25, 2008 (Appendix E), following a letter from the Board's advisory counsel allowing the additional submittal (Appendix F). However, much of this material is not relevant to this case. In particular, the submitted "screen shots" are from new website functions that were not available until April 2008. We accept the discharger's claim that no costs were avoided as alleged in the Complaint because the annual report was ultimately submitted, albeit late and after the Complaint was issued. The materials also include financial information that was not available when we issued the Complaint.

The discharger also states past Annual Reports were submitted on time. Although the most recent 2007-2008 Annual Report and some others have been submitted on time, a number of past reports have been modestly late. For example, 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.

The proposed penalty is reasonable and is consistent with other recent ACL Complaints issued to and accepted by other dischargers for annual reports that were delinquent by more than a year. It also accounts for our staff costs to prepare the Complaint and supporting information, but it does not account for our staff costs associated with preparing documents and testimony for the hearing.

- ATTACHMENTS
- Appendix A - Tentative Order
 - Appendix B - Administrative Civil Liability Complaint
 - Appendix C - Water Board staff's letters to the Discharger of August 6, 2007, and November 13, 2007
 - Appendix D - Discharger's Comment Letter of August 11, 2008 (includes Discharger's 2007-2008 Annual Report)
 - Appendix E - Discharger's Comment Letter received via email September 25, 2008
 - Appendix F - Board Advisory Counsel's Letter of September 9, 2008

APPENDIX A

Tentative Order

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

TENTATIVE ORDER

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY FOR:

**Storybook Mountain
3835 Highway 128
Calistoga, Napa County, CA**

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 28I014091.
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.

6. 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.”*
 - (2) [subsection 2 is not pertinent to this ACL]*
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 Board determined, with respect to the factors required in the Findings, the following:

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

There is no evidence that the Discharger cannot pay the civil liability or that payment will prevent its ability to continue business.

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 \$24,200 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.
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 \$24,200. 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 an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 8, 2008.

Bruce H. Wolfe
Executive Officer

APPENDIX B

Administrative Civil Liability Complaint

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

In the Matter of:)	
)	COMPLAINT NO. R2-2008-0043
)	for
Storybook Mountain)	ADMINISTRATIVE
3835 Highway 128)	CIVIL LIABILITY
Calistoga, Napa County)	
_____)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Storybook Mountain (hereinafter the Discharger) is alleged to have violated provisions of the law for which the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Water Board) may impose civil liability pursuant to Section 13385 of the California Water Code (CWC).
2. The Water Board will hold a hearing on this matter on September 10, 2008, in the Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, California, 94612. You or your representatives(s) will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Water Board. You will be mailed an agenda no less than ten days before the hearing date. You must submit any written evidence concerning this complaint to the Water Board not later than 5 pm on August 11, 2008, so that such comments may be considered. Any written evidence submitted to the Water Board after this date and time will not be accepted or responded to in writing.
3. At the hearing the Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

4. The following facts are the basis of the alleged violations in this matter:
 - a. 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 Waste Discharge Identification Number is 2 28I014091.
 - b. The General Permit requires the Discharger to submit an annual report documenting its sampling and analyses, observations, and an annual comprehensive site compliance evaluation, by July 1 of each year.
 - c. The Discharger violated its waste discharger requirements by failing to submit its 2006-2007 annual report by the July 1, 2007, deadline. This is a violation of CWC Section 13385, for which administrative civil liability may be imposed.
 - d. 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 24, 2007, but failed to do so.

- e. By certified mail dated November 13, 2007, the Executive Officer issued a second NNC letter to the Discharger. This letter informed the Discharger that it was in violation of the General Permit and that the Executive Officer would recommend enforcement actions, including administrative civil liability up to \$10,000 per day, if an annual report was not submitted. No written or verbal response to the letter was provided by the Discharger.

Board staff confirmed that facility was still in business at the above address via telephone on May 28, 2008.

- f. 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).

PROPOSED CIVIL LIABILITY

5. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.) in accordance with Section 15321 of Title 14, California Code of Regulations.
6. Under CWC Section 13385(c)(1), the Water Board can impose a maximum civil liability of \$10,000 per day of violation. This Complaint addresses violations for the 350 day period from July 2, 2007, through June 15, 2008.
7. Under Section 13385(e) of the CWC, the Water Board shall consider the following factors in determining the amount of civil liability to be imposed:

- a. The nature, circumstances, extent, and gravity of the violation:

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 the site. Additionally, they are one of the Discharger's primary tools to self-evaluate site compliance with the permit and to identify any needed improvements.

The Discharger was sent two Notice of Noncompliance letters and was contacted once via telephone. Also, the Discharger, by submitting an NOI, indicated its intent to comply with all requirements of the General Permit, including the requirement to submit an annual report.

- b. Toxicity of Discharge and Susceptibility to Cleanup

The violation for which liability is proposed is a failure to submit a required report. The report is required to include quantitative and qualitative information on the amounts and/or presence of certain pollutants in discharges from the subject facility, as well as information on remedial actions taken by the Discharger to halt or minimize polluted discharges from its facility. In the absence of this information, it is not possible to make a more specific determination on this factor, and civil liability is not proposed for a specific discharge.

- c. Discharger's ability to pay:

The Discharger has not demonstrated an inability to pay the proposed amount.

- d. Prior history of violations:

The discharger has submitted its annual reports from the previous years in a timely manner.

- e. Degree of culpability:

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

f. Savings resulting from the violation:

The Discharger has realized cost savings by: failure to perform required sampling and analyses, late submittal of the annual report, and failure to implement and/or document its Stormwater Pollution Prevention Plan (SWPPP). Assuming an average-sized site, Board staff estimates the minimum economic savings for submitting a late and incomplete annual report to be \$1000/year.

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.

Basis for Liability Amount

8. Per CWC Section 13385(e) the following factors in determining an appropriate civil liability amount were considered: the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and with respect to the violator, the ability to pay, the effect on the ability to continue in business, any voluntary cleanup efforts undertaken, and prior history of violations, the degree of culpability, economic benefit or saving, if any, resulting from the violation, and such other matters as justice may require. Using this section as a guide as well as the monetary assessment guidance set forth State Water Resources Control Board's Enforcement Policy, the proposed liability was derived.
9. The Assistant Executive Officer of the Water Board proposes that an administrative civil liability be imposed in the amount of \$24,200. Of this amount, \$2,500 is for recovery of staff costs.

Claims of inability to pay must be substantiated by adequate proof of financial hardship (e.g., two years of income tax returns or an audited financial statement).

10. Further failure to comply with the General Permit or amendments thereof beyond the date of this Complaint may subject the Discharger to further administrative civil liability, and/or other appropriate enforcement actions(s), including referral to the Attorney General.



Dyan C. Whyte
Assistant Executive Officer

July 11, 2008

Date

WAIVER OF HEARING

You may waive the right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver below and return it to the Regional Water Quality Control Board, San Francisco Bay Region, at 1515 Clay Street Suite 1400, Oakland, CA 94612. Payment of the civil liability must be made by August 11, 2008. Any waiver will not be effective until August 11, 2008, to allow other interested persons to comment on this action.

In the Matter of:)
)
)
 Storybook Mountain)
 3835 Highway 128)
 Calistoga, Napa County)
 _____)

COMPLAINT NO. R2-2008-0043
for
ADMINISTRATIVE
CIVIL LIABILITY

WAIVER OF HEARING

If you waive your right to a hearing, the matter will be included on the agenda of a Water Board meeting but there will be no hearing on the matter, unless a) the Water Board staff receives significant public comment during the comment period, or b) the Water Board determines it will hold a hearing because it finds that new and significant information has been presented at the meeting that could not have been submitted during the public comment period. If you waive your right to a hearing but the Water Board holds a hearing under either of the above circumstances, you will have a right to testify at the hearing notwithstanding your waiver. Your waiver is due no later than August 11, 2008.

- Waiver of the right to a hearing and agreement to make payment in full.
By checking the box, I agree to waive my right to a hearing before the Water Board with regard to the violations alleged in Complaint No. R2-2006-0043 and to remit the full penalty payment to the State Water Pollution Cleanup and Abatement Account, c/o Regional Water Quality Control Board at 1515 Clay Street, Oakland, CA 94612, within 30 days after the Water Board meeting for which this matter is placed on the agenda. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Assistant Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed unless the Water Board holds a hearing under either of the circumstances described above. If the Water Board holds such a hearing and imposes a civil liability, such amount shall be due 30 days from the date the Water Board adopts the order imposing the liability.
- Waiver of right to a hearing and agree to make payment and undertake an SEP.
By checking the box, I agree to waive my right to a hearing before the Water Board with regard to the violations alleged in Complaint No. R2-2006-0043, and to complete a supplemental environmental project (SEP) in lieu of the suspended liability up to \$12,100 and paying the balance of the fine to the State Water Pollution Cleanup and Abatement Account (CAA) within 30 days after the Water Board meeting for which this matter is placed on the agenda. The SEP proposal shall be submitted no later than August 11, 2008. I understand that the SEP proposal shall conform to the requirements specified in Section IX of the Water Quality Enforcement Policy, which was adopted by the State Water Resources Control Board on February 19, 2002, and be subject to approval by the Assistant Executive Officer. If the SEP proposal, or its revised version, is not acceptable to the Assistant Executive Officer, I agree to pay the suspended penalty amount within 30 days of the date of the letter from the Assistant Executive Officer rejecting the proposed/revised SEP. I also understand that I am giving up my right to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, the civil liability proposed unless the Water Board holds a hearing under either of the circumstances described above. If the Water Board holds such a hearing and imposes a civil liability, such amount shall be due 30 days from the date the Water Board adopts the order imposing the liability. I further agree to satisfactorily complete the approved SEP within a time schedule set by the Assistant Executive Officer. I understand failure to adequately complete the approved SEP will require immediate payment of the suspended liability to the CAA.

Name (print)

Signature

Date

Title/Organization

APPENDIX C

Water Board staff's letters to the Discharger of August 6, 2007, and
November 13, 2007



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

Linda S. Adams
Secretary for
Environmental Protection

Date: August 6, 2007
File No. 2158.11 (RAD)

Notice of Noncompliance

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

Subject: Failure to Comply With the General Permit for Stormwater Discharges Associated With Industrial Activities, Order No. 97-DWQ, NPDES No. CAS000001 (General Permit)

For the facility located at:

**Storybook Mountain
3835 State Highway 128
Calistoga, Napa County**

WDID No. 2 28I014091

Dear Colleen Williams:

Your facility located at the above site is regulated under the General Permit. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. According to our records, we have not received your 2006-2007 annual report due July 2, 2007.

You are in violation of the General Permit, the California Water Code, and the Federal Clean Water Act for failure to submit a complete 2006-2007 annual report. Please submit a complete 2006-07 annual report to this office by September 7, 2007. Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to insure timely submittals in the future. You may download a blank copy of the annual report from the State Water Resources Control Board web site at <http://www.waterboards.ca.gov/stormwtr/annualreport.html>.

Pursuant to California Water Code (CWC) Section 13385(c)(2), the Water Board can impose a maximum civil liability of \$10,000 per day of violation. Under CWC Section 13399.33(c), the Water Board must impose a minimum civil liability of \$1,000 for failure to submit an annual report. As of August 6, 2007, you are currently 34 days in violation.

We require your immediate attention to this matter. Please contact the Industrial Stormwater staff at (510) 622-2319 if you have any questions.

Sincerely,

Bruce H. Wolfe
Executive Officer



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
www.waterboards.ca.gov/sanfranciscobay

Arnold Schwarzenegger
Governor

Certified Mail No. 7003 3110 0002 6555 8448
Return Receipt Requested

November 13, 2007
File No. 2158.11 (CSF)

Second Notice of Noncompliance

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

Subject: Failure to Comply With the General Permit for Stormwater Discharges Associated With Industrial Activities, Order No. 97-DWQ, NPDES No. CAS000001 (General Permit)

For the Facility:

Storybook Mountain
3835 State Highway 128
Calistoga, Napa County
WDID No. 2 28I014091

Dear Ms. Williams:

You are hereby notified that Storybook Mountain has violated the General Permit by failing to submit a complete 2006-2007 annual report by July 2, 2007 (as required by Section B.14 of the General Permit).

This is your second notice. The first notice was dated and sent on August 6, 2007. To date we have not received a response to that notice. **You are required to submit a complete 2006-2007 annual report to this office immediately, but in no case later than November 30, 2007.** You may download a blank copy of the annual report from the State Water Resources Control Board web site at <http://www.swrcb.ca.gov/stormwtr/industrial.html>. With the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to insure timely submittals in the future.



Pursuant to California Water Code (CWC) Section 13385(c)(2), the Water Board can impose a maximum civil liability of \$10,000 per day of violation. Under CWC Section 13399.33(c), the Water Board must impose a minimum civil liability of \$1,000 if the annual report is not submitted by November 30, 2007. As of November 13, 2007, Storybook Mountain is 134 days in violation.

We require your immediate attention to the matter. Please contact the Industrial Storm Water Staff at (510)622-2319 if you have any questions.

Sincerely,



Bruce H. Wolfe
Executive Officer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) Agent
 Colleen Williams Addressee

C. Date of Delivery
 11-21-07

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7003 3110 0002 6555 8448

PS Form 3811, February 2004 Domestic Return Receipt 94515#9739 R001

7003 3110 0002 6555 8448

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

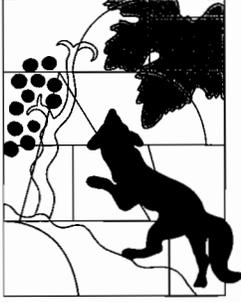
Sent To STORY BOOK MOUNTAIN

Street, Apt. No., or PO Box No. 3835 STATE HIGHWAY 128

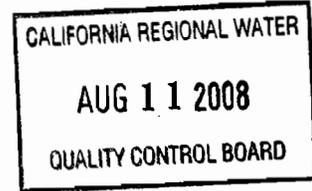
City, State, ZIP+4 CALISTOGA, CA 94515

APPENDIX D

Discharger's Comment Letter dated August 5, 2008 (includes Discharger's
2007-2008 Annual Report)



STORIBOOK
MOUNTAIN
WINERY, INC



3835 HIGHWAY 128, CALISTOGA, NAPA VALLEY, CA 94515 · TEL 707.942.5310 · FAX 707.942.5334

August 5, 2008

California Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Complaint No. R2-2008-0043

I was quite surprised to receive the notice on complaint against our company for noncompliance and failure to file our 2006-07 Annual Report. Please find enclosed the report and copies of the letters that have gone with the reports that I have filed twice previously.

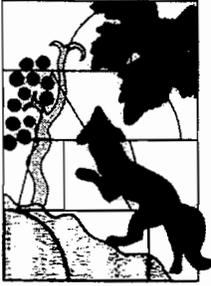
According to the allegations, we failed to file the report and did not respond to notices sent. While it is true that the original filing was late (see enclosed letter of explanation dated August 21, 2007) I did file the report at the time I received the first notice. I sent it to the office in Sacramento, apparently in error, as that is the address on the cover letter of the report. After receiving the second notice in November, I filed the report again. This time I looked up the address on the website, and apparently again chose the incorrect office to send it to, this time being Santa Rosa.

I must say that the website mapping is not very helpful. At this time, when I enter our address where prompted, it cannot find us. We are right on the Napa/Sonoma County line, so it is very difficult to decide which office to send forms to. This year I phoned the Santa Rosa office to find out which office I should file with, hopefully you have received our 2007-08 report.

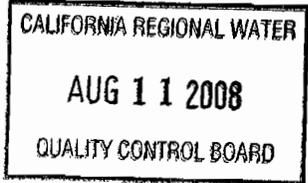
I am respectfully requesting an appeal of your decision to fine us for noncompliance. As stated in your own file, we have always filed our reports in a timely fashion. We are a very small company, with very little exposure, and we are trying to stay in compliance. If you decide that we still need to have a hearing, I would request that it be postponed to November as no one would be available to come to a hearing during our harvest season.

Thank you,

Colleen Williams
VP-Operations



STORMBOOK
MOUNTAIN
WINERY



August 21, 2007

Storm Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: 2006-07 Annual Report
2281014091

I have received a notice that our annual report is past due. Please find enclosed our report. The reason for the delay in filing is that my employee, Karl Lehman, mistakenly removed the file with the data when he left our employ in May. I had contacted him to return the file in June when I originally tried to fill out the report. Unfortunately, at that point it was out of mind.

Please accept our filing at this time.

Sincerely,

Colleen Williams
VP-Operations



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board



Arnold Schwarzenegger
Governor

Division of Water Quality
1001 I Street • Sacramento, California 95814 • (916) 341-5538
Mailing Address: P.O. Box 1977 • Sacramento, California • 95812-1977
Fax (916) 341-5543 • <http://www.waterboards.ca.gov/stormwtr>

CALIFORNIA REGIONAL WATER

AUG 11 2008

QUALITY CONTROL BOARD

To Interested Parties:

2006-2007 ANNUAL REPORT ANNUAL REPORT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

This year we are pleased to announce **the availability** of the Storm Water Annual Reporting Module (SWARM). **SWARM allows** an individual discharger to file their Annual Report electronically using **the California Integrated Water Quality System (CIWQS)**.

Currently SWARM is not a **mandatory reporting method**, but we encourage all dischargers to register and use **SWARM as soon as possible**.

To register to use SWARM please visit <http://www.waterboards.ca.gov/ciwqs/index.html> and download the SWARM **registration form and instructions**. Please fill out the form and mail it back to: **CIWQS Registration, P.O. Box 671, Sacramento, CA 95812**. Once a complete registration form is **received, a login name and password** will be emailed to you.

For SWARM registration **questions or information please** contact the CIWQS help center at 1-866-792-4977 or by email at ciwqs@waterboards.ca.gov.

To receive email updates on **Storm Water Industrial permitting** issues, please sign up at http://www.waterboards.ca.gov/tyrisforms/sarcb_subscribe.html. The Storm Water program currently maintains **five email lists**:

- **CIWQS Storm Water Annual Reporting Module (SWARM)**
- **Storm Water Construction Permitting Issues**
- **Storm Water Industrial Permitting Issues**
- **Storm Water Municipal Permitting Issues**
- **Sustainable Development**

For all other permitting **questions please contact the Storm Water Section** at (916) 341-5538 or by email at stormwater@waterboards.ca.gov.

Sincerely,

Storm Water Section

California Environmental Protection Agency



State of California
STATE WATER RESOURCES CONTROL BOARD

2006-2007
ANNUAL REPORT
FOR
STORM WATER DISCHARGES ASSOCIATED
WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2006 through June 30, 2007

An annual report is required to be submitted to your local Regional Water Quality Control Board (Regional Board) by July 1 of each year. This document must be certified and signed, under penalty of perjury, by the appropriate official of your company. Many of the Annual Report questions require an explanation. Please provide explanations on a separate sheet as an attachment. **Retain a copy of the completed Annual Report for your records.**

Please circle or highlight any information contained in Items A, B, and C below that is new or revised so we can update our records. Please remember that a Notice of Termination and new Notice of Intent are required whenever a facility operation is relocated or changes ownership.

If you have any questions, please contact your Regional Board Industrial Storm Water Permit Contact. The names, telephone numbers and e-mail addresses of the Regional Board contacts, as well as the Regional Board office addresses can be found at <http://www.swrcb.ca.gov/stormwtr/contact.html>. To find your Regional Board information, match the first digit of your WDID number with the corresponding number that appears in parenthesis on the first line of each Regional Board office.

GENERAL INFORMATION:

A. Facility Information:

Facility Business Name: STORYBOOK MOUNTAIN
Physical Address: 3835 HWY 128
City: CALISTOGA
Standard Industrial Classification (SIC) Code(s): 2084

Facility WDID No: 2 281014091
Contact Person: COLEEN WILLIAMS
e-mail: COLSTORY@aol.com
CA Zip: 94515 Phone: 707 9425310

B. Facility Operator Information: SAME AS ABOVE

Operator Name: _____
Mailing Address: _____
City: _____

Contact Person: _____
e-mail: _____
State: ___ Zip: _____ Phone: _____

C. Facility Billing Information: SAME AS ABOVE

Operator Name: _____
Mailing Address: _____
City: _____

Contact Person: _____
e-mail: _____
State: ___ Zip: _____ Phone: _____

2006-2007
ANNUAL REPORT
SPECIFIC INFORMATION

MONITORING AND REPORTING PROGRAM

D. SAMPLING AND ANALYSIS EXEMPTIONS AND REDUCTIONS

1. For the reporting period, was your facility exempt from collecting and analyzing samples from **two** storm events in accordance with sections B.12 or 15 of the General Permit?

YES Go to Item D.2 **NO** Go to Section E

2. Indicate the reason your facility is exempt from collecting and analyzing samples from **two** storm events. Attach a copy of the first page of the appropriate certification if you check boxes ii, iii, iv, or v.

i. Participating in an Approved Group Monitoring Plan **Group Name:** _____

ii. Submitted **No Exposure Certification (NEC)** Date Submitted: _____

Re-evaluation Date: _____

Does facility continue to satisfy NEC conditions? YES NO

iii. Submitted **Sampling Reduction Certification (SRC)** Date Submitted: _____

Re-evaluation Date: _____

Does facility continue to satisfy SRC conditions? YES NO

iv. Received Regional Board Certification Certification Date: _____

v. Received Local Agency Certification Certification Date: _____

3. If you checked boxes i or iii above, were you scheduled to sample **one** storm event during the reporting year?

YES Go to Section E **NO** Go to Section F

4. If you checked boxes ii, iv, or v, go to Section F.

E. SAMPLING AND ANALYSIS RESULTS

1. How many storm events did you sample? 1 If less than 2, **attach explanation** (if you checked item D.2.i or iii. above, only attach explanation if you answer "0").

2. Did you collect storm water samples from the first storm of the wet season that produced a discharge during scheduled facility operating hours? (Section B.5 of the General Permit)

YES **NO, attach explanation** (Please note that if you do not sample the first storm event, you are still required to sample 2 storm events)

3. How many storm water discharge locations are at your facility? 1

4. For each storm event sampled, did you collect and analyze a sample from each of the facility's storm water discharge locations? YES. go to Item E.6 NO
5. Was sample collection or analysis reduced in accordance with Section B.7.d of the General Permit? YES NO. **attach explanation**
- If "YES", **attach documentation** supporting your determination that two or more drainage areas are substantially identical.
- Date facility's drainage areas were last evaluated _____
6. Were all samples collected during the first hour of discharge? YES NO, **attach explanation**
7. Was all storm water sampling preceded by three (3) ~~working~~ **working** days without a storm water discharge? YES NO, **attach explanation**
8. Were there any discharges of stormwater that had been temporarily stored or contained? (such as from a pond) YES NO. go to Item E.10
9. Did you collect and analyze samples of temporarily stored or contained storm water discharges from two storm events? (or one storm event if you checked item D.2.i or iii. above) YES NO, **attach explanation**
10. Section B.5. of the General Permit requires you to analyze storm water samples for pH, Total Suspended Solids (TSS), Specific Conductance (SC), Total Organic Carbon (TOC) or Oil and Grease (O&G), other pollutants likely to be present in storm water discharges in significant quantities, and analytical parameters listed in Table D of the General Permit.
- a. Does Table D contain any additional parameters related to your facility's SIC code(s)? YES NO, Go to Item E.11
- b. Did you analyze all storm water samples for the applicable parameters listed in Table D? YES NO
- c. If you did not analyze all storm water samples for the applicable Table D parameters, check one of the following reasons:
- _____ In prior sampling years, the parameter(s) have not been detected in significant quantities from two consecutive sampling events. **Attach explanation**
- _____ The parameter(s) is not likely to be present in storm water discharges and authorized non-storm water discharges in significant quantities based upon the facility operator's evaluation. **Attach explanation**
- _____ Other. **Attach explanation**
11. For each storm event sampled, attach a copy of the laboratory analytical reports and report the sampling and analysis results using **Form 1** or its equivalent. The following must be provided for each sample collected:
- Date and time of sample collection
 - Name and title of sampler.
 - Parameters tested.
 - Name of analytical testing laboratory.
 - Discharge location identification.
 - Testing results.
 - Test methods used.
 - Test detection limits.
 - Date of testing.
 - Copies of the laboratory analytical results.

VISUAL OBSERVATIONS

Authorized Non-Storm Water Discharges

Item B.3.b of the General Permit requires quarterly visual observations of all authorized non-storm water discharges and their sources.

Do authorized non-storm water discharges occur at your facility?

YES NO Go to Item F.2

Indicate whether you visually observed all authorized non-storm water discharges and their sources during the quarters when they were discharged. **Attach an explanation for any "NO" answers.** Indicate "N/A" for quarters without any authorized non-storm water discharges.

July -September YES NO N/A October-December YES NO N/A
January-March YES NO N/A April-June YES NO N/A

c. Use **Form 2** to report quarterly visual observations of authorized non-storm water discharges or provide the following information.

- i. name of each authorized non-storm water discharge
- ii. date and time of observation
- iii. source and location of each authorized non-storm water discharge
- iv. characteristics of the discharge at its source and impacted drainage area/discharge location
- v. name, title, and signature of observer
- vi. **any** new or revised BMPs necessary to reduce or prevent pollutants in authorized non-storm water discharges. Provide new or revised BMP implementation date.

2. Unauthorized Non-Storm Water Discharges

Section B.3.a of the General Permit requires quarterly visual observations of all drainage areas to detect the presence of unauthorized non-storm water discharges and their sources.

a. Indicate whether you visually observed all drainage areas to detect the presence of unauthorized non-storm water discharges and their sources. **Attach an explanation for any "NO" answers.**

July -September YES NO October-December YES NO
January-March YES NO April-June YES NO

b. Based upon the quarterly visual observations, were any unauthorized non-storm water discharges detected?

YES NO Go to item F.2.d

c. Have each of the unauthorized non-storm water discharges been eliminated or permitted?

YES NO **Attach explanation**

d. Use **Form 3** to report quarterly unauthorized non-storm water discharge visual observations or provide the following information.

- i. name of each unauthorized non-storm water discharge.
- ii. date and time of observation.
- iii. source and location of each unauthorized non-storm water discharge.
- iv. characteristics of the discharge at its source and impacted drainage area/discharge location.
- v. name, title, and signature of observer.
- vi. **any** corrective actions necessary to eliminate the source of each unauthorized non-storm water discharge and to clean impacted drainage areas. Provide date unauthorized non-storm water discharge(s) was eliminated or scheduled to be eliminated.

G. MONTHLY WET SEASON VISUAL OBSERVATIONS

Section B.4.a of the General Permit requires you to conduct monthly visual observations of storm water discharges at all storm water discharge locations during the wet season. These observations shall occur during the first hour of discharge or, in the case of temporarily stored or contained storm water, at the time of discharge.

- Indicate below whether monthly visual observations of storm water discharges occurred at all discharge locations. **Attach an explanation for any "NO" answers.** Include in this explanation whether any eligible storm events occurred during scheduled facility operating hours that did not result in a storm water discharge, and provide the date, time, name and title of the person who observed that there was no storm water discharge.

	YES	NO		YES	NO
October	<input type="checkbox"/>	<input checked="" type="checkbox"/>	February	<input checked="" type="checkbox"/>	<input type="checkbox"/>
November	<input checked="" type="checkbox"/>	<input type="checkbox"/>	March	<input checked="" type="checkbox"/>	<input type="checkbox"/>
December	<input checked="" type="checkbox"/>	<input type="checkbox"/>	April	<input type="checkbox"/>	<input checked="" type="checkbox"/>
January	<input type="checkbox"/>	<input checked="" type="checkbox"/>	May	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- Report monthly wet season visual observations using **Form 4** or provide the following information.
 - date, time, and location of observation
 - name and title of observer
 - characteristics of the discharge (i.e., odor, color, etc.) and source of any pollutants observed.
 - any** new or revised BMPs necessary to reduce or prevent pollutants in storm water discharges. Provide new or revised BMP implementation date.

ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION (ACSCE)

H. ACSCE CHECKLIST

Section A.9 of the General Permit requires the facility operator to conduct one ACSCE in each reporting period (July 1- June 30). Evaluations must be conducted within 8-16 months of each other. The SWPPP and monitoring program shall be revised and implemented, as necessary, within 90 days of the evaluation. The checklist below includes the minimum steps necessary to complete a ACSCE. Indicate whether you have performed each step below. **Attach an explanation for any "NO" answers.**

- Have you inspected all potential pollutant sources and industrial activities areas? YES NO
 The following areas should be inspected:
 - areas where spills and leaks have occurred during the last year.
 - outdoor wash and rinse areas.
 - process/manufacturing areas.
 - loading, unloading, and transfer areas.
 - waste storage/disposal areas.
 - dust/particulate generating areas.
 - erosion areas.
 - building repair, remodeling, and construction
 - material storage areas
 - vehicle/equipment storage areas
 - truck parking and access areas
 - rooftop equipment areas
 - vehicle fueling/maintenance areas
 - non-storm water discharge generating areas
- Have you reviewed your SWPPP to assure that its BMPs address existing potential pollutant sources and industrial activities areas? YES NO
- Have you inspected the entire facility to verify that the SWPPP's site map, is up-to-date? The following site map items should be verified: YES NO
 - facility boundaries
 - outline of all storm water drainage areas
 - areas impacted by run-on
 - storm water discharges locations
 - storm water collection and conveyance system
 - structural control measures such as catch basins, berms, containment areas, oil/water separators, etc.

4. Have you reviewed all General Permit compliance records generated since the last annual evaluation?

YES

NO

The following records should be reviewed:

- quarterly authorized non-storm water discharge visual observations
- quarterly unauthorized non-storm water discharge visual observations
- monthly storm water discharge visual observation
- Sampling and Analysis records
- records of spills/leaks and associated clean-up/response activities
- preventative maintenance inspection and maintenance records

5. Have you reviewed the major elements of the SWPPP to assure compliance with the General Permit?

YES

NO

The following SWPPP items should be reviewed:

- pollution prevention team
- assessment of potential pollutant sources
- list of significant materials
- identification and description of the BMPs to be implemented for each potential pollutant source
- description of potential pollutant sources

6. Have you reviewed your SWPPP to assure that a) the BMPs are adequate in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges, and b) the BMPs are being implemented?

YES

NO

The following BMP categories should be reviewed:

- good housekeeping practices
- preventative maintenance
- spill response
- material handling and storage practices
- employee training
- waste handling/storage
- erosion control
- structural BMPs
- quality assurance

7. Has all material handling equipment and equipment needed to implement the SWPPP been inspected?

YES

NO

I. ACSCE EVALUATION REPORT

The facility operator is required to provide an evaluation report that includes:

- identification of personnel performing the evaluation
- schedule for implementing SWPPP revisions
- the date(s) of the evaluation
- any incidents of non-compliance and the corrective actions taken.
- necessary SWPPP revisions

Use **Form 5** to report the results of your evaluation or develop an equivalent form.

J. ACSCE CERTIFICATION

The facility operator is required to certify compliance with the Industrial Activities Storm Water General Permit. To certify compliance, both the SWPPP and Monitoring Program must be up to date and be fully implemented.

Based upon your ACSCE, do you certify compliance with the Industrial Activities Storm Water General Permit?

YES

NO

If you answered "NO" **attach an explanation** to the ACSCE Evaluation Report why you are not in compliance with the Industrial Activities Storm Water General Permit.

ATTACHMENT SUMMARY

Answer the questions below to help you determine what should be attached to this annual report. Answer NA (Not Applicable) to questions 2-4 if you are not required to provide those attachments.

- 1. Have you attached Forms 1,2,3,4, and 5 or their equivalent? YES (Mandatory)

- 2. If you conducted sampling and analysis, have you attached the laboratory analytical reports? YES NO NA

- 3. If you checked box II, III, IV, or V in item D.2 of this Annual Report, have you attached the first page of the appropriate certifications? YES NO NA

- 4. Have you attached an explanation for each "NO" answer in items E.1, E.2, E.5-E.7, E.9, E.10.c, F.1.b, F.2.a, F.2.c, G.1. H.1-H.7, or J? YES NO NA

ANNUAL REPORT CERTIFICATION

I am duly authorized to sign reports required by the INDUSTRIAL ACTIVITIES STORM WATER GENERAL PERMIT (see Standard Provision C.9) and 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 ensure 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 person 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.

Printed Name: COURTNEY WILLIAMS
Signature: *[Handwritten Signature]* Date: 8/21/07
Title: VP-OPERATIONS

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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 a 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 affects 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>

2006-2007
ANNUAL REPORT

FORM 1-SAMPLING & ANALYSIS RESULTS

FIRST STORM EVENT

SIDE A

- 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)
- 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.
- If you did not analyze for a required parameter, do not report "0". Instead, leave the appropriate box blank

NAME OF PERSON COLLECTING SAMPLE(S): KARL LEWIS 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 WINGOLD	3/6/06 10:45 AM <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	10:20 AM <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	6.4	ND	81	ND												
	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> AM <input type="checkbox"/> PM																
	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> AM <input type="checkbox"/> PM																
TEST REPORTING UNITS:			pH Units	mg/l	umho/cm	mg/l	mg/l											
TEST METHOD DETECTION LIMIT:				3	10	5												
TEST METHOD USED:			EPA 150.1	EPA 160.2	EPA 120.1	EPA 160.4												
ANALYZED BY (SELF/LAB):			LAR	LAR	LAR	LAR												

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

<p>QUARTER: JULY-SEPT. DATE: 8/30/06</p>	<p>Observers Name: <u>QUEEN WILLIAMS</u> Title: <u>VP OPERATIONS</u> Signature: </p>	<p>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.</p>
<p>QUARTER: OCT.-DEC. DATE: 10/23/06</p>	<p>Observers Name: <u>QUEEN WILLIAMS</u> Title: <u>VP OPERATIONS</u> Signature: </p>	<p>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.</p>
<p>QUARTER: JAN.-MARCH DATE: 3/6/07</p>	<p>Observers Name: <u>QUEEN WILLIAMS</u> Title: <u>VP OPERATIONS</u> Signature: </p>	<p>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.</p>
<p>QUARTER: APRIL-JUNE DATE: 4/5/07</p>	<p>Observers Name: <u>QUEEN WILLIAMS</u> Title: <u>VP OPERATIONS</u> Signature: </p>	<p>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.</p>

2006-2007
ANNUAL REPORT

SIDE B

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

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	CISTERN, West OF WINERY	SPRING WATER	Clear	Clear	
10/23/06 <input type="checkbox"/> AM <input type="checkbox"/> PM	CISTERN W. OF W. WINEY	Spring water	Clear	Clear	
3/6/07 <input type="checkbox"/> AM <input type="checkbox"/> PM	CISTERN W. of winery	Spring water	Clear	Clear	
9/00 <input type="checkbox"/> AM <input type="checkbox"/> PM	Cistern west of winery	SPRING WATER	Clear	Clear	
1/00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM					

Indicate whether authorized NSWD is clear, cloudy, or discolored, causing staining, contains floating objects or an oil sheen, has odors, etc.

AM
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.

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

2006-2007
ANNUAL REPORT
**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	<u>EXAMPLE:</u> Vehicle Wash Water	<u>EXAMPLE:</u> 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

This report shall not be reproduced, except in full, without the written consent of CALTEST ANALYTICAL LABORATORY.





STORYBOOK
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.



STORIBOOK
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 9/25/08

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

Info | Board Decisions

Water Issues

Publications/Forms

Pres

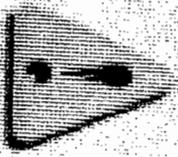
Regional Boards

1 Region

Water Resou

Water Quality

Windows Internet Explorer



3835 Highway 128, Calistoga, CA not found

OK

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 # 2547
 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: Starbucks Coffee Company Date: 3/23/2011 Time: _____ AM/PM
 Address: 1000 Broadway City: Concord
 Facility Representative: John Doe Phone: 707-331-1234 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 checked="" 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 onsite 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.	

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

December 31, 2007

	Storybook Mountain Winery, Inc.	Storybook Mountain Vineyards	Intercompany Eliminations	Combined
Revenue, Net	\$ 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)	\$ 12,880	\$ (47,464)	\$ (19,322)	\$ (53,906)

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



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

Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

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,



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