



# California Regional Water Quality Control Board

## San Diego Region



RF

Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

2008 MAY 27 P 3:33

May 20, 2008

Mr. Don Reha, Winemaker  
Thornton Winery  
32575 Rancho California Road  
Temecula, CA 92591

VIA CERTIFIED MAIL  
7007 3020 0001 0040 7249

In reply refer to:  
NWPU: 10-014142.02: tfelix

**RE: NOTICE OF VIOLATION NO. R9-2008-0063 & REQUIRED TECHNICAL REPORT**

**Subject Site: Thornton Winery, 32575 Rancho California Road, Temecula, CA 92591**

Dear Mr. Reha:

Enclosed is **Notice of Violation (NOV) No. R9-2008-0063** for the subject site in Temecula. The violations specified were identified during a site inspection on April 25, 2008. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) section 13267 and 13383, the California Regional Water Quality Control Board, San Diego Region (Regional Board) directs you to submit a **Required Technical Report (RTR)** received at the Regional Board no later than **5:00 PM, June 27, 2008**. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to assess the need for further possible enforcement actions. The RTR shall include the following Sections:

1. A Storm Water Pollution Prevention Plan (SWPPP) Status Report Section including:
  - a) An 8.5" x 11" Site Map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), and direct discharge (if applicable) to a water of the state.
  - b) Photocopies of all BMP implementation/maintenance/inspection records (to date).
  - c) Photocopies of all annual Compliance Certifications (to date).
  - d) A photocopy of the SWPPP Signatory Requirement page.

*California Environmental Protection Agency*

Recycled Paper



- e) If necessary, a copy of a newly completed NOI. **Please note:** If any information provided on the current NOI has changed, an NOI change of information, filed with the State Board in Sacramento, is required.
  - f) A completed "SWPPP and Monitoring Program Review Sheet" (copy enclosed), with preparer's name, included in the RTR as attachment A.
2. Provide a detailed discussion why the facility did not collect stormwater analyses and what measure(s) have been employed to ensure that stormwater analyses are collected and submitted in the annual report to the Regional Board.
  3. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
  4. A Pollutant Sampling Program Section including the following:
    - a) Site Map delineating topographic tributary area (scaled with flowlines) of area(s) to be sampled for pollutants and area(s) to be sampled as background (free of pollutants).
    - b) A list of all pollutants to be tested and, at a minimum, test for all broad parameter indicators specified in Section B of the permit.
    - c) Copies of all qualifications and training certifications for the laboratory or staff who will be sampling.
    - d) A copy of all protocol measures to be employed, including, at a minimum, Quality Assurance/Quality Control (QA/QC) and Chain of Custody.

The submitted Required Technical Report shall include the following signed certification:

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

Note: All documents requiring signature shall be signed per the General Industrial Permit, Water Quality Order No. 97-03, Section C.9.a (1&2), as follows:

"For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice

president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the industrial activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; For a partnership or sole proprietorship: by a general partner or the proprietor, respectively."

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Mr. Tony Felix at (858) 636-3134 and [TFelix@waterboards.ca.gov](mailto:TFelix@waterboards.ca.gov). Written correspondence should be directed to the following address:

Michael P. McCann  
Assistant Executive Officer  
Attn: Tony Felix  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340



Michael P. McCann  
Assistant Executive Officer

Attachments:        Notice of Violation  
                          Facility Inspection Report  
                          SWPPP and Monitoring Program Review Sheet

cc:                     Ellen Blake  
                          Environmental Engineer  
                          Clean Water Act Compliance Office  
                          USEPA, Region IX  
                          75 Hawthorne Street, WTR-7  
                          San Francisco, CA 94105-3901

Mr. Don Reha  
Thornton Winery

Page 4

May 20, 2008

cc (via email): Aldo Licitra  
City of Temecula  
[Aldo.licitra@cityoftemecula.org](mailto:Aldo.licitra@cityoftemecula.org)

CIWQS:

Regulatory Measure ID	215819
Place ID	263622
Inspection ID	1372760
Violation ID	754246

S:\Watershed Protection\North Unit\Tony\Storm Water Program\Industrial  
SW\Inspections\Thornton Winery\Thornton Industrial NOV13267.doc



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

May 20, 2008

IN THE MATTER OF )

NOTICE OF VIOLATION  
NO. R9-2008-0063

Mr. Don Reha )

WDID NO.

Winemaker )

9 331014142

Thornton Winery )

32575 Rancho California Road )

Temecula, CA 92591 )

In reply refer to:  
NWPU:10-014142.02:tfelix

NPDES General Permit No. CAS000001, SWRCB Order No. 97-03-DWQ

Subject Site: Thornton Winery, 32575 Rancho California Road, Temecula, CA 92591

### YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Industrial Activity. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On April 25, 2008, Mr. Tony Felix, Water Resource Control Engineer of the Regional Board, conducted an inspection of the subject site and observed and documented evidence of specific violations cited in the attached Facility Inspection Report (FIR) incorporated herein by reference. Mr. Don Reha, Winemaker, was present during this inspection.

*California Environmental Protection Agency*

Recycled Paper



## Summary of Violations:

### I. FAILURE TO IMPLEMENT MONITORING & REPORTING REQUIREMENTS

#### ➤ Pursuant to Water Quality Order No. 97-03-DWQ Section B.5.a:

- Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season.

**Observation:** Review of the past annual reports indicates stormwater samples have not been collected nor submitted since February 2003.

#### ➤ Pursuant to Water Quality Order No. 97-03-DWQ Section B.5.c:

- Samples shall be analyzed for the following parameters: Total Suspended Solids, pH, Specific Conductance, Total Organic Carbon, or Oil and Grease.

**Observation:** None of the above listed parameters were sampled for nor analyzed in the annual report.

#### ➤ Pursuant to Water Quality Order No. 97-03-DWQ Section B.5.c.ii:

- Toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities must be sampled unless not present or eliminated.

**Observation:** There were no analyses for toxic chemicals and other pollutants that are likely to be present in storm waters discharges.

#### ➤ Pursuant to Water Quality Order No. 97-03-DWQ Section B.7:

- Facility operators shall visually observe and collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges from the storm event.

**Observation:** No visual observations and storm water samplings were conducted at the drainage area(s) that represent the quality and quantity of the facility's storm water discharges.

Mr. Don Reha  
Thornton Winery

Page 3

May 20, 2008

Questions pertaining to the issuance of this Notice of Violation should be directed to Mr. Tony Felix at (858) 636-3134 and [TFelix@waterboards.ca.gov](mailto:TFelix@waterboards.ca.gov). Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Michael P. McCann  
Assistant Executive Officer  
Attn: Tony Felix  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340



Michael P. McCann  
Assistant Executive Officer

5/20/08  
DATE

File No.10-10-014142.02

MPM:js:tf