



SUSANA MARTINEZ
Governor

JOHN SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Surface Water Quality Bureau

P.O. Box 5469

1190 St. Francis Drive

Santa Fe, New Mexico 87502-5469

Phone (505) 827-0187 Fax (505) 827-0160

www.nmenv.state.nm.us



F. DAVID MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 2, 2011

Mr. Jesse Padberg, Owner
Vivac Winery
Post Office Box 429
Dixon, NM 87527

Re: Industrial stormwater, SIC 2084, NPDES Compliance Evaluation Inspection, Vivac Winery, February 23, 2011, NMU001717

Dear Mr. Padberg:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas, for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the Clean Waters Act.

Problems noted during this inspection are discussed in the Further Explanations section of the inspection report. You are encouraged to review the inspection report; and required to correct any problems noted during the inspection and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing, both USEPA (Marcia Adams, USEPA (6EN-WC), 1445 Ross Avenue; Dallas, TX 75202) and NMED (at the above address) regarding modifications and compliance schedules.

The NPDES Storm Water Multi-Sector General Permit for Industrial Activities (MSGP) was re-issued effective September 29, 2008 (see **Federal Register/Vol. 73, No. 189/Monday, September 29, 2008** pg. 56572). For questions regarding permitting please see: <http://cfpub.epa.gov/npdes/stormwater/msgp>.

Thank you for your cooperation and assistance during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-1041.

Sincerely,
/s/ Sandra Gabaldón
Sandra Gabaldon
Surface Water Quality Bureau

cc: Marcia Adams, USEPA (6EN-AS) via e-mail
Samuel Tate, USEPA (6SF) via e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) via e-mail
Diana McDonald, USEPA (6EN-WM) via e-mail
District II, NMED, via e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

| | | | | | |
|---|-----------------------------------|---------------------------------|--------------|-------------|-----------------|
| Transaction Code | NPDES | yr/mo/day | Inspec. Type | Inspector | Fac Type |
| 1 N 2 5 3 | N M U 0 0 1 7 1 7 | 11 12 1 1 0 2 2 3 | 17 18 ~ | 19 S | 20 2 |
| Remarks | | | | | |
| F 0 0 D & K I N D R E D P R O D U C T S | | | | | |
| Inspection Work Days | Facility Evaluation Rating | BI | QA | Reserved | |
| 67 69 | 70 2 | 71 N | 72 N | 73 74 | 75 80 |

Section B: Facility Data

| | | |
|--|--|---|
| Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) VIVAC WINERY – Take NM 68 towards Taos. The Winery is located just past NM 75 exit at 2075 State Road 68. RIO ARRIBA COUNTY | Entry Time /Date 1030 Hours / February 23, 2011 | Permit Effective Date September 29, 2008 |
| | Exit Time/Date 1120 Hours / February 23, 2011 | Permit Expiration Date September 29, 2013 |
| Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Jesse Padberg, Owner / (505) 579-4441 | Other Facility Data | |
| Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Jesse Padberg, Owner / (505) 579-4441 Post Office Box 429 Dixon, New Mexico 87527 | Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | SIC Code: 2084 36°14'00.50 N 105°53'11.86" W |

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

| | | | | | | | |
|---|---------------------------|---|-------------------------|---|--------------------------|---|----------------------|
| U | Permit | N | Flow Measurement | S | Operations & Maintenance | N | CSO/SSO |
| U | Records/Reports | U | Self-Monitoring Program | N | Sludge Handling/Disposal | N | Pollution Prevention |
| M | Facility Site Review | N | Compliance Schedules | N | Pretreatment | N | Multimedia |
| N | Effluent/Receiving Waters | N | Laboratory | U | Storm Water | N | Other: |

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

PLEASE SEE FURTHER EXPLANATIONS.

| | | |
|--|--|------------------------------|
| Name(s) and Signature(s) of Inspector(s) Sandra Gabaldón <i>/s/ Sandra Gabaldón</i> | Agency/Office/Telephone/Fax NMED/SWQB/505-827-1041 | Date March 2, 2011 |
| Signature of Management QA Reviewer Richard E. Powell | Agency/Office/Phone and Fax Numbers NMED/SWQB/505-827-2798 | Date March 2, 2011 |

**VIVAC WINERY
INDUSTRIAL STORMWATER COMPLIANCE EVALUATION
February 23, 2011**

Further Explanations

Introduction

On February 23, 2011, a Compliance Evaluation Inspection (CEI) was conducted at the Vivac Winery, located near Dixon, New Mexico by Sandra Gabaldón and Daniel Valenta, of the State of New Mexico Environment Department (NMED). The purpose of this inspection was to document the operator's status regarding the NPDES multi-sector general stormwater permit (MSGP) for industrial activities (this facility has industrial activities being conducted on-site that meet the description of instruction activities in Sector U) and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

This facility is classified as Sector U – Food & Kindred Products, SIC 2084. This report is based on a review of the EPA NOI database as well as verbal information provided by Mr. Jesse Padberg.

An entrance interview was conducted with Mr. Padberg, at approximately 1030 hours on February 23, 2011. The inspector made introductions, presented her credentials and discussed the purpose of the inspection.

This facility is located on state highway 68, south of Taos. This is a small winery with a retail store and a vineyard offsite. The owner employs approximately four employees, two of which are part-time.

Vivac Wineries does most of the processes indoors, however, it does wash its vats outdoors and allows the process water to wash into a nearby agricultural field. This is a major concern as the sediment during fermentation as well as the stillage has possible pollutants such as total solids, total suspended solids, biochemical oxygen demand, low pH, high total nitrogen and total phosphorus. This is approximately 70 yards to the Rio Embudo.

Findings

Section 301(a) of the Federal Water Pollution Control Act (aka Clean Water Act) states that "except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

As of the date of this inspection, this facility did not have NPDES permit coverage. There was no pollution prevention plan prepared in written form and available at this site for inspection, and a pollution prevention plan was not being implemented.

Activities at this winery include crushing of grapes after harvesting and separation of the stems from the fruit and extraction of the juice. This provides the foundation of winemaking – juice, seeds, pulp, and skins which is commonly known as must. Depending on the type of wine you are making, the skins and seeds may be removed. The juice is then filtered and yeast is added to begin the fermentation process. After fermentation, the wine is again filtered to remove any of the solids. At this point, the wine may be preserved with sulfites. The wine can then be transferred for aging into oak barrels or stainless steel casts.

A SWPPP should include such things as:

- A description of potential pollutant sources – includes such things as a site map, an identification of the types of pollutants that are likely to be present in stormwater discharges, an inventory of the types of materials handled at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of toxic or hazardous pollutants, sampling data, a narrative description of the potential pollutant sources from specific activities at the facility, and identification of specific potential pollutants; and
- A description of appropriate measures and controls – includes the type and location of existing and proposed non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to stormwater. A SWPPP must contain a narrative evaluation of the appropriateness of stormwater management practices that divert, infiltrate, reuse, or otherwise manage stormwater runoff so as to reduce the discharge of pollutants. Non-structural and structural BMPs to be described and implemented include such things as minimizing exposure, good housekeeping, preventative maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-stormwater evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional stormwater management practices, where appropriate. A combination of preventative and treatment BMPs will yield the most effective stormwater management for minimizing the offsite discharge of pollutants via stormwater runoff.

An exit interview to discuss the preliminary findings of this inspection was conducted from approximately 1110 - 1120 hours with Mr. Padberg. Mr. Padberg is now aware of the permitting requirements of the winery and will strive to complete the necessary paperwork to ensure coverage under the Multi-Sector General Permit.