

1 STATE OF CALIFORNIA
2 WATER RESOURCES CONTROL BOARD
3 DIVISION OF DRINKING WATER

4
5 **TO:** O'Neill Vintners and Distillers
6 8418 S. Lac Jac Avenue
7 Parlier, CA 93648

8
9 Water System No. 1000411

10
11 **Attn:** Joe Pulido

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13 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,**
14 **SECTION 64426.1 (b) (2) - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL**

15 **January and February 2016**

16 **CITATION NO. 03-23-16C-010**

17 **Issued on April 14, 2016**

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19 Section 116650 of the California Health and Safety Code authorizes the issuance of a
20 citation to a public water system for violation of the California Safe Drinking Water Act
21 (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section
22 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order
23 issued or adopted thereunder.

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25 The State Water Resources Control Board, acting by and through its Division of Drinking
26 Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy
27 Director"), hereby issues a citation to the O'Neill Vintners and Distillers Water System
28 (hereinafter, Water System) (mailing address: 8417 S. Lac Jac Avenue, Parlier, CA
29 93648) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1
30 subsections (b)(2).

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APPLICABLE AUTHORITIES

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Section 116650 of California Health and Safety Code provides:

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(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

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(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

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(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

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(d) A citation may include the assessment of a penalty as specified in subdivision (e).

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(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

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California Code of Regulations, Title 22, Section 64426.1, subsections (a) and (b) provide, in relevant part:

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§64426.1. Total Coliform Maximum Contaminant Level (MCL).

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(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Division or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in §64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

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(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

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(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

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(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive

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STATEMENT OF FACTS

The Water System is operated under an amended Water Supply Permit No. 03-23-14PA-001, issued by the Division on January 14, 2014. O'Neill Vintners and Distillers Water System is a non-transient non-community water system that uses disinfected groundwater obtained from two active wells. The Water System serves the O'Neill Vintners and Distillers' wine making and distillation facility. An approximate non-transient population of 90 people is served year round by the Water System through two service connection.

The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in three (3) of nine (9) samples collected as part of routine and repeat sampling during January 2016. Well 01 was the only well sampled during repeat sampling and was negative for total coliform bacteria. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria. Additionally, the Water System reported the presence of total coliform bacteria in three (3) of five (5) samples collected as part of routine sampling conducted during February 2016. Four (4) repeat samples, including Well 01, were negative for total coliform bacteria.

93 The following table summarizes the bacteriological monitoring conducted during the
94 months of January, February and March of 2016.

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Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
1/14/2016	5	Routine (distribution only)	3	0
1/20/2016	4	Repeat including Well 01	0	0
2/17/2016	5	Routine including Well 01	3 (distribution only)	0
2/25/2016	4	Repeat including Well 01	0	0
3/28/2016	5	Routine including Well 01	0	0

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97 Due to the above-mentioned total coliform positive samples, the Water System has failed
98 the total coliform MCL for the months of January and February of 2016. Water System
99 staff has not completed a Positive Total Coliform Investigation Form. The cause of the
100 contamination is unknown. The laboratory reports do not contain chlorine residual results
101 for those positive total coliform samples. All coliform analysis results for samples collected
102 during 2015 and thus far in 2016 are summarized in Attachment A.

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104 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
105 collection of a sample for bacteriological evaluation from the well serving the system in
106 response to a coliform positive distribution sample. This requirement was met with each
107 set of repeat samples collected by the water system in January and February of 2016.

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VIOLATION

The Drinking Water Field Operations Branch of the State Water Resources Control Board – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to O'Neill Vintners and Distillers Water System (hereinafter 'Water System'), for failure to comply with Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Based on the Statement of Facts, the Water System has failed to comply with the total coliform Maximum Contaminant Level (MCL) for the months of January and February of 2016.

NOTIFICATION REQUIREMENTS

Section 64426.1(c) requires a public water system to notify the Division and the consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) occurs. Notification to the Division shall be by the end of the business day on which the violation has been determined. If the Division is closed, notification shall be within 24 hours of the determination. The Division was notified on January 18, 2016 and on February 22, 2016 in accordance with the above-referenced section.

A Tier 2 Public Notice for violation of paragraph 64426.1(b) (2) shall be given pursuant to Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health effects language from Appendix 64465-A for a total coliform MCL failure.

Section 64463.4 allows non-transient non-community water systems to give public notice by posting the notice in conspicuous locations throughout the area served by the water system and by the use of one or more of the following methods in order to reach persons not likely to be reached by a public posting: publication in a local newspaper or newsletter distributed to customers, e-mailing the public notice to water system customers, post the

137 public notice on the internet, or by delivery to each customer. The appropriate public
138 notification template and instructions are provided here as Attachment B.

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140 Section 116450(g) requires that upon receipt of notification from a public water system,
141 schools must notify school employees, students, and parents (if the students are minors),
142 residential rental property owners or managers (including nursing homes and care
143 facilities) must notify their tenants and business property owners, managers or operators
144 must notify employees of businesses located on the property.

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146 Proof of notification is required. The Water System shall complete Attachment C and
147 return it to the Division by May 15, 2016.

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DIRECTIVES

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The Water System is hereby directed to take the following actions:

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- 152 1. By April 30, 2016 the O'Neill Vintners and Distillers water system shall
153 provide public notification using Attachment B of the total coliform Maximum
154 Contaminant Level failure by posting the notice provided as Attachment B in
155 conspicuous locations throughout the area served by the water system.

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157 By May 15, 2016 the Water System shall provide proof of public notification
158 of the total coliform MCL violation by completing Attachment C and
159 returning it to:

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Betsy S. Lichti, Senior Sanitary Engineer
State Water Resources Control Board
Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

2. By May 15, 2016, the Water System shall complete and submit the enclosed "Positive Total Coliform Investigation" form to the Division that describes the incident and all corrective actions taken, and the results of the investigation. The appropriate investigation report is provided as Attachment D.

3. Due to the history of total coliform produced in Well 01, the Water System has been required to provide 4-log virus inactivation through the chlorine disinfection treatment, of all Well 01 water entering the domestic water system. **The Water System shall maintain a minimum chlorine residual of 1.5 mg/L in the Well 01 discharge, at all times, to achieve the required virus inactivation.**

4. By the tenth day of the month following any use of Well 01, the Water System shall submit a daily chlorine residual report log for Well 01 to the Division. A sample log is included in Attachment E.

5. The chlorine residual must be measured and reported at the same time and location(s) that the bacteriological sample(s) are collected. The residual(s) should be provided to the Division along with the bacteriological laboratory analysis.

192 6. Due to its history of total coliform contamination and the requirement to
193 provide 4-log virus inactivation, the Water System is required monitor Well
194 01's raw water monthly for coliform bacteria.

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196 7. **As required by Water Supply Permit No. 03-23-14PA-001**, the Water
197 System shall monitor Well 03 monthly for coliform bacteria. If six monthly
198 samples show an absence of total coliform, the Water system may request
199 a reduction to quarterly monitoring.

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PARTIES BOUND

202 This Citation shall apply to and be binding upon O'Neill Vintners and Distillers Water
203 System, its officers, directors, shareholders, agents, employees, contractors, successors,
204 and assignees.

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SEVERABILITY

206 The Directives of this Citation are severable, and O'Neill Vintners and Distillers Water
207 System shall comply with each and every provision thereof, notwithstanding the
208 effectiveness of any other provision.

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FURTHER ENFORCEMENT ACTION

211 The California SDWA authorizes the Division to: issue citation with assessment of
212 administrative penalties to a public water system for violation or continued violation of the
213 requirements of the California SDWA or any permit, regulation, permit or order issued or
214 adopted thereunder including, but not limited to, failure to correct a violation identified in a
215 citation or compliance order. The California SDWA also authorizes the Division to take
216 action to suspend or revoke a permit that has been issued to a public water system if the
217 system has violated applicable law or regulations or has failed to comply with an order of
218 the Division; and to petition the superior court to take various enforcement measures



219 against a public water system that has failed to comply with violates an order of the
220 Division. The Division does not waive any further enforcement action by issuance of this
221 citation.

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228 4/14/16 Betsy S. Lichti
229 Date Betsy S. Lichti, P.E.,
230 District Engineer
231 Division of Drinking Water
232 State Water Resources Control Board



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- 248 Attachments:
- 249 A. Bacteriological Distribution Monitoring Report
 - 250 B. Public Notice Template and Instructions
 - 251 C. Proof of Notification Template
 - 252 D. Positive Total Coliform Investigation Form

254 Certified Mail Tracking Number: 7014 3490 0001 7868 8422

Bacteriological Distribution Monitoring Report

1000411 O'Neill Vintners & Distillers
Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/12/2015	13:40	lab sink	A	A		Routine			
2/17/2015	13:15	lab sink	A	A		Routine			
3/26/2015	10:55	Lab sink	A	A		Routine			
4/15/2015	11:40	Lab sink	A	A		Routine			
5/15/2015	10:30	Site 1 Lab sink	A	A		Routine			
6/15/2015	12:25	Site 1 Lab sink	A	A		Routine			
7/27/2015	11:00	Site 1 lab sink	A	A		Routine			
8/4/2015	12:40	Site 1 lab sink	A	A		Routine			
9/16/2015	10:20	Site 1 Lab sink	A	A		Routine			
10/5/2015	11:20	Site 1 lab sink	A	A		Routine			
11/10/2015	13:55	Site 1 Lab sink	A	A		Routine			
12/7/2015	12:20	Site Lab sink	P	A		Routine			
12/10/2015	11:45	well 1	<1.0	<1.0		Source Repeat			
12/10/2015	11:50	Site 1 lab sink	<1.0	<1.0		Repeat			No chlorine residuals reported
12/10/2015	12:00	Boiler room	<1.0	<1.0		Repeat			No chlorine residuals reported
12/10/2015	12:10	Site 2	<1.0	<1.0		Repeat			No chlorine residuals reported
1/14/2016	10:15	Site 1 Lab Sink	A	A		Routine			No chlorine residuals reported
1/14/2016	10:20	Boiler Room	P	A		Routine			No chlorine residuals reported
1/14/2016	10:25	Site 2 Upstairs Breakroom	A	A		Routine			No chlorine residuals reported
1/14/2016	10:35	Tasting Room	P	A		Routine		MCL	No chlorine residuals reported
1/14/2016	11:00	Office Breakroom	P	A		Routine			No chlorine residuals reported
1/20/2016	14:00	Well 01 - Raw	<1.0	<1.0		Source Repeat			
1/20/2016	14:15	Lab Sink	<1.0	<1.0		Repeat			No chlorine residuals reported
1/20/2016	14:20	Tasting Room	<1.0	<1.0		Repeat			No chlorine residuals reported
1/20/2016	14:25	Site 2 Upstairs Breakroom	<1.0	<1.0		Repeat			No chlorine residuals reported
2/17/2016	12:40	Lab Sink	P	A		Routine			No chlorine residuals reported
2/17/2016	12:50	Well 01	<1.0	<1.0		Source Other			
2/17/2016	13:00	Boiler Room	A	A		Routine			No chlorine residuals reported
2/17/2016	13:05	Tasting Room	P	A		Routine		MCL	No chlorine residuals reported
2/17/2016	13:10	Site #2 Upstairs Breakroom	P	A		Routine			No chlorine residuals reported
2/25/2016	10:30	Well 01	<1.0	<1.0		Source Repeat			No chlorine residuals reported
2/25/2016	10:40	Tasting Room	<1.0	<1.0		Repeat			No chlorine residuals reported
2/25/2016	10:50	Lab Sink	<1.0	<1.0		Repeat			No chlorine residuals reported
2/25/2016	10:59	Upstairs Breakroom	<1.0	<1.0		Repeat			No chlorine residuals reported
3/28/2016	13:20	Lab Sink	A	A		Routine			No chlorine residuals reported

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
3/28/2016	13:30	Boiler Room	A	A		Routine			No chlorine residuals reported
3/28/2016	13:35	Upstairs Breakroom	A	A		Routine			No chlorine residuals reported
3/28/2016	13:40	Tasting Room	A	A		Routine			No chlorine residuals reported
3/28/2016	13:50	Well 01 - Raw	<1.0	<1.0		Routine			

Violation Key

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	Cl2 not reported

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**O'Neill Vintners and Distillers Had Levels of Coliform Bacteria
Above the Drinking Water Standard**

Our water system recently failed a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took nine samples to test for the presence of coliform bacteria in January 2016. Three of these samples showed the presence of total coliform bacteria. Additionally, we took nine samples to test for the presence of coliform bacteria in February 2016 and three of those samples showed the presence of coliform bacteria. The standard is that no more than one sample per month may show the presence of coliform bacteria.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. _____
_____.

For more information, please contact _____ [name of contact] at _____ [phone number] or _____ [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by O'Neill Vintners and Distillers

Date distributed: _____

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **O'Neill Vintners and Distillers** of the failure to meet the **total coliform bacteria MCL** for the months of **January and February of 2016** as directed by the Division.

Notification was made on _____ by
(date)

mailed and/or hand delivered and/or posted written notice.
(circle all that apply)

Signature of Water System Representative

Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due: May 15, 2016
Total Coliform MCL Failure: January and February 2016
System Number: 1000411
Citation No.: 03-23-16C-010