CALIFORNIA
Water Boards

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State Water Resources Control Board
Division of Drinking Water

May 19, 2016

Chad Wilson
Brassfield Estate Winery
10915 High Valley Road
Clearlake Oaks, CA 95423

CITATION NO. 02_03_16C_015 - ISSUED TO BRASSFIELD ESTATE WINERY
PUBLIC WATER SYSTEM #1700731
NITRATE MONITORING AND REPORTING VIOLATION

Enclosed is a citation issued to the Brassfield Estate Winery public water system (System) by the State Water Resources Control Board, Division of Drinking Water (Division) for failure to monitor Well 2800 for nitrate in 2015. Monitoring reports may be found at: https://sdwis.waterboards.ca.gov/PDWW/index.jsp.

Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Division's hourly rate (currently estimated at $160.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento later this year.

If you have any questions regarding this matter, please contact Lori Hanson at (707) 576-2145.

Sincerely,

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water
State Water Resources Control Board

Enclosures

c: Lake County Environmental Health
Matt Thibodeaux, 2615 Main Street, Lakeport, CA 95453

1700731/Compliance File #4
Citation 02_03_16C_015-1700731-03/LSH

Citation No. 02_03_16C_015

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Public Water System: Brassfield Estate Winery

Water System Number: 1700731

To: Brassfield Estate Winery, LLC
10915 High Valley Road
Clearlake Oaks, CA 95423

Issue Date: May 19, 2016

CITATION FOR NON-COMPLIANCE

Section 64432.1(a), Title 22, California Code of Regulations

Annual Nitrate

Monitoring and Reporting Violation 2015

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to Brassfield Estate Winery (System) for failure to comply with Section 64432.1(a), Title 22, of the California Code of Regulations (CCR).

Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to

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comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder. A copy of the *Applicable Statues and Regulations* is located in Appendix 3, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Brassfield Estate Winery is required to monitor its groundwater source Well 2800, PS code 1700731-001, for nitrate each year, in accordance with Section 64432.1(a), Title 22, of the CCR. To date, the Division has not received any laboratory results for a nitrate sample collected from Well 01 at the Brassfield Estate Winery water system in 2015.

DETERMINATIONS

The Division has determined that the Brassfield Estate Winery is in violation of Section 64432.1(a), Title 22, of the CCR, because the System failed to perform nitrate monitoring in 2015.

DIRECTIVES

The Brassfield Estate Winery is hereby directed to take the following actions:

1. Comply with Sections 64432.1(a) and 64469, Title 22, of the California Code of Regulations in all future monitoring periods.

2. On or before **June 10, 2016**, notify all persons served by the System of the nitrate monitoring violation in conformance with Section 64463.4 and Section 64465, Title 22, of the CCR. A copy of these regulatory sections is provided in Appendix 3. The Public Notification Template in Appendix 1 must be used to

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fulfill this directive. **The corrective actions section and contacts section of the template must be completed prior to notification.** The completed notice shall be posted in conspicuous locations throughout the area served by the water system for at least 7 days. In addition, a **second method** of notification must be chosen (see Appendix 2 - Compliance Certification) must also be completed no later than **June 10, 2016**.

3. The System shall complete Appendix 2: **Compliance Certification**. Submit the completed Compliance Certification form together with copies of the **two types of public notification** to the Division on or before **June 20, 2016**.

The Division reserves the right to make such modifications to this Citation, as it deems necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

All documents required by this Citation shall be submitted to the Department at the following address: Sheri K. Miller, P.E., District Engineer, SWRCB Division of Drinking Water, 50 D Street, Suite 200, Santa Rosa, CA 95404

PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors and assignees.

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SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof, notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division of Drinking Water to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

5-19-2016

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water
State Water Resources Control Board

Date

Certified Mail No.: 70141200000111677419

Appendices (3):

1. Public Notification Template
2. Compliance Certification Form
3. Applicable Statutes and Regulation

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IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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

Brassfield Estate Winery Failed to Sample for Nitrate in 2015

Our water system failed to monitor our well for nitrate in 2015, as required by the California Code of Regulations.

Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?
You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?
We are required by state regulations to monitor our drinking water for nitrate every year. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test for nitrate during 2015 and, therefore, cannot be sure of the quality of the drinking water at that time.

What does this mean?
We cannot be sure that the level of nitrate in our drinking water in 2015 was below the maximum allowed by law. Infants under the age of six months who drink water containing nitrate in excess of the maximum level allowed may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

What <u>corrective actions</u> have been taken by the Brassfield Estate Winery to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____

(name)

_____

(address)

_____

(phone number)

PUBLIC WATER SYSTEM NO. 1700731 Date:_____

APPENDIX 2 - COMPLIANCE CERTIFICATION

Citation Number : 02_03_16C_015

Name of Water System: **Brassfield Estate Winery**

System Number: **1700731**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that the Brassfield Estate Winery complied with the directives of this citation as indicated below:

Required Action	Date Completed
Complete Appendix 1, as required in Directive 2	
Public Notification – Indicate at least 2 methods below.	

☒ Post in conspicuous places within the area served by the water system for a minimum of **7 days** (REQUIRED) (attach copy of posting, state locations and dates of posting);

AND choose at least one of the following:

☐ Publication in a local newspaper (attach copy of newspaper notice); OR

☐ Mail or direct delivery to each customer (attach copy of notice and provide date of delivery);

☐ E-mail message to employees or students; OR

☐ Posting on the Internet or intranet (provide printout of website page).

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION WITH COPIES OF ALL PUBLIC NOTICES NO LATER THAN June 20, 2016

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 each 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 county jail not to exceed one year, or by both the fine and imprisonment

APPENDIX 3 – APPLICABLE STATUTES AND REGULATIONS

FOR CITATION NO. 02_03_16C_015

Note: The Department referenced below, formerly the California Department of Public Health, now refers to the State Water Resources Control Board, Division of Drinking Water. The Drinking Water Program moved agencies on July 1, 2014.

Section 116650 of the CHSC states in relevant part:

(a) If the department 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 department 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.

(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.

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

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

(e) The department 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.

California Code of Regulations Section 64432.1 states, in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water **shall monitor annually**, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(b) All public water systems shall monitor to determine compliance with the MCL for nitrite in Table 64431-A, by taking one sample at each sampling site during the compliance period beginning January 1, 1993.

California Code of Regulations Section 64463.4 states, in relevant part:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other **violations of the monitoring and testing procedure requirements** in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a **Tier 2** rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **community water systems shall give public notice by:**

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **noncommunity water systems shall give the public notice by:**

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;

2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

California Code of Regulations (CCR), Section 64465 states in relevant part:

(a) Each public notice given pursuant to this article shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
(2) The date(s) of the violation or occurrence;
(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
(5) Whether alternative water supplies should be used;
(6) What actions consumers should take, including when they should seek medical help, if known;
(7) What the water system is doing to correct the violation or occurrence;
(8) When the water system expects to return to compliance or resolve the occurrence;
(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public 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"; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we *[did not monitor or test* or *did not complete all monitoring or testing]* for *[contaminant(s)]*, and therefore, cannot be sure of the quality of your drinking water during that time."

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

California Code of Regulations Section 64469 states in relevant part:

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department no later than the tenth day of the following month.

(c) Analytical results shall be reported to the Department electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.