



State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH
50 D STREET, SUITE 200, SANTA ROSA, CA 95404
PHONE: (707) 576-2145 / FAX: (707) 576-2722
INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

May 21, 2014

Napa County Board of Supervisors
c/o Supervisor Mark Luce
1195 Third Street, Suite 310
Napa, CA 94559

CITATION NO. 02-03-14C-001

Dear Supervisor Luce,

Enclosed is a citation issued to the Napa Berryessa Resort Improvement District (District) for the Berryessa Highlands public water system. This is an enforcement action for noncompliance with State drinking water regulations, due to a failure to meet disinfection treatment requirements in January 2014, a public notification failure and inadequate certified operator staffing. The directives of this citation include public notification of the treatment failures and changes in operator staffing and alarms requirements.

While the citation does not have any enforcement penalties, the water system will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation. The District will receive a bill sent from our Fee Billing Unit in Sacramento later this year. This bill will contain fees for any enforcement time spent on this enforcement action.

If you have any questions regarding this matter, please contact Amy Little, P.E. of our staff or myself at (707) 576-2145.

Sincerely,

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosure

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: **Berryessa Highlands**

Water System No. **2810013**

Issued Date: **May 21, 2014**

To: Napa Berryessa Resort Improvement District
c/o Napa County Board of Supervisors
1195 Third Street, Suite 310
Napa, CA 94559

CITATION FOR VIOLATION OF TITLE 22
SECTIONS 64654(a), 64654(b)(1), 64463.4, and 64413.5(c)
OF THE CALIFORNIA CODE OF REGULATIONS

January 2014

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the California Department of Public Health (Department) hereby issues a citation to Napa Berryessa Resort Improvement District (District), operating Berryessa Highlands



1 (Water System), for failure to comply with the California Code of Regulations
2 (CCR), Title 22, Sections 64654(a), 64654(b)(1), 64463.4, and 64413.5(c).

3 4 APPLICABLE AUTHORITIES

5 CHSC, Section 116650 states in relevant part:

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

15
16 (b) Each citation shall be in writing and shall describe the nature of
17 the violation or violations, including a reference to the statutory
18 provision, standard, order, citation, permit, or regulation alleged to
19 have been violated.

20
21 (c) A citation may specify a date for elimination or correction of the
22 condition constituting the violation.

23
24 (d) A citation may include the assessment of a penalty as specified
25 in subdivision (e).

26
27 (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



1 violation occurred, and for each day that a violation continues to
2 occur. A separate penalty may be assessed for each violation.
3

4 Section 64654(a) of the CCR states in relevant part:
5

6 All approved surface water utilized by a supplier shall be provided with
7 continuous disinfection treatment sufficient to insure that the total
8 treatment process provides inactivation of *Giardia lamblia* cysts and
9 viruses, in conjunction with the removals obtained through filtration, to
10 meet the reduction requirements specified in section 64652(a).

11 Section 64654(b)(1) of the CCR states in relevant part:
12

13 Water delivered to the distribution system shall comply with the following
14 performance standards: (1) Water delivered to the distribution system
15 shall not contain a disinfectant residual of less than 0.2 mg/L for more than
16 four hours in any 24 hour period.

17 Section 64463.4 (a) and (b) of the CCR states in relevant part:
18

19 (a) A water system shall give public notice pursuant to this section if any of
20 the following occurs: (1) Any violation of the MCL, MRDL, and
21 treatment technique requirements.

22 (b) A water system shall give the notice as soon as possible within 30
23 days after it learns of a violation or occurrence specified in subsection
24 (a).
25
26
27



1 Section 64413.5(c) of the CCR states in relevant part:

2 (c) Except as provided in (d), a chief operator or shift operator shall be on-
3 site at all times that the facility is operating.
4

5 **STATEMENT OF FACTS**
6

7 On February 13, 2014, the Department received a monthly compliance report
8 from the District to document compliance with inactivation of *Giardia lamblia*
9 cysts as required for the January 2014 operations period. This report showed
10 that the water system failed to meet the required 0.5-log *Giardia lamblia*
11 inactivation on January 21, 2014 and January 31, 2014. The calculated *Giardia*
12 *lamblia* inactivation on January 21, 2014 and January 31, 2014 were 0.22 and
13 0.27, respectively.
14

15 The reported free chlorine residual leaving the plant on January 21, 2014 and
16 January 31, 2014 were 0.09 milligrams per liter (mg/L) and 0.12 mg/L,
17 respectively. Surface water treatment systems are required to maintain at
18 minimum a 0.2 mg/L chlorine residual leaving the water treatment plant. The
19 water system resubmitted the January 2013 monitoring report on March 3, 2014.
20 The revised report continued to show that the water treatment plant was out of
21 compliance on January 21, 2014 and January 31, 2014.
22

23 To date, the Water System has not performed the public notification within 30
24 days of this violation as required by Section 64463.4 for treatment technique
25 violations.
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The water treatment plant does not currently have a chief or shift operator on-site at all times that the facility is operating. The Department has not approved an operations plan that demonstrates an equal degree of operational oversight and reliability as manned operations.

DETERMINATIONS

The Department has determined that the District failed to comply with California Code of Regulations (CCR) Sections 64654(a), 64654(b)(1), 64463.4, and 64413.5(c). The Department hereby issues a citation to the District for failure to comply with California Code of Regulations (CCR) Sections 64654(a), 64654(b)(1), 64463.4, and 64413.5(c).

DIRECTIVES

The District is hereby directed to take the following actions:

1. Notify all persons served by the District of the violation in conformance with Section 64463.4 and 64465, Title 22 of the CCR, and as follows:
 - a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice. **Any deviations from Attachment A must be approved by the Department prior to distribution.**



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Provide the notice by mail or direct delivery, **after it has been completed in accordance with (a) above**, to each customer or service connection served by the System by **June 30, 2014**.

b) Publish the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper of general circulation in the area served by the System (or weekly newspaper if no daily paper is available) for one day. The publication in a local newspaper must be completed by **June 30, 2014**.

c) Submit to the Department written correspondence indicating that the District has complied with the above directives by **July 1, 2014**.

2. A chief or shift operator shall be on-site at all times that the facility is operating in accordance with Section 64413.5(c) by **July 1, 2014**.

3. The coagulant, turbidity and chlorine residual alarms must be tested monthly. The alarms shall shut-down the water treatment plant at any time there is an inadequate flow of coagulant for optimal treatment, turbidity that exceeds 1.0 NTU, and/or free chlorine residuals that result in the water treatment plant failing to meet required *Giardia lamblia* inactivation or if the water leaving the treatment plant contains a free chlorine residual of less than 0.2 mg/L.

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All submittals required by this Citation shall be submitted to the Department at the following address:

Michelle F. Frederick, P.E., District Engineer
Department of Public Health
Drinking Water Field Operations Branch
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.

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

1
2 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the
3 California Health and Safety Code authorizes the Department to: issue additional
4 citations with assessment of penalties if a public water system continues to fail to
5 correct a violation identified in a citation; take action to suspend or revoke a
6 permit that has been issued to a public water system if the system has violated
7 applicable law or regulations or has failed to comply with orders of the
8 department; and petition the superior court to take various enforcement
9 measures against a public water system that has failed to comply with orders of
10 the department. The Department does not waive any further enforcement action
11 by issuance of this citation.
12

13
14 Michelle F. Frederick

5/21/14
Date

15 Michelle F. Frederick, P.E.
16 District Engineer
Mendocino District
Drinking Water Field Operations Branch
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18 Attachments

19
20 Certified Mail No. 7010 1870 000059270175

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22
23 c: Phillip Miller, 804 First Street, Napa, CA 94559
24 David Morrison, 1195 Third Street, 2nd Floor, Napa, CA 94559
25

26
27 2810013/Compliance
02-03-14C-001.doc/AJL

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Berryessa Highlands Did Not Meet Treatment Requirements

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

Our water system has violated a drinking water standard. Although this situation does not require that you take immediate action, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

In order to ensure proper disinfection, water in the treatment plant must be in contact with chlorine for a minimum amount of time and have a minimum chlorine level leaving the water treatment plant of at least 0.2 milligrams per liter. On January 21 and January 31, 2014, this did not occur. Section 64463.4 of Title 22 of the California Code of Regulations requires that the public be notified of this type of violation within 30 days. This public notification was not completed as required. The water system was also in violation of Section 64413.5 which requires a certified operator be on site all times the plant is producing water.

What should I do? You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor. 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 (800) 426-4791.

What does this mean? This situation does not require that you take immediate action. If it had been, you would have been notified immediately. Tests taken during this same time period did not indicate the presence of bacteria in the water. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What happened? What is being done? Disinfection was not adequate due to an alarm device failure and inadequate staffing of the water treatment plant. Action was taken by staff to address the alarm issue once the problem was discovered. All alarm functions are now tested on a monthly basis and have proper set points. Aside from this brief incident, disinfectant residual levels and contact times to date have met all requirements. The water treatment plant will be staffed during all operations by July 1, 2014.

For more information, please contact Phillip Miller at (707) 254-1931. Alternatively, contact us by mail at 2201 Jefferson Street, Napa, CA 94559. This notice is being sent to you by **Napa Berryessa Improvement District** in collaboration with the California Department of Public Health, Drinking Water Program.

(Public Water System 2810013).

Date distributed: _____

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 notice in a public place or distributing copies by hand or mail.