



State Water Resources Control Board
Division of Drinking Water

June 30, 2016

Ms. Anna Maria Martinez
Berryessa Highlands
1195 Third Street, Room 201
Napa, CA 94559

**CITATION NO. 02_03_16C_019 FOR PUBLIC WATER SYSTEM #2810013
TOTAL TRIHALOMETHANE (TTHM) MAXIMUM CONTAMINANT LEVEL VIOLATION**

Enclosed is a citation issued to Berryessa Highlands (System) by the State Water Resources Control Board, Division of Drinking Water (Division) for failure to comply with the TTHM locational running annual average maximum contaminant level during two four-quarter monitoring periods – the first ending in March 2016 and the second ending in June 2016.

Because this is an enforcement action for noncompliance with State regulations, the System will be billed at the Division’s hourly rate (currently estimated at \$160.00) for the time spent issuing this citation.

If you have any questions regarding this matter, please contact Amy Little at (707) 576-2147.

Sincerely,

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water

Enclosure

- c: Napa County Environmental Health Department
Christopher Silke, 804 First Street, Napa, CA 94559
Brad Wagenknecht, 1195 Third Street, Suite 310, Napa, CA 94559

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Berryessa Highlands

Water System Number: 2810013

To: Napa Berryessa Resort Improvement District (NBRID)
804 First Street
Napa, CA 94559

Attn: Anna Maria Martinez

Issued: June 30, 2016

CITATION FOR NONCOMPLIANCE WITH SECTION 64533, TITLE 22,
CALIFORNIA CODE OF REGULATIONS
Maximum Contaminant Level – Total Trihalomethanes
First and Second Quarters of 2016

The State of California Water Resources Control Board, Division of Drinking Water (hereinafter "Division") hereby issues a citation to the Napa Berryessa Resort Improvement District's Berryessa Highlands (hereinafter "System") for failure to comply with Section 64533, Title 22, of the California Code of Regulations (CCR).

1 Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health
2 and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply
3 with requirements of Chapter 4 (California Safe Drinking Water Act), or any regulation,
4 standard, permit, or order issued thereunder. A copy of the *Applicable Statutes and*
5 *Regulations* is located in Appendix 3, which is attached hereto and incorporated by
6 reference.

7

8

STATEMENT OF FACTS

9 Berryessa Highlands is classified as a community water system serving domestic
10 water to 319 service connections, primarily single-family residences and an estimated
11 population of 920 customers. The System utilizes water from Berryessa Lake as its
12 source of supply.

13

14 Pursuant to Title 22, CCR, Section 64534.2, the System is required to collect one
15 distribution system sample per quarter at PS-Code 2810013-004 for total
16 trihalomethane (TTHM) analysis, in accordance with its approved Stage 2 DBP
17 Monitoring Plan. Section 64535.2(b)(1), Title 22, of the CCR, states that compliance
18 with the maximum contaminant level (MCL) of 0.080 milligrams per liter (mg/L) is
19 based on a running annual average, calculated quarterly, for each monitoring location.

20

21 The Division received laboratory results for quarterly TTHM samples collected during
22 the four-quarter monitoring period of July 1, 2015 through June 30, 2016. The results
23 were 0.087 mg/L on April 6, 2015, 0.110 mg/L on July 6, 2015, 0.079 mg/L on
24 December 21, 2015, 0.080 mg/L on January 29, 2016, and 0.110 mg/L on April 4,
25 2016. Samples were collected at the sampling site of PS-Code 2810013-004. The
26 locational running annual average (LRAA) for TTHM concentrations during the four
27 quarters ending with the second quarter of 2016 is 0.095 mg/L. The LRAA for TTHM

1 concentrations during the four quarters ending with the first quarter of 2016 is 0.089
2 mg/L.

3
4 **DETERMINATIONS**

5 The Division has determined that the System violated Section 64533, Title 22, of the
6 CCR. For a public water system monitoring quarterly for TTHM, each locational
7 running annual average (LRAA), computed quarterly, shall not exceed the MCL of
8 0.080 mg/L. The LRAA for the most recent four-quarter monitoring period of July 1,
9 2015 through June 30, 2015 was 0.095 mg/L at the sampling site of PS-Code
10 2810013-004. The LRAA for TTHM concentrations during the four quarters ending
11 with the first quarter of 2016 is 0.089 mg/L at the same sampling site. Therefore, the
12 System failed to comply with the LRAA MCL for TTHM during the first and second
13 quarters of 2016.

14
15 **DIRECTIVES**

16 Napa Berryessa Resort Improvement District's Berryessa Highlands is hereby
17 directed to take the following actions:

- 18
19 1. The System shall comply with Section 64533, Title 22, of the CCR in all future
20 monitoring periods.
21
22 2. On or before **July 22, 2016**, notify all persons served by the System of the TTHM
23 maximum contaminant level violation, in conformance with Section 64463.4 and
24 Section 64465, Title 22 of the CCR. A copy of these regulatory sections is
25 provided in Appendix 3. The Public Notification Template (Appendix 1) must be
26 used to fulfill this directive. **The corrective actions section of the template shall**
27 **be completed prior to notification.** The completed notice shall be sent to all

1 customers. In addition, a second method of notification must be chosen (see
2 Appendix 2 - Compliance Certification). This second method must also be
3 completed no later than **July 29, 2016**.
4

5 3. The System shall complete Appendix 2 - Compliance Certification. Submit
6 Appendix 2, together with copies of the **two methods** of public notification to the
7 Division on or before **July 29, 2016**.
8

9 4. The public notification and Certification of Compliance requirements in the
10 directives above shall be **performed quarterly** until the System is no longer in
11 violation of the TTHM maximum contaminant level. Future quarterly public
12 notifications must include the most recent data available and be approved by the
13 Division prior to distribution to the System's customers. The public notice shall be
14 distributed within 30 days of receiving laboratory results.
15

16 The Division reserves the right to make such modifications to this Citation as it may
17 deem necessary to protect public health and safety. Such modifications may be
18 issued as amendments to this Citation, and shall be deemed effective upon issuance.
19

20 Nothing in this Citation relieves Berryessa Highlands of its obligation to meet the
21 requirements of the California Safe Drinking Water Act, or of any regulation, permit,
22 standard, or order issued or adopted thereunder.
23

24 **PARTIES BOUND**

25 This Citation shall apply to and be binding upon the System, its officers, directors,
26 shareholders, agents, employees, contractors, successors, and assignees.
27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SEVERABILITY

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

| | |
|------------------|---|
| <u>6-30-2016</u> |  |
| Date | Sheri K. Miller, P.E. Mendocino District Engineer Division of Drinking Water State Water Resources Control Board |

Certified Mail No.: 70122210000216740564

- Appendices:
- 1 – Public Notification Template
 - 2 – Compliance Certification
 - 3 – Applicable Statutes and Regulations



2810013/ComplianceFile#4/02_03_16C_019-2810013-02/LSH

Important Information About Your Drinking Water

Este informe contiene información muy importante sobre su agua potable.
Para una copia de este artículo en español, por favor llame al.

Berryessa Highlands Had Levels of Total Trihalomethanes Above the State Drinking Water Standard

Our water system recently violated a drinking water standard. Although **this is not an emergency**, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Total trihalomethanes (TTHMs) are a byproduct of chlorinating our drinking water. The water samples collected between April 2015 and April 2016 showed that the drinking water provided by Berryessa Highlands had an average TTHM concentration of between 89 and 95 micrograms per liter ($\mu\text{g/L}$). This is above the amount that is allowed by state regulations. That amount is also known as the maximum contaminant level (MCL). The MCL for TTHMs in drinking water is 80 $\mu\text{g/L}$.

What should I do?

- **You do not need to boil your water or take other corrective actions.** If you have specific health concerns, consult your doctor.
- This is not an emergency. If it had been, you would have been notified immediately.
- Some people who drink water containing total trihalomethanes in excess of the MCL over many years may experience an increased risk of getting cancer.

What happened?

To protect drinking water from disease-causing organisms, or pathogens, a chlorine based disinfectant is added to drinking water. However, disinfection byproducts can form when organic-rich water is disinfected. A major challenge is how to control and limit risks from pathogens and minimize disinfection byproduct formation at the same time. Disinfection byproducts tend to be highest during the warmest time of year or during periods of long detention times in storage tanks. As a result of disinfection requirements to ensure pathogens are inactivated, we have exceeded the total trihalomethane MCL.

What corrective actions are being taken to prevent this violation from occurring in the future?

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 and employees.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees and customers of businesses located on the property.

This notice is being sent to you by the Berryessa Highlands in collaboration with the State Water Resources Control Board, Division of Drinking Water.

For questions, please call Anna Maria Martinez, assistant engineer for Berryessa Highlands, at (707) 259-8378.

State Water System ID#: 2810013

Date distributed: _____

APPENDIX 2 - COMPLIANCE CERTIFICATION

Citation Number: 02_03_16C_019

Name of Water System: Berryessa Highlands

System Number: 2810013

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 Berryessa Highlands complied with the directives of this citation as indicated below:

| Required Action | Date Completed |
|--|-----------------------|
| Complete Appendix 1 (second page) as required in Directive 2 | <input type="text"/> |
| Public Notification – Indicate methods below. | <input type="text"/> |
| <input checked="" type="checkbox"/> Mail or direct delivery to each customer (REQUIRED)*; | |
| <u>AND</u> choose at least one of the following*: | |
| <input type="checkbox"/> Publication in a local newspaper (attach copy of newspaper notice); OR | |
| <input type="checkbox"/> Post in conspicuous places within the water system for a minimum of 7 days (attach copy of posting, state locations and dates of posting); OR | |
| <input type="checkbox"/> Posting on the Internet or intranet (provide printout of website page). | |

Signature of Water System Representative

Date

*** Attach copies of all public notices to this Compliance Certification form.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION
INCLUDE COPIES OF ALL PUBLIC NOTICES**

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_019

Note: The Department referenced below, formerly the California Department of Public Health, Drinking Water Program, now refers to the State Water Resources Control Board, Division of Drinking Water. The Drinking Water Program moved to the State Water Resources Control Board 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, Title 22, Section 64533 (a) states, in relevant part:

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in Table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A

Maximum Contaminant Levels and Detection Limits for
Purposes of Reporting Disinfection Byproducts

| <u>Disinfection Byproduct</u> | <u>Maximum Contaminant Level (mg/L)</u> | <u>Detection Limit for Purposes of Reporting (mg/L)</u> |
|-------------------------------|---|---|
| Total Trihalomethanes (TTHM) | 0.080 | |
| Bromodichloromethane | | 0.0010 |
| Bromoform | | 0.0010 |
| Chloroform | | 0.0010 |
| Dibromochloromethane | | 0.0010 |

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:

(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.

(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.

(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.

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.