



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

March 25, 2015

System No. 4800561

Nicky Suard, Owner
Snug Harbor Resorts, LLC
1165 Trancas Street
Napa, CA 94558

COMPLIANCE ORDER NO: 02_04_15R_001 FOR EXCEEDING THE ARSENIC MCL – SNUG HARBOR RESORTS, LLC

Dear Ms. Suard:

The Snug Harbor Resort Water System failed the Maximum Contaminant Level (MCL) for Arsenic in 2014. The State Water Resources Control Board, Division of Drinking Water hereby issues Compliance Order No. 02_04_15R_001, in response to the arsenic exceedance.

Should you have any questions or concerns, please contact Pamela Evans at (510) 620-3457 or myself at (510) 620-3454.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Brownwood".

Robert Brownwood, P.E.
San Francisco District Engineer
Division of Drinking Water

Certified Mail Receipt # 7007 0710 0000 5917 0312

Enclosure: Compliance Order No. 02_04_15R_001

cc: Solano County Environmental Health Department

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CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: SNUG HARBOR RESORTS, LLC
Attention: Nicky Suard, Owner
1155 Trancas Street
Napa, CA 94558

COMPLIANCE ORDER NO: 02_04_15R_001

FOR

VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)

TITLE 22 CALIFORNIA CODE OF REGULATIONS

CHAPTER 15, ARTICLE 4, SECTION 64431

PRIMARY DRINKING WATER STANDARD FOR ARSENIC

MARCH 25, 2015

The State Water Resources Control Board (Board), acting by and through its Division of Drinking Water (Division) and the Deputy Director for the Division (Deputy Director), hereby issues this compliance order (Order) pursuant to Section 116655 of the California Health and Safety Code (CHSC) to Snug Harbor Resorts, LLC, and its owner of record Nicky Suard for violation of CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (CCR), Section 64431.

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APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.



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Title 22, CCR, Section 64431 states in relevant part:

Public water systems shall comply with the primary MCL in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Level for
Arsenic

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Arsenic	0.010

Section 64432 Title 22, CCR states in relevant part:

...

(g) If the level of any inorganic chemical, except for nitrate and nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

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Table 1: Well DW-1R and Well 02 Arsenic Monitoring Results

Sample Quarter	DW-1R (4800561-004)	Well 02 (4800561-002)
1 st Quarter 2/12/14	19 ug/L	11 ug/L
2 nd Quarter 5/12/14	17 ug/l	10 ug/L
3 rd Quarter 8/11/14	18 ug/L	11 ug/L
4 th Quarter 11/10/14	17 ug/L	10 ug/L
Running Annual Average	18 ug/L	10.5 ug/L

The 2014 four quarter running annual average (RAA) for Well DW-1R, is 18 ug/L (or 0.018 mg/L), which exceeds the arsenic MCL of 0.010 mg/L. Results of samples taken from water produced from Well DW-1R continue to exceed the arsenic MCL. Well 02 results averaged over a four quarter period are 10.5 ug/L, which also exceed the arsenic MCL.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Snug Harbor Resort, LLC and its owner of record have violated CHSC, Section 116555 and Section 64431 in that the water produced by Well DW-1R and Well 02 during the four quarters of 2014 exceeds the arsenic MCL as shown in Table 1 above.

1 DIRECTIVES

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4 Snug Harbor Resort, LLC and its owner of record are hereby directed to take the following
5 actions:

- 6
- 7 1. On or before April 10, 2018 comply with Title 22, CCR, Section 64431 and remain in
8 compliance.
 - 9 2. Prepare a Corrective Action Plan that identifies improvements to the water system
10 designed to correct the water quality problem (violation of the arsenic MCL) and
11 ensure that the Resort delivers water to consumers that meets all primary drinking
12 water standards. The plan shall include a time schedule for completion of each of the
13 phases of the project such as design, construction and startup and date which the
14 water system will be in compliance with the arsenic MCL, which shall be no later than
15 April 10, 2018.
 - 16 3. On or before May 22, 2015, submit a written response to the Division indicating
17 agreement to comply with the directives of this Order and with the Corrective Action
18 Plan addressed herein.
 - 19 4. The Corrective Action Plan shall be submitted to the Division for review and approval
20 by September 25, 2015 at the Division's office located at 850 Marina Bay Parkway,
21 Bldg. P., 2nd Floor, Richmond, CA 94804.
 - 22 5. On or before June 10, 2015, and every three months thereafter, submit a report to the
23 Division in the form provided as Attachment A hereto, showing actions taken during
24 the previous three calendar months to comply with the Corrective Action Plan.
 - 25 6. Not later than ten (10) days following the date of compliance with the arsenic MCL,
26 demonstrate to the Division that the water delivered by the Resort complies with the
27 arsenic MCL.



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7. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the Resort and/or its owner of record anticipate it will not meet the performance deadline.

All submittals required by this Order shall be addressed to:

Robert Brownwood, P.E. Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water San Francisco District
850 Marina Bay Parkway, Bldg. P., 2nd Floor
Richmond, CA 94804

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on Snug Harbor Resorts or its owner of record.

The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance. Nothing in this Order relieves the Resort or its owner of record of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

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PARTIES BOUND

This Order shall apply to and be binding upon the Resort, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and the Resort and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.

March 25, 2015

Date



Stefan Cajina, P.E., Chief
North Coastal Section
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. 7007 0710 0000 5917 0312

cc: Solano County Environmental Health Department



Quarterly Progress Report

Water System:	Snug Harbor Resort, LLC	Water System No.:	4800561
Compliance Order No.:	02_04_15R_001	Violation:	Arsenic MCL
Calendar Quarter:	2nd Quarter 2015	Date Prepared:	3/25/2015

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, San Francisco District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

June 10, 2018

Name

Signature

Title

Date

