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Director & State Health Officer

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

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

March 15, 2013

Water System No. 4901361

Jennifer Marion
Anaba Winery
60 Bonneau Road
Sonoma, CA 95476

**RE: CITATION NO. 02-18-13C-013- MONITORING AND REPORTING VIOLATION
FOR JANUARY 2012**

Enclosed is a Citation issued to the Anaba Winery (System) water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation.

You will receive a bill sent from our Fee Billing Unit in Sacramento by August 1, 2013. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Cindi Lee of my staff at (707) 576-2422 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

Enclosure

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Anaba Winery

Water System Number: 4901361

To: Anaba Winery
60 Bonneau Road
Sonoma, CA 95476

Issued: March 15, 2013

CITATION FOR NONCOMPLIANCE

With Title 22 of the California Code of Regulations 64430

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of 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.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Anaba Winery (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64430.



APPLICABLE AUTHORITIES

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.

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1 CCR, Title 22, Section 64430 and Section 141.402(a)(1) Title 40, Code of
2 Federal Regulations published in November 8, 2006, Federal Register
3 (Vol.71, No. 216) states in relevant part:

4
5 A ground water system must conduct triggered source water monitoring if the
6 system is notified that a sample collected under California Code of Regulations,
7 Title 22, Sections 64422 and 64423 is total coliform-positive and the sample is
8 not invalidated under California Code of Regulations, Title 22, Section 64425.

9 **STATEMENT OF FACTS**

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11 The System collected a routine bacteriological sample on January 7, 2013
12 as required by Sections 64422 and 64423. The result of this sample was
13 total coliform-positive. Pursuant to Section 64430, the System is required to
14 collect a triggered source sample from each well in use at the time the
15 positive routine sample was collected.

16
17 As of the date of this citation, the Division of Drinking Water and
18 Environmental Management of the Department has not received any
19 triggered source water samples in response to the total coliform-positive
20 routine sample from the System in January 2013.

21 **DETERMINATIONS**

22
23 **THE DEPARTMENT HAS DETERMINED:**

24
25 The System violated Title 22 of the CCR, Section 64430, in that the System
26 failed to collect the required number of triggered source water samples
27 during January 2013.



DIRECTIVES

Anaba Winery is hereby directed to take the following actions:

1. Comply with Section 64430 in all future monitoring periods.
2. Notify all persons served by the System of the failure to sample, in conformance with Section 64463.4 and Section 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. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided on Attachment A for this written description.**
 - b) Post the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in conspicuous locations throughout the area served by the System. Posting must begin no later than **April 19, 2013** and must continue for seven days.
 - c) 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 **April 26, 2013**.

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d) Provide public notice for this violation in accordance with Section 64465(c), Title 22 or the CCR, which requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less) that the public notice contain information in the appropriate language(s) regarding the importance of the notice, or contain a telephone number or address where such residents may contact the water system to receive a translated copy of the notice or to receive assistance in the appropriate language.

3. Pursuant to Section 64430, Title 22 of the CCR and Section 141.402(a) Title 40, Code of Federal Regulations, Anaba Winery shall collect a sample from the source(s) that was on-line at the time the January 7, 2013 sample was collected and have the sample analyzed for *E. coli* by **April 26, 2013**..

4. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to system customers but in no case later than **April 30, 2013**. **A copy of the notice published in the newspaper and a copy of the notice posted to the customers must be attached to the form.**

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

1 Nothing in this Citation relieves the System of its obligation to meet the
2 requirements of the California Safe Drinking Water Act (CHSC, Division
3 104, Part 12, Chapter 4, commencing with Section 116270), or any
4 regulation, standard, permit or order issued thereunder.

5
6 All submittals required by this Citation shall be submitted to the Department
7 at the following address:

8 Janice M. Thomas, P.E., District Engineer
9 Department of Public Health
10 Drinking Water Field Operations Branch
11 50 D Street, Suite 200
12 Santa Rosa, CA 95404

13
14 **PARTIES BOUND**

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

17
18 **SEVERABILITY**

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

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23 **FURTHER ENFORCEMENT ACTION**

24 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
25 California Health and Safety Code authorizes the Department to: issue
26 additional citations with assessment of penalties if the System continues to
27 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



1 has violated applicable law or regulations or has failed to comply with orders
2 of the Department; and petition the superior court to take various
3 enforcement measures against a public water system that has failed to
4 comply with orders of the Department. The Department does not waive any
5 further enforcement action by issuance of this citation.

6 Janice M Thomas

March 15, 2013

7 Janice M. Thomas, P.E.
8 Sonoma District Engineer
9 Drinking Water Field Operations Branch

Date

10 Attachments

11 Certified Mail No. 7012 2210 0002 1674 0441



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4901361/Section 6
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COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-013

Name of Water System: **Anaba Winery**

System Number: **4901361**

Certification

I certify that the users of the water supplied by this water system were notified of the triggered source sampling violation(s) of Title 22, California Code of Regulations (CCR) for the compliance period of January 2013.

<u>Required Action</u>	<u>Date Completed</u>
Complete Attachment A, as required by Directive 2(a)	_____
Public Notification – Posting	_____
Public Notification – Newspaper	_____
Triggered Source sample(s) and analyzed for <i>E. coli</i> .	_____
_____	_____
Signature of Water System Representative	Date

Attach a copy of the notice delivered to the customers, a copy of the notice published in the newspaper, and the laboratory results.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN APRIL 30, 2013**

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.

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from **Anaba Winery** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

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.

Anaba Winery Failed to Perform Follow up Testing for *E. coli* Bacteria in January 2013

Our water system failed to perform follow up testing on our drinking water during January 2013 after a routine water sample was tested and found to contain coliform bacteria. Although this is not an emergency, as our customers, you have a right to know about this violation – 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 happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indication of whether or not the drinking water meets health standards. Our routine sample tested positive for coliform bacteria during January 2013. No fecal coliform or *E. coli* bacteria were found. However, we failed to collect a sample from the well and, therefore, we cannot be sure of the quality of our drinking water during that time period.

What does this mean?

Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If water is tested for coliform bacteria and it is found to be absent, the water can be considered safe from bacteria. If the water is not tested, consumption of the water may not necessarily result in illness, but that possibility exists. Routine and repeat sampling are important to periodically verify the quality of drinking water. Our failure to perform wellhead sampling for *E. coli* during January 2013 was a violation of Section 64430, Title 22 of the California Code of Regulations (CCR).

What should I do?

This is not an emergency. If you have health concerns, you may wish to consult your doctor. 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 corrective actions have been taken to prevent this violation from occurring in the future?

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

Persons wishing more information should contact: _____
(water system contact name)

(address)

(phone number)