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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

June 5, 2013

Water System No. 4901393

Buena Vista Winery
18000 Old Winery Road
Sonoma, CA 95476

**RE: CITATION NO. 02-18-13C-025/MAXIMUM CONTAMINANT LEVEL VIOLATION
FOR APRIL 2013**

Enclosed is a Citation issued to the Buena Vista 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: Buena Vista Winery

Water System No: 4901393

To: Buena Vista Winery
18000 Old Winery Road
Sonoma, CA 95476

Issued: June 5, 2013

CITATION FOR NONCOMPLIANCE
Maximum Contaminant Level - Total Coliform Bacteria

April 2013

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.

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



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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 (CCR), Section 64426.1 states in relevant part:

A public water system is in violation of the total coliform MCL {maximum contaminant level} when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

- 1 (2) For a public water system which collects fewer than 40 samples per month, more than
2 one sample collected during any month is total coliform-positive; or
3 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
4 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is
5 total coliform-positive.

6
7 **STATEMENT OF FACTS**

8 The Division of Drinking Water and Environmental Management of the
9 Department of Public Health (Department) has received laboratory results
10 for five bacteriological samples collected during April 2013 from the water
11 system of Buena Vista Winery. All samples were analyzed for the presence
12 of coliform bacteria. All of the five samples tested positive for coliform
13 bacteria.

14 **DETERMINATIONS**

15 The Department has determined that Buena Vista Winery failed to comply
16 with the maximum contaminant level (MCL) for total coliform bacteria during
17 the month of April, 2013. That is a violation of Section 64426.1, Title 22, of
18 the California Code of Regulations. The Department hereby issues a
19 citation to the Buena Vista Winery for failure to comply with Section
20 64426.1, Title 22, of the California Code of Regulations.

21 **DIRECTIVES**

22
23 Buena Vista Winery is hereby directed to take the following actions:

- 24
25 1. Comply with Section 64426.1 in all future monitoring periods.
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27 2. Notify all persons served by the Water System of the MCL violation in
conformance with Section 64463.4 and Section 64465, Title 22 of the



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CCR. Notification must be completed in accordance with each of the following:

a) Completion of Attachment A to include the name, address, and telephone number of a water system official as a source of additional information concerning the public notice. **You must also give a legible, written description 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 page 2 of Attachment A for this written description.**

b) By continuous posting of 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 Water System. Posting must begin no later than **June 21, 2013** and must continue for seven days.

c) 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 it contain a telephone number or address where such residents may contact the System to receive a translated copy of the notice or to receive assistance in the appropriate language.

3. Pursuant to Section 64424(d), Title 22 of the CCR, the Water System shall collect five (5) routine bacteriological samples by **June 21, 2013**

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. The results of these samples shall be submitted with the attached Compliance Certification form.

- 4. A representative of Buena Vista Winery shall complete the attached Compliance Certification form and return it to the Department by **July 19, 2013. A copy of the notice posted within the water system must be attached to the form.**

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

Janice M. Thomas, 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

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the California Health and Safety Code authorizes the Department 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 Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

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

June 5, 2013
Date

Attachments

Certified Mail No. 7012 2210 0001 9133 4154



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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.

Buena Vista Winery Had Levels of Coliform Bacteria Above the Drinking Water Standard during April 2013

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 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 routinely monitor our drinking water for contaminants. We took five water samples to test for the presence of coliform bacteria during April 2013. All five of our samples showed the presence of coliform bacteria. The standard is that no more than one sample per month may test positive for bacteria. The positive samples were tested further for fecal coliform. **No fecal coliform or E. coli were found.** However, our drinking water exceeded the maximum contaminant level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22 of the California Code of Regulations (CCR).

What does this mean?

The California Department of Public Health (Department) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more drinking water samples than allowed. This was a warning of potential problems and a violation of the regulations.

What should I do?

This is not an emergency. If it had been, you would have been notified immediately. 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. If you have other health concerns related to the consumption of this water, you may wish to consult your doctor.

Has the problem been resolved? 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 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)

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COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-025

Name of Water System: **Buena Vista Winery**

System Number: **4901393**

Certification

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by the Buena Vista Winery were notified of the maximum contaminant level (MCL) violation(s) of Title 22, California Code of Regulations (CCR) for the compliance period of April 2013. In addition, I certify that **Buena Vista Winery** has complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Complete Attachment A, as required in Directive 2(a)	
Public Notification – Continuous Posting for 7 days	
5 Bacteriological Samples Collected & Analyzed	
_____	_____
Signature of Water System Representative	Date

Attach a copy of the notice posted within the system and a copy of the laboratory results from the 5 water samples.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN July 19, 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.