



Ron Chapman, MD, MPH
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

August 28, 2013

Water System No. 4901312

John & Teresa Balletto
Balletto Vineyards
P.O. Box 2549
Sebastopol, CA 95473

CITATION NO. 02-18-13C-044
TOTAL COLIFORM MONITORING VIOLATION FOR JULY 2013

Enclosed is a Citation issued to the Balletto Vineyards (System) public 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 on approximately August 1, 2014. 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

Enclosures

C Jim Tyler/Sonoma County Environmental Health Division (w/o enclosures)

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Balletto Vineyards

Water System No: 4901312

To: Balletto Vineyards
P.O. Box 2549
Sebastopol, CA 95473

Issued: August 28, 2013

CITATION FOR NONCOMPLIANCE

With Title 22 of the California Code of Regulations Section 64426.1

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 Balletto Vineyards (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64426.1.

APPLICABLE AUTHORITIES

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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.

1 California Code of Regulations (CCR), Section 64426.1 states in relevant
2 part:

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

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

9 (2) For a public water system which collects fewer than 40 samples per
10 month, more than one sample collected during any month is total
11 coliform-positive; or

12 (3) Any repeat sample is fecal coliform-positive or *E. coli*-positive; or

13 (4) Any repeat sample following a fecal coliform-positive or *E. coli*-positive
14 routine sample is total coliform-positive.

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16 **STATEMENT OF FACTS**

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18 The Department has received laboratory results for thirteen bacteriological
19 samples collected during July 2013 from the System. All samples were
20 analyzed for the presence of coliform bacteria. Five of the thirteen samples
21 tested positive for coliform bacteria and absent for *E. coli* bacteria.
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24 **DETERMINATIONS**

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26 **THE DEPARTMENT HAS DETERMINED:**
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1 The System violated Title 22 of the CCR, Section 64426.1, in that the
2 System failed to comply with the maximum contaminant level (MCL) for total
3 coliform bacteria during the month of July 2013.

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5 **DIRECTIVES**

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8 Balletto Vineyards is hereby directed to take the following actions:

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10 1. Comply with Section 64426.1, Title 22, of the California Code of
11 Regulations in all future monitoring periods.

12
13 2. Notify all persons served by the System of the MCL violation in
14 conformance with Section 64463.4 and 64465, Title 22 of the CCR,
15 and as follows:

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17
18 a) The Department sent you a copy of Attachment A on July 5, 2013.
19 Attachment A was to be completed to include the name, address,
20 and telephone number of a System representative as a source of
21 additional information concerning the public notice. **You were**
22 **also to give a legible, written description (preferably typed) of**
23 **the corrective actions taken by the water system to prevent**
24 **this violation from occurring in the future. The space**
25 **provided in Attachment A was to be used for this written**
26 **description.**
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b) On July 5, 2013, the System was directed to 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 for seven days. A copy of the completed Attachment A notice was to be provided to employees of Balletto Vineyards.

c) On July 5, 2013, the System was provided a Coliform Incident Report form (Handout 39) to fill out.

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. 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 the system customers but in no case later than **September 30, 2013**. A copy of the notice posted in conspicuous locations and provided to employees shall be attached to the

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Compliance Certification Form. The completed Coliform Incident Report form must also be attached.

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.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the 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.

All submittals required by this Citation shall be submitted to the Department

at the following address: Janice M. Thomas, P.E.
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

1 The directives of this Citation are severable, and the System shall comply
2 with each and every provision thereof notwithstanding the effectiveness of
3 any provision.
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5 **FURTHER ENFORCEMENT ACTION**
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8 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
9 California Health and Safety Code authorizes the Department to: issue
10 additional citations with assessment of penalties if the System continues to
11 fail to correct a violation identified in a citation; take action to suspend or
12 revoke a permit that has been issued to a public water system if the System
13 has violated applicable law or regulations or has failed to comply with orders
14 of the Department; and petition the superior court to take various
15 enforcement measures against a public water system that has failed to
16 comply with orders of the Department. The Department does not waive any
17 further enforcement action by issuance of this citation.
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21 *Janice M. Thomas*

August 28, 2013

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

Date



25 Attachments

26 Certified Mail No. *7012 2210000216739926*
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COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-044

Name of Water System: **Balletto Vineyards**

System Number: **4901312**

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological violations of Title 22, California Code of Regulations (CCR) for the compliance period of July 2013.

Required Action

Date Completed

Complete Attachment A, as required in Directive 2(a)
Public Notification – Continuous Posting for 7 Days
Submit completed Form 39 Coliform Incident Report

Signature of Water System Representative

Date

Attach a copy of the notice posted and delivered to employees and the completed Water System Coliform Incident Report.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN SEPTEMBER 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.