CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

Water System No. 4901197 December 18, 2014

Tasha Hart
Silver Oaks Wine Cellars LP
P.O. Box 558
Geyserville, CA 95441

CITATION NO. 02-18-14C-042
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR OCTOBER 2014

Enclosed is a Citation issued to the Silver Oaks Wine Cellars LP (System) public water system.

Silver Oaks Wine Cellars LP will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at $128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

Silver Oaks Wine Cellars LP will receive a bill sent from our Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Silver Oaks Wine Cellars LP for the current fiscal year.

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
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosures

Citation No. 02-18-14C-042

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Silver Oaks Wine Cellars LP

Water System No: 4901197

To: Silver Oaks Wine Cellars LP
P.O. Box 558
Geyserville, CA 95441

Issued: December 18, 2014

CITATION FOR NONCOMPLIANCE

WITH TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL

OCTOBER 2014

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Silver Oaks Wine Cellars LP (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) 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

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order issued thereunder. A copy of the *Applicable Statues and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Silver Oaks Wine Cellars LP is classified as a community water system with 1 connection serving a population of 25. The Division received laboratory results for 9 bacteriological samples collected during October 2014 from the System. All samples were analyzed for the presence of coliform bacteria and *E. coli* where 4 of the 9 samples tested positive for coliform bacteria.

DETERMINATION

The Division has determined that the System is in violation of Title 22, CCR, Section 64426.1, Total Coliform Maximum Contaminant Level. Section 64426.1(b)(2) defines a violation of the total coliform MCL as more than one sample collected during any month is total coliform-positive.

The System took less than 40 bacteriological samples during October 2014. The results of 4 were total coliform positive. Therefore, the System violated the total coliform maximum contaminant level contained in Section 64426.1 in October 2014.

DIRECTIVES

Silver Oaks Wine Cellars LP is hereby directed to take the following actions:

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1. Comply with Section 64426.1, Title 22, CCR in all future monitoring periods.

2. On or before **January 23, 2015**, notify all persons served by the System of the MCL violation in conformance with Title 22, CCR, Sections 64463.4 and 64465. Appendix 2: Public Notification Template may be used to fulfill this directive.

3. Pursuant to Title 22, CCR, Section 64424(d), the System shall collect five (5) routine bacteriological samples on or before **January 23, 2015**.

4. The System shall complete Appendix 3: Compliance Certification. Submit it together with a copy of the public notification and the laboratory results from sampling required in Directive 3 to the Division on or before **January 29, 2015**.

5. The System shall submit to the Division the information described in Title 22, CCR, Section 64426(b)(2) on or before **January 29, 2015**. Appendix 4: Positive Total Coliform Investigation, which is attached to this document, may be used to fulfill this directive.

The Division reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such

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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 Division at the following address:

Janice M. Thomas, P.E.
State Water Resources Control Board
Division of Drinking Water
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

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

SEVERABILITY

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

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FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division 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 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.

Janice M. Thomas December 18, 2014

Janice M. Thomas, P.E., Sonoma District Engineer Date
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Appendices (4):

1. Applicable Statutes and Regulations
2. Public Notification Template
3. Compliance Certification
4. Positive Total Coliform Investigation

Certified Mail No. 70122210000216740687

4901197/Compliance
02_18_14C_042_49001197_22/cel

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APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 02-18-14C-042

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 (CCR), Section 64424 states in relevant part:

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:
  (1) The Department conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
  (2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with §64426.1.

California Code of Regulations (CCR), Section 64426 states in relevant part:

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:
  (1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;
  (2) A system has a sample which is positive for fecal coliform or E. coli; or
  (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in §64426.1.
(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:
  (1) Contact the Department by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours; and

(2) Submit to the Department information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:
   (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
   (B) Any interruptions in the treatment process;
   (C) System pressure loss to less than 5 psi;
   (D) Vandalism and/or unauthorized access to facilities;
   (E) Physical evidence indicating bacteriological contamination of facilities;
   (F) Analytical results of any additional samples collected, including source samples;
   (G) Community illness suspected of being waterborne; and
   (H) Records of the investigation and any action taken.

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

(b) A public water system is in violation of the total coliform MCL [maximum contaminant level] when any of the following occurs:
   (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
   (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
   (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

California Code of Regulations (CCR), 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:
   (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
      (A) Where a Tier 1 public notice is required under section 64463.1; or
      (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
   (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;

(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; and

(c) A water system shall deliver the notice, in a manner designed to reach person 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.

(2) 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, noncommunity water systems shall give public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

California Code of Regulations (CCR), Section 64465 states in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), 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 mailll; 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.

APPENDIX 2. PUBLIC NOTIFICATION TEMPLATE (TIER 2)

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Silver Oaks Wine Cellars LP Had Levels of Coliform Bacteria Above the Drinking Water Standard During October 2014

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 nine water samples to test for the presence of coliform bacteria during October 2014. Three of our samples showed the presence of coliform bacteria. The standard is that no more than 1 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 Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____
(name)

_____
(address)

_____
(phone number)

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number 02-18-14C-042

Name of Water System: **Silver Oaks Wine Cellars LP**

System Number: **4901197**

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, Section 64426.1 for the compliance period of October 2014 and that the following actions, as directed in 02-18-14C-042 have been completed:

Required Action	Date Completed
(Citation Directive 2) Public Notification – Mail and Direct Delivery and Other Notification Methods completed.	
(Citation Directive 3) Submit Laboratory Results of 5 Bacteriological Samples Collected and Analyzed in the Following Month	
(Citation Directive 5) Complete and Submit *Positive Total Coliform Investigation*	

_____ _____

Signature of Water System Representative Date

Attach a copy of the Public Notification posted and the laboratory results from the 5 water samples.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN JANUARY 29, 2015

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.