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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

Water System No. 4901300

January 15, 2015

Michael Karah  
Windy Hill Winery  
1010 W. Railroad Avenue  
Cotati, CA 94931

### CITATION NO. 02-18-15C-005

### TOTAL COLIFORM MONITORING AND REPORTING VIOLATION FOR NOVEMBER 2014

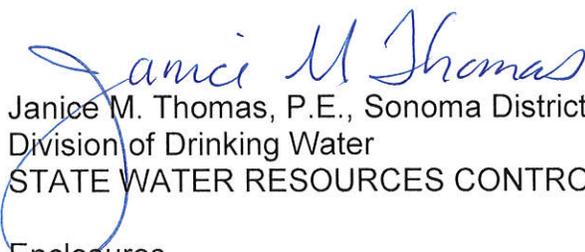
Enclosed is a Citation issued to the Windy Hill Winery (System) public water system.

Windy Hill Winery 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.

Windy Hill Winery 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 Windy Hill Winery 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

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STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Windy Hill Winery

**Water System No:** 4901300

**To:** Windy Hill Winery  
1010 W. Railroad Avenue  
Cotati, CA 94931

**Issued:** January 15, 2015

**CITATION FOR NONCOMPLIANCE  
WITH TOTAL COLIFORM MONITORING AND REPORTING  
NOVEMBER 2014**

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Windy Hill Winery (System) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64423, 64423.1, 64424, and 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

1 order issued thereunder. A copy of the *Applicable Statutes and Regulations*  
2 is located in Appendix 1, which is attached hereto and incorporated by  
3 reference.  
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6 **STATEMENT OF FACTS**

7 Windy Hill Winery is classified as a transient-noncommunity water system  
8 serving 2 connections with a population of 26. The System collected a  
9 routine bacteriological sample on November 20, 2014, as required by  
10 Sections 64422 and 64423. The result of this sample was total coliform-  
11 positive. According to Section 64424, the System is required to collect a  
12 repeat sample set within 24 hours of being notified by the laboratory of the  
13 positive result. Pursuant to Section 64430, the System is required to collect  
14 a triggered source sample from each well in use at the time the positive  
15 routine sample was collected. As of the date of this citation, the Division has  
16 not received the other three repeat bacteriological results or a triggered  
17 source water sample from Windy Hill Winery during November 2014.  
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20 **DETERMINATIONS**

21 The System violated Title 22, CCR, Sections 64423, 64423.1, 64424, and  
22 64430, Routine Sampling, Repeat Sampling, and Ground Water Rule  
23 Requirements. Section 64423 defines a violation of routine monitoring as  
24 collecting fewer than the minimum number of required samples. Section  
25 64423.1 defines a violation of reporting after the tenth day of the following  
26 month. Section 64424 defines a violation of repeat sampling as collecting  
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1 fewer than the minimum number of repeat samples. Section 64430 defines  
2 a violation of ground water rule requirements as not collecting a triggered  
3 source water sample.  
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5 The System failed to collect the required number of repeat bacteriological  
6 water samples and failed to collect the required number of triggered source  
7 water samples during November 2014. Therefore, the System violated the  
8 repeat monitoring and reporting of total coliforms and violated the ground  
9 water rule triggered source water sample requirements contained in  
10 Sections 64423, 64423.1, 64424, and 64430.  
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12  
13 **DIRECTIVES**

14 Windy Hill Winery is hereby directed to take the following actions:  
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- 16
- 17 1. Comply with Sections 64423, 64423.1, 64424, and 64430, Title 22,  
18 CCR in all future monitoring periods.  
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- 20 2. On or before **February 16, 2015**, notify all persons served by the  
21 System of the MCL violation in conformance with Title 22, CCR,  
22 Sections 64463.4 and 64465. Appendix 2: Public Notification  
23 Template may be used to fulfill this directive.  
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- 26 3. Pursuant to Section 64424(d), Title 22 of the CCR, the Water System  
27 shall collect five (5) routine bacteriological samples by **February 6,**

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**2015.** The results of these samples shall be submitted with the attached Compliance Certification form.

4. Pursuant to Section 64430, Title 22 of the CCR and Section 141.402(a) Title 40, Code of Federal Regulations, Windy Hill Winery shall collect a sample from the source that was on-line at the time the November 20, 2014 sample was collected and have the sample analyzed for *E. coli* by **February 6, 2015**.

5. The System shall complete Appendix 3: Compliance Certification. Submit it together with a copy of the public notification to the Division on or before **March 3, 2015**.

The Division 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.

1 All submittals required by this Citation shall be submitted to the Division  
2 at the following address: Janice M. Thomas, P.E.  
3 State Water Resources Control Board  
4 Division of Drinking Water  
5 50 D Street, Suite 200  
6 Santa Rosa, CA 95404

7 **PARTIES BOUND**

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

11 **SEVERABILITY**

12 The directives of this Citation are severable, and the System shall comply  
13 with each provision thereof notwithstanding the effectiveness of any  
14 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                      January 15, 2015  
Janice M. Thomas, P.E., Sonoma District Engineer                      Date  
Division of Drinking Water  
STATE WATER RESOURCES CONTROL BOARD



- Appendices (3):
- 1. Applicable Statutes and Regulations
  - 2. Public Notification Template
  - 3. Compliance Certification

Certified Mail No. 7012 2210 0001 9133 3966

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS  
FOR CITATION NO. 02-18-15C-005**

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 64423 states in relevant part:

- (a) Each water supplier shall collect routine bacteriological water samples as follows:
  - (3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.

California Code of Regulations (CCR), Section 64423.1 states in relevant part:

- (c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

California Code of Regulations, Section 64424 states in relevant part:

- (a) If a routine sample is total-coliform positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.
  - (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

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

A ground water system must conduct triggered source water monitoring if the system is notified that a sample collected under California Code of Regulations, Title 22, Sections 64422 and 64423 is total

coliform-positive and the sample is not invalidated under California Code of Regulations, Title 22, Section 64425.

California Code of Regulations (CCR), Section 64463.4 states in relevant part:

- (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 mail; 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.

**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.

**Windy Hill Winery Failed to Perform Complete Follow up Testing for Coliform Bacteria and *E. coli* in November 2014**

Our water system failed to perform follow up testing on our drinking water during November 2014, 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. During November 2014, our routine sample tested positive for coliform bacteria. No fecal coliform or *E. coli* bacteria were found. However, we failed to collect the required follow up (or repeat) samples 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 is important to periodically verify the quality of drinking water. Our failure to perform repeat sampling for coliform bacteria during November 2014 was a violation of Section 64424, 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:

\_\_\_\_\_

(name)

\_\_\_\_\_

(address)

\_\_\_\_\_

(phone number)

**APPENDIX 3. COMPLIANCE CERTIFICATION**

**Citation Number 02-18-15C-005**

Name of Water System: **Windy Hill Winery**

System Number: **4901300**

I certify that the users of the water supplied by this water system were notified of the monitoring and reporting violations of Title 22, California Code of Regulations (CCR), Sections 64423, 64423.1, 64424, and 64430 for the compliance period of November 2014 and that the following actions, as directed in 02-18-15C-005 have been completed.

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification – Mail or Direct Delivery OR Continuous Posting for 7 Days and Other Notification Methods completed.	
(Citation Directive 3) Five Bacteriological Samples Collected and Analyzed	
(Citation Directive 4) Triggered Source Sample(s) and Analyzed for <i>E. coli</i>	

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**Attach a copy of the notice posted in the system and a copy published via other notification methods.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN MARCH 3, 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.