



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Water System No. 4901253

April 17, 2015

Heath Dolan, Partner
VML Wines
5610 Dry Creek Road
Healdsburg, CA 95448

**CITATION NO. 02_18_15C_018
FECAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR
FEBRUARY 2015**

Enclosed is a Citation issued to the VML Wines (System) public water system.

VML Wines 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.

VML Wines 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 VML Wines for the current fiscal year.

If you have any questions regarding this matter, please contact George Chien of my staff at (707) 576-2971 or me at (707) 576-2006.

Sincerely,



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

Enclosure: Citation No. 02_18_15C_018

C: Greg Campbell, 5434 Old Redwood Highway, Santa Rosa, CA 95403

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: VML Wines

Water System No: 4901253

To: VML Wines
4035 Westside Road
Healdsburg, CA 95448

Issued: April 17, 2015

**CITATION FOR NONCOMPLIANCE
WITH FECAL COLIFORM MAXIMUM CONTAMINANT LEVEL
FEBRUARY 2015**

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the VML Wines (hereinafter System) for failure to comply with California Health and Safety Code (CHSC) Division 104 Section 116555(a)(1) and 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



1 4, commencing with Section 116270), or any regulation, standard, permit or
2 order issued thereunder. A copy of the *Applicable Statutes and Regulations*
3 is located in Appendix 1, which is attached hereto and incorporated by
4 reference.

7 STATEMENT OF FACTS

8 VML Wines is classified as a transient noncommunity water system with 4
9 connections serving an approximate population of 28. The Division received
10 laboratory results for five bacteriological samples collected during January
11 2015 from the System. All samples were analyzed for the presence of
12 coliform bacteria and *E. coli* where only one sample tested positive for
13 coliform bacteria. The System collected five routine bacteriological samples
14 and three repeats during February 2015. All samples were analyzed for the
15 presence of coliform bacteria and *E. coli* where all five routine samples
16 tested positive for total coliform and one routine sample tested positive for *E.*
17 *Coli*. All repeat samples tested positive for total coliform bacteria. A boil
18 water notice was issued to the System on February 15, 2015 and the
19 System conducted a Tier 1 Public Notice. The System replaced the ballast
20 of ultraviolet units in the late February, and collected two rounds of
21 bacteriological sampling with a total of 11 bacteriological samples in March
22 2015 where five samples were routines. All samples were analyzed for the
23 presence of coliform bacteria and *E. coli* and none was detected positive for
24 coliform bacteria. The boil water notice was lifted on March 9, 2015. The
25 System completed and submitted a Positive Total Coliform Investigation in
26 April 2015.
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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 fecal coliform MCL when any repeat sample following a fecal coliform-positive routine sample is total coliform-positive.

The System took less than 40 bacteriological samples during February 2015. The results of eight were total coliform positive. Furthermore, the result of one of the routines was fecal coliform positive, and the results of all the repeats were total coliform positive. Therefore, the System violated the fecal coliform maximum contaminant level contained in Section 64426.1 in February 2015.

DIRECTIVES

VML Wines is hereby directed to take the following actions:

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

2. The System shall complete Appendix 2: Compliance Certification. Submit it together with a copy of the public notification to the Division on or before **May 25, 2015**.

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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.

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.

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SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each 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 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 April 17, 2015

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



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Appendices (2):

1. Applicable Statutes and Regulations
2. Compliance Certification

Certified Mail No. 7013225000054483491

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02_18_15C_018**

Section 116555 of the CHSC states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.

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 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.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number 02_18_15C_018

Name of Water System: VML Wines

System Number: 4901253

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 February 2015 and that the following actions, as directed in 02_18_15C_018 have been completed:

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN
MAY 25, 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.