



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

October 30, 2015

Water System No. 4901391

Craig Sterling
Everett Ridge Winery
435 West Dry Creek Road
Healdsburg, CA 95448

CITATION NO. 02_18_15C_055

OPERATING A PUBLIC WATER SYSTEM WITHOUT A PERMIT, FAILURE TO COMPLY WITH CITATION NOS. 02_18_15C_013 AND 02_18_15C_025

Enclosed is a Citation issued to the Everett Ridge Winery (System) public water system. This Citation includes a daily administrative penalty which will be assessed for failure to comply with this Citation. As of the date of this letter, the penalty is \$27,150.

Everett Ridge 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. California 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 three hours on enforcement activities associated with this violation.

Everett Ridge 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 Everett Ridge Winery for the current fiscal year.

If you have any questions regarding this matter, please contact Waldon Wong of my staff at (707) 576-2764 or me at (707) 576-2006.

Sincerely,

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

Enclosures

CC (w/ Enclosures): Sonoma County Permit and Resource Management Department

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Everett Ridge Winery

Water System No: 4901391

To: Everett Ridge Winery
435 West Dry Creek Road
Healdsburg, CA 95448

Issued: October 30, 2015

CITATION FOR NONCOMPLIANCE
OPERATING A PUBLIC WATER SYSTEM WITHOUT A PERMIT,
FAILURE TO COMPLY WITH CITATION NOS. 02_18_15C_013 AND
02_18_15C_025

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Everett Ridge Winery (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64001, California Health and Safety Code (CHSC) Section 116525(a), and with directives contained within Citation Nos. 02_18_15C_013 and 02_18_15C_025.



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Section 116650 of the 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. A copy of the *Applicable Statues and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Everett Ridge Winery is classified as a transient noncommunity water system with eight connections serving a population of 40 which is located at 435 West Dry Creek Road, Healdsburg, California.

On June 22, 2011, the Division sent a Water Supply Permit Application (First Application) to the System because the Sonoma County Permit and Resource Management Department (PRMD) notified us of a possible public water system. The First Application had a due date of July 29, 2011. On July 22, 2011, per phone discussion with Mr. Sterling and Division staff, an extension of the First Application due date was granted until August 26, 2011.

The Division sent a letter dated October 11, 2011 notifying the System that the First Application was overdue. The letter stated that the due date was extended to November 18, 2011. A written response was received from the

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System dated November 16, 2011 indicating that the First Application would be submitted by December 1, 2011.

Division staff left a phone message for the System on April 26, 2012 requesting a return call regarding the status of the First Application.

On May 10, 2012, the Division sent a letter entitled *Intent to Cite for Overdue Water Supply Permit Application*. The letter required the System to submit the First Application by June 15, 2012 or face formal enforcement action with the possibility of a civil penalty.

On June 15, 2012, some First Application documents were received, as was a check for \$310.00. Since a complete First Application was not received, this was considered incomplete.

On October 1, 2014, Division staff conducted a sanitary survey inspection of the System. The inspection concluded that the System is a still a transient noncommunity public water system and thusly required the First Application to be submitted. The Division alternatively requested the system submit daily census data by November 30, 2014 in order to further evaluate whether the System can be removed from Division inventory as a public water system. The Division received no response.

1 On January 8, 2015, Division staff notified Ms. Vicky Manson via voicemail
2 message that the System was operating without a water supply permit. Mr.
3 Craig Sterling's voicemail box was full and Division staff was unable to leave
4 a message for him.

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7 On March 2, 2015, Division staff left a voicemail message for Mr. Craig
8 Sterling regarding additional citations for failure to collect monthly
9 bacteriological samples and to return previous messages. Later that day,
10 Mr. Chris Sterling returned the voicemail message stating he was confused
11 regarding the color labeling for bacteriological sampling and he will contact
12 Ms. Vicky Manson and Mr. Craig Sterling regarding the permit issue.

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15 On March 4, 2015, Division staff spoke with Mr. Craig Sterling. Mr. Sterling
16 stated that he would provide census data for calendar years 2012, 2013,
17 2014, and send the data to the Division. The Division received no response.

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19 Citation 02_18_15C_013 (First Citation) was issued to the System on March
20 13, 2015 as a result of violations of Title 22, CCR, Sections 64423 and
21 64423.1. The System failed to comply with the directives from the First
22 Citation as described below.

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25 **The First Citation includes Directive 2:**

26 *"On or before **April 24, 2015**, notify all persons served by the*
27 *System of the monitoring and reporting violation in*



1 conformance with Section 64463.4 and 64465, Title 22, CCR.
2 Appendix 2: Public Notification Template may be used to fulfill
3 this directive.”
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6 **The First Citation includes Directive 3:**

7 “The System shall complete Appendix 3: Compliance
8 Certification. Submit it together with a copy of the public
9 notification to the Division on or before **April 24, 2015.**”

10 As of the date of this Citation, neither the Compliance Certification nor a
11 copy of the public notification has been submitted by the System to the
12 Division. This is a violation of Directive 3 of the First Citation.
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15 Citation 02_18_15C_025 (Second Citation) was issued to the System on
16 May 1, 2015 as a result of violations of Title 22, CCR, Sections 64423 and
17 64423.1. The System failed to comply with the directives from the Second
18 Citation as described below.
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21 **The Second Citation includes Directive 2:**

22 “On or before **June 1, 2015**, notify all persons served by the
23 System of the monitoring and reporting violation in
24 conformance with Section 64463.4 and 64465, Title 22, CCR.
25 Appendix 2: Public Notification Template may be used to fulfill
26 this directive.”
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1 **The Second Citation includes Directive 3:**

2 *“The System shall complete Appendix 3: Compliance*
3 *Certification. Submit it together with a copy of the public*
4 *notification to the Division on or before **June 7, 2015.**”*

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6 As of the date of this Citation, neither the Compliance Certification nor a
7 copy of the public notification has been submitted by the System to the
8 Division. This is a violation of Directive 3 of the Second Citation.

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10 In response to the lack of response regarding census data, on May 28,
11 2015, the Division sent a Water Supply Permit Application (Application) to
12 the System with a due date of July 27, 2015.

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15 On June 18, 2015, a voicemail message was left for Mr. Craig Sterling
16 stating that the two bacteriological citations (02_18_15C_013 and
17 02_18_15C_025) have not been complied with and a reminder that the
18 permit application needs to be turned in by July 27, 2015.

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21 As of the date of this citation, no complete Application has been submitted
22 by the System. The System is in violation of Title 22, CCR, Section 64001
23 and the CHSC, Section 116525 in that the System is operating a public
24 water system without a water supply permit.

DETERMINATION

The Division has determined that the System is in violation of Title 22, CCR, Section 64001 and the CHSC, Section 116525 in that the System is operating a public water system without a water supply permit.

The System has failed to comply with the directives of Citation Nos. 02_18_15C_013 and 02_18_15C_025.

PENALTIES PURSUANT TO HEALTH AND SAFETY CODE SECTION

116650

The Division hereby assesses upon the System: (1) a penalty of two hundred dollars (\$200) per day for each day beyond July 27, 2015 that the System failed or fails to submit the required Application to the Division; (2) a penalty of twenty-five dollars (\$25) per day for each day beyond April 24, 2015 that the System failed or fails to submit the Compliance Certification as required by Directive 3 from the First Citation; (3) a penalty of twenty-five dollars (\$25) per day for each day beyond June 7, 2015 that the System failed or fails to submit the Compliance Certification as required by Directive 3 from the Second Citation. Directions for paying the penalties are included in Directive 5 of this citation.

As of the date of October 30, 2015, the total amount of penalties assessed under this citation is \$27,150 (Penalty); the Penalty will continue to accrue as described above.



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DIRECTIVES

The System is hereby directed to take the following actions:

- 1. Comply with Title 22, CCR, Section 64001 and the CHSC, Section 116525 in the future.
- 2. Submit to the Division for review and approval by November 30, 2015, the water supply permit application items provided with the correspondence on May 28, 2015.
- 3. Submit to the Division, the completed Compliance Certification form and proof of public notification as required in Citation No. 02_18_15C_013.
- 4. Submit to the Division, the completed Compliance Certification form and proof of public notification as required in Citation No. 02_18_15C_025.
- 5. Upon issuance of this Citation, the System is directed to pay the Penalty within ten (10) days of receipt of this Citation, and thereafter every thirty (30) days. Payment shall be made by check, made payable to the State Water Resources Control Board, together with a

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copy of the first page of this Citation, and with the number of the Citation written on the check at the following address:

State Water Resources Control Board
Division of Administrative Services – Fee Branch
ATTN: Ms. Perin Peebles
P.O. Box 1888
Sacramento, CA 95812-1888

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, with the exception of the documents as described in Directive 5 relating to the payment of the Penalty 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

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PARTIES BOUND

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

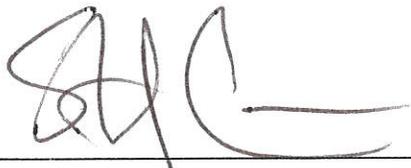
SEVERABILITY

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

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.

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Oct. 30, 2015

Stefan Cajina, P.E., Chief

Date

Division of Drinking Water, North Coastal Section
STATE WATER RESOURCES CONTROL BOARD

Appendices (3):

- 1. Applicable Statutes and Regulations
- 2. Citation No. 02_18_15C_013
- 3. Citation No. 02_18_15C_025
- 4. Notice of Citation Issuance Penalty Payment Form



Certified Mail No. 7014 1200 0001 1167 6894

4901391/Compliance
02_18_15C_055_4901391_PT\$.docx/WWW