



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 15, 2016

Water System No. 4901300

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

CITATION NO. 02_18_16C_012
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION FOR FEBRUARY 2016

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 \$153.00) 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 the Windy Hill 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., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosure: Citation No. 02_18_16C_012

CC (w/ Enclosure): Joanne Emery, 1010 West Railroad Avenue, Cotati, CA 94931

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Windy Hill Winery

Water System No: 4901344

To: Windy Hill Winery
1010 West Railroad Avenue
Cotati, CA 94931

Issued: April 15, 2016

**CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM MONITORING AND REPORTING
FEBRUARY 2016**

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

4
5
6 **STATEMENT OF FACTS**

7 Windy Hill Winery is classified as a transient-noncommunity water system
8 with two connections serving a population of 26. The System collected a
9 routine bacteriological sample on February 5, 2016, as required by Sections
10 64422 and 64423. The result of this sample was total coliform-positive.
11 According to Section 64424, the System is required to collect a repeat
12 sample set of four distribution system samples within 24 hours of being
13 notified of the laboratory of the positive result. The System collected two
14 repeat bacteriological samples. Pursuant to Section 64430, the System is
15 required to collect a triggered source sample from each well in use at the
16 time the positive routine sample was collected. As of the date of this
17 Citation, the Division has not received the other two repeat bacteriological
18 results or a triggered source sample from Windy Hill Winery during February
19 2016.
20
21

22
23 **DETERMINATION**

24 The Division has determined that the System is in violation of Title 22, CCR,
25 Section 64423, 64423.1 64424, and 64430, Routine Sampling, Repeat
26 Sampling, and Ground Water Rule Requirements. Section 64423 defines a
27 violation of the routine sampling as not collecting the minimum number of



1 samples. Section 64423.1 defines a violation as not reporting results.
2 Section 64424 defines a violation of repeat sampling as collecting fewer
3 than the minimum number of repeat samples. Section 64430 defines a
4 violation of ground water rule requirements as not collecting a triggered
5 source water sample.
6

7
8 The System failed to collect the required number of repeat bacteriological
9 water samples and failed to collect the required number of triggered source
10 water samples during February 2016. Therefore, the System violated the
11 repeat monitoring and reporting of total coliforms and violated the ground
12 water rule triggered source water sample requirements contained in
13 Sections 64423, 64423.1, 64424, and 64430.
14

15 **DIRECTIVES**

16
17 Windy Hill Winery is hereby directed to take the following actions:
18

- 19 1. Comply with Sections 64423, 64423.1, 64424, and 64430, Title 22,
20 CCR in all future monitoring periods.
21
- 22
23 1. On or before **May 20, 2016**, notify all persons served by the System
24 of the monitoring and reporting violation in conformance with Section
25 64463.4 and 64465, Title 22, CCR. Appendix 2: Public Notification
26 Template may be used to fulfill this directive.
27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3. Pursuant to Section 64424(d), Title 22 of the CCR, the System shall collect five (5) routine bacteriological samples by **April 30, 2016**. 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, the System shall collect a sample from the source that was on-line at the time the February 5, 2016 sample was collected and have the sample analyzed for *E. coli* by **April 30, 2016**.

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 **May 31, 2016**.

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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.

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Janice M. Thomas

April 15, 2016

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. 7014 1200 0001 1167 7228



**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02_18_16C_012**

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) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice 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 public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(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 February 2016

Our water system failed to perform follow up testing on our drinking water during February 2016, 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 February 2016, 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 February 2016 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_16C_012

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 sampling violations of Title 22, California Code of Regulations (CCR), Sections 64423, 64423.1, 64424, and 64430 for the compliance period of February 2016 and that the following actions, as directed in 02_18_16C_012 have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification – Mail and Direct Delivery 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 Public Notification posted and by Other Notification Methods.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN
MAY 31, 2016**

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.