



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 22, 2016

Water System No. 4901254

Sam Jamison
KJ Carneros Hills Winery
27000 Ramal Road
Sonoma, CA 95476

CITATION NO. 02_18_16C_013

NITRATE MONITORING AND REPORTING VIOLATION FOR FOURTH QUARTER 2015 AND FIRST QUARTER 2016

Enclosed is a Citation issued to the KJ Carneros Hills Winery (System) public water system.

The KJ Carneros Hills 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.

The KJ Carneros Hills Winery will receive a bill sent from our Division Fee Billing Unit in August of the next fiscal year. This bill will contain any fees for any enforcement time spent on the KJ Carneros Hills 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

Enclosures

CC (w/ Enclosures): Jesus Velasquez, 1190 Kitty Hawk Boulevard, Santa Rosa, CA 95403
Tony Aiello, 2471 Solano Avenue, Suite 141, Napa, CA 94558

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

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: KJ Carneros Hills Winery

Water System No: 4901254

To: Sam Jamison
27000 Ramal Road
Sonoma, CA 95476

Issued: April 22, 2016

**CITATION FOR NONCOMPLIANCE
WITH NITRATE MONITORING AND REPORTING
FOURTH QUARTER 2015 AND FIRST QUARTER 2016**

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the KJ Carneros Hills Winery (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64432.1 and 64469(a).

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.
5

6
7 **STATEMENT OF FACTS**

8 The KJ Carneros Hills Winery is classified as a nontransient-noncommunity
9 water system serving a population of 100 through 2 service connections.
10

11 The Division received monitoring results for nitrate from Well 03 of 23
12 milligrams per liter (mg/L) in October 2011. By letter dated May 7, 2012, the
13 System was notified of the requirement to commence quarterly nitrate
14 monitoring for Well 03
15

16
17 According to Sections 64432.1 and 64469, the System is required to collect
18 one nitrate sample per quarter from Well 03 and report the findings to the
19 Division database. As of the date of this Citation, the Division has not
20 received results for a quarterly nitrate sample collected from Well 03 of the
21 KJ Carneros Hills Winery during the fourth quarter 2015 and first quarter
22 2016.
23

24
25 **DETERMINATIONS**

26 The System violated Title 22, CCR, Sections 64432.1 and 64469, Monitoring
27 and Compliance – Nitrate and Nitrite and Reporting Requirements. Section



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

64432.1 defines a violation of monitoring as collecting fewer than the minimum number of required samples. Section 64469 defines a violation of reporting after the tenth day of the following month.

The System took fewer than the minimum number of required samples and did not report the findings, if any, to the Division during the fourth quarter 2015 and first quarter 2016. Therefore, the System violated the monitoring and reporting requirements of nitrate contained in Section 64432.1 and 64469.

DIRECTIVES

The KJ Carneros Hills Winery is hereby directed to take the following actions:

- 1. Comply with Sections 64432.1 and 64469, Title 22, CCR in all future monitoring periods.
- 2. On or before **May 27, 2016**, notify all persons served by the System of the monitoring and reporting violation in conformance with Title 22, Sections 64463.4 and 64465. Appendix 2: Public Notification Template may be used to fulfill this directive.

1 3. The System shall complete Appendix 3: Compliance Certification.
2 Submit it with a copy of the public notification to the Division on or
3 before **June 3, 2016**.

4
5 The Division reserves the right to make such modifications to this Citation,
6 as it may deem necessary to protect public health and safety. Such
7 modifications may be issued as amendments to this Citation and shall be
8 effective upon issuance.

9
10
11 Nothing in this Citation relieves the System of its obligation to meet the
12 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
13 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
14 standard, permit or order issued thereunder.

15
16
17 All submittals required by this Citation shall be submitted to the Division
18 at the following address: Janice M. Thomas, P.E.
19 State Water Resources Control Board
20 Division of Drinking Water
21 50 D Street, Suite 200
22 Santa Rosa, CA 95404

23 **PARTIES BOUND**

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

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

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 22, 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



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

2. Public Notification Template

3. Compliance Certification

Certified Mail No. 7014 1200 0001 1167 7235

4901254/Compliance
02_18_16C_013_4901254_03.docx/WWW



**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02_18_16C_013**

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 64432.1 states in relevant part:

- (a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.
 - (2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL.

California Code of Regulations (CCR), Section 64431-A states in relevant part:

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Nitrate (as NO ₃)	45.

California Code of Regulations (CCR), Section 64469 states in relevant part:

- (a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department no later than the tenth day of the following month.

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 the 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,
 - (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) 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.

**KJ Carneros Hills Winery Failed to Test for Nitrate –
Fourth Quarter 2015 and First Quarter 2016**

We failed to test the drinking water for nitrate during the fourth quarter 2015 and first quarter 2016. 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 indicator of whether or not the drinking water meets health standards. During October/November/December 2015 and January/February/March 2016, we did not test for nitrate and, therefore, cannot be sure of the quality of the drinking water during that time.

What does this mean?

Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

What should I do?

You do not need to take any corrective actions. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on nitrate 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 Sections 64463.4 and 64465, 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_013

Name of Water System: KJ Carneros Hills Winery

System Number: 4901254

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 64432.1 and 64469 for the compliance period of fourth quarter 2015 and first quarter 2016 and that the following actions, as directed in 02_18_16C_013 have been completed.

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification – Continuous Posting for 7 Days and Other Notification Methods completed.	

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
JUNE 3, 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.