



Ron Chapman, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH
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INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

April 15, 2013

Water System No. 4901398

Cecil De Loach
Hook & Ladder Vineyards & Winery
2134 Olivet Road
Santa Rosa, CA 95401

**RE: CITATION NO. 02-18-13C-015- MONITORING AND REPORTING VIOLATION
FOR FEBRUARY 2013**

Enclosed is a Citation issued to the Hook & Ladder Vineyards & Winery (System) water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation.

You will receive a bill sent from our Fee Billing Unit in Sacramento by August 1, 2013. This bill will contain fees for any enforcement time spent on your System.

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
Drinking Water Field Operations Branch

Enclosure

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Hook & Ladder Vineyards & Winery

Water System No: 4901398

To: Hook & Ladder Vineyards & Winery
2134 Olivet Road
Santa Rosa, CA 95401

Issued: April 15, 2013

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
February 2013

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

APPLICABLE AUTHORITIES

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

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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:

(1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.

1 (2) The minimum number of samples for nontransient-noncommunity water
2 systems shall be based on the known population served as shown in Table
3 64423-A during those months when the system is operating.
4

5 **STATEMENT OF FACTS**

6 As of the date of this Citation, the Division of Drinking Water and
7 Environmental Management of the Department of Public Health
8 (Department) has not received results for a routine bacteriological sample
9 collected from the distribution system of the Hook & Ladder Vineyards &
10 Winery during February 2013.

11 **DETERMINATIONS**

12 The Department has determined that the failure to collect a routine
13 bacteriological from the distribution system of the Hook & Ladder Vineyards
14 & Winery during the month of February 2013 is a violation of Section 64423,
15 Title 22, of the California Code of Regulations. The Department hereby
16 issues a citation to the Hook & Ladder Vineyards & Winery for failure to
17 comply with Section 64423, Title 22, of the California Code of Regulations.
18

19 **DIRECTIVES**

20 Hook & Ladder Vineyards & Winery is hereby directed to take the following
21 actions:
22

- 23 1. Comply with Section 64423 in all future monitoring periods.
- 24
- 25 2. Notify all persons served by the Water System of the failure to
26 sample, in conformance with Section 64463.4 and Section 64465,
27 Title 22 of the CCR. Notification must be completed in accordance
with each of the following:



- 1
- 2 a) Completion of Attachment A to include the name, address, and
- 3 telephone number of a water system official as a source of
- 4 additional information concerning the public notice. **You must**
- 5 **also give a legible, written description of the corrective**
- 6 **actions taken by the water system to prevent this violation**
- 7 **from occurring in the future. You must use the space**
- 8 **provided on Attachment A for this written description.**
- 9
- 10 b) By continuous posting of the notice contained in Attachment A,
- 11 **after it has been completed in accordance with (a) above**, in
- 12 conspicuous locations throughout the area served by the Water
- 13 System. Posting must begin no later than **May 3, 2013** and must
- 14 continue for seven days.
- 15 c) By publication of the notice contained in Attachment A, **after it**
- 16 **has been completed in accordance with (a) above**, in a local
- 17 newspaper. This notice must be published for one day. The
- 18 publication in a local newspaper must be completed by **May 17,**
- 19 **2013.**
- 20 d) The water system must provide public notice for this violation in
- 21 accordance with Section 64465(c), Title 22 of the CCR. This
- 22 section requires that each public notice given pursuant to this
- 23 article shall contain information in Spanish regarding the
- 24 importance of the notice, or contain a telephone number or
- 25 address where Spanish-speaking residents may contact the
- 26 water system to obtain a translated copy of the public notice or
- 27 assistance in Spanish. In addition, Section 64465(c) also
- requires for each non-English speaking group that exceeds 1,000



1 residents or 10% of the residents in a community (whichever is
2 less), the public notice must contain information in the
3 appropriate language(s) regarding the importance of the notice,
4 or it must contain a telephone number or address where such
5 residents may contact the water system to receive a translated
6 copy of the notice or to receive assistance in the appropriate
7 language. The Spanish language requirement is already
8 included in the notice attached to this citation, Attachment A.

- 9
- 10 3. A representative of Hook & Ladder Vineyards & Winery shall
- 11 complete the attached Compliance Certification form and return it to
- 12 the Department by **May 24, 2013**. **A copy of the notice posted in**
- 13 **the system and a copy of the notice published in the newspaper**
- 14 **must be attached to the form.**

15 All documents required by this Citation shall be submitted to the Department

16 at the following address: Janice M. Thomas, P.E.

17 Department of Public Health
18 Drinking Water Field Operations Branch
19 50 D Street, Suite 200
20 Santa Rosa, CA 95404



1 The Department reserves the right to make such modifications to this
2 Citation as it may deem necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Citation and shall be
4 effective upon issuance.

5
6 **PARTIES BOUND**

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

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10 **SEVERABILITY**

11 The directives of this Citation are severable, and the System shall comply
12 with each and every provision thereof notwithstanding the effectiveness of
13 any 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 Department 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 Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further legal enforcement action by issuance of this citation.

CIVIL PENALTY

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with requirements of Chapter 4. Failure to comply with any provision of this citation may result in the Department imposing a civil penalty of up to two hundred dollars (\$200.00) per day as of the date of violation of the provision.

Janice M. Thomas
Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

April 15, 2013
Date

Attachments

Certified Mail No. 7012 2210 0002 1674 0601

4901398/Section 6
02-18-13C-015-4901398-23/CEL



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COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-015

Name of Water System: **Hook & Ladder Vineyards & Winery**

System Number: **4901398**

Certification

As required by Section 116450 of the California Health and Safety Code, 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) for the compliance period of February 2013. In addition, I certify that Hook & Ladder Vineyards & Winery complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Complete Attachment A, as required in Directive 2(a)	
Public Notification – Posting in the system	
Public Notification – Newspaper	

Signature of Water System Representative

Date

Attach a copy of the notice posted in the system and a copy of the notice published in the newspaper.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN May 24, 2013**

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.

Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

Hook & Ladder Vineyards & Winery Failed to Test for Coliform Bacteria in February 2013

Our water system failed to test the drinking water for coliform bacteria during February 2013. 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. We did not test for coliform bacteria during February 2013 and, therefore, cannot be sure of the bacteriological quality of the drinking water during that time.

What does this mean? Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria during February 2013 was a violation of Section 64423, 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 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)