



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
50 D STREET, SUITE 200, SANTA ROSA, CA 95404
PHONE: (707) 576-2145 / FAX: (707) 576-2722
INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

July 15, 2013

Water System No. 4901326

Barbara and Kerry Weldy
Spooner's Resort
P.O. Box 2127
Guerneville, CA 95446

CITATION NO. 02-18-13C-032 FOR FAILURE TO SUBMIT A COMPLETE WATER SUPPLY PERMIT APPLICATION

Enclosed is a Citation issued to the Spooner's Resort (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, 2014. 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

C Sonoma County PRMD (w/o enclosure)

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Spooner's Resort

Water System No: 4901326

To: Kerry and Barbara Weldy
P.O. Box 2127
Guerneville, CA 95446

Issued: July 15, 2013

CITATION FOR NONCOMPLIANCE
With Title 22 of the California Code of Regulations Section 64001 and
California Health and Safety Code Section 116525(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 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to Spooner's Resort (System) for failure to comply with Title 22,



1 California Code of Regulations (CCR) Section 64001 and CHSC, Section
2 116525(a).
3

4 **APPLICABLE AUTHORITIES**

5
6 Section 116650 of the CHSC states in relevant part:

- 7
- 8 (a) If the department determines that a public water system is in violation of this
9 chapter or any regulation, permit, standard, citation, or order issued or adopted
10 thereunder, the department may issue a citation to the public water system. The
11 citation shall be served upon the public water system personally or by certified
12 mail. Service shall be deemed effective as of the date of personal service or the
13 date of receipt of the certified mail. If a person to whom a citation is directed
14 refuses to accept delivery of the certified mail, the date of service shall be
15 deemed to be the date of mailing.
- 16 (b) Each citation shall be in writing and shall describe the nature of the violation or
17 violations, including a reference to the statutory provision, standard, order,
18 citation, permit, or regulation alleged to have been violated.
- 19 (c) A citation may specify a date for elimination or correction of the condition
20 constituting the violation.
- 21 (d) A citation may include the assessment of a penalty as specified in subdivision
22 (e).
- 23 (e) The department may assess a penalty in an amount not to exceed one thousand
24 dollars (\$1,000) per day for each day that a violation occurred, and for each day
25 that a violation continues to occur. A separate penalty may be assessed for
26 each violation.
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California Code of Regulations (CCR), Section 64001 states in relevant part:

A public water system shall submit an application for a permit or amended permit pursuant to section 116525 or section 116550, Health and Safety Code, respectively.

California Health and Safety Code, Section 116525(a) states in relevant part:

No person shall operate a public water system unless he or she first submits an application to the department and receives a permit as provided in this chapter.

California Health and Safety Code, Section 116275 (h) states in relevant part:

"Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

STATEMENT OF FACTS

In 2006 the System applied for a permit from Sonoma County Permit and Resource Management Department to drill a well to provide potable drinking water for this facility. The Department was informed that the System serves 20 connections nine months of the year. Sweetwater Springs Community Water District verified that the System disconnected their service to twenty units at the System's request on July 31, 2007.

The Department sent a letter to the System on September 21, 2006 advising the System that a water supply permit would need to be obtained

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because Spooner's Resort met the definition of a public water system. A water supply permit application was sent to the System on October 11, 2006 with a due date of **December 6, 2006**. An overdue water supply permit letter was sent to the System on January 10, 2007 requesting a response regarding the permit status. The Department did not receive any further permit information from Spooner's Resort.

On September 7, 2012, the Department sent another permit application request letter to the System which included the 2006 Overdue Water Supply Permit form and a "Request for Permit Application" form. The forms were returned to the Department on September 27, 2012 along with a permit application fee check for \$310.00.

On October 3, 2012, a new water supply permit application packet was sent with a due date of **November 16, 2012**. The Department received no response from the System. An Intent to Cite letter was sent to the System on February 12, 2013 with a due date for permit application submittal by **March 22, 2013**. The Department did not receive any additional permit information from the System.



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DETERMINATIONS

THE DEPARTMENT HAS DETERMINED:

The System violated Title 22 of the CCR, Section 64001 and CHSC, Section 116525 in that the System failed obtain a water supply permit.

DIRECTIVES

Spooner's Resort is hereby directed to take the following actions:

1. Comply with CCR, Section 64001 and CHSC, Section 116525 in the future.
2. Submit all overdue permit application items no later than **August 30, 2013**. The overdue items are noted on the enclosed Water Supply Permit Application Requirements checklist.

The Department 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

1 104, Part 12, Chapter 4, commencing with Section 116270), or any
2 regulation, standard, permit or order issued thereunder.
3

4 All submittals required by this Citation shall be submitted to the Department
5 at the following address: Janice M. Thomas, P.E.
6 Department of Public Health
7 Drinking Water Field Operations Branch
8 50 D Street, Suite 200
9 Santa Rosa, CA 95404

10 **PARTIES BOUND**

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

13 **SEVERABILITY**

14 The directives of this Citation are severable, and the System shall comply
15 with each and every provision thereof notwithstanding the effectiveness of
16 any provision.
17

18 **FURTHER ENFORCEMENT ACTION**

19 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
20 California Health and Safety Code authorizes the Department to: issue
21 additional citations with assessment of penalties if the System continues to
22 fail to correct a violation identified in a citation; take action to suspend or
23 revoke a permit that has been issued to a public water system if the System
24 has violated applicable law or regulations or has failed to comply with orders
25 of the Department; and petition the superior court to take various
26 enforcement measures against a public water system that has failed to
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comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

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

July 15, 2013
Date

Certified Mail No. 7012-2210-0002-1673-5973

c Sonoma County PRMD

Enclosures: February 12, 2013 letter
Revised Water Supply Permit Application Requirements
Checklist



4901326/Section 2
02-18-13C-032-4901326-PP.doc/CL



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

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Ron Chapman, MD, MPH
Director & State Health Officer

February 12, 2013

Water System No. 4901326

Kerry and Barbara Weldy
Spoooner's Resort
P.O. Box 2127
Guerneville, CA 95446

**INTENT TO CITE FOR OVERDUE WATER SUPPLY PERMIT APPLICATION FOR:
SPOONER'S RESORT – 14150 OLD CAZADERO HIGHWAY – GUERNEVILLE, CA**

The California Department of Public Health – Drinking Water Program (Department) sent a water supply permit application to Spooner's Resort (System) on October 11, 2006. The due date for permit application submittal was **December 6, 2006**. No response was received. An overdue water supply permit letter and explanation form was sent to Spooner's resort on January 10, 2007 with a due date of **January 31, 2007**. The Department did not receive any response from Spooner's Resort.

Another overdue water supply permit letter and explanation form was sent to the System on September 7, 2012. The completed overdue water supply permit form and a Request for a Water Supply Permit Application form was received by the Department on September 27, 2012. A permit application fee check for \$310.00 was also received.

In response, the Department sent a revised water supply permit application packet to Spooner's Resort on October 3, 2012 (copy enclosed). The due date for submittal of the complete permit application packet was **November 16, 2012**. To date, the complete permit application packet has not been received.

This is notification that the Department intends to issue a citation to **Spoooner's Resort** that may contain civil penalties if the completed permit application is not submitted by **March 22, 2013**.

Please call this office at (707) 576-2422 if you have any questions regarding the contents of this letter.

Sincerely,

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

COPY

WATER SUPPLY PERMIT APPLICATION REQUIREMENTS CHECKLIST

DDWEM-Drinking Water Program – District 3 and District 18

System Name: Spooners Resort

System #: 4901326

Attention: Barbara and Kerry Weldy

Phone #: (707) 869-3221

Address: P.O. Box 2127, Guerneville, CA 95446 (Water System located at 14150 Old Cazadero Highway)

Type of System: Community
 Nontransient-Noncommunity
 Transient Noncommunity

Type of Permit: New
 Amended
 Change of Ownership

Reason for Application: Drilled well and disconnected from Sweetwater Springs Water System in July 2007.
 Operating a public water system without a water supply permit.

Contact: <u>Cindi Lee</u>	Date Mailed: <u>July 15, 2013</u>	<input checked="" type="checkbox"/> Entered in Access Permit Log
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NOTE: All items below must be submitted by: August 30, 2013
(You must contact this Department prior to due date to request a time extension).

PLEASE SUBMIT ALL REQUESTED ITEMS TOGETHER AND ATTACH A COPY OF THIS FORM.

- Permit Application form (Enclosed)
- Water Quality Emergency Notification Plan (Enclosed)
- Bacteriological and Groundwater Rule Sampling Plan (Enclosed)
- Well Yield Pump Test Handout (Enclosed)
- Water Quality Monitoring (See enclosed requirements)
- Bacteriological sample from well before treatment/enumeration method
- Source Site Plan (Showing septic systems, etc See enclosed handout)
- Water System Schematic/Flow Chart (See enclosed handout)
- Provide manufacturer's specification information (brand/model/flow rate/etc.) for all treatment (filters, softeners, UV, etc.) to include NSF/ANSI Standard 60 and 61 compliance.
- Describe how many total water connections there are and how many are permanent homes.
- State of California Well Completion Report(s) (Well Drillers Log)
- Drinking Water Source Assessment Report (Enclosed)
- Photo(s) of Well Surface Features showing check valve and flow meter
- Technical, Managerial, and Financial (TMF) Evaluation (Enclosed)
- Handout 60: Well Surface Seal (provide photo showing this has been installed.)

CDPH Use Only	
Received	Accepted
<input type="checkbox"/>	<input type="checkbox"/>

For Department Use Only - Application Status:

Environmental Review Unit clearance: _____

Application complete. Comments: _____

Application Incomplete: _____

Date Stamp Below