

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

 FILE COPY

IN RE: **SUMNER PECK WINERY & FRUIT STAND**
Water System No. 1000591

TO: Mr. Ken Lazarus
Sumner Peck Winery and Fruit Stand
14860 N. Highway 41
Madera, CA 93638

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION

FEBRUARY 2013

Issued on May 10, 2013

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

VIOLATION

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Sumner Peck Winery & Fruit Stand (hereinafter 'Water System'), for failure to comply with Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically, the Water System (mailing address: 14860 N. Highway 41, Madera, CA 93638) failed to comply with the total coliform Maximum Contaminant Level (MCL) for the month of February 2013.

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2 The Water System operates under a domestic water supply permit issued by the Department
3 in April of 2011. Sumner Peck Winery & Fruit Stand is a transient non-community water
4 system serving a population of at least twenty-five (25) transient persons through one (1)
5 service connection. The Water System is located at 14860 N. Friant Road and supplies
6 water to an enclosed fruit stand with a wine tasting room that is open year-round with a
7 peak season from May to October.

8
9 Section 64426.1(b)(2) specifies that a public water system collecting fewer than 40 samples
10 per month is in violation of the total coliform MCL when more than one sample collected
11 during any month is total coliform-positive.

12
13 The Water System is required to collect a minimum of one (1) distribution system
14 bacteriological sample per quarter. The bacteriological water analysis results submitted by
15 the Water System reported the presence of total coliform bacteria in five (5) of eight (8)
16 samples collected by the Water System in February 2013. None of the positive samples
17 showed the presence of fecal coliform or *E. coli* bacteria.

18
19 The following table summarizes the bacteriological monitoring conducted during the
20 months of February, March and April 2013.

21

22 Collection 23 Date	Number of Samples	Sample Type	Number TC positive	Number E. Coli positive
24 2/6/2013	2	Routine	2	0
25 2/8/2013	2	Repeat	1	0
26 2/13/2013	2	Repeat (including well)	2	0
27 2/20/2013	2	Repeat (including well)	0	0

1	3/31/2013	0	No samples collected		
2	4/11/2013	5	Routine	1(distribution)	0
3	4/26/2013	5	Repeat (including well)	0	0

4
5 Due to the above-mentioned total coliform positive samples, the Water System failed the
6 total coliform MCL for the month of February 2013. All water samples for coliform
7 bacteria collected since September 2010 are summarized in Attachment A.

8
9 The cause of the contamination is unknown since no specific source of contamination has
10 been identified, however samples from the well showed the presence of coliform. A
11 "Positive Total Coliform Investigation" form was provided to the water system on February
12 27, 2013. It is unknown whether any further evaluation of the well was conducted.

13
14 The five routine samples required the month following a month with one or more total
15 coliform-positive samples were not collected during March 2013.

16
17 The Groundwater Rule adopted by the Department, effective August 18, 2011, requires the
18 collection of a sample for bacteriological evaluation from wells serving the system in
19 response to a coliform positive distribution sample. This requirement was met with the
20 round of repeat sampling conducted by the Water System on February 13, 2013.

21
22 **ASSOCIATED VIOLATIONS**

23 Additionally, the Water System has failed to comply with the following Section 64424 of
24 Title 22, CCR:

25
26 Section 64424(a) specifies that if a routine sample is total coliform-positive, the water
27 supplier shall collect a repeat sample set as described in Sections 64424(a)1 and 64424(b)

1 within 24 hours of being notified of the positive result. The repeat samples shall all be
2 collected within the same 24 hour period.

3
4 Sections 64424(a)1 and 64424(b) specifies that for systems collecting only one sample per
5 month or quarter, a repeat sample set shall consist of four (4) samples as follows: one (1)
6 from the routine sample site at which the positive occurred, one (1) from the upstream
7 repeat sample site, one (1) from the downstream repeat sample site and one (1) from the
8 operating well or another location within the system that would best help to identify the
9 source or area of contamination.

10
11 **Repeat sampling was conducted in increments of 2 samples between February 8 – 20,**
12 **2013, not in one set as required.**

13
14 Section 64424(d) specifies that if a public water system for which fewer than five routine
15 samples per month are collected has one or more total coliform-positive samples, the water
16 supplier shall collect at least five routine samples the following month. **No samples were**
17 **collected during March 2013.** Five samples were collected on April 11, 2013 and one
18 distribution sample was found to be positive for total coliform bacteria while absent for
19 fecal coliform and *E. Coli* bacteria.

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22 **NOTIFICATION REQUIREMENTS**

23 Section 64426.1(c) requires a public water system to notify the Department and the
24 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)
25 occurs. Notification to the Department shall be by the end of the business day on which the
26 violation has been determined. If the Department is closed, notification shall be within 24

27

1 hours of the determination. **The Department was not notified, in accordance with the**
2 **above-referenced section.**

3

4 A Tier 2 Public Notice for violation of paragraph 64426.1(b)(2) shall be given pursuant to
5 Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health
6 effects language from Appendix 64465-A for a total coliform MCL failure.

7

8 The Water System shall post the public notice in conspicuous locations within the water
9 system. Section 116450(g) requires that upon receipt of notification from a public water
10 system, schools must notify school employees, students, and parents (if the students are
11 minors), residential rental property owners or managers (including nursing homes and care
12 facilities) must notify their tenants and business property owners, managers or operators
13 must notify employees of businesses located on the property. These secondary notification
14 requirements are included in the public notice.

15

16 Notification of the public was conducted on March 11, 2013, advising each consumer of the
17 failure of the total coliform MCL during the month of February 2013. A copy of the notice
18 that was hand delivered to each consumer is provided as Attachment B. Proof of
19 Notification is provided as Attachment C.

20

21 **DIRECTIVES**

22

23 The Sumner Peck Winery & Fruit Stand is hereby directed to take the following actions:

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- 25 1. The Water System shall collect repeat samples as required by Section 64424 and as
26 discussed in this Citation whenever a routine sample is positive for total coliform
27 bacteria.

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2. Whenever the Water System has one or more total coliform-positive samples in a given month, at least five (5) routine samples shall be collected the following month as required by Section 64424(d) and as discussed in this Citation.

3. The Water System shall notify the Department of any further violations of the total coliform MCL by the end of the business day on which the violation has been determined, or, if the Department is closed, within 24 hours of the determination.

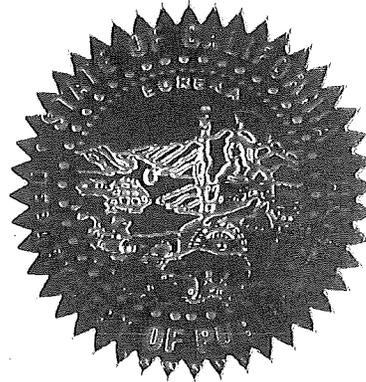
4. By May 31, 2013, the Water System shall complete and submit the enclosed "Positive Total Coliform Investigation" form to the Department that describes the incident and all corrective actions taken, and the results of the investigation. The appropriate investigation report is provided as Attachment D.

CIVIL PENALTIES

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of violation of any provision of this Citation.

5/10/13
Date

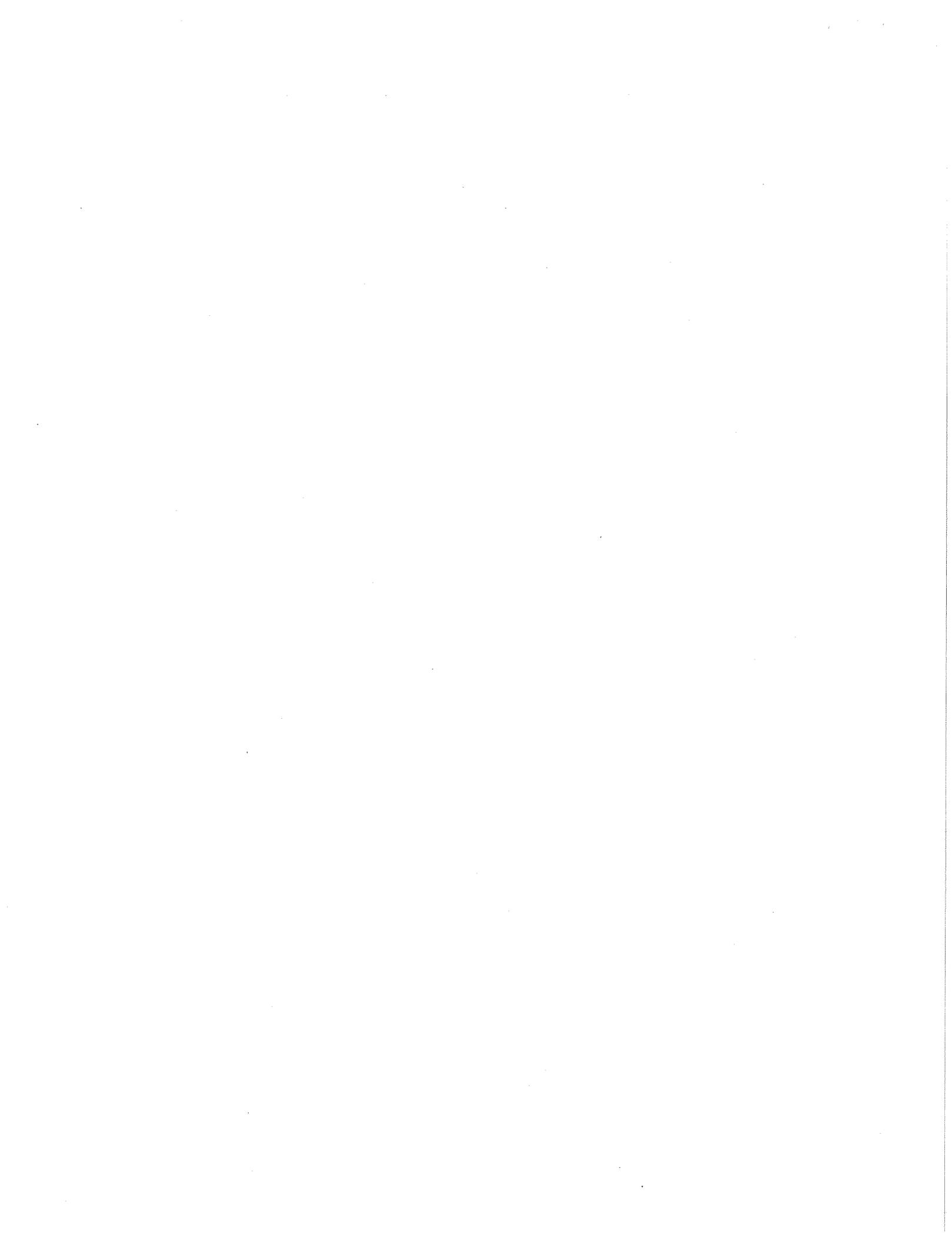
Betsy S. Lichti
Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
DRINKING WATER FIELD OPERATIONS BRANCH



BSL/EL

Attachments:

- Attachment A: Summary of Bacteriological Samples collected since activation
- Attachment B: Public Notice
- Attachment C: Proof of Notification
- Attachment D: Positive Total Coliform Investigation Form



Bacteriological Distribution Monitoring Report

1000591 *Sumner Peck Ranch Winery & Fruit* Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
9/30/2010		System did not activate							
12/22/2010	8:00	Fruitstand Kitchen	A	A		Routine			
12/28/2010	12:30	14439 N Friant Rd, Friant, CA	A	A		Routine			
3/31/2011		No Sample						MR2	5/12/11 Issued EL 03-23-11E-076
5/31/2011	9:20	Drinking fountain	A	A		Routine			
5/31/2011	9:20	Kitchen North	A	A		Routine			
5/31/2011	9:20	Kitchen South East	A	A		Routine			
5/31/2011	9:20	Restroom - Kitchen	A	A		Routine			
5/31/2011	9:20	Winery	A	A		Routine			
7/12/2011	8:30	Faucet Kitchen Middle South	A	A		Routine			
12/22/2011	8:00	Fruitstand Kitchen	A	A		Routine			
2/2/2012	9:15	Kitchen	A	A		Routine			
2/28/2012	8:30	Winery	A	A		Routine			
3/30/2012	8:30	Kitchen	A	A		Routine			
4/25/2012	7:10	Fruitstand Kitchen	A	A		Routine			
9/28/2012	9:00	Winery bar	A	A		Routine			
9/28/2012	9:10	Office Kitchen	A	A		Routine			
12/31/2012		No Quarterly Sample						MR2	2/21/13 Issued EL 03-23-13E-016
2/6/2013	7:30	Kitchen North	P	A		Routine			Also MR5.
2/6/2013	7:30	Kitchen South	P	A		Routine		MCL	
2/8/2013	7:30	Kitchen Sink North	A	A		Repeat			
2/8/2013	7:30	Kitchen Sink South	P	A		Repeat			
2/13/2013	10:00	Well	P	A		Source Repeat			
2/13/2013	10:15	Kitchen SW Coliform	P	A		Repeat			
2/20/2013	7:40	Well	A	A		Source Repeat			
2/20/2013	7:45	Fruitstand Kitchen	A	A		Repeat			
3/31/2013		No Sample						MR4	
4/11/2013	10:00	Kitchen	A	A		Routine			
4/11/2013	10:00	North Building Hosebib #1	A	A		Routine			
4/11/2013	10:00	North Building Hosebib #5	P	A		Routine			
4/11/2013	10:00	South Building Hosebib 1	A	A		Routine			
4/11/2013	10:00	Well	A	A		Routine			
4/26/2013	11:30	#4 Hose Bib North	A	A		Repeat			
4/26/2013	11:30	#5 Hose bib North	A	A		Repeat			
4/26/2013	11:30	#9 Hose Bib North	A	A		Repeat			
4/26/2013	11:30	Well	A	A		Source Repeat			
4/26/2013	11:30	Wine Tasting	A	A		Repeat			

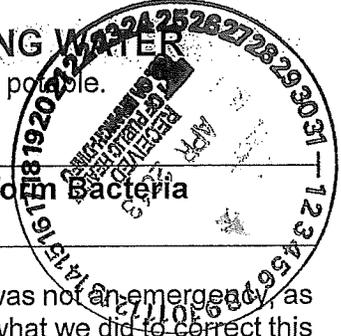
Violation Key

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	CI2 not reported

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.

Sumner Peck Ranch Winery & Fruit Stand Has Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently failed a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took [Insert number of samples] 8 sample(s) to test for the presence of coliform bacteria in February 2013. 6.2% [Insert Number/percentage positive] of these samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may show the presence of coliform bacteria.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. Well & Spigots were sanitized - Last sample on 2-20-13 showed no presence of coliform

For more information, please contact Ren Lazarus [name of contact] at 822-2525 [phone number] or _____ [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this 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.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Sumner Peck Ranch Winery & Fruit Stand.

Date distributed: 3-11-13



RON CHAPMAN, MD, MPH
Health Officer & Director

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

Attachment C



EDMUND G. BROWN JR.
Governor

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Sumner Peck Ranch Winery & Fruit Stand** of the failure to meet the **total coliform bacteria MCL** for the month of **February 2013** as directed by the Department.

Notification was made on 3-11-13 by _____ (date)

hand delivered and/or mailed and/or posted written notice.
(circle all that apply)

Ren Lazarus
Signature of Water System Representative

REN LAZARUS
Printed Name

3-25-13
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state 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 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Due: March 25, 2013
Total Coliform MCL Failure: February 2013
System Number: 1000591
Citation No.: 03-23-13C-026



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
<http://www.fypower.org>

Southern California Drinking Water Field Operations Branch
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(559) 447-3300; Fax (559) 447-3304
Internet Address: <http://www.dhs.ca.gov/ps/ddwem/>

