

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **O'NEILL VINTNERS & DISTILLERS**
Water System No. 1000411

TO: Mr. Joe Pulido
O'Neill Vintners & Distillers
8418 S. Lac Jac Avenue
Parlier, CA 93648

CC: Jane Marie Reick, M.P.H.
Chief, Food Safety Inspection Unit
California Department of Public Health
Food and Drug Branch
605 West Santa Ana Blvd.
Building 28, Room 324
Santa Ana, CA 92701

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION

August 2013

Issued on December 12, 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.



1 **VIOLATION**

2 The Drinking Water Field Operations Branch of the California Department of Public Health
3 (hereinafter 'Department') hereby issues a Citation to O'Neill Vintners & Distillers
4 (hereinafter 'Water System'), for failure to comply with Section 116555(a)(1) of the CHSC
5 and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically,
6 the Water System (mailing address: 8418 S. Lac Jac Avenue, Parlier, CA 93648) failed to
7 comply with the total coliform Maximum Contaminant Level (MCL) for the month of
8 August 2013.

9
10 The Water System operates under a domestic water supply permit issued by the Department
11 in April of 2011. O'Neill Vintners & Distillers is a non-transient non-community water
12 system serving a population of approximately seventy (70) persons through two (2) service
13 connections.

14
15 Section 64426.1(b)(2) specifies that a public water system collecting fewer than 40 samples
16 per month is in violation of the total coliform MCL when more than one sample collected
17 during any month is total coliform-positive.

18
19 The Water System is required to collect a minimum of one (1) distribution system
20 bacteriological sample per month. The bacteriological water analysis results submitted by
21 the Water System reported the presence of total coliform bacteria in four (4) of five (5)
22 samples collected by the Water System in August 2013. None of the positive samples
23 showed the presence of fecal coliform or *E. coli* bacteria.

24
25 Upon being informed of the presence of total coliform bacteria in one routine sample
26 collected on August 27, 2013, Water System staff collected a total of three distribution
27 samples and one source sample on August 30, 2013. Three of the repeat distribution



1 samples showed the presence of total coliform bacteria and the absence of fecal coliform or
2 *E. coli* bacteria. Due to the above-mentioned total coliform positive samples, the Water
3 System failed the total coliform MCL for the month of August 2013. All water samples for
4 coliform bacteria collected during 2012 and 2013 are summarized in Attachments A and B.
5

6 The cause of contamination is unknown. A "Positive Total Coliform Investigation Form"
7 was provided to the water system on September 4, 2013, however it has not been returned
8 to the Department. In the permit issued on April 13, 2011, the Water System was directed to
9 install continuous disinfection treatment operated to provide 4-log virus inactivation
10 because of recurrent coliform contamination in Well #1. By **May 16, 2011**, the Water
11 System was to have submitted a proposed design of the disinfection treatment to be
12 installed by July 31, 2011. A schedule was identified by the Water System for installation
13 of disinfection treatment by December 30, 2011. On February 29, 2012, the Department
14 received a permit application with a report outlining proposed improvements to correct the
15 coliform contamination to include installation of chlorination treatment and construction of
16 a new well. No chlorine residuals have been reported during 2012 or 2013. The new well
17 has been constructed however it is not known whether that well was in service at the time of
18 the maximum contaminant level violation during August 2013.
19

20 The five routine samples required the month following a month with one or more total
21 coliform-positive samples were collected on September 25, 2013. The sample set included a
22 sample from Well #1. All of the samples were negative for total coliform bacteria.
23

24 The federal Groundwater Rule requires the collection of a sample for bacteriological
25 evaluation from wells serving the system in response to a coliform positive distribution
26 sample. **This requirement was met with the round of repeat sampling conducted by the**
27



1 **Water System on August 30, 2013, however it is not known whether the new well was**
2 **is service at that time.**

3
4 **NOTIFICATION REQUIREMENTS**

5 Section 64426.1(c) requires a public water system to notify the Department and the
6 consumers of the water system, when a violation of Section 64426.1(b) (1) through (4) the
7 total coliform MCL occurs. Notification to the Department shall be by the end of the
8 business day on which the violation has been determined. If the Department is closed,
9 notification shall be within 24 hours of the determination. The Department was notified in
10 accordance with the above mentioned section.

11
12 A Tier 2 Public Notice for violation of paragraph 64426.1(b)(2) shall be given pursuant to
13 Section 64463.1 and 64465. The Tier 2 Public Notice shall include the mandatory health
14 effects language from Appendix 64465-A for a total coliform MCL failure. The appropriate
15 template is provided here as Attachment C and is to remain in effect until the Water System
16 can demonstrate that it has successfully achieved 4-log virus inactivation.

17
18 Section 64463.1 allows non-transient non-community water systems to give public notice
19 by posting the notice in conspicuous locations throughout the area served by the water
20 system and by hand delivery in order to reach persons not likely to be reached by a public
21 posting.

22
23 Section 116450(g) requires that upon receipt of notification from a public water system,
24 schools must notify school employees, students, and parents (if the students are minors),
25 residential rental property owners or managers (including nursing homes and care facilities)
26 must notify their tenants and business property owners, managers or operators must notify
27 employees of businesses located on the property.



1
2 Proof of notification is required. By **January 15, 2014**, the Water System shall submit
3 Attachment D to the Department, reporting the date that notification of the public was
4 conducted.

5
6 **DIRECTIVES**

7
8 The Water System is hereby directed to take the following actions:

- 9
10 1. **By December 31, 2013**, the Water System shall conduct Public Notification. The
11 appropriate Public Notice is provided here as Attachment C. **This notice shall**
12 **remain in place until the Water System can demonstrate to the Department**
13 **that it has successfully achieved 4-log virus inactivation, or that it is no longer**
14 **using Well #1 or Well #2 and that Well #3 is free of coliform bacteria.**

15
16 By **January 15, 2014**, the Water System shall provide proof of public notification
17 of the total coliform MCL violation by completing Attachment D and returning it to:

18 Betsy S. Lichti, Senior Sanitary Engineer
19 Department of Public Health
20 Drinking Water Field Operations Branch
21 265 W. Bullard Avenue, Suite 101
22 Fresno, CA 93704

- 23 2. **By December 31, 2013**, the Water System shall complete and submit a corrected
24 “Positive Total Coliform Investigation” form **which accurately describes the**
25 **incident and all corrective actions taken, and the results of the investigation.**
26 The appropriate investigation report is provided as Attachment E.
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3. By December 31, 2013, the Water System shall submit written notification of the status of implementation of chlorination to provide 4-log virus inactivation, or that it is no longer using Well #1 or Well #2 and that Well #3 is free of coliform bacteria.

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.

12/12/13
Date

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



BSL/EL

Attachments:

- Attachment A: Bacteriological Distribution Monitoring Report 2012 through present
- Attachment B: Source Bacteriological Monitoring Report 2012 through present
- Attachment C: Tier 2 Public Notice
- Attachment D: Proof of Notification Form
- Attachment E: Positive Total Coliform Investigation Form

Bacteriological Distribution Monitoring Report

1000411 O'Neill Vintners & Distillers
Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
1/11/2012	12:40	Production Room	<1.0	<1.0	<1.0	Routine		MR4	3/1/12 Addressed in Cit 03-2 017
2/9/2012	12:05	Breakroom	1		<1.0	Routine			
2/14/2012	12:25	Production Breakroom	<1.0	<1.0		Repeat			
2/14/2012	12:30	Upstairs Breakroom	1.0	<1.0		Repeat		MCL	3/1/12 Addressed in 03-23-1
2/14/2012	12:35	Boiler Room	5.3	<1.0		Repeat			
2/14/2012	12:40	Lab Sink	1.0	<1.0		Repeat			
3/26/2012	13:40	Production Breakroom	1.0		<1.0	Routine		MR5	
4/16/2012	13:25	Breakroom	A		A	Routine		MR4	Results received on 5/7/12
5/15/2012	12:00	Upstairs Breakroom	<1.0		<1.0	Routine			
6/1/2012	11:05	Breakroom	<1.0		<1.0	Routine			
6/11/2012	11:05	Breakroom	<1.0		<1.0	Routine			
7/26/2012	15:15	Upstairs Breakroom	<1.0		<1.0	Routine			
8/27/2012	11:55	Production Breakroom	<1.0		<1.0	Routine			
9/10/2012	11:45	Upstairs Breakroom	<1.0		<1.0	Routine			
10/22/2012	11:55	Production Breakroom	A	A		Routine			
10/25/2012	11:55	Production breakroom	A		A	Routine			
11/19/2012	13:00	boiler room	A		A	Routine			
12/7/2012	12:25	Upstairs breakroom	<1.0	<1.0		Routine			
1/2/2013	13:00	boiler room	<1.0		<1.0	Routine			
2/13/2013	8:30	Production Breakroom	<1.0		<1.0	Routine			
3/6/2013	13:55	Upstairs breakroom	<1.0		<1.0	Routine			
4/1/2013	14:30	Production breakroom	A		A	Routine			
5/13/2013	11:30	Boiler room	A	A		Routine			
6/12/2013	11:50	Boiler Room	A	A		Routine			
7/15/2013	12:20	Production Rm	A	A		Routine			
8/27/2013	11:20	Boiler Room	P	A		Routine			
8/30/2013	13:20	Well #1	<1.0	<1.0		Source Repeat			
8/30/2013	13:25	Boiler Room	P	A		Repeat		MCL	
8/30/2013	13:30	Lab Sink	P	A		Repeat			
8/30/2013	13:35	Upstairs Breakroom	P	A		Repeat			
9/25/2013	11:00	Breakroom	A	A		Routine			
9/25/2013	11:05	Well #1	<1.0	<1.0		Source - Other			
9/25/2013	11:15	Boiler Room	A	A		Routine			
9/25/2013	11:20	Lab sink	A	A		Routine			
9/25/2013	11:25	Upstairs breakroom	A	A		Routine			

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

Source Bacteriological Monitoring Report

1000411 O'Neill Vintners & Distillers

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>Sample Type</i>	<i>Test Method</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>HPC</i>	<i>Violation</i>	<i>Comments</i>
3/16/2012	11:23	Well #2 Start up	Well Cycle	MPN	88.5		<1.0			
3/16/2012	11:24	Well #2 - 1 min	Well Cycle	MPN	53.1		<1.0			
3/16/2012	11:28	Well #2 5 min	Well Cycle	MPN	<1.0		<1.0			
3/16/2012	11:38	Well #2 10 min	Well Cycle	MPN	<1.0		<1.0			
3/16/2012	11:53	Well #2 30 min	Well Cycle	MPN	<1.0		<1.0			
3/16/2012	11:59	Well #1 Start Up	Well Cycle	MPN	<1.0		<1.0			
3/16/2012	12:00	Well #1 1 min	Well Cycle	MPN	<1.0		<1.0			
3/16/2012	12:04	Well #1 5 min	Well Cycle	MPN	11.1		<1.0			
3/16/2012	12:14	Well #1 10 min	Well Cycle	MPN	1.0		<1.0			
3/16/2012	12:29	Well #1 30 min	Well Cycle	MPN	<1.0		<1.0			
9/25/2013	11:05	Well #1	Well	MPN	<1.0	<1.0				

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.

**O'Neill Beverages Had 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] sample(s) to test for the presence of coliform bacteria in [month, year]. _____ [Insert Number/percentage positive] of these samples showed the presence of total coliform bacteria. The standard is that no more than one 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]. _____
_____.

For more information, please contact _____ [name of contact] at _____ [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 O'Neill Vintners and Beverages

Date distributed: _____.

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 **O'Neill Beverages** of the failure to meet the **total coliform bacteria MCL** for the month of **August 2013** as directed by the Department.

Notification was made on _____ by
(date)

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

Signature of Water System Representative

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: January 15, 2014
Total Coliform MCL Failure: August 2013
System Number: 1000411
Citation No.: 03-23-13C-056