



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

June 5, 2013

Water System No. 4901216

Tom O'Bryan
Blue Heron Restaurant
P.O. Box 32
Duncans Mills, CA 95430

**RE: CITATION NO. 02-18-13C-027/MONITORING AND REPORTING VIOLATION
FOR APRIL 2013**

Enclosed is a Citation issued to the Blue Heron Restaurant (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: Blue Heron Restaurant

Water System No: 4901216

To: Blue Heron Restaurant
P.O. Box 32
Duncans Mills, CA 95430

Issued: June 5, 2013

CITATION FOR NONCOMPLIANCE

**With Title 22 of the California Code of Regulations Sections 64423 and
64423.1**

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 the Blue Heron Restaurant (System) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64423 and 64423.1.



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 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.

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1 California Code of Regulations, Section 64423(a) states in relevant part:
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3 The minimum number of samples for a transient-noncommunity water system using
4 groundwater and serving 1000 or fewer persons a month shall be one in each
5 calendar quarter during which the system provides water to the public.

6 California Code of Regulations, Section 64423.1 states in relevant part:
7

8 Analytical results of all required samples collected for a system in a calendar month
9 shall be reported to the Department not later than the tenth day of the following
10 month.
11

12 **STATEMENT OF FACTS**
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14 Section 64423(a) specifies that each water supplier shall collect routine
15 bacteriological water samples based on the classification of the water
16 system, the source of water, the known population served or the total
17 number of service connections. The System is required to collect one
18 routine water sample from its distribution during each calendar month. As of
19 the date of this citation, the Division of Drinking Water and Environmental
20 Management of the Department has not received any bacteriological results
21 for a sample collected from the System's distribution system in April 2013.

22 **DETERMINATIONS**
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24 **THE DEPARTMENT HAS DETERMINED:**
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26 The System violated Title 22 of the CCR, Sections 64423 and 64423.1, in
27 that the System failed to collect the required number of bacteriological water
samples during April, 2013.



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DIRECTIVES

Blue Heron Restaurant is hereby directed to take the following actions:

1. Comply with Sections 64423 and 64423.1, Title 22, of the CCR in all future monitoring periods.
2. Notify all persons served by the System of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR, and as follows:
 - a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice. **You must also give a legible, written description of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided on Attachment A for this written description.**
 - b) Post the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in conspicuous locations throughout the area served by the Water System. Posting must begin no later than **June 21, 2013** and must continue for seven days.
 - c) Publish the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper of general circulation in the area served by the System (or weekly newspaper if no daily paper is available) for one day. The



1 publication in a local newspaper must be completed by **July 5,**
2 **2013.**

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4 d) Provide public notice for this violation in accordance with Section
5 64465(c), Title 22 of the CCR, which requires for each non-
6 English speaking group that exceeds 1,000 residents or 10% of
7 the residents in a community (whichever is less) that the public
8 notice contain information in the appropriate language(s)
9 regarding the importance of the notice, or contain a telephone
10 number or address where such residents may contact the water
11 system to receive a translated copy of the notice or to receive
12 assistance in the appropriate language.

13 3. The System shall complete the attached Compliance Certification
14 form and return it to the Department within 10 days of the public
15 notice being given to system customers but in no case later than **July**
16 **19, 2013. A copy of the notice posted within the water system**
17 **and a copy published in the newspaper must be attached to the**
18 **form.**

19 The Department reserves the right to make such modifications to this
20 Citation, as it may deem necessary to protect public health and safety.
21 Such modifications may be issued as amendments to this Citation and shall
22 be effective upon issuance.

23
24 Nothing in this Citation relieves the System of its obligation to meet the
25 requirements of the California Safe Drinking Water Act (CHSC, Division
26 104, Part 12, Chapter 4, commencing with Section 116270), or any
27 regulation, standard, permit or order issued thereunder.



1 All submittals required by this Citation shall be submitted to the Department
2 at the following address:

3 Janice M. Thomas, P.E., District Engineer
4 Department of Public Health
5 Drinking Water Field Operations Branch
6 50 D Street, Suite 200
7 Santa Rosa, CA 95404

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12 **PARTIES BOUND**

13 This Citation shall apply to and be binding upon the System, its officers,
14 directors, agents, employees, contractors, successors, and assignees.
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22 **SEVERABILITY**

23 The directives of this Citation are severable, and the System shall comply
24 with each and every provision thereof notwithstanding the effectiveness of
25 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 enforcement action by issuance of this citation.

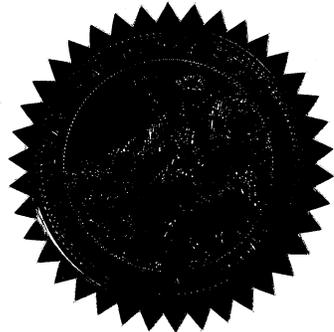
Michelle J. Frederick

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

June 5, 2013
Date

Attachments

Certified Mail No. 7012 2210 0001 9133 4147



4901216/Section 6
02-18-13C-027-4901216-23/KE

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COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-027

Name of Water System: **Blue Heron Restaurant**

System Number: **4901216**

Certification

I certify that the users of the water supplied by this water system were notified of the Total Coliform monitoring and reporting violations of Title 22, California Code of Regulations (CCR) for the compliance month of April, 2013.

<u>Required Action</u>	<u>Date Completed</u>
Complete Attachment A, as required in Directive 2(a)	
Public Notification – Continuous Posting for 7 Days	
Public Notification – Newspaper Publication	

_____	_____
Signature of Water System Representative	Date

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

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN JULY 19, 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.

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.

Blue Heron Restaurant Failed to Test for Coliform Bacteria in April 2013

Our water system failed to test the drinking water for coliform bacteria during the month of April 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 the month of April 2013 and, therefore, cannot be sure of the 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 sampling and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria in April, 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)