

Law Office of Jack Silver

P.O. Box 5469 Santa Rosa, California 95402
Phone 707-528-8175 Fax 707-528-8675
lhm28843@sbcglobal.net



Via Certified Mailing - Return Receipt

September 23, 2011

Mr. Jolyon Stroudley
Facilities Director
Ravenswood (Quarry) Winery
Franciscan Vineyards, Inc.
26200 Arnold Drive
Sonoma, CA 95476

Re: Notice of Violations and Intent to File Suit Under the Safe Drinking Water Act

Dear Mr. Stroudley:

NOTICE

The Safe Drinking Water Act ("SDWA" or "Act") Section 300j-8(b)(1)(A) requires that sixty (60) days prior to the initiation of a civil action under SDWA § 300j-8(a)(1), 42 U.S.C. § 1449(a)(1), a citizen must give notice of the intent to sue to the alleged violator and applicable federal and state authorities, as well as in the case of a corporation, its registered agent in California.

Northern California River Watch (hereafter, "River Watch") hereby gives notice to Ravenswood (Quarry) Winery, Water System No. CA4901262, (hereafter, "Ravenswood"), that following the expiration of sixty (60) days from the date of receipt of this Notice, River Watch will be entitled to bring suit in the United States District Court against Ravenswood for violations of requirements prescribed by or under the SDWA including but not limited to: numeric and narrative standards; non-compliance with maximum contaminant levels ("MCLs") issued under the SDWA, including but not limited to SDWA § 300g-1, 42 U.S.C. § 1412 and the Code of Federal Regulations, as exemplified by the incidents of non-compliance identified and outlined in this Notice; failure to properly monitor water quality delivered to end-users; and the repeated failure to comply with the Lead and Copper Rule.

The SDWA requires that any Notice regarding an alleged violation of any requirement proscribed by or under the Act shall include sufficient information to permit the recipient to identify the following:

1. *The specific requirement alleged to have been violated.*

In addition to the narrative below, River Watch identifies the results of "All Source Chemical Monitoring" obtained from the California Department of Public Health's Division of Drinking Water and Environmental Management identifying non-compliance with a SDWA MCL at specific Ravenswood source well(s) in violation of the SDWA's regulation of the maximum permissible level of a contaminant in water delivered to any user of a public water, pursuant to SDWA § 300g-1, 42 U.S.C. § 1412.

2. *The activity alleged to constitute a violation.*

River Watch has set forth narratives below describing "positive" detections above the MCL as the activity constituting SDWA violations, and describing with particularity specific incidents which are reported in a public report and other public documents in Ravenswood's possession or otherwise available to Ravenswood. In a review of the records of Ravenswood, River Watch could find no evidence that Ravenswood has complied with the Lead and Copper Rule for the period the Federal Environmental Protection Agency identifies as the April-June 2009 Quarter through the January-March 2011 Quarter and the California Department of Health Citation identifies as all sampling required after July, 2004, or that Ravenswood has determined the quality of the water it delivers to the end-users. River Watch incorporates by reference the records cited below from which descriptions of specific incidents were obtained. In addition, a review of public records indicated that Ravenswood failed to monitor for "nitrate" from Well 01 in 2007, as indicated in a letter from the California Department of Public Health to Ravenswood dated July 10, 2008; and that Ravenswood failed to submit the 2009 Consumer Confidence Report.

3. *The person or persons responsible for the alleged violation.*

The person or persons responsible for the alleged violations is Ravenswood (Quarry) Winery, Mr. Jolyon Stroudley, its Facilities Director, and Franciscan Vineyards, Inc. This Notice includes the named entities as well as all of their employees responsible for compliance with the SDWA and compliance with any applicable state and federal regulations and permits.

4. *The location of the alleged violation.*

The location or locations of the various violations are the locations identified in the permits of Ravenswood and other documentation of its operations as well as Well 01.

5. *The date or dates of violation or a reasonable range of dates during which the alleged activity occurred.*

River Watch has examined California Department of Public Health records. The range of dates covered by this Notice is from September 22, 2006 to September 22, 2011. River Watch will from time to time update this Notice to include all violations which occur after the range of dates covered by this Notice. Specific violations occurring on specific dates are listed herein. Some of the violations are continuous in nature such as failure to comply with the Lead and Copper Rule or failure to monitor water quality at point of delivery; therefore, each day constitutes a violation.

6. *The full name, address, and telephone number of the person giving notice.*

The entity giving notice is Northern California River Watch, P.O. Box 817, Sebastopol, CA 95472, Telephone/Facsimile 707-824-4372, email: US@ncriverwatch.org, which is referred to throughout this Notice as "River Watch." River Watch is a non-profit corporation organized under the laws of the State of California, dedicated to the protection and enhancement of the waters of the State of California including surface and groundwater in Northern California.

River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be addressed to:

Jack Silver, Esquire
Law Offices of Jack Silver
P.O. Box 5469
Santa Rosa, CA 95402-5469
Tel. 707-528-8175
Fax. 707-528-8675
Email: lhm28843@sbcglobal.net

BACKGROUND

SDWA, 42 U.S.C. §§ 300f to 300j-26, was enacted in 1974 to "assure that water supply systems serving the public meet minimum national standards for protection of public health." Safe Drinking Water Act, Legislative History, H.R. Rep. No. 93-1185 (1974), reprinted at 1974 U.S.C.C.A.N 6454. The Act authorizes the Environmental Protection Agency ("EPA") to "establish federal standards applicable to public water supplies for protection from harmful contaminants, and establish a joint federal-state system for assuring compliance with these standards and for protecting underground sources of drinking water." *Id.* at 6454-55.

Section 1412(b)(1)(A) of the SDWA requires the EPA to identify contaminants in public water supply systems which may have an adverse human health effect and for which regulation would present a "meaningful opportunity" for reduction of that health risk. 42 U.S.C. § 300g-1(b)(1)(A). For each of the contaminants identified under Section

1412(b)(1), Section 1412(b)(1)(E) requires the EPA to establish maximum containment level goals (“MCLGs”) and maximum contaminant levels (“MCLs”). 42 U.S.C. § 300g-1(b)(1)(E). A violation of the SDWA occurs when testing/monitoring indicates that the level of a contaminant in treated water is above the MCL. Private parties may bring citizens’ suits pursuant to 42 U.S.C. § 300j-8 to enforce violations of MCLs. River Watch contends that Ravenswood is, among its other activities, a non-transient, non-community supplier of drinking water regulated under the SDWA and, as detailed in the most recent monitoring reports provided by the California Department of Public Health, violating the MCL for total coliform bacteria. Additionally, River Watch found that Ravenswood has failed to fully comply with the Lead and Copper Rule for the period the Federal Environmental Protection Agency identifies as the April-June 2009 Quarter through the January-March 2011 Quarter and the California Department of Health Citation identifies as all sampling required after July, 2004. Finally, River Watch could find no record that Ravenswood has done any measurements of its water quality at the point of use or point of delivery.

VIOLATIONS

River Watch contends that between September 22, 2006 to September 22, 2011, Ravenswood has violated the SDWA and the Code of Federal Regulations by failing to ensure the drinking water it supplies to its customers has met and continues to meet the standards required by law including but not limited to: MCL for total coliform bacteria, compliance with the Lead and Copper Rule, and compliance with monitoring requirements obligating the supplier to confirm the compliance of the water quality at point of delivery. The violations listed below are derived from records publically available, or records in the possession and control of Ravenswood.

Violation Description

1. California Department of Public Health
Citation for Non-compliance with the MCL for Total Coliform Bacteria
Citation No. 02-18-07C-033
Issued June 29, 2007

2. California Department of Public Health
Citation for Non-compliance for Chemical Monitoring and Reporting Violation
Citation No. 02-18-08C-108
Issued July 10, 2008

It is presumed that the supplier is in continual violation of the applicable standard until constituent measurements are below that applicable standard. Therefore, each day after an exceedence and until the supplier is in compliance is considered a separate violation of the SDWA and subjects the supplier to penalties of up to \$37,500 per day/per violation.

Lead and Copper Rule

Lead and copper enter drinking water primarily through plumbing materials. Exposure to lead and copper may cause health problems ranging from stomach distress to brain damage. On June 7, 1991, the EPA published a regulation to control lead and copper in drinking water. This regulation is known as the Lead and Copper Rule.

The treatment technique for the Rule requires public water systems (including non-transient, non-community water systems) to monitor drinking water at point of use. If tests identify lead concentrations exceeding the action level of 0.015mg/l for lead concentrations or exceeding the action level of 1.3mg/l for copper in taps sampled, the system must undertake a number of actions to control corrosion and, if appropriate, treat source water, deliver public education, and replace lead service lines.

There is evidence in the public record that Ravenswood is failing to fully comply with the Lead and Copper Rule:

1. California Department of Public Health
Citation for Non-compliance for Lead and Copper Monitoring and Reporting Violation
Citation No. 02-18-10C-003
Issued January 21, 2010

Additional evidence of failure identified by the Federal EPA on its "Environment & Compliance History Online (ECHO)" details Ravenswood's failure to comply with the requirements of the Lead and Copper Rule every quarter between April-June 2009 and January-March 2011.

Therefore, each day Ravenswood continues to not comply with the Lead and Copper Rule is a separate violation of the SDWA and subjects the supplier to penalties of up to \$37,500 per day/per violation.

Point of Use Quality Assurance

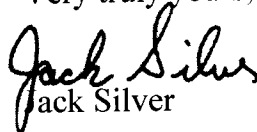
Although drinking water supplies tend to sample water quality from a central location, such as directly after treatment, the water supplier is responsible for water quality either at the point of use or point of delivery.

There is no evidence in the public record that Ravenswood has ever assured its water quality at point of use or point of delivery. Therefore, each day Ravenswood continues to not comply with point of use or point of delivery quality assurance is a separate violation of the SDWA and subjects the supplier to penalties of up to \$37,500 per day/per violation.

CONCLUSION

River Watch believes this Notice sufficiently states grounds for filing suit. At the close of the 60-day notice period or shortly thereafter River Watch has cause to file a citizen's suit under SDWA § 1449 against Ravenswood for the violations of the SDWA identified and described in this Notice. During the 60-day notice period, River Watch is willing to discuss effective remedies for the violations identified in this Notice. However, if Ravenswood wishes to pursue such discussions in the absence of litigation, it is suggested those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when the notice period ends.

Very truly yours,


Jack Silver

JS:lmh

cc: Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mark B. Horton, MD, MSPH
Director/State Public Health Officer
California Department of Public Health
1616 Capitol Avenue, MailStop 7408
Sacramento, CA 95899

Kamala D. Harris - Attorney General
State of California Department of Justice
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

C T Corporation System - Registered Agent
Franciscan Vineyards Inc.
818 West Seventh Street
Los Angeles, CA 90017