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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Mountain House Bar & Cafe
561 Sullivan Way
Mountain House, CA 95391

Attn: Josie Alvarez, Owner

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS

TITLE 22 SECTIONS 64423.1, 64426 AND 64426.1

WATER SYSTEM NO: 0105016

CITATION NO: 02-04-14C-006

ISSUED SEPTEMBER 16, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter, "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (Board), acting by and through its Division of Drinking Water (Division) and the Deputy Director for the Division (Deputy Director), hereby issues a citation to Mountain House Bar & Cafe (MHBC), (16784 W. Grant Line Road, Tracy, CA 95391) for failure to comply with Sections 64423.1, 64426, and 64426.1

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(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 the next subdivision paragraph.

(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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3 California Code of Regulations (CCR), Title 22, Section 64426.1 states in
4 relevant part:

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6 (b) A public water system is in violation of the total coliform MCL (maximum
7 contaminant level) when any of the following occurs: For a public water system
8 which collects fewer than 40 samples per month, more than one sample collected
9 during any month is total coliform-positive.

10
11 **STATEMENT OF FACTS**

12 The Division received laboratory results from MHBC on July 1, 2014 for the month of
13 June 2014. MHBC collected one routine sample, on June 30, 2014, which was total
14 coliform-positive and *E.coli* negative. On July 2, 2014, Mountain House Bar Cafe
15 collected three repeat samples, two were total coliform-positive and all samples were
16 negative for *E.coli*. On July 7, 2014, two more samples were collected, one was total
17 coliform-positive both were negative for *E.coli*. On July 9, 2014, two more samples
18 were collected, again one was total coliform-positive but both samples were negative
19 for *E.coli*. On July 28, 2014, five more samples were collected with one sample total
20 coliform-positive all samples were negative for *E.coli*. On July 30, 2014, two more
21 samples were collected with all samples negative for total coliform and *E.coli*. A total
22 of 14 samples were collected for the month of July 2014; six (6) samples were total
23 coliform-positive, but all samples were negative for *E.coli*. This resulted in 43% of the
24 samples being positive for total coliform. At no time during the month of July did the
25 MHBC water system contact the Division regarding the total coliform-positive results.
26 This failure to notify the Division is in violation of Sections 64423.1 (b), 64426(b)(1),
27 and 64426.1(c).



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MHBC serves a transient population of approximately 25 persons per day. This transient non-community water system provides potable water to a restaurant and bar, one mile northeast of Interstate 580 on West Grant Line Road, in an unincorporated area in Alameda County. The MHBC consists of one groundwater well, an 86 gallon hydro-pneumatic tank and distribution system piping.

DETERMINATIONS

The Department has determined that the MHBC violated Title 22 of the CCR, Section 64426.1, in that the MHBC water system failed to comply with the maximum contaminant level (MCL) for total coliform bacteria during the month of July 2014.

The MHBC also is in violation of Section 64423.1(b), 64426(b)(1) and 64426.1(c) which requires the water system to contact the Division within 24 hours of any positive bacteriological results, and/or violation of the Total Coliform Rule.

DIRECTIVES

MHBC is hereby directed to take the following actions:

1. Forthwith, MHBC shall cease and desist from failing to comply with the MCL for total coliform.
2. Within 30 days of receipt of this Citation, MHBC shall provide to the Division certification of public notification using the enclosed form (Attachment No. 2). The notice must remain posted until such time the Division notifies MHBC that monitoring results indicate that MHBC has returned to compliance with the total Coliform Rule MCL, but no less than seven (7) open business days. The

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2 certification of notification must identify the number of notices posted and the
3 locations where the notices were posted.

- 4
5 3. Notify all persons served by MHBC water system of the MCL violation in
6 conformance with Section 64463.4 and 64465, Title 22 of the CCR, and as follows:

7
8 Complete Attachment A to include the name, address, and telephone number
9 of a MHBC water system representative as a source of additional information
10 concerning the public notice. **You must also give a legible, written**
11 **description (preferably typed) of the corrective actions taken by the water**
12 **system to prevent these violations from occurring in the future. You**
13 **must use the space provided in Attachment A for this written description.**

- 14
15 4. Pursuant to Section 64424(d), Title 22 of the CCR, the System shall collect five (5)
16 routine bacteriological samples by October 1, 2014. The results of these samples
17 shall be submitted with the attached Compliance Certification form.

- 18
19 5. The system shall complete the attached Compliance Certification form and return it
20 to the Division within 10 days of the public notice being given to the system
21 customers but in no case later than October 1, 2014. A copy of the notice delivered
22 to the customers and a copy of the laboratory results must be attached to the form.

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24 The Division reserves the right to make such modifications to this Citation as it may
25 deem necessary to protect public health and safety. Such modifications may be
26 issued as amendments to this Citation, and shall be deemed effective upon issuance.

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water system if the system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

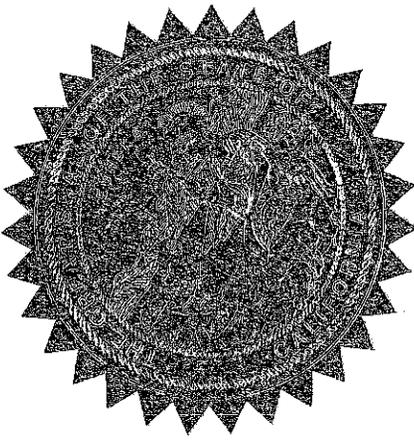
September 17, 2014
Date

Robert Brownwood
Robert Brownwood, P.E.,
District Engineer
Division of Drinking Water
State Water Resources Control Board

Certified Mail No.: 7006 3450 0001 8420 8471

- Attachments:
- 1. Proof of Notification Form
 - 2. Compliance Certification

cc: Alameda County Environmental Health Department



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8 September 17, 2014

Robert Brownwood

9 Date

Robert Brownwood, P.E.,
District Engineer
Division of Drinking Water
State Water Resources Control Board

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17
18 cc: Alameda County Environmental Health Department

19
20 bcc: S. Cajina, (PDF), R. Brownwood, P. Evans, Enf. File, Chron,
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