



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

August 19, 2015

System No. 0105016

Josie Alvarez, Owner
Mountain House Bar & Café
16784 W. Grant Line Road
Tracy, CA 95391-9602

Citation and Civil Penalty for Failing to Monitor– Mountain House Bar & Café

Dear Ms. Alvarez:

The Mountain House Bar & Café Water System (No. 0105016) failed Section 64423 of the California Code of Regulations (CCR) for the months of January through July 2015. This failure to sample the Café water system has resulted in the issuance of a citation.

In addition to the citation fine of \$300, your system will be billed at the Division's hourly rate (approximately \$126.00 per hour) for time spent on enforcement related activities. You will receive a bill from our Fee Billing Unit by May 2016. This bill will contain fees for all enforcement time spent on your system.

Should you have any questions or concerns, please contact Pamela Evans at (510) 620-3457 or myself at (510) 620-3454.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Brownwood".

for
Robert Brownwood, P.E.
San Francisco District Engineer
Division of Drinking Water

Enclosure:

Citation No. 02_04_15C-004

Certified Mail No: 7014 3490 0001 7031 0512

cc: Alameda County Environmental Health Department

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Mountain House Bar & Café
16784 West Grant Line Road
Tracy, CA 95391-9602

ATTN: Josie Alvarez, Owner

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS

TITLE 22, SECTION 64423

WATER SYSTEM NO: 0105016

CITATION NO: 02_04_15C_004

ISSUED AUGUST 5, 2015

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 14, commencing with Section 116270) ("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 (Deputy Director), hereby issues a citation to Mountain House Bar & Café (Café), 16784 W. Grant Line Road, Tracy, CA 95391 for failure to comply with Section 64423.



1 **APPLICABLE AUTHORITIES**

2

3 **Section 116650 of California Health and Safety Code provides:**

- 4
- 5 (a) If the Division determines that a public water system is in violation of this chapter or any
- 6 regulation, permit, standard, citation, or order issued or adopted thereunder, the Division
- 7 may issue a citation to the public water system. The citation shall be served upon the
- 8 public water system personally or by certified mail. Service shall be deemed effective as
- 9 of the date of personal service or the date of receipt of the certified mail. If a person to
- 10 whom a citation is directed refuses to accept delivery of the certified mail the date of
- 11 service shall be deemed to be the date of mailing.
- 12 (b) Each citation shall be in writing and shall describe the nature of the violation or violations,
- 13 including a reference to the statutory provision, standard, order, citation, permit, or
- 14 regulation alleged to have been violated.
- 15 (c) A citation may specify a date elimination or correction of the condition constituting the
- 16 violation.
- 17 (d) A citation may include the assessment of a penalty as specified in the next subdivision
- 18 (e)
- 19 (e) The Division may assess a penalty in an amount not to exceed one thousand dollars
- 20 (\$1000) per day for each day that a violation occurred, and for each day that a violation
- 21 continues to occur. A separate penalty may be assessed for each violation.

22 **California Code of Regulations (CCR), Title 22, Section 64423 states in relevant part:**

- 23 (a) The water supplier shall collect routine bacteriological samples and have them
- 24 analyzed for total coliform. The supplier also shall require the laboratory to analyze
- 25 the same sample for fecal coliforms or *Escherichia coli* (*E.coli*), whenever the
- 26 presence of total coliform is indicated.
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STATEMENT OF FACTS

The Café is classified as a transient-noncommunity water system, located in Alameda County. Mountain House Bar & Café is required to submit monthly bacteriological monitoring results to the Division on a monthly basis. The last summary was received in December 2014. There have been no bacteriological analysis submitted by the Café for the months of January through July 2015 nor have analytical reports been submitted to the Division for compliance. This failure has created a violation of Section 64423.

Mountain House Bar & Café 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 of Alameda County. The Mountain House Bar & Café consists of one groundwater well and a 86 gallon hydro-pneumatic tank and distribution system piping.

DETERMINATIONS

The Division has determined that Mountain House Bar & Café violated Title 22 of the CCR, Section 64432 in that Mountain House Bar & Café failed to comply with the sampling requirements for the months of January through July 2015.

PENALTIES

PENALTIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650

The Division hereby assesses upon the Café a penalty in the amount of \$300. Directions for paying this penalty are included in Directive 3 of this citation.



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DIRECTIVES

Mountain House Bar & Café is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 64423.
2. Collect four (4) routine samples for August 2015 before the end of the month, and have the results submitted to the Division by September 10, 2015.
3. Pay to the State Water Resources Control Board, Division of Drinking Water a fine of \$300. Please make check payable to:

State Water Resources Control Board Division of Drinking Water
1001 "I" Street, 18th Floor
Sacramento, CA 95814
Attn: Perin Peebles

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

Nothing in this Citation relieves Mountain House Bar & Café water system of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulations, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division to the following:

Robert Brownwood, P.E.
San Francisco District Engineer
State Water Resources Control Board
Division of Drinking Water
850 Marina Bay Parkway, Bldg P., 2nd Floor
Richmond, CA 94804

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PARTIES BOUND

This Citation shall apply to and be binding upon Mountain House Bar & Café its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Mountain House Bar & Café shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to; issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, or order issued or adopted thereunder including but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to 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 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 or violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

Aug. 5, 2015
Date



Stefan Cajina, P.E. Chief
North Coastal Section
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. 7014 3490 0001 7031 0512

cc: Alameda County Environmental Health Department