



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

January 27, 2016

System No: 4800812

Mr. Keith Ritthaler, Owner
2974 Boies Drive
Pleasant Hill, CA 94523-2012

**RE: CITATION NO: 02_04_15C_011 – BACTERIOLOGICAL WATER QUALITY
MONITORING AND REPORTING FAILURE WEST WIND WINERY**

Dear Mr. Ritthaler:

Enclosed is Citation No. 02_04_15C_011 issued to the West Wind Winery for failure to comply with 22 CCR Sections 64423 and 64424. Specifically, West Wind Winery failed to collect and report monthly bacteriological reports for the months of October and November 2015.

In addition to the citation, your water system is billed for time spent on enforcement action for non-compliance with state regulations. You will receive a bill (estimated \$153/hour) for the time spent by our Division to prepare the citation.

Should you have any questions, please contact Pamela Evans at (510) 620-3457 or by email to Pamela.evans@waterboards.ca.gov.

Sincerely,

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

Enclosure(s): Citation NO: 02_04_15C_011
Compliance Certification

Cc: Solano County Environmental Health Department

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: West Wind Winery
2974 Boies Drive
Pleasant Hill, CA 94523-2012

ATTN: Keith Ritthaler, Owner

**CITATION FOR VIOLATION OF TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR)
SECTIONS 64423 AND 64424
FOR THE MONTHS OF OCTOBER AND NOVEMBER 2015
WATER SYSTEM NO: 4800812
CITATION NO: 02_04_15C_011
ISSUE DATE: January 27, 2016**

Section 116650 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 (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 (Division) of the State Water Resources Control Board (Board) hereby issues a citation, to West Wind Winery (West Wind) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64423 and 64424.

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2 **APPLICABLE AUTHORITIES**
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5 **Section 116650 of the CHSC states in relevant part:**

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

22 **Section 64423 of the CCR states in relevant part:**

- 23 (a) Each water supplier shall collect routine bacteriological water samples as follows:
24 (3) The minimum number of samples for transient-noncommunity water systems using
25 groundwater and serving 1000 or fewer persons a month shall be one in each
26 calendar quarter during which the system provides water to the public.
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Section 64424 of the CCR states in relevant part:

(d) If a public water system for which fewer than five routine samples per month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month.

STATEMENT OF FACTS

West Wind Winery (West Wind) is a transient-noncommunity water system located at 4495 Suisun Valley Road, Suisun, in Solano County. The water system serves a population of approximately 100 through one service connection. Mr. Keith Ritthaler is the owner and manager of the winery. The water system facilities consist of one groundwater well and the distribution system. In August 2015, West Wind Winery was placed on monthly monitoring due to failure to collect quarterly routine samples. The Winery failed to collect the August samples and was therefore required to collect three samples in September. On September 17, 2015, all three routine bacteriological samples tested positive for total coliform, and negative for *E.coli*. On September 23, 2015 West Wind collected three repeat bacteriological samples that were all negative for total coliform and *E.coli*. As of this date, there has been no sampling of the water system reported to the Division.

DETERMINATIONS

West Wind has violated the bacteriological sampling requirements in Section 64423 and 64424.

PENALTIES

The Division hereby assesses upon West Wind a penalty in the amount of \$300. The Directions for paying this penalty are included in Directive No. 4 of this citation.

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DIRECTIVES

West Wind Winery is hereby directed to take the following actions:

1. Comply with Sections 64423, and if necessary Section 64424, of the CCR in all future monitoring months.
2. Notify all persons served by West Wind of the failure to sample and the total coliform positive results, 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 representative of West Wind as a source of additional information concerning the public notice. You must also give a legible, written description (preferably typed) 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 January 22, 2016 and must continue for seven days.
3. West Wind shall complete the attached Compliance Certification form and return it to the Division within 10 days of the public notice being given to system customers but in no case later than January 31, 2016. A copy of the notice posted within the water system must be attached to this form.

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4. 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 "1" Street, 18th Floor
Sacramento, CA 95814

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 issues as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves West Wind of its obligation to meet the requirements of the California Safe Drinking Water Act (CHS, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued thereunder.

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

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

PARTIES BOUND

The Citation shall apply to be binding upon West Wind its officers, directors, agents, employees, contractors successors, and assignees.

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SEVERABILITY

The directives of this Citation are severable, and West Wind shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

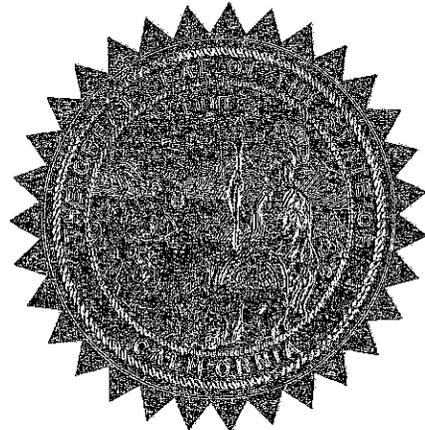
FURTHER ENFORCEMENT ACTION

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 thereunder including, but not limited to, failure to correct a violation identified in 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 laws 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.

Jan. 27, 2016
Date

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

Attachment: Compliance Certification
Certified Mail No: 7014 3490 0001 7031 0758
Cc: Solano County Environmental Health Department



COMPLIANCE CERTIFICATION

Citation Number 02_04_15C_23_11

Name of Water System: West Wind Winery

System Number: 4800812

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological sampling violations of Title 22, California Code of Regulations (CCR) for the compliance period October 2015

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

Signature of Water System Representative

Date

Attach a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN January 22, 2016**

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 información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

**West Wind Winery Failed to Test for Coliform Bacteria
During the Months of October and November 2015**

Our water system failed to test the drinking water for coliform bacteria during October and November 2015. Although this is not an emergency, as our customers 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 regulation 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 period of October and November 2015 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 during the months of October and November 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 Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(name)

(address)

(phone number)