



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

February 17, 2015

System No: 4800812

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

Citation and Civil Penalty for Failing the Total Coliform MCL – West Wind Winery

Dear Mr. Ritthaler:

The West Wind Winery Water System (No. 4800812) failed the Maximum Contaminant Level (MCL) for total coliform bacteria during the months of November and December 2014. The State Water Resources Control Board Division of Drinking Water has issued Citation No. 2_04_15C_004.

Your system will be billed at the Department's hourly rate (approximately \$126.00) for staff time spent on enforcement related activities. You will receive a bill sent from our Fee Billing Unit by May 2015. 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 that reads "Robt. C. Brownwood".

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

Enclosure:

Citation No. 02_04_15C_004
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
SECTIONS 64423.1(b), 64424 and 64426.1(b)
WATER SYSTEM NO: 4800812
CITATION NO: 02_04_15C_004
ISSUED February 17, 2015

Section 11650 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 for the Division (Deputy Director), hereby issues a citation to West Wind Winery (Winery), (4495 Suisun Valley Road, Suisun, CA 94585), for failing to comply with Sections 64423.1(b), 64424 and 64426.1(b).

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4 **APPLICABLE AUTHORITIES**

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

- 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 or adopted thereunder, the
8 Division may issue a citation to the public water system. The citation shall be served
9 upon the public water system personally or by certified mail. Service shall be deemed
10 effective as of the date of personal service or the date of receipt of the certified mail. If
11 a person to whom a citation is directed refuses to accept delivery of the certified mail,
12 the date 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 for elimination or correction of the condition consulting
17 the 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 for each day that a violation occurred, and for each day that a
21 violation continues to occur. A separate penalty may be assessed for each violation.
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California Code of Regulations, Title 22, Section 64423.1 (b) states in relevant part:

(b) The water supplier shall require the laboratory to notify the supplier and the Division within 24 hours whenever the presence of total coliforms, fecal coliforms or *E.coli* is demonstrated in a sample.

California Code of Regulations, Title 22, Section 64424 states in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set within 24 hours of being notified of the positive result. The repeat samples shall be collected within the same 24 hour time period.

(2) If the water supplier is unable to collect the samples within the 24 hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hour after collection because of circumstances beyond its control, the water supplier shall notify the Division within 24 hours.

California Code of Regulations Title 22, Section 64426.1 states in relevant part:

- (b) A public water system is in violation of the total coliform MCL (Maximum Contaminant Level) when the following occurs:
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform positive; or
 - (3) Any repeat sample is fecal coliform-positive or *E.coli* positive; or
 - (4) Any repeat sample following a fecal coliform-positive routine sample is total coliform-positive.

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STATEMENT OF FACTS

The Division received laboratory results from Caltest Laboratory on behalf of West Wind Winery for the month of October 2014. The Winery collected one routine sample on October 30, 2014, which was total coliform-positive, and *E.coli* negative. No repeat samples were collected within the 24-hour time period. On November 20, 2014 five samples were collected and all samples were positive for total coliform and negative for *E.coli*. The Winery did not contact the Division about the total coliform-positive results. On December 4, 2014 five repeat samples were collected, all samples were negative for total coliform and *E.coli*. On December 23, 2014 two (2) samples were collected for the Winery, both samples were total coliform positive and negative for *E.coli*. Five repeat samples were collected on December 29, 2014 and all were negative for total coliform and *E.coli*. The Division was never contacted within the 24 hour time frame that was required for the positive coliform samples.

Based on the information obtained from the laboratory and the results, West Wind Winery failed the Total Coliform MCL for the months of November and December 2014.

West Wind Winery serves a transient population of approximately 100 customers per day. This transient noncommunity water system provides potable water to a wine tasting room and one residence located in Suisun, CA in an unincorporated area of Solano County. The water system consists of a single well and a pressure tank.

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DETERMINATIONS

The Division has determined that West Wind Winery violated Title 22 of the CCR, Sections 64423.1(b), 64424 and 64426.1(b)(2).

DIRECTIVES

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

1. The Winery shall establish procedures to ensure repeat samples are collected within 24 hours of a routine positive sample and that the Division is properly notified of the positive results within the same 24 hour period
2. West Wind Winery shall pay a fine of one hundred dollars (\$100) to the State Water Resources Control Board, Division of Drinking Water by March 24, 2015.

Mail payment to:
State Water Resources Control Board, Division of Drinking Water
Fee Billing Unit
PO Box 100,
Sacramento, CA 95812, 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 modification may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves West Wind Winery water system of its obligations to meet the requirements of the California Safe Drinking Water Act or any regulations, permit, standard, or order issued or adopted thereunder.

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

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

PARTIES BOUND

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

SEVERABILITY

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

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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 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.

Feb. 17, 2015
Date


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

cc: Solano County Environmental Health Department

Certified Mail No. 7004 1350 0005 4027 8499

