



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

February 5, 2016

System No: 4800812

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

RE: CITATION NO: 02_04_16C_002 – TOTAL COLIFORM RULE MAXIMUM CONTAMIANIT LEVEL (MCL) VIOLATION - WEST WIND WINERY

Dear Mr. Ritthaler:

Enclosed is Citation No. 02_04_16C_002, issued to West Wind Winery for failure to comply with 22 CCR Sections 64424 and 64426.1. Specifically, West Wind Winery failed Total Coliform Rule Maximum Contaminant Level (MCL) for the month of January 2016.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

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

ATTN: Keith Ritthaler, Owner

**CITATION FOR VIOLATION OF TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR)
SECTION 64424 (a)(1) AND 64426.1(b)(2)&(3) FOR THE MONTH OF JANUARY 2016**

WATER SYSTEM NO: 4800812

CITATION NO: 02_04_16C_002

ISSUE DATE: FEBRUARY 5, 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 of 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 for failure to comply with Title 22, California Code of Regulations (CCR) Section 64424(a)(1) and Section 64426.1(b)(2)(3).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued thereunder, the division 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, 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 of elimination or correction of the condition constituting the violation.

- (d) A citation may include the assessment of a penalty as specified in subdivision (e).

- (e) The division may assess a penalty in an amount not to exceed one thousand dollars (\$1000) 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Section 64424 states in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period.

(1) For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

Section 64426.1 states in relevant part:

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(2) For a public water system which collects fewer than 40 samples per month, more than one sample is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or *E.coli* positive

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATEMENT OF FACTS

West Wind Winery (Winery) 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. On January 15, 2016, West Wind Winery collected a routine sample that was positive for total coliform and negative for *E.coli*. On January 18, one repeat sample was collected, that sample was total coliform-positive and *E.coli* positive. The Winery was required to collect four repeat samples, but only collected one.

DETERMINATIONS

The Winery has violated the bacteriological sampling requirements in Section 64422(a)(1) and the bacteriological maximum contaminant level in 64426.1(b)(2) and (3), Title 22, CCR.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DIRECTIVES

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

1. Comply with Section 64426.1(b)(2)&(3), of Title 22, CCR in all future monitoring months.

2. Notify all persons served by the Winery of the failure to sample and for exceeding the total coliform maximum contaminant level, in conformance with 64463.4 and Section 64465, Title 22 of the CCR 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 February 15, 2016, and must continue for seven days.

3. West Wind Winery 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 February 29, 2016. A copy of the notice posted within the water system must be attached to this form.

1
2 4. West Wind Winery shall collect four routine bacteriological samples in February 2016

3
4 The Division reserves the right to make such modification to this Citation, as it may deem
5 necessary to protect public health and safety. Such modifications may be issued as
6 amendments to this Citation and shall be effective upon issuance.

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

11 All submittals required by this Citation shall be submitted to Division at the following address:
12 Robert Brownwood, P.E.
13 San Francisco District Engineer
14 State Water Resources Control Board
15 Division of Drinking Water
16 850 Marina Bay Parkway, Bldg. P., 2nd Floor
17 Richmond, CA 94804

18
19 **PARTIES BOUND**

20 The Citation shall apply to be binding upon the Winery its officers, directors, agents,
21 employees, contractors, successors, and assignees.

22 **SEVERABILITY**

23 The directives of this Citation are severable, and West Wind Winery shall comply with each
24 and every provision thereof notwithstanding the effectiveness of any provision.
25
26
27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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.

FEBRUARY 5, 2016
Date

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

Attachment: Compliance Certification

Certified Mail No. 7014 3490 0001 7031 0819

cc: Solano County Environmental Health Department

COMPLIANCE CERTIFICATION

Citation Number 02_04_16C_002

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 violation of Title 22, California Code of Regulations (CCR) for the compliance period

<u>Required Action</u>	<u>Date Completed</u>
Complete Attachment A, as required in Directive No. 3	
Public Notification – Continuous Posting for 7 days	
	Date
Signature of Water System Representative	

Attach a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER
THAN February 29, 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.

Attachment A

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.

Our water system failed the total coliform MCL the month of January 2016. As our customers you 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 tested for coliform bacteria on January 15, 2016. On January 18, 2016, we collected one repeat sample which was total coliform-positive and *E.coli* positive. The Winery was required to collect four repeat samples but failed to do so. Based on the test results, we failed the Total Coliform MCL for the month of January 2016.

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.

What should I do? 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)