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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: CEMEX/ELIOT PLANT
5180 Golden Foothills Parkway, Suite 200
El Dorado Hills, CA 95762-9608

ATTN: Bruce Eppler, Environmental Manager

**CITATION FOR NONCOMPLIANCE CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1 AND CALIFORNIA HEALTH AND SAFETY CODE SECTION 116550**
WATER SYSTEM NO: 0105003
CITATION NO: 02_04_15C_006
ISSUE DATE: October 15, 2015

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 regulations, 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 CEMEX for failure to comply with California Health and Safety Code (CHSC) Division 104, Section 116555(a)(1) and Title 22, California Code of Regulations (CCR) Section 64426.1



1 APPLICABLE AUTHORITIES

2
3 **Section 116650 of the CHSC states in relevant part:**

4 (a) If the Division determines that a public water system is in violation of this chapter or
5 any regulation, permit, standard, citation or order issued or adopted thereunder, the
6 Division may issue a citation to the public water system. The citation shall be served
7 upon the public water system personally or by certified mail. Service shall be deemed
8 effective as of the date of personal service or the date of receipt of the certified mail, if
9 the person to whom the citation is directed refuses to accept delivery of the certified
10 mail, the date of service shall be deemed to be the date of mailing.

11 (b) Each citation shall be in writing and shall describe the nature of the violation or
12 violations, including a reference to the statutory provision, standard, order, citation,
13 permit, or regulation alleged to have been violated.

14 (c) A citation may specify a date for elimination or correction of the condition constituting
15 the violation.

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

17 (e) The division may assess a penalty in an amount not to exceed one thousand dollars
18 (\$1000) per day for each day that a violation occurred, and for each day that a
19 violation continues to occur. A separate penalty may be assessed for each violation.

20 **California Code of Regulations (CCR), Section 64426.1 states in relevant part:**

21
22 (b) A public water system is in violation of the total coliform MCL when any of the
23 following occurs:

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

26 (3) Any repeat sample is fecal coliform-positive or *E.coli positive*; or
27



1 (4) Any repeat sample following a E. Coli positive routine sample is total coliform-
2 positive

3 **CHSC Section 116650; Changes; states in relevant part:**
4

5 (a) No person operating a public water system shall modify, add to or change his or her
6 source of supply or method of treatment of or change his or her distribution system as
7 authorized by a valid existing permit issued to him or her by the Division unless the
8 person first submits an application to the Division and received an amended permit as
9 provided in this chapter authorizing the modification, addition, or change in his or her
10 source of supply or method of treatment.

11 **STATEMENT OF FACTS**

12 CEMEX collected a bacteriological sample on June 29, 2015 which was total coliform and
13 *E.coli* positive. CEMEX contacted the Division on June 30, 2015, stating that the previous
14 contact person Robert Aldenhuysen had resigned and Mr. Eppler was the intermittent
15 replacement. CEMEX was informed to take four repeat samples. However, Mr. Eppler stated
16 that there would be no one available to collect the repeat samples until that following Monday,
17 July 6, 2015 because of vacation. The Division granted the request to take repeat samples
18 the following Monday. On July 6, 2015, five samples were collected from the system in
19 addition to the well and all samples were total coliform and *E.coli positive*. CEMEX failed the
20 total coliform MCL for the month of June 2015.

21 CEMEX is a nontransient-noncommunity water system located in Pleasanton, CA and
22 consists of a single well drilled to a depth 508 feet. The well was constructed in 1948, and is
23 supplied with a submersible pump which operates automatically, based on water level in the
24 storage tank. However, the well was disconnected from the system and CEMEX used
25 untreated surface water in the system. This led to the bacteriological contamination. Prior to
26 the bacteriological event CEMEX provided bottled water for drinking and hand wash stations
27 to system patrons.

1 CEMEX violated Title 22, of the CCR Section 64426.1 in that the system failed to comply with
2 the maximum contaminant level (MCL) for total coliform bacteria during the month of June
3 2015.

4 **DETERMINATIONS**

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6 The Division has determined that CEMEX violated Title 22, of the CCR, Section 64426.1, in
7 that the System failed the total coliform MCL for the month of June 2015.

8 **DIRECTIVES**

9
10 CEMEX is hereby directed to take the following actions:

- 11
- 12 1. Cease and desist from failing Section 64426.1, Title 22, CCR.
 - 13 2. Comply with Section 116550 of the Health and Safety Code
 - 14 3. Notify all persons served by CEMEX of the violations in conformance with Section
15 64463.1(a), 64465, Title 22 of the CCR and as follows:
 - 16 a) Completion of the Attachment A to include the name, address, and telephone
17 number of a CEMEX representative as a source of additional information
18 concerning the public notice. You must also give a legible, written description
19 (preferably typed) of the corrective actions taken by the water system to prevent
20 this violation from occurring in the future. You must use the space provided in
21 Attachment A for this written description.
 - 22 b) Post the notice contained in Attachment A, after it has been completed in
23 accordance with (a) above, in conspicuous locations throughout the area served
24 by the System. Posting must begin no later than October 30, 2015 and must
25 continue for seven days.
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4. The system shall complete the attached Compliance Certification form and return it to the Division within 10 days of the public notice being given to the system customers but in no case later than November 30, 2015. A copy of the notice posted within the water system, and a copy of the laboratory results must be attached to the form.

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

Nothing in this Citation relieves CEMEX of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 14, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

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

Robert Brownwood, P.E.
San Francisco District Engineer
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 CEMEX, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

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

OCTOBER 15, 2015

Date

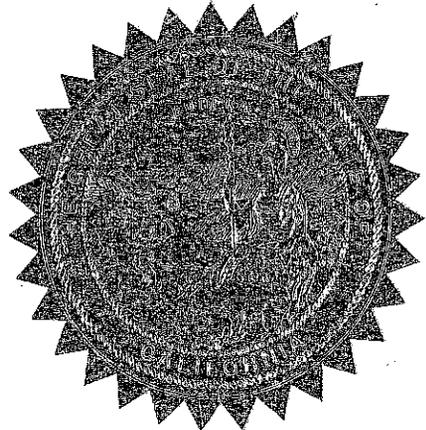
Robert C. Brown

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

Certified Mail No. 7014 3490 0001 7031 0598

cc: Alameda County Environmental Health Department

0105003/Compliance
02_04_15C_006/0105003



COMPLIANCE CERTIFICATION

Citation Number: 02_04_15C_006

Name of Water System: CEMEX/Eliot Plant

System Number: 0105003

Certification

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

Required Action

Date Completed

Complete Attachment A, as required in Directive 3(a)
Public Notification – Mail or Direct Delivery to Customers
Public Notification – Newspaper
5 Bacteriological Samples Collected & Analyzed

Signature of Water System Representative

Date

Attach a copy of the notice delivered to customers, a copy published in the newspaper, and the laboratory results from the 5 water samples.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN November 1, 2015**

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.

CEMEX Levels of Coliform Bacteria Above the Drinking Water Standard during June 2015

Our water system recently violated a drinking water standard and as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who may have accidentally drank this water, especially those who may have 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 routinely monitor our drinking water for contaminants. We took one sample to test for the presence of coliform bacteria during June 2015. Five out of five samples showed the presence of coliform bacteria and *E.coli*. The standard is that no more than one sample per month, may test positive for bacteria. Our water exceeded the maximum contaminant level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22 of the California Code of Regulations (CCR).

What does this mean?

The State Water Resources Control Board (Board) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more water samples than allowed. This was a warning of potential problems and a violation of the regulations.

What should I do?

You should not be drinking this water and bottled water is provided.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. 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.

If you have other health concerns related to the consumption of this water, you may wish to consult your doctor.

Has the problem been resolved? 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)