



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

September 2, 2015

System No. 3910023

James Bewley, Director of Operations
Oakwood Lake Water District - Subdivision
P.O. Box 1889
Nevada City, CA 95959

TRANSMITTAL OF CITATION NO. 01-10-15C-009 FOR FAILURE TO COLLECT ROUTINE
BACTERIOLOGICAL SAMPLE (August 2015)

Dear Mr. Bewley,

The Oakwood Lake Water District - Subdivision (hereinafter "OLWD") Water System (No. 3910023) failed to collect a routine bacteriological sample during the month of August 2015, as specified in Chapter 15, Title 22, California Code of Regulations. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01-10-15C-009, in response to this violation. The Citation is being transmitted to OLWD under cover of this letter.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at Brian.Kidwell@waterboards.ca.gov, or by phone at (209) 948-3963.

Sincerely,

Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Citation No. 01-10-15C-009

Certified Mail No. 7004 2890 0002 0057 9584

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov



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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Oakwood Lake Water District - Subdivision
P.O. Box 1889
Nevada City, CA 95959

Attn: Mr. James Bewley, Director of Operations
Oakwood Lake Water District – Subdivision

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64423(a)(1)
WATER SYSTEM NO. 3910023
CITATION NO. 01-10-15C-009
Issued on September 2, 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 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter “Board”), acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues a citation to the Oakwood Lake Water District - Subdivision (hereinafter, “OLWD”) (P.O. Box 1889

1 Nevada City, CA 95959) for violation of California Code of Regulations (CCR), Title
2 22, Section 64423 subsection (a)(1).

3
4

APPLICABLE AUTHORITIES

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

6

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

14

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

18

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

21

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

23

24 (e) The Division may assess a penalty in an amount not to exceed one thousand
25 dollars (\$1,000) per day for each day that a violation occurred, and for each day that a
26 violation continues to occur. A separate penalty may be assessed for each violation.

1 California Code of Regulations, Title 22, Section 64423, subsection (a)(1)
2 provides, in relevant part:

3
4 (a) Each water supplier shall collect routine bacteriological water samples as follows:

5 (1) The minimum number of samples for community water systems shall be
6 based on the known population served or the total number of service
7 connections, whichever results in the greater number of samples, as shown in
8 Table 64423-A.

9 **Table 64423-A**
10 **Minimum Number of Routine Total Coliform Samples**

Monthly Population Served	Service Connections	Minimum Number of Samples
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week

11
12 **STATEMENT OF FACTS**

13 OLWD is operated under Water Supply Permit No. 01-88-023, issued on December 6,
14 1988.

15
16 OLWD operates a small water system located approximately five miles outside the
17 City of Manteca. The system is classified as a community water system that serves
18 the residents in the subdivision surrounding Oakwood Lake and sells water to a
19 neighboring mobile home park. According to the 2014 Annual Report to the Drinking
20 Water Program, OLWD serves approximately 540 people through 252 service

1 connections. The system obtains its water supply from two active wells, Well No. 3
2 and Well No. 4, located on OLWD property. Both Wells exceed the arsenic MCL of
3 10 ug/l and manganese MCL of 50 ug/l.

4

5 In addition to the wells, the facilities include a manganese and arsenic treatment
6 plant, a 49,000-gallon backwash storage tank, a 500,000-gallon ground-level finished
7 water storage tank, and a booster pump station. The domestic water is routinely
8 disinfected using sodium hypochlorite.

9

10 According to Table 64423-A of the California Code of Regulations and OLWD's
11 approved Bacteriological Sample Siting Plan, dated April 29, 2015, one routine
12 sample is to be collected and analyzed for total coliform bacteria on a monthly basis.
13 On September 1, 2015, the Division was notified by OLWD, via the attached email,
14 that the required routine bacteriological sample was not collected during August 2015.

15

16 Specifically, OLWD stated that the Farmers Growers Laboratory (hereinafter "FGL")
17 failed to collect the required sample. FGL is currently investigating how the collection
18 of the required bacteriological sample was overlooked.

19

20 OLWD had FGL collect a routine bacteriological sample on September 2, 2015. This
21 sample will be considered a makeup sample for August 2015. OLWD will have FGL
22 collect another routine bacteriological sample later in the month which will be used for
23 the September 2015 routine sample.

24

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27

1 **DETERMINATION**

2 The Division has determined that OLWD failed to comply with the requirements of
3 Section 64423(a)(1) due to the fact that OLWD failed to collect the required routine
4 bacteriological sample for the month of August 2015.

5
6 **DIRECTIVES**

7 OLWD is hereby directed to take the following actions:

- 8
- 9 1. By September 25, 2015, OLWD shall submit a plan which includes details to
10 ensure the water system does not miss future routine bacteriological
11 monitoring. The plan should also include the time of the month the routine
12 bacteriological samples will be taken. It should be noted that choosing a
13 sampling date in the beginning of the month may reduce the risk of missing
14 monthly bacteriological monitoring. If samples are missed at the beginning of
15 the month, OLWD would have ample time to collect the required sample later
16 the same month.

17
18 The above mentioned plan shall also include details about improving the
19 communication between the laboratory and OLWD. In the future, if required
20 bacteriological samples are missed, OLWD should contact the laboratory in a
21 timely manner.

- 22
- 23 2. Notify the consumers served by OLWD of the missed routine bacteriological
24 sample in conformance with Section 64463.4, Title 22, CCR. The notification
25 shall be provided in accordance with the following:
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- a. Provide written notice of the missed routine bacteriological sample to all residents, via hand delivery or mail, and post notification in public places served by the water system. The notification shall be hand delivered or mailed and posted in public places no later than September 25, 2015. The posted notice shall remain posted for at least 7 days.

- b. A sample notification form that can be used to satisfy the notification requirement is attached to this Citation. Within ten (10) days of supplying the written notification and posting of the written notification, OLWD shall submit to the Division a copy of the notification, including certification of its delivery.

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 OLWD of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

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

Brian Kidwell, P.E.
Associate Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
31 E. Channel Street, Room 270
Stockton, CA 9202

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PARTIES BOUND

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

SEVERABILITY

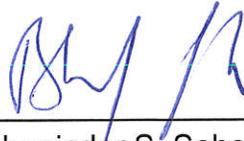
The Directives of this Citation are severable, and OLWD shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue 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, permit 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 violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

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9/2/2015



Date

Bhupinder S. Sahota, P.E.,
District Engineer, Stockton District
Division of Drinking Water
State Water Resources Control Board

Attachments:

1. Email from OLWD
2. Public Notification
3. Proof of Notification Form



Certified Mail No. 7004 2890 0002 0057 9584

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Kidwell, Brian@Waterboards

From: Casey Wichert <caseywichert@valleyoperators.com>
Sent: Tuesday, September 01, 2015 3:10 PM
To: Kidwell, Brian@Waterboards
Cc: Jim Bewley; Jacquelyn Parsons
Subject: Fwd: OLWD

Hi Brian,

I got a call from FGL this afternoon apologizing for missing the routine coliform sample for August (see email confirmation below). I asked them to collect a sample tomorrow. Do we need to do anything else?

Casey Wichert
209.483.5525



----- Forwarded message -----

From: Jim Kavanaugh <jimk@fglinc.com>
Date: Tue, Sep 1, 2015 at 2:45 PM
Subject: OLWD
To: Casey Wichert <caseywichert@valleyoperators.com>

Hi Casey,

Per our conversation, I am sending you this email to confirm that we did not collect the Monthly Routine for Oakwood Lake Subdivision for August. We will be out on Wednesday September 2nd and get this months sample collected. My apologies for the inconvenience I am looking into how this got missed.

Thank you,

Jim

--



Jim Kavanaugh Stockton
209-942-0182 www.fglinc.com

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.

Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period dates], we [‘did not monitor or test’ or ‘did not complete all monitoring or testing’] for [contaminant(s)] and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: _____

Signature of Person Serving Notice

****Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of giving public notice.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 fine of not more than twenty-five thousand dollars (\$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.