

State Water Resources Control Board
Division of Drinking Water

August 24, 2015
System No.: 1000537

Ms. Andrea Alatorre
Johnny Quik #161
55 Shaw Avenue, #122
Fresno, CA 93612

RE: Citation No. 03-23-15C-084 With Administrative Penalty

Dear Ms. Alatorre:

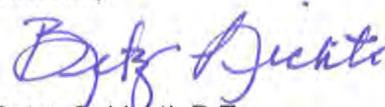
Enclosed is a Citation issued to the Johnny Quik #161 public water system. The Citation includes a \$150 penalty for failure to comply with this Citation. **Please note that the Division will consider terminating the Water System's obligation to pay the penalty if the Water System complies with the specific directives in the Citation by the specified due dates.**

Additionally, the Water System will be billed at the Division's hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Johnny Quik #161 water system for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact the Fresno District office at (559) 447-3300.

Sincerely,



Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/EL
Enclosures

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **JOHNNY QUIK #161**

Water System No. 1000537

TO: Andrea Alatorre
Johnny Quik #161
55 Shaw Avenue, #122
Clovis, CA 93612

CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE,

SECTIONS 116530 AND 116460

ANNUAL REPORT TO THE DRINKING WATER PROGRAM

CALENDAR YEAR 2014

CITATION NO. 03-23-15C-084

Issued on August 24, 2015

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public Water System Name for violation 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, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy

1 Director"), hereby issues a citation to Andrea Alatorre for failure of the water system
2 known by the name of Johnny Quik #161 (hereinafter, "Water System") (mailing address:
3 55 Shaw Avenue, #122, Clovis, CA 93612) for violation of CHSC Sections 116530 and
4 116460. Specifically, Johnny Quik #161 failed to submit an Annual Report to the Drinking
5 Water Division for the year ending December 31, 2014 and an updated Emergency
6 Notification Plan.

7 8 APPLICABLE AUTHORITIES

9 **Section 116530 of California Health and Safety Code provides, in relevant part:**

10 that a public Water System Name shall submit a technical report to the Division
11 when requested. The Division has established a requirement for each public Water
12 System Name under its jurisdiction to submit a technical report annually specifying
13 contact and operational information for the prior calendar year.
14

15 **Section 116460 of California Health and Safety Code specifies:**

16 that no person shall operate a public Water System Name without an Emergency
17 Notification Plan that has been submitted to and approved by the Division. The
18 request for the 2014 ARDWP also included a requirement for submittal of an
19 updated Emergency Notification Plan.
20

21 STATEMENT OF FACTS

22 The Division has not received the Annual Report to the Drinking Water Program (ARDWP)
23 for 2014 from the Water System. Additionally, the Division has not received an updated
24 Emergency Notification Plan from the Water System. The Division issued Citation 03-23-
25 15C-059 to the Water System on June 22, 2015, requiring the submission of the 2014
26 ARDWP by July 31, 2015. Repeated attempts to assist the Water System in this process
27 have been unsuccessful.
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29 DETERMINATION

30 The Division has determined that Johnny Quik #161 has failed to comply with Sections
31 116530 and 116460 of the CHSC.

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Due to the ongoing failure to submit the 2014 ARDWP, the Division hereby assesses a fine of \$150 to the Johnny Quik #161 water system.

ADMINISTRATIVE PENALTIES

PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650
Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Despite all efforts by the Division to work with the Water System, Johnny Quik #161 has failed to comply with the requirements for submission of the Annual Report to the Drinking Water Program. Therefore, the Division hereby assesses an administrative penalty of \$150.00 for violation of the CHSC and California Code of Regulations upon Johnny Quik #161.

Directive No. 2 describes the requirements for the payment of the Penalty and conditions for the waiver of the Penalty if compliance is achieved.

DIRECTIVES

Johnny Quik #161 is hereby directed to take the following actions:

1. By **September 30, 2015**, complete and submit electronically, as outlined in Attachment A, the *2014 Annual Report to the Drinking Water Program*, reporting operational information for the calendar year ending December 31, 2014.

1 The Water System Name shall immediately complete and submit an updated
2 Emergency Notification Plan using Attachment B and return it to the Division at the
3 following address:

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Betsy S. Lichti, Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

12 2. The Water System is directed to pay the penalty of \$150.00 (one hundred
13 fifty dollars) within 30 days of the receipt of this Citation. Payment shall be
14 made by check made payable to the State Water Resources Control Board
15 – Division of Drinking Water. Further instruction on submittal of the payment
16 is provided in Attachment C, “Notice of Citation Issuance”. **However, if the**
17 **Water System complies with Directive No. 1 by September 30, 2015,**
18 **the Division will consider, at its sole discretion, terminating the**
19 **requirement to pay the penalty and will provide written notice to the**
20 **Water system of its decision.**

21

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

25

26 Nothing in this Citation relieves Johnny Quik #161 of its obligation to meet the
27 requirements of the California Safe Drinking Water Act, or of any regulation, permit,
28 standard, or order issued or adopted thereunder.

29

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

3 Betsy S. Lichti, P.E.
4 District Engineer
5 State Water Resources Control Board
6 Division of Drinking Water
7 265 W. Bullard Avenue, Suite 101
8 Fresno, CA 93704

9 **PARTIES BOUND**

10 This Citation shall apply to and be binding upon Johnny Quik #161, its officers, directors,
11 shareholders, agents, employees, contractors, successors, and assignees.

12
13 **SEVERABILITY**

14 The Directives of this Citation are severable, and Johnny Quik #161 shall comply with
15 each and every provision thereof, notwithstanding the effectiveness of any other provision.

16
17 **FURTHER ENFORCEMENT ACTION**

18 The California SDWA authorizes the Division to issue a citation with assessment of
19 administrative penalties to a public water system for violation or continued violation of the
20 requirements of the California SDWA or any permit, regulation, permit or order issued or
21 adopted thereunder including, but not limited to, failure to correct a violation identified in a
22 citation or compliance order. The California SDWA also authorizes the Division to take
23 action to suspend or revoke a permit that has been issued to a public water system if the
24 system has violated applicable law or regulations or has failed to comply with an order of
25 the Division; and to petition the superior court to take various enforcement measures
26 against a public water system that has failed to comply with violates an order of the
27 Division. The Division does not waive any further enforcement action by issuance of this
28 citation.

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8-24-2015
Date


Carl Carlucci, P.E., Chief
Central California Section
Drinking Water Field Operations

CRC/EL



Certified Mail Tracking: 7014 3490 0001 7868 8200

- Attachments:
- A: Guidance for submission of the 2014 Electronic ARDWP
 - B: Emergency Notification Plan Template
 - C: Notice of Citation Issuance

Guidance for the submission of the 2014 Electronic ARDWP

To access the electronic ARDWP on-line page, please go to the **DRINC Portal** at the following link:

<http://drinc.ca.gov/ear/>

If you are not a registered user on the DRINC Portal:

In order to ensure the integrity of the information collected, we have implemented an on-line registration process to ensure that only valid water system representatives can access the online report. To access the eARDWP online page, please go to the following link for our DRINC Portal at <http://drinc.ca.gov> and then select the Electronic Annual Report link on the left-hand side of the page or go directly to <http://drinc.ca.gov/ear/> and **Register**. You need only register once to complete reports for multiple systems for which you are responsible. Within 3 to 5 days after you have registered and the local regulatory agency: DDW District Engineer if your water system is regulated by DDW or the Local Primacy Agency (LPA) staff if your water system is regulated by the county; has reviewed your registration, you will receive an email to allow you access to start a report for your public water system(s).

If you registered last year:

If you have previously registered, you do not need to register again to begin completing the 2014 eARDWP. Simply login to the eARDWP Portal using your user name (email address) and password; then go to the **MY EAR REPORTS** tab. Each previously submitted report will have a link on this page. At the bottom of the page is a link to start the 2014 eARDWP.

If you need to add another water system to your registered list:

You must ensure you are registered for each water system for which you must submit a report. To register for a new system, you must login to the eARDWP Portal using your user name (email address) and password, then go to the **MY PROFILE** tab and add a water system from the list. Within 3 to 5 days after you have added the new water system to your list, and the local regulatory agency has reviewed your registration, you will receive an email to allow you access to start a report for that new public water system(s). You may begin creating the 2014 eARDWP for any water systems that have prior approval while you are waiting for the approval for the newly added water system.

If you forgot your password or changed email addresses:

Password: You must first login using your user name (email address). When you are at the screen requiring your password, click on the link **Forgot Password?** Your password will be forwarded to your email account.

Email Address: If your email address has changed, you must re-register to create a new account with the updated email address. You should then connect the water system(s) to the new account for which you need to submit a 2014 eARDWP.

Emergency Notification Plan (ENP)

Each year, SWRCB-DDW Fresno District requires an updated Emergency Notification Plan. Please complete and sign the form attached and mail it to the SWRCB Fresno District Office or email a scanned copy as noted below. *The ENP must be signed by a representative of the water system that has been identified as a contact on the 2014 eARDWP.*

Submittal of eARDWP and ENP

Any documents that you wish to accompany the eARDWP, such as the required Emergency Notification Plan, or an updated Bacteriological Sample Siting Plan or Operations Plan, must be submitted in hard copy or via email (scanned signed copies only) to the SWRCB Fresno District Office at one of the following:

Mail: Betsy Lichti, P.E., District Engineer
SWRCB-DDW Fresno District
265 W. Bullard Ave., Suite 101
Fresno, CA 93704

Email: DWPDist23@waterboards.ca.gov

The Frequently Asked Questions (FAQ) is posted on the eARDWP portal. If you have any questions that are not addressed in the FAQ related to the 2014 eARDWP, please contact your local regulatory agency or send an email to DRINC@waterboards.ca.gov. If you do not have access to the Internet and cannot complete the form online, please call your local regulatory agency to request a paper copy.

You can continue to access the **Drinking Water Systems Geographic Reporting Tool** through the eARDWP Portal website. We have previously informed you about the **Drinking Water Systems Geographic Reporting Tool**, which was launched as a public health service by the DDW in cooperation with the UC Davis Information Center for the Environment (ICE). This web-based tool is designed to produce high resolution, digital maps of drinking water system customer service areas for the entire state of California, to assist water systems in digitizing their customer service area boundaries and identifying their neighboring systems, and to create a geographic information system (GIS) layer useful for emergency preparedness, for public health prevention and response, and for public health research.

If you have not already done so, you are invited to create or edit your service area boundaries and enter them in the Drinking Water Systems Geographic Reporting Tool. You can access the Drinking Water systems Geographic Reporting Tool on the DRINC portal at <http://drinc.ca.gov>.

Consumer Confidence Report Reminder

Water Systems were required to submit their 2014 Consumer Confidence Report electronically via the DRINC Portal by July 1, 2015.

(This requirement applies only to community and nontransient noncommunity water systems)

If you have any questions, please contact our office at (559) 447-3300.

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**State Water Resources Control Board**

Division of Drinking Water

WATER QUALITY EMERGENCY NOTIFICATION PLAN

Name of Utility: _____

Physical Location/Address: _____

The following persons have been designated to implement the plan upon notification by the Division of Drinking Water, SWRCB that an imminent danger to the health of the water users exists:

Water Utility: Contact Name & Title	Email Address	Day	Telephone	
			Evening	Cell
1. _____				
2. _____				
3. _____				

The implementation of the plan will be carried out with the following DDW-SWRCB and County Health Department personnel:

DDW-SWRCB & County Health Departments: Contact Name & Title	Telephone	
	Day	Evening
1. Betsy S. Lichti, District Engineer SWRCB DDW-Fresno District	(559) 447-3300	(559) 323-1460 (559) 647-2388
2. Carl L. Carlucci, Regional Engineer SWRCB DDW-Central CA Region	(559) 447-3300	(559) 280-6363
3. Wayne Fox, Supervising REHS Fresno County Health Department	(559) 600-3357	(559) 600-3357

4. If the above personnel cannot be reached, contact:

Office of Emergency Services Warning Center (24 hrs.) (800) 852-7550 or (916) 845-8911
When reporting a water quality emergency to the Warning Center, please ask for the State Water Resources Control Board – Division of Drinking Water Duty Officer.

NOTIFICATION PLAN

Attach a written description of the method or combination of methods to be used (radio, television, door-to-door, sound truck, etc.) to notify customers in an emergency. For each section of your plan give an estimate of the time required, necessary personnel, estimated coverage, etc. Consideration must be given to special organizations (such as schools), non-English speaking groups, and outlying water users. Ensure that the notification procedures you describe are practical and that you will be able to actually implement them in the event of an emergency. Examples of notification plans are attached for large, medium and small communities.

Report prepared by:

Signature and Title_____
Date

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

265 West Bullard Avenue, Suite 101, Fresno, CA 93704 | www.waterboards.ca.gov

DRINKING WATER FIELD OPERATIONS BRANCH

**NOTICE OF CITATION ISSUANCE
CIVIL PENALTY**

BACKGROUND STATEMENT

August 24, 2015, the Drinking Water Field Operations Branch of the Division of Drinking Water, issued Citation No. 03-23-15C-084 to Johnny Quik #161 (Water System #1000537)

This Citation carries a fine of \$150.00 (one hundred fifty dollars).

METHOD OF PAYMENT

By **September 30, 2015**, please submit a check in the amount of \$150.00 and make payable to:

**CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
ACCOUNTING OFFICE**

and mail to:

SWRCB Accounting Office
ATTN: **Drinking Water Program**
P.O. Box 1888
Sacramento, CA 95812-1888

Attn: Perin Peebles

(Please indicate the Citation Number on the Check)

(Attach Check Here)