



State Water Resources Control Board
Division of Drinking Water

September 21, 2015

John Verway
11511 W. Floral Avenue
Fresno, CA 93706

RE: Johann Dairy – Water System No. 1000604
Citation No. 03-23-15C-086

Dear Mr. Verway:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Citation No. 03-23-15C-086, for failure to comply with the provisions of Domestic Water Supply Permit No. 03-23-15p-013. The Citation is enclosed. The citation includes a penalty of \$1,500. Please note that Directive No. 4 of the Citation describes how to pay the penalty and further provides that if the Water System complies with Directive Nos. 2 and 3 before the payment becomes due, and upon a written request from the Water System, the Division will consider, at its sole discretion, terminating the requirement to pay the penalty.

The California Safe Drinking Water Act, Section 116577, provides for this agency to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this order. Our costs are approximately \$128 per hour. You will receive a bill for these costs following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

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

Sincerely,

A handwritten signature in blue ink that reads "Betsy Lichti".

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

BSL/PD

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**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

IN RE: **JOHANN DAIRY WATER SYSTEM**
 WATER SYSTEM NO. 1000604

TO: **VERWAY FAMILY REVOCABLE TRUST**
 ATTN: JOHN VERWAY
 11511 W. FLORAL AVENUE
 FRESNO, CA 93706

CITATION NO. 03-23-15C-086

**FOR VIOLATION OF
PROVISIONS OF
DOMESTIC WATER SUPPLY PERMIT NO. 03-23-15P-013**

Issued on September 21, 2015

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 this Citation pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Verway Family Revocable Trust for violation of directives of Domestic Water Supply Permit No. 03-23-15P-013.

APPLICABLE AUTHORITIES

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CHSC, Section 116540 states in relevant part:

Following completion of the investigation and satisfaction of the requirements of subdivisions (a) and (b), the department shall issue or deny the permit. The department may impose permit conditions, requirements for system improvements, and time schedules as it deems necessary to assure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.

CHSC, Section 116650 states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department 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. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(c) A citation may specify a date for 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 department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) 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

STATEMENT OF FACTS

The Division is informed by the Verway Family Revocable Trust and believes that the Johann Dairy Water System (hereinafter "Water System"), is a privately owned nontransient noncommunity water system located in Fresno County that supplies water for domestic purposes to a population of 25 nontransient individuals. The Water System operates under Domestic Water Supply Permit No. 03-23-15P-013 (hereinafter "Permit"), issued on February 17, 2015.

1 The Johann Dairy Water System is a nontransient noncommunity water system that
2 provides undisinfected groundwater obtained from one active well, with one standby well.
3
4 Water discharged from the wells flows directly to a 100,000 gallon steel storage tank prior
5 to discharge to a pressure tank and the distribution system. The Water System serves the
6 Johann Dairy and three residences.

7
8 The Permit included conditions that the Water System is required to comply with, which
9 were deemed necessary to assure a reliable and adequate supply of water at all times that is
10 pure, wholesome, potable, and does not endanger the health of consumers. The conditions
11 included the following:
12

- 13
14 16. By no later than March 31, 2015, the Water System shall submit a copy of the Well
15 01 Well Completion Report to the Division.
- 16
17 17. Wells used as standby sources must comply with the following regulatory
18 requirements, specified in the California Code of Regulations, Section 64414, as
19 provided in this report.
- 20
21 18. By no later than June 30, 2015, the Water System shall install a totalizing flow
22 meter on the active source at a point prior to any storage or pressure tanks. The
23 Water System shall submit photographic documentation of the flow meter to the
24 Division.
- 25
26 19. By no later than March 31, 2015, the Water System shall submit a Well Data Sheet
27 and a Possible Contaminating Activities Inventory for Well 02 to the Division to
allow for the preparation of the assessment.
20. By no later than March 31, 2015, the Water System shall develop an Emergency
Disinfection Plan (EDP) per the requirements outlined in Appendix B of this report.
The EDP shall be submitted to the Division, with photo documentation showing that
the necessary injection port and power hookup are available at the well site.
21. The Water System shall collect all past due water quality monitoring.
 - a. By no later than March 31, 2015, the Water System shall collect all PAST
DUE monitoring as identified in this report.

- 1 b. By no later than March 31, 2015, the Water System shall collect the first
 2 initial perchlorate monitoring sample from Well 02.
 3 c. By no later than March 31, 2015, the Water System shall collect the four
 4 consecutive quarters of initial radiological monitoring samples from Well 02.
 5 d. By no later than March 31, 2015, the Water System shall collect the first of
 6 three annual initial VOC and SOC samples from Well 02.
- 7 22. Additional triggered radiological monitoring, described within this report, is
 8 required when any radiological sample exceeds a gross alpha activity of 5 pCi/L.
 9 The laboratory must be notified of these triggered monitoring requirements.
- 10 23. By no later than March 31, 2015, the Water System shall submit documentation of
 11 their water distribution system operator's certification, including certification grade,
 12 certificate number, and expiration date to the Division.
- 13 24. All bacteriological samples collected from the distribution system shall be analyzed
 14 for total coliform and e. coli.

15 The Division notified the Water System, via an August 17, 2015, letter, that the Water
 16 System had not complied with provisions of the Permit; the letter provided the table below
 17 that summarized the outstanding requirements. A copy of the letter is provided in
 18 Attachment A.

Permit Provision	Description	Deadline	Status
16	Submit a copy of the Well Completion Report for Well 01	3/31/15	Incomplete
18	Submit Documentation Showing Flow Meter Installed on Well 02	6/30/2015	Incomplete
19	Submit Well Data Sheet and PCA Checklist for Both Wells	3/31/2015	Incomplete
20	Prepare and Submit an Emergency Disinfection Plan	3/31/2015	Incomplete
21	Collect Past Due Source Water Chemical Monitoring	3/31/2015	Incomplete
23	Submit Documentation that Water System Satisfies Requirement for a Certified Operator	3/31/2015	Incomplete

24 The August 17, 2015, letter required the Water System to submit a written response to the
 25 Division by September 4, 2015, indicating how it would comply with the Permit provisions.
 26

1 To date, the Division has not received a response to the August 17, 2015, letter. The Water
2 System has failed to comply with the deadlines established in Permit Provision Nos. 16, 18,
3 19, 20, 21, and 23. Specifically, the Water System has failed to: submit a Well Completion
4 Report for Well 01; submit documentation showing a flow meter installed on Well 02;
5 submit a Well Data Sheet and Possible Contaminating Activities checklist for Well 01 and
6 Well 02; prepare and submit an Emergency Disinfection Plan; collect past due source water
7 chemical monitoring; and submit documentation that the Water System has appropriately
8 certified operators.
9

10 **DETERMINATIONS**

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13 The Water System has failed to comply with Provision Nos. 16, 18, 19, 20, 21, and 23 of
14 Domestic Water Supply Permit No. 03-23-15P-013.
15

16 **ADMINISTRATIVE PENALTIES**

17 **Pursuant to CHSC Section 116650**

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20
21 Sections 116650(a) of the CHSC allows for the issuance of a citation for failure to comply
22 with the requirements of the California Safe Drinking Water Act, or any regulation, permit,
23 standard, citation, or order issued thereunder. Section 116650(d) and (e) allow for the
24 assessment of a penalty not to exceed one thousand dollars (\$1,000) per day for each day
25 that a violation occurs.
26
27

1 Despite the Division's efforts to work with the Water System, the Water System has failed
2 to comply with the provisions of its Domestic Water Supply Permit. Therefore, the Division
3 hereby assesses an administrative penalty of one thousand and five hundred dollars
4 (\$1,500) upon the Verway Family Revokable Trust and the Johann Dairy Water System.
5 Directive No. 4 below describes the requirements for payment of the Penalty and conditions
6 underwhich the Division may waive the requirement to pay the penalty.

7
8 **DIRECTIVES**
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10
11 The Johann Dairy Water System and its owner of record are hereby directed to take the
12 following actions:

- 13
14 1. Comply with Provision Nos. 16, 18, 19, 20, 21, and 23 of Domestic Water Supply
15 Permit No. 03-23-15P-013.
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18 2. By no later than **October 9, 2015**, submit a written response to the Division
19 indicating its willingness to comply with the directives of this Citation.
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22 3. By no later than **December 31, 2015**, submit a written response to the Division
23 documenting how the Water System has complied with Provision Nos. 16, 18, 19,
24 20, 21, and 23.
25
26 4. Pay the Penalty of one thousand and five hundred dollars (\$1,500) within 90 days of
27 the receipt of this Citation. Payment shall be made payable to the State Water

Resources Control Board – Division of Drinking Water. Further instruction on
1 submittal of the payment is provided in Attachment B, *Notice of Citation Issuance*.
2 Provision Nos. 16, 18, 19, 20, 21, and 23
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5 **If the Water System complies with Directive Nos. 2 and 3 before the payment**
6 **becomes due, and upon a written request from the Water System, the Division**
7 **will consider, at its sole discretion, terminating the requirement to pay the**
8 **penalty.**
9

10 All submittals required by this Citation shall be addressed to:
11

12 Betsy S. Lichti, P.E.,
13 Senior Sanitary Engineer
14 State Water Resources Control Board
15 Division of Drinking Water
16 Fresno District
17 265 W. Bullard Avenue, Suite 101
18 Fresno, CA 93704

19 As used in this Citation, the date of issuance shall be the date of this Citation; and the date
20 of service shall be the date of service of this Citation, personal or by certified mail, on the
21 Water System or its owner of record.

22 The Division reserves the right to make such modifications to this Citation and/or to issue
23 such further citations as it may deem necessary to protect public health and safety. Such
24 modifications may be issued as amendments to this Citation and shall be deemed effective
25 upon issuance.
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1 Nothing in this Citation relieves the Water System or its owner of record of its obligation to
2 meet the requirements of the California SDWA, or any regulation, standard, permit or order
3 issued thereunder.

4
5 **PARTIES BOUND**

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7 This Citation shall apply to and be binding upon the Water System, its owners,
8 shareholders, officers, directors, agents, employees, contractors, successors, and assignees.
9

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11 **SEVERABILITY**

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13 The Directives of this Citation are severable, and the Water System and its owner of record
14 shall comply with each and every provision hereof, notwithstanding the effectiveness of any
15 other provision.
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18 **FURTHER ENFORCEMENT ACTION**

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20 The California SDWA authorizes the Board to issue a citation with assessment of
21 administrative penalties to a public water system for violation or continued violation of the
22 requirements of the California SDWA or any regulation, permit, standard, citation, or order
23 issued or adopted thereunder including, but not limited to, failure to correct a violation
24 identified in a citation or compliance order. The California SDWA also authorizes the
25 Board to take action to suspend or revoke a permit that has been issued to a public water
26 system if the public water system has violated applicable law or regulations or has failed to
27

1 comply with an order of the Board; and to petition the superior court to take various
2 enforcement measures against a public water system that has failed to comply with an order
3 of the Board. The Board does not waive any further enforcement action by issuance of this
4 Citation.

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9 9-21-2015

10 Date



11 Carl L. Carlucci, P.E., Chief
12 Central California Section
13 Drinking Water Field Operations

14 CLC/PD



21 **Attachments:**

22 Attachment A: Division Letter of August 17, 2015
23 Attachment B: Notice of Citation Issuance

24 Via Certified Mail: 70143490000178689238
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FILE COPY



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

August 17, 2015

Mr. John Verwey
11511 W. Floral Avenue
Fresno, CA 93706

Re: Johann Dairy – Public Water System No. 1000604
Noncompliance with Domestic Water Supply Permit

Dear Mr. Verwey:

On February 17, 2015, the State Water Resources Control Board – Division of Drinking Water (Division) issued Domestic Water Supply Permit No. 03-23-15P-013 for the operation of the Johann Dairy Water System (Water System). The permit included a number of provisions that the Water System is required to comply with. The Water System is has not complied with the provisions of its permit, as shown in the table below.

Permit Provision	Description	Deadline	Status
16	Submit a copy of the Well Completion Report for Well 01	3/31/15	Incomplete
18	Submit Documentation Showing Flow Meter Installed on Well 02	6/30/2015	Incomplete
19	Submit Well Data Sheet and PCA Checklist for Both Wells	3/31/2015	Incomplete
20	Prepare and Submit an Emergency Disinfection Plan	3/31/2015	Incomplete
21	Collect Past Due Source Water Chemical Monitoring	3/31/2015	Incomplete
23	Submit Documentation that Water System Satisfies Requirement for a Certified Operator	3/31/2015	Incomplete

Please submit a written response to the Division, no later than **September 4, 2015**, indicating how the Water System will comply with the provisions of its Domestic Water Supply Permit. Failure to respond to this letter or continued failures to comply with the permit provisions may lead to the issuance of further enforcement actions against the Water System.

If you have any questions regarding this letter, please contact Philip Dutton or me at (559) 447-3300.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betsy Lichti".

Betsy S. Lichti, P.E.

Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/PD

DRINKING WATER FIELD OPERATIONS BRANCH

**NOTICE OF CITATION ISSUANCE
PENALTY**

BACKGROUND STATEMENT

The State Water Resources Control Board, Division of Drinking Water, issued Citation No. 03-23-15C-086 for the Johann Dairy Water System (Public Water System #1000604).

This Citation carries a penalty of \$1,500.00 (one thousand and five hundred dollars).

METHOD OF PAYMENT

Within 90 days of receipt of this Citation, submit a check in the amount of \$1,500.00 made payable to:

SWRCB – Division of Drinking Water

and mail to:

**State Water Resources Control Board
Division of Drinking Water
P.O. Box 997379, MS 7406
Sacramento, CA 95899-7413
Attn: Perin Peebles**

(Please indicate the Citation Number on the Check)

(Attach Check Here)