



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Certified Mail

7012 3460 0003 1113 1052

January 16, 2015

Chimney Tree
6020 Fort Seward Road
Garberville, CA 95540

Attention: Peggy Satterlee, Owner

CITATION NO. 01_01_15C_002, FAILURE TO SUBMIT MONTHLY SURFACE WATER TREATMENT MONITORING REPORTS AND FAILURE TO CONDUCT OR REPORT MONTHLY COLIFORM SAMPLING, SYSTEM NO. 1200751

Enclosed is a citation issued to the Chimney Tree public water system (Chimney Tree) for failing to submit monthly surface water treatment (turbidity/chlorination) monitoring reports for all of 2014, and failing to conduct or report monthly coliform sampling for the months of September, October, November, and December 2014.

Health and Safety Code Section 116577 provides that a public water system must reimburse this agency for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing, and monitoring compliance with a citation. Chimney Tree will be billed at the Division's hourly rate (approximately \$128 per hour) for the time spent on issuing this citation. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation. You will receive a bill for these costs in August, following the end of the State's fiscal year, from our Drinking Water Program in Sacramento.

If you have any questions regarding this matter, please contact Craig Bunas of my staff at (560) 224-4887 or me at (530) 224-4872.

Tony Wiedemann, P.E.
Klamath District Engineer
Drinking Water Field Operations Branch

Enclosures

cc: Kevin Metcalfe, Humboldt County Division of Environmental Health, Eureka
Richard Hinrichs, Chief – DDW – Northern California Section

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

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

Date: January 16, 2015

To: Chimney Tree
6020 Fort Seward Road
Garberville, CA 95540

Attn: Peggy Satterlee, Owner

CITATION NO. 01_01_15C_002
FOR FAILURE TO SUBMIT
SURFACE WATER TREATMENT MONITORING RECORDS
AND FOR FAILURE TO SUBMIT
COLIFORM MONITORING RECORDS
Sections 64664 and 64423, Title 22, California Code of Regulations
Public Water System: Chimney Tree
Public Water System No.: 1200751

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.

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2 The State Water Resources Control Board (hereinafter "State Board"), acting by and
3 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for
4 the Division (hereinafter "Deputy Director"), hereby issues a citation to the Chimney Tree
5 public water system (hereinafter Chimney Tree) for failure to submit surface water
6 treatment monthly monitoring reports, Section 64664, California Code of Regulations
7 (CCR), and failure to submit monthly coliform monitoring results, Section 64423, CCR.

8
9 **APPLICABLE AUTHORITIES**

10 Section 64664, CCR states in relevant part:

11 (a) For each calendar month, a supplier shall submit a report to the Department by the
12 tenth day of the following month that includes the applicable information in this section
13 for each treatment plant. The report shall be signed by the chief water treatment plant
14 operator, plant superintendent, or other person directly responsible for the operation of
15 the water treatment plant.

16
17 Section 64423, CCR states in relevant part:

18 (a) Each water supplier shall collect routine bacteriological water samples as follows:
19 (5) The minimum number of samples for transient-noncommunity water systems
20 using approved surface water shall be based on the population served as shown in
21 Table 64423-A.

22 Table 64423-A (Excerpt)

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Monthly Population Served	Service Connections	Minimum Number of Samples
25 to 1000	15 to 400	1 per month

1
2 Section 64423.1, CCR states in relevant part:

3 (c) Analytical results of all required samples collected for a system in a calendar month
4 shall be reported to the Department not later than the tenth day of the following month,
5 as follows:

6 (1) The water supplier shall submit a monthly summary of the bacteriological
7 monitoring results to the Department.

8 (2) For systems serving fewer than 10,000 service connections or 33,000 persons,
9 the water supplier shall require the laboratory to submit copies of all required
10 bacteriological monitoring results directly to the Department.

11
12 Copies of additional *Applicable Authorities* are located in Appendix 1 and Appendix 2,
13 which are attached hereto and incorporated by reference.

14
15 **STATEMENT OF FACTS**

16 Chimney Tree is a transient-noncommunity public water system and serves the Chimney
17 Tree Restaurant and two residences with a daily population of more than 25 but less
18 than 1000 people. Chimney Tree operates a surface water treatment plant which uses
19 slow sand filtration technology.

20
21 After numerous requests, the Division did not receive surface water treatment monthly
22 monitoring reports for all months of 2014. Additionally, the Division did not receive
23 monthly coliform monitoring results for the months of September, October, November,
24 and December 2014.

1
2 **DETERMINATION**

3 The Division has determined that the Chimney Tree is in violation of Title 22, CCR,
4 Section 64664, for failure to submit surface water treatment monthly monitoring reports
5 to this office for all months in 2014.

6
7 Furthermore, the Division has determined that the Chimney Tree is in violation of
8 Title 22, CCR, Section 64423, for failure to submit monthly coliform monitoring results for
9 the months of September, October, November, December 2014.

10
11
12 **DIRECTIVES**

13 Chimney Tree is hereby directed to take the following actions:

- 14
15 1. Comply with Title 22, CCR, Section 64664, in all future monitoring periods.
16
17 2. Comply with Title 22, CCR, Section 64623, in all future monitoring periods.
18
19 3. On or before **January 31, 2015**, notify all persons served by the water system that
20 Chimney Tree failed to submit surface water treatment monthly monitoring reports
21 and is in violation of Section 64664, CCR.

22
23 *Appendix 3: Public Notice Template* may be used to fulfill this directive. The
24 procedures for the distribution, format and content of the *Public Notice* shall be in
25 accordance with Tier 2 Public Notification requirements contained in Section 64463
26
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1 through Section 64465, CCR, which relevant parts are included in Appendix 1:

2 *Applicable Authorities.*

3
4 4. On or before **January 31, 2015**, notify all persons served by the water system that
5 Chimney Tree failed to submit monthly coliform monitoring reports and is in violation
6 of Section 64423, CCR. Appendix 4: *Public Notice Template* may be used to fulfill
7 this directive. The procedures for the distribution, format and content of the *Public*
8 *Notice* shall be in accordance with Tier 2 Public Notification requirements contained
9 in Section 64463 through Section 64465, CCR, which relevant parts are included in
10 Appendix 2: *Applicable Authorities.*

11
12 5. Chimney Tree shall complete Appendix 5: *Certification of Public Notification.*
13 Chimney Tree shall submit the *Certification of Public Notification* with a copy of the
14 *Public Notice* to the Division on or before **February 9, 2015.**

15
16
17 All submittals required by this citation shall be submitted to the Division of Drinking Water
18 at the following address:

19
20 Tony Wiedemann, P.E.
21 Klamath District Engineer
22 State Water Resources Control Board
23 Drinking Water Field Operations Branch
24 364 Knollcrest Drive, Suite 101
25 Redding, CA 96002

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

1
2 Nothing in this Citation relieves the Chimney Tree of its obligation to meet the
3 requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12,
4 Chapter 4, commencing with Section 116270), or any regulation, standard, permit or
5 order issued thereunder.
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7

8 **PARTIES BOUND**

9 This citation shall apply to and be binding upon Chimney Tree, its owners, shareholders,
10 officers, directors, agents, employees, contractors, successors, and assignees.
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12

13 **SEVERABILITY**

14 The Directives of this citation are severable, and Chimney Tree shall comply with each
15 and every provision thereof notwithstanding the effectiveness of any provision.
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4 **FURTHER ENFORCEMENT ACTION**

5 The California SDWA authorizes the Division to issue a citation or compliance order with
6 assessment of administrative penalties to a public water system for violation or continued
7 violation of the requirements of the California SDWA or any permit, regulation, permit or
8 order issued or adopted thereunder including, but not limited to, failure to correct a
9 violation identified in a citation or compliance order. The California SDWA also
10 authorizes the Division to take action to suspend or revoke a permit that has been issued
11 to a public water system if the system has violated applicable law or regulations or has
12 failed to comply with an order of the Division; and to petition the superior court to take
13 various enforcement measures against a public water system that has failed to comply
14 with an order of the Division. The Division does not waive any further enforcement action
15 by issuance of this citation or compliance order.
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19 Tony Wiedemann, P.E.
20 Klamath District Engineer
21 State Water Resources Control Board
22 Drinking Water Field Operations Branch

23 January 16, 2015
24 Date

25 Appendices (5):

- 26 1. Applicable Authorities (1)
27 2. Applicable Authorities (2)
3. Public Notice Template (1)
4. Public Notice Template (2)
5. Certification of Public Notification

Certified Mail No. 7012 3460 0003 1113 1052

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.

**Surface Water Treatment Monitoring Requirements Not Met for
Chimney Tree Public Water System**

Our water system failed to monitor as required for drinking water standards during past months 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. Chimney Tree Public Water System failed to collect and/or report the required routine monitoring for turbidity/chlorination in its finished drinking water in all months of 2014 as required in Section 64656(f) and Section 64664(c) of the California Domestic Water Quality and Monitoring Regulations. Turbidity and Chlorination monitoring records are necessary to determine if the finished drinking water has been treated to drinking water standards.

What should you 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 month, 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.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Turbidity	Daily	none	Daily	unknown
Chlorination	Daily	none	Daily	unknown

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

What Happened? What Was Done?

Chimney Tree Public Water System failed to collect and/or report the required routine monitoring for turbidity/chlorination in its finished drinking water in all months of 2014.

For more information, please contact _____ of the Chimney

Tree Public Water System public water system at _____.

Please share this information with 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 notice in a public place or distributing copies by hand or mail.

State Water System ID#: 1200751

Date distributed: _____

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.

**Coliform Bacteria Monitoring Requirements Not Met for
Chimney Tree Public Water System**

Our water system failed to monitor as required for drinking water standards during past months 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 September, October, November and December 2014, we did not monitor or test for total coliform and therefore, cannot be sure of the quality of our drinking water during that time.

What should you 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 month, 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.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Coliform bacteria	one sample every month	none	2014	

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

What Happened? What Was Done?

Chimney Tree Public Water System did not collect coliform bacteria samples from the water system for September, October, November and December 2014. The sampling of coliform bacteria will be resumed in the near future.

For more information, please contact _____ of the Chimney

Tree at _____.

Please share this information with 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 notice in a public place or distributing copies by hand or mail.

State Water System ID#: 1200751

Date distributed: _____

Appendix 5
Certification of Public Notification
(Noncommunity)

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463 – 64465.

Public Water System Name _____ **Chimney Tree Public Water System**

Public Water System No. _____ **1200751**

Public notification for: 1) Failure to submit monthly turbidity/ chlorination monitoring records (all months 2014), and; 2) Failure to monitor/submit coliform bacteria sampling results (September, October, November and December 2014) was performed by the following method(s) (check and complete those that apply):

_____ The notice was posted in the following conspicuous places:
A copy of the notice is attached.

Provide the date (or dates) that the notice was posted _____

_____ The notice was published in a local newspaper or newsletter on _____
A copy of the newspaper or newsletter notice is attached.

_____ The notice was e-mailed to employees or students on _____
A copy of the notice is attached.

_____ The notice was posted on the Internet or intranet on _____
A copy of the notice is attached.

_____ The notice was directly delivered to each customer on _____
A copy of the notice is attached.

I hereby certify that the above information is factual.

Printed Name

Signature

Date