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

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IN RE: Caltrans Calexico Port of Entry
1700 E. Carr Road
Calexico, CA 92231

TO: Laurie Berman
Caltrans District 11 Director
4050 Taylor Street
San Diego, CA 92110

**CITATION No. 05-14-15C-001-1310017-02
ISSUED ON FEBRUARY 17, 2015**

FOR VIOLATION OF

**CALIFORNIA HEALTH AND SAFETY CODE, Sections 116555(a)(1)
CALIFORNIA CODE OF REGULATIONS, Title 22 Section 64533**

and

**CITATION NO. 05-14-11C-016
CITATION NO. 05-14-13C-005**

by

**CALTRANS CALEXICO PORT OF ENTRY
WATER SYSTEM NO. 1310016**

33 Section 116650 of the California Health and Safety Code (hereinafter "CHSC"), authorizes
34 the State Water Resources Control Board Division of Drinking Water (hereinafter
35 "Division") to issue a citation to a public water system when the Division determines that
36 the public water system has violated or is violating the California Safe Drinking Water Act
37 (CHSC, Division 104, Part 12, Chapter 4), (hereinafter "California SDWA") or any
38 regulation, standard, permit, or order issued or adopted thereunder.

39
40 The Division hereby issues a citation to the Caltrans Calexico Port of Entry water system
41 (hereinafter "Caltrans Calexico"), located at 1699 Carr Road, Calexico, CA 92231, for
42 failure to comply with California Health and Safety Code Section 116555(a)(1); California

1 Code of Regulations, Title 22, Section 64533; Citation No. 05-14-11C-016, Directive No. 1,
2 and Citation No. 05-14-13C-005-1310017-02, Directives Nos. 1, 5, and 6.

3

4

APPLICABLE AUTHORITIES

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

6 116650. Citations.

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

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

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

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

26

27 **Section 116555(a)(1) of the Health and Safety Code provides:**

28 116555. Operational Requirements.

1 (a) Any person who owns a public water system shall ensure that the system does
2 all of the following:

3 (1) Complies with primary and secondary drinking water standards.
4

5 **California Code of Regulations (CCR), Title 22, Section 64533 provides in relevant
6 part:**

7 “(a) ... [T]he primary MCLs ... [of 0.080 mg/L (80 ug/L) for total trihalomethane] shall not
8 be exceeded in drinking water supplied to the public.”
9

10 **California Code of Regulations (CCR), Title 22, Section 64534.2(d)(1) provides in
11 relevant part:**

12 “Community and nontransient-noncommunity water systems shall monitor for TTHM and HAA5
13 at the frequencies and location totals . . . in accordance with the monitoring plan developed
14 pursuant to section 64534.8;”
15

16 **Citation No. 05-14-11C-016 (Issued on July 25th, 2011), Directive No. 1 provides:**

17 1. Forthwith, Caltrans Calexico shall cease-and-desist from failing to comply with the
18 TTHM primary drinking water standard RAA MCL of 80 ug/L in drinking water supplied
19 to the public.
20

21 **Citation No. 05-14-13C-005 (Issued on April 8th, 2013), Directives Nos. 1, 5, and 6
22 provides:**

23 1. Forthwith, Caltrans Calexico shall cease-and-desist from failing to comply with the
24 TTHM primary drinking water standard RAA MCL of 80 ug/L in drinking water supplied
25 to the public.

26 5. Caltrans Calexico shall complete construction of a service connection to Gateway of
27 The America’s and begin taking potable water service, or submit plans and
28 specifications for a TTHM removal treatment system, or obtain approval from CDPH

1 (the Division) for an alternative plan to comply with the TTHM standard by September
2 30, 2013.

3 6. Caltrans Calexico shall continue to provide CDPH (the Division) with monthly progress
4 updates to Directive No. 5 above by the 10th day of every month.
5

6 STATEMENT OF FACTS

7 The Caltrans Calexico water system is operated under Water Supply Permit No. 04-14-
8 98P-003 issued in January 1998 to Caltrans as legal owner of the Water System. Caltrans
9 Calexico is a nontransient-noncommunity water system that supplies water for domestic
10 purposes to a staff of approximately 26 permanent employees and a small transient
11 population. The water system purchases raw water from Imperial Irrigation District via the
12 South Alamo Canal, a lateral of Drop 4 of the All American Canal, and stores the raw water
13 in a 22,000 gallon bolted steel tank. Raw water is pumped to the treatment plant which
14 consists of pre-filtration, a Rosedale bag filtration system with Giardia filter, chlorine
15 injection, two disinfection contact tanks, and a 1,000 gallon horizontal pressure tank for
16 storage.
17

18 As a nontransient-noncommunity water system that provides water treated with a chemical
19 disinfectant Caltrans Calexico is required to monitor TTHM and HAA5 disinfection
20 byproducts in accordance with CCR, Title 22, Chapter 15.5. Caltrans Calexico completed
21 Stage 1 disinfection byproduct monitoring during the 3rd quarter of 2013, and began Stage
22 2 disinfection byproduct monitoring during the 4th quarter of 2013 and collects one sample
23 from a single distribution system location.
24

25 Under the Stage 1 Disinfection Byproduct Rule TTHM and HAA5 disinfection byproducts
26 were monitored at a single location in the distribution system. Pursuant to CCR, Title 22,
27 Section 64535.2(b), compliance calculations for quarterly monitoring were based on a
28 Running Annual Average (RAA) of the previous four quarterly average results. The RAA,

1 computed quarterly, of quarterly averages of all samples collected pursuant to Section
2 64534.2(a) were not to exceed the 80 µg/L MCL specified in Section 64533.

3
4 Under the Stage 2 Disinfection Byproduct Rule TTHM and HAA5 disinfection byproducts
5 were monitored at a single location in the distribution system. Pursuant to CCR, Title 22,
6 Section 64535.2(e), compliance calculations for quarterly monitoring are based on a
7 Locational Running Annual Average (LRAA), the average of the previous four quarterly
8 results. The LRAA, computed quarterly of all samples collected pursuant to Section
9 64534.2(d) is not to exceed the 80 µg/L MCL specified in Section 64533.

10
11 Under the Stage 2 Disinfection Byproduct Rule, Caltrans Calexico is required to perform
12 TTHM and HAA5 monitoring in accordance with the Compliance Monitoring Plan (CMP)
13 developed pursuant to Section 64534.8. The CMP, issued by the Division to Caltrans
14 Calexico on June 25th, 2013, requires reporting of TTHM results to the Division by the 10th
15 of the month following the month in which monitoring was performed. The report requires a
16 determination of the Operational Evaluation Level (OEL) as the sum of the two previous
17 quarterly TTHM results plus twice the current quarterly TTHM result, divided by four to
18 determine an average TTHM level. The OEL, computed quarterly, shall not exceed 80
19 µg/L for TTHMs as specified in Section 64534.2(d)(6). As stated in the CMP, if the OEL
20 exceeds 80 ug/L Caltrans Calexico shall conduct an operational evaluation as described in
21 the Section 64534.2(d)(6) and shall submit a written report of the operational evaluation to
22 the Division no later than 90 days after being notified of the result that caused the OEL
23 exceedance. Caltrans Calexico was notified of the result that caused the OEL exceedance
24 on September 22nd, 2014 but failed to report the results to the Division by October 10th,
25 2014 and failed to prepare and submit the written report of the operational evaluation to
26 the Division by December 22nd, 2014. The result was submitted to the Division on
27 December 19, 2014.

1 Historical values for Stage 1 and Stage 2 TTHM monitoring for the Caltrans Calexico water
 2 system is shown below in Tables 1 and 2. Caltrans Calexico failed to conduct Stage 2
 3 TTHM monitoring during the 2nd quarter of 2014. This citation addresses Stage 1 TTHM
 4 RAA MCL violations for 1st, 2nd and 3rd quarters of 2013, and the Stage 2 TTHM LRAA
 5 MCL violation for 3rd quarter of 2014.

6
 7 **Table 1: Caltrans Calexico Stage 1 TTHM Monitoring**
 8 **Running Annual Average (RAA)**

TTHM Increased Monitoring Quarter	Months Included in Quarter	TTHM Result, ug/L	Running Annual Average (RAA), ug/L
3 rd Quarter 2009	July – September 2009	100	NA
4 th Quarter 2009	October – December 2009	54	NA
1 st Quarter 2010	January – March 2010	48	NA
2 nd Quarter 2010	April – June 2010	75	69
3 rd Quarter 2010	July – September 2010	92	67
4 th Quarter 2010	October – December 2010	100	79
1 st Quarter 2011	January – March 2011	74	85_a
2 nd Quarter 2011	April – June 2011	87	88_a
3 rd Quarter 2011	July – September 2011	100	90_a
4 th Quarter 2011	October – December 2011	22	71
1 st Quarter 2012	January – March 2012	68	69
2 nd Quarter 2012	April – June 2012	110	75
3 rd Quarter 2012	July – September 2012	130	83_a
4 th Quarter 2012	October – December 2012	68	94_a
1 st Quarter 2013	January – March 2013	71	95_a
2 nd Quarter 2013	April – June 2013	86	89_a
3 rd Quarter 2013	July – September 2013	99	81_a

9 a: Exceeds RAA MCL of 80 ug/L.

10 **Table 2: Caltrans Calexico Stage 2 TTHM Monitoring, LRAA**
 11 **Locational Running Annual Average (LRAA)**

TTHM Increased Monitoring Quarter	Months Included in Quarter	TTHM Result, ug/L	Locational Running Annual Average (LRAA), ug/L
4 th Quarter 2013	October – December 2013	84	NA

1 st Quarter 2014	January – March 2014	120	NA
2 nd Quarter 2014	April – June 2014	NS _a	NA
3 rd Quarter 2014	July – September 2014	180	128 _b

a: NS = No Sample collected. Caltrans Calexico failed to perform Stage 2 monitoring during the 2nd quarter of 2014.

b: Exceeds LRAA MCL of 80 ug/L. LRAA equal to average of available data in accordance with Title 22 Section 64535.2(e)(3).

**Table 3: Caltrans Calexico Stage 2 TTHM Monitoring
 Operational Evaluation Level (OEL)**

TTHM Increased Monitoring Quarter	Months Included in Quarter	TTHM Result, ug/L	Operational Evaluation Level (OEL)
4 th Quarter 2013	October – December 2013	84	NA
1 st Quarter 2014	January – March 2014	120	NA
2 nd Quarter 2014	April – June 2014	NS _a	NA
3 rd Quarter 2014	July – September 2014	180	141 _b

a: NS = No Sample collected. Caltrans Calexico failed to perform Stage 2 monitoring during the 2nd quarter of 2014.

b: Exceeds 80 ug/L and operational evaluation required in accordance with Title 22 Section 64534.2(d)(6).

The Division issued Citation No. 05-14-11C-016 on July 25th, 2011 for failure to meet the TTHM primary drinking water standard MCL of 80 ug/L. The citation cited quarterly violations for the 3rd quarter of 2009, the 3rd and 4th quarters of 2010, and the 2nd quarter of 2011. However, the citation was intended to be for RAA MCL violations of 1st and 2nd quarters of 2011. Directive 1 required Caltrans Calexico to cease-and-desist from failing to comply with the TTHM primary drinking water standard MCL.

The Division issued Citation No. 05-14-13C-005 on April 8th, 2013, for failure to meet the TTHM primary drinking water standard RAA MCL of 80 ug/L for the 3rd quarter of 2011 and the 3rd and 4th quarters of 2012. Directive 1 required Caltrans Calexico to cease-and-desist from failing to comply with the TTHM primary drinking water standard RAA MCL. Directive 5 required Caltrans Calexico to complete construction of a service connection to Gateway of The America’s County Service Area and begin taking potable water service, or submit to the Division plans and specifications for a TTHM treatment or removal system, or obtain approval from the Division for an alternative plan to comply with the TTHM standard by

1 September 30, 2013. Directive 6 required Caltrans Calexico to provide the Division with
2 monthly progress updates to Directive No. 5 above by the 10th day of every month.

3
4 Since the citations cited above were issued, Caltrans Calexico has continued to fail
5 Directive 1 of Citation 05-14-11C-016 and Directives 1, 5, and 6 of Citation 05-14-13C-005.
6 Caltrans Calexico has exceeded the Stage 1 TTHM RAA MCL for the 1st, 2nd and 3rd
7 quarters of 2013 and the Stage 2 TTHM LRAA MCL for 3rd quarter of 2014. In October
8 2014 Caltrans Calexico completed initial steps to meet Directive 5 in Citation 05-14-13C-
9 005 by submitting brief information on the service connection to Gateway of The America's
10 County Service Area but no further information has been submitted to the Division for
11 review. Caltrans Calexico also failed to provide monthly updates on the status of the
12 service connection as required by Directive 6.

13 14 **DETERMINATIONS**

15 The Division has determined that Caltrans Calexico is in violation of Section 116555(a)(1)
16 of the CHSC and CCR, Title 22, Section 64533(a) in that Caltrans Calexico has failed to
17 meet the primary drinking water standard TTHM MCL of 80 ug/L using the compliance
18 determination in Section 64535.2(b) for Stage 1 monitoring of TTHM disinfection
19 byproducts in drinking water supplied to the public for the 1st, 2nd, and 3rd quarters of 2013.

20
21 The Division has determined that Caltrans Calexico is in violation of Section 116555(a)(1)
22 of the CHSC and CCR, Title 22, Section 64533(a) in that Caltrans Calexico has failed to
23 meet the primary drinking water standard TTHM MCL of 80 ug/L using the compliance
24 determination in Section 64535.2(e) for Stage 2 monitoring of TTHM disinfection
25 byproducts in drinking water supplied to the public for the 3rd quarter of 2014.

26
27 The Division has determined that Caltrans Calexico is in violation of CCR, Title 22, Section
28 64534.8(a) in that Caltrans Calexico has failed to implement the Stage 2 CMP required in

1 Section 64534.8(a) and issued by the Division to Caltrans Calexico on June 25th, 2013.
2 Specifically, during the first 4 quarters of Stage 2 monitoring from 4th quarter 2013 to 3rd
3 quarter 2014, Caltrans Calexico failed to perform 4 quarters of consecutive monitoring for
4 Stage 2 TTHMs, i.e. no sampling was performed for second quarter 2014, failed to
5 complete the TTHM and OEL monitoring reports, failed to submit the TTHM and OEL
6 monitoring reports by the due date, failed to report the TTHM results by Electronic Data
7 Transfer, and failed to complete the OEL evaluation report and submit by the due date.

8
9 The Division has determined that Caltrans Calexico is in violation of CCR, Title 22,
10 64534.2(d)(1) in that Caltrans Calexico failed to perform Stage 2 TTHM monitoring during
11 the 2nd quarter of 2014.

12
13 The Division has determined that Caltrans Calexico is in violation of CCR, Title 22, Section
14 64530(d)(2)(B) in that Caltrans Calexico has failed to make Stage 1 compliance
15 calculations for the 1st, 2nd, and 3rd quarters of 2013 and Stage 2 compliance calculations
16 for the 4th quarter of 2013 and the 1st, 2nd, and 3rd quarters of 2014.

17
18 The Division has determined that Caltrans Calexico is in violation of CCR, Title 22, Section
19 64534.2(d)(6) in that Caltrans Calexico has failed to conduct a Stage 2 operational
20 evaluation for 3rd quarter 2014 as a result of the OEL exceeding 80 ug/L for TTHMs.

21
22 The Division has determined that Caltrans Calexico is in violation of Title 22, CCR, Section
23 64537(d) in that Caltrans Calexico has failed to submit a Stage 2 operational evaluation
24 written report for 3rd quarter 2014 to the Division no later than 90 days after being notified
25 of the analytical result that caused the OEL exceedance.

26

1 The Division has determined that Caltrans Calexico is in violation of Citation No. 05-14-
2 11C-016, Directive No. 1, and Citation No. 05-14-13C-005 Directives Nos. 1, 5 and 6 in
3 that Caltrans Calexico failed to comply with those Directives.

4
5 **ADMINISTRATIVE PENALTIES**

6 **PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650**

7 Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty
8 for failure to comply with requirements of the California SDWA or any regulation, standard,
9 permit, or order issued or adopted thereunder. Therefore, as of the date of this Citation,
10 the Division assesses an administrative penalty of \$6,000 (six-thousand dollars) upon
11 Caltrans Calexico as summarized below. Failure to comply with any provision of this
12 citation may result in the Division imposing additional administrative penalties of up to
13 \$1,000.00 (one-thousand dollars) per day for each day that a violation occurred, and for
14 each day that a violation continues to occur. A separate penalty may be assessed for each
15 violation.

- 16
17 1. A penalty of \$4,000 (four-thousand dollars) for violation of the TTHM MCL for the 1st,
18 2nd, and 3rd quarters of 2013, and 3rd quarter of 2014.
19 2. A penalty of \$2,000 (two-thousand dollars) for failure to comply Directives Nos. 5
20 (submittal of a TTHM reduction plan), and 6 (submittal of monthly progress reports) of
21 Citation No. 05-14-13C-005.

22
23 **DIRECTIVES**

24 Caltrans Calexico is hereby directed to take the following actions:

- 25 1. At all times subsequent to this Citation comply with CHSC Section 116555(a)(1) and
26 (3).
27 2. At all times subsequent to this Citation comply with CCR, Title 22, Section 64533 for
28 the LRAA TTHM MCL of 80 ug/L in drinking water supplied to the public.

- 1 3. At all times subsequent to this Citation comply with CCR, Title 22, Section 64534.8(a)
2 for the CMP issued by the Division to Caltrans Calexico on June 25th, 2013.
- 3 4. At all times subsequent to this Citation comply with CCR, Title 22, Section
4 64530(d)(2)(B) by submitting quarterly compliance reports, including laboratory results,
5 LRAA and OEL compliance calculations on a Division approved reporting form, to the
6 Division by the 10th day of the month following the end of each calendar quarter.
- 7 5. Within 60 days of issuance of this Citation comply with CCR, Title 22, Section
8 64534.2(d)(6) by completing and submitting for review a Stage 2 operational evaluation
9 report.
- 10 6. Within 60 days of issuance of this Citation, submit to the Division for review and
11 approval a TTHM Reduction Plan. The plan shall include actions and capital
12 improvements to be made by Caltrans Calexico to achieve compliance with the TTHM
13 MCL of 80 ug/L and include a schedule for implementing those actions and
14 improvements. The plan shall be accompanied with documentation of the approval of
15 the TTHM Reduction Plan and a commitment of necessary funds to implement.
- 16 7. Within 90 days of issuance of this Citation, pay the penalty of \$6,000 (six-thousand
17 dollars). Payment shall be made by check payable to California Safe Drinking Water
18 Account in accordance with the instructions in Attachment 1, "Fine Payment Submittal
19 Form". However, the Division will consider suspending, in part or in whole, the
20 requirement to pay the penalty, if the Division determines at its sole discretion that
21 Caltrans Calexico is substantially complying with the directives of this citation.
- 22 8. Within 30 days of issuance of this Citation comply with Section 64463.4(a)(1) and give
23 Tier 2 public notice for violation of the Stage 2 TTHM MCL, and comply with Section
24 64463.4(a)(3) and give Tier 2 public notice for violation of the monitoring procedures in
25 the CMP pursuant to Section 64534.8(a).
- 26 9. Caltrans Calexico shall submit a draft Tier 2 public notice to the Division for review and
27 approval prior to issuing the public notice.

1 10. Caltrans Calexico shall provide public notice to persons served in accordance with Title
2 22 Section 64463.4(c)(2) within 30 days of issuance of this citation.

3 11. Caltrans Calexico shall continue the public notice for as long as the TTHM MCL
4 violation exists.

5 12. Caltrans Calexico must complete and submit a Proof of Notification to the Division
6 within ten days of posting the Tier 2 public notification.

7

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

11

12 Nothing in this citation relieves Caltrans Calexico of its obligation to meet the requirements
13 of the California SDWA, and any regulations, permits, standards and orders issued or
14 adopted thereunder.

15

16

PARTIES BOUND

17 This citation shall apply to and be binding upon Caltrans Calexico, its owners,
18 shareholders, officers, directors, agents, employees, contractors, successors, and
19 assignees.

20

21

SEVERABILITY

22 The directives of this citation are severable, and Caltrans Calexico shall comply with each
23 and every provision thereof notwithstanding the effectiveness of any provision.

24

25

FURTHER ENFORCEMENT ACTION

26 The California SDWA authorizes the Division to: issue a citation with assessment of
27 penalties if Caltrans Calexico continues to fail to correct a violation identified in the citation;
28 take action to suspend or revoke a permit that has been issued to Caltrans Calexico if the

1 system has violated applicable law or regulations or has failed to comply with orders of the
2 Division; and petition the superior court to take various enforcement measures if Caltrans
3 Calexico has failed to comply with an order of the Division. The Division does not waive
4 any further enforcement action by issuance of this citation.

5

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Feb 17, 2015

Date



Jeff O'Keefe, P.E., Regional Chief
South Coast Section
Division of Drinking Water
State Water Resources Control Board

12

CERTIFIED MAIL NO. 7009 2250 000 8391 4710

13

ATTACHMENTS:

14

15

1) Fine Payment Submittal Form

16

17

cc) Jeff Lamoure, Deputy Director for Environmental Health Services, County of
Imperial

18

19

20

Al Herrera, Caltrans Maintenance Manager, East Region
Caltrans Midway Maintenance Station
1605 W. Adams Ave.
El Centro, CA 92243

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24

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Sgt. Shawn Angulo, Sergeant in Charge
Caltrans Calexico Port of Entry
1700 E. Carr Road
Calexico, CA 92231

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PAYMENT SUBMITTAL FORM

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

System Name: Caltrans Callexico Port of Entry

System No. 1310016

Please check the box applicable to the attached payment received

- Xeroxing
- Pre-printed publication
- Data Search – generated report from data base
- Fine or penalty
- Permit application fee
- Small water system enforcement fee for FY 20 ___ / 20 ___
- Water system annual fee for FY 20 ___ / 20 ___ (Systems w/less than 999 service connections)
- Water System time accounting fee for FY 20 ___ / 20 ___ (Systems w/service connections greater than 999)
- Exemption, variance, waiver
- Other: Fee for copying information from System file

Comments: _____

Signature: _____ Date: _____

Name: _____

ATTACH CHECK HERE:

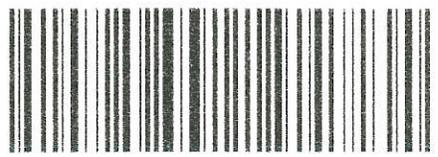


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Stamp to
 Laurie Berman - Caltrans Dist II Director?
 4050 Taylor Street
 San Diego CA, 92110

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LAURIE BERMAN
 CALTRANS DISTRICT II
 DIRECTOR
 4050 TAYLOR STREET
 SAN DIEGO, CA 92110

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number
 (Transfer from service label)

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