

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

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

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**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-001A1  
(AMENDMENT NO. 1 TO CITATION No. 05-14-15C-001)**

**ISSUED ON OCTOBER 10, 2016**

**to**

**CALTRANS CALEXICO PORT OF ENTRY  
WATER SYSTEM NO. 1310017**

26 The State Water Resources Control Board (hereinafter "Board"), acting by and through its  
27 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division  
28 (hereinafter "Deputy Director"), hereby issues Citation 05-14-15C-001A1 (hereinafter  
29 "Citation") Amendment No. 1 to Citation No. 05-14-15C-001 issued to Caltrans Calexico  
30 Port of Entry (hereinafter "Caltrans") on February 13, 2015.

31  
32  
33

**Statement of Facts**

34 In Citation 05-14-13C-005 issued by the Division on April 8, 2013, DDW determined that  
35 Caltrans had failed to make significant progress on the Division approved TTHM Reduction  
36 Plan to complete the service connection with Gateway of The America's County Service  
37 Area. The citation included Directive 5 requiring Caltrans to complete a service connection

1 to Gateway of The America's County Service Area for the purpose of establishing potable  
2 water service to the Caltrans Calexico CVEF facility:

3  
4 5. Caltrans shall complete construction of a service connection to Gateway of The  
5 America's and begin taking potable water service, or submit plans and specifications  
6 for a TTHM removal treatment system, or obtain approval from CDPH for an alternative  
7 plan to comply with the TTHM standard by September 30, 2013.

8  
9 Following the issuance of Citation 05-14-13C-005 Caltrans failed to demonstrate that the  
10 service connection would be pursued and failed to submit an alternative plan for approval  
11 by the September 30, 2013 due date. Citation 05-14-15C-001 was issued as a result of the  
12 determination that Caltrans was in violation of Section 116555(a) of Section 116650 of the  
13 California Health and Safety Code, and Title 22, California Code of Regulations  
14 (hereinafter "CCR"), Section 64533 in that Caltrans had failed to meet the primary drinking  
15 water standard Running Annual Average Maximum Contamination Level of 0.080 mg/L for  
16 the Total Trihalomethanes (hereinafter "TTHM") disinfection byproducts in drinking water  
17 supplied to the public.

18  
19 Citation No. 05-14-15C-001 included Directive 6 requiring submittal of a TTHM Reduction  
20 Plan:

21  
22 6. Within 60 days of issuance of this Citation, submit to the Division for review and  
23 approval a TTHM Reduction Plan. The plan shall include actions and capital  
24 improvements to be made by Caltrans Calexico to achieve compliance with the TTHM  
25 MCL of 80 ug/L and include a schedule for implementing those actions and  
26 improvements. The plan shall be accompanied with documentation of the approval of  
27 the TTHM Reduction Plan and a commitment of necessary funds to implement.



1 Citation No. 05-14-15C-001 included administrative penalties pursuant to Health and  
2 Safety Code Section 116650 and the Division assessed an administrative penalty of  
3 \$6,000 (six-thousand dollars) upon Caltrans as described below.

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

10

11 Citation No. 05-14-15C-001 included Directive 7 and the assessment of the administrative  
12 penalties:

- 13
- 14 7. Within 90 days of issuance of this Citation, pay the penalty of \$6,000 (six-thousand  
15 dollars). Payment shall be made by check payable to California Safe Drinking Water  
16 Account in accordance with the instructions in Attachment 1, "Fine Payment Submittal  
17 Form". However, the Division will consider suspending, in part or in whole, the  
18 requirement to pay the penalty, if the Division determines at its sole discretion that  
19 Caltrans Calexico is substantially complying with the directives of this citation.

20

21 Following a conference call with Division and Caltrans on April 3, 2015, Caltrans sent to  
22 the Division an e-mail that included a letter dated April 15, 2015, stating that funds were  
23 programmed to complete the TTHM Reduction Plan required by Directive 6 in Citation 05-  
24 14-15C-001. On April 30, 2015, California Water Technologies, Inc. submitted to the  
25 Division, on behalf of Caltrans, a TTHM Reduction Plan that included construction of a  
26 service connection to Gateway of The America's County Service Area for the purpose of  
27 establishing potable water service to the Caltrans Calexico CVEF facility. On May 19,  
28 2015, Caltrans sent to the Division a schedule for completing the work required of Caltrans

1 to prepare for the service connection to Gateway of The America's County Service Area.  
2 The Division received from Caltrans additional updates on the progress of the work  
3 required to complete the service connection during the later period of 2015 and during  
4 2016.

5  
6 During a conference call on September 28, 2016, Caltrans stated to the Division that it was  
7 reasonable to expect the connection from Gateway of The America's County Service Area  
8 to the Caltrans Calexico CVEF facility would be complete and water would begin to be  
9 delivered to the Caltrans Calexico CVEF facility's domestic water system by December 15,  
10 2016.

## 11 12 **DETERMINATIONS**

13  
14 Following a review of all information provided to date the Division accepts the TTHM  
15 Reduction Plan proposed by Caltrans; specifically, the plan includes receiving domestic  
16 water service from Gateway of The America and ceasing to be a public water system by  
17 mid-December 2016.

18  
19 Therefore, the Division amends Directive 6 and Directive 7 in Citation 05-14-15C-001 as  
20 follows:

## 21 22 **DIRECTIVES**

- 23  
24 6. By February 1, 2017, Caltrans shall complete the TTHM Reduction Plan, complete the  
25 service connection to Gateway of The America's County Service Area, begin taking  
26 water service from Gateway of The America's County Service Area, and cease the  
27 operation of the existing water treatment facility at the Caltrans Calexico CVEF facility  
28 for the production of potable water.

1 7. As of the date of this amended citation, the Division suspends the penalty of \$6,000  
2 check payable to California State Water Resources Control Board, Division of Drinking  
3 Water until February 1, 2017. Payment shall be made by check payable to California  
4 State Water Resources Control Board Safe Drinking Water Account in accordance with  
5 the instructions in Attachment 2 "Fine Payment Submittal Form".  
6

7 Except as amended herein, all other terms of Citation No. 05-14-15C-001 shall remain in  
8 effect.  
9

### 10 **PARTIES BOUND**

11  
12 This citation shall apply to and be binding upon the Caltrans, its officers, directors, agents,  
13 employees, contractors, successors, and assignees.  
14

### 15 **SEVERABILITY**

16  
17 The directives of this citation are severable, and the Caltrans shall comply with each and  
18 every provision thereof notwithstanding the effectiveness of any provision.  
19

### 20 **FURTHER ENFORCEMENT ACTION**

21  
22 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the California  
23 Health and Safety Code authorizes the Division to: issue additional citations with  
24 assessment of penalties if the water system continues to fail to correct a violation identified  
25 in a citation; take action to suspend or revoke a permit that has been issued to a public  
26 water system if the system has violated applicable law or regulations or has failed to  
27 comply with orders of the Division; and petition the superior court to take various  
28 enforcement measures against a public water system that has failed to comply with orders

1 of the Division. The Division does not waive any further enforcement action by issuance of  
2 this citation.

3  
4  
5  
6  
7  
8  
9

10/10/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Sean Sterchi, P.E.  
District Engineer  
Division of Drinking Water  
State Water Resources Control Board

10  
11  
12  
13  
14  
15  
16  
17

CERTIFIED MAIL NO. 7015 3010 0001 9444 3309

- ATTACHMENTS:  
1. Citation No. 05-14-15C-001  
2. Fine Payment Submittal Form

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

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

15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

25  
26  
27  
28  
29  
30  
31  
32

**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  
34  
35  
36  
37  
38  
39

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

40  
41  
42

The Division hereby issues a citation to the Caltrans Calexico Port of Entry water system (hereinafter "Caltrans Calexico"), located at 1699 Carr Road, Calexico, CA 92231, for 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 3<sup>rd</sup> quarter of 2013, and began Stage  
22 2 disinfection byproduct monitoring during the 4<sup>th</sup> 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 10<sup>th</sup>  
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 22<sup>nd</sup>, 2014 but failed to report the results to the Division by October 10<sup>th</sup>,  
25 2014 and failed to prepare and submit the written report of the operational evaluation to  
26 the Division by December 22<sup>nd</sup>, 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 2<sup>nd</sup> quarter of 2014. This citation addresses Stage 1 TTHM  
 4 RAA MCL violations for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2013, and the Stage 2 TTHM LRAA  
 5 MCL violation for 3<sup>rd</sup> 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 <sup>rd</sup> Quarter 2009	July – September 2009	100	NA
4 <sup>th</sup> Quarter 2009	October – December 2009	54	NA
1 <sup>st</sup> Quarter 2010	January – March 2010	48	NA
2 <sup>nd</sup> Quarter 2010	April – June 2010	75	69
3 <sup>rd</sup> Quarter 2010	July – September 2010	92	67
4 <sup>th</sup> Quarter 2010	October – December 2010	100	79
1 <sup>st</sup> Quarter 2011	January – March 2011	74	85 <sub>a</sub>
2 <sup>nd</sup> Quarter 2011	April – June 2011	87	88 <sub>a</sub>
3 <sup>rd</sup> Quarter 2011	July – September 2011	100	90 <sub>a</sub>
4 <sup>th</sup> Quarter 2011	October – December 2011	22	71
1 <sup>st</sup> Quarter 2012	January – March 2012	68	69
2 <sup>nd</sup> Quarter 2012	April – June 2012	110	75
3 <sup>rd</sup> Quarter 2012	July – September 2012	130	83 <sub>a</sub>
4 <sup>th</sup> Quarter 2012	October – December 2012	68	94 <sub>a</sub>
1 <sup>st</sup> Quarter 2013	January – March 2013	71	95 <sub>a</sub>
2 <sup>nd</sup> Quarter 2013	April – June 2013	86	89 <sub>a</sub>
3 <sup>rd</sup> Quarter 2013	July – September 2013	99	81 <sub>a</sub>

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 <sup>th</sup> Quarter 2013	October – December 2013	84	NA

1 <sup>st</sup> Quarter 2014	January – March 2014	120	NA
2 <sup>nd</sup> Quarter 2014	April – June 2014	NS <sub>a</sub>	NA
3 <sup>rd</sup> Quarter 2014	July – September 2014	180	128 <sub>b</sub>

a: NS = No Sample collected. Caltrans Calexico failed to perform Stage 2 monitoring during the 2<sup>nd</sup> 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 <sup>th</sup> Quarter 2013	October – December 2013	84	NA
1 <sup>st</sup> Quarter 2014	January – March 2014	120	NA
2 <sup>nd</sup> Quarter 2014	April – June 2014	NS <sub>a</sub>	NA
3 <sup>rd</sup> Quarter 2014	July – September 2014	180	141 <sub>b</sub>

a: NS = No Sample collected. Caltrans Calexico failed to perform Stage 2 monitoring during the 2<sup>nd</sup> 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 3<sup>rd</sup> quarter of 2009, the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2010, and the 2<sup>nd</sup> quarter of 2011. However, the citation was intended to be for RAA MCL violations of 1<sup>st</sup> and 2<sup>nd</sup> 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 3<sup>rd</sup> quarter of 2011 and the 3<sup>rd</sup> and 4<sup>th</sup> 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 10<sup>th</sup> 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 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>  
7 quarters of 2013 and the Stage 2 TTHM LRAA MCL for 3<sup>rd</sup> 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 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> 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 3<sup>rd</sup> 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 4<sup>th</sup> quarter 2013 to 3<sup>rd</sup>  
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 2<sup>nd</sup> 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 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> quarters of 2013 and Stage 2 compliance calculations  
16 for the 4<sup>th</sup> quarter of 2013 and the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 1<sup>st</sup>,  
18 2<sup>nd</sup>, and 3<sup>rd</sup> quarters of 2013, and 3<sup>rd</sup> 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 10<sup>th</sup> 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  
6  
7 Feb 17, 2015

8 Date



9 Jeff O'Keefe, P.E., Regional Chief  
10 South Coast Section  
11 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  
18 Imperial

19  
20 Al Herrera, Caltrans Maintenance Manager, East Region  
21 Caltrans Midway Maintenance Station  
22 1605 W. Adams Ave.  
23 El Centro, CA 92243

24  
25 Sgt. Shawn Angulo, Sergeant in Charge  
26 Caltrans Calexico Port of Entry  
27 1700 E. Carr Road  
28 Calexico, CA 92231

# PAYMENT SUBMITTAL FORM

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

System Name: Caltrans Calexico Port of Entry

System No. 1310016

Please check the box applicable to the attached payment received

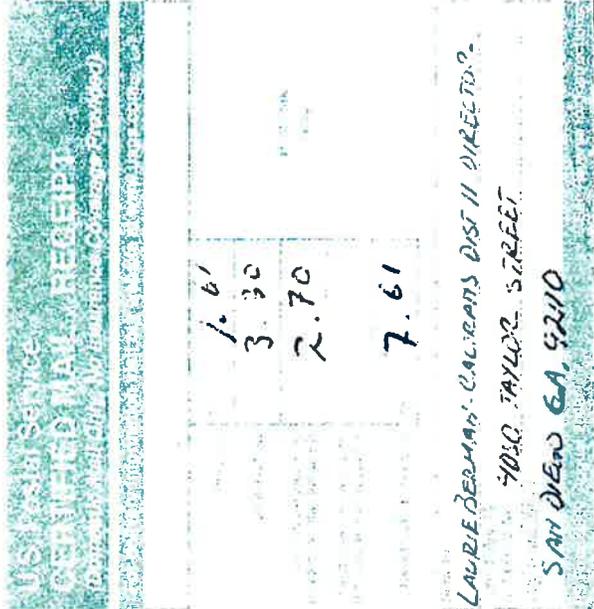
- Xeroxing
- Pre-printed publication
- Data Search – generated report from data base
- Fine or penalty
- Permit application fee
- Small water system enforcement fee for FY 20 \_\_\_ / 20 \_\_\_
- Water system annual fee for FY 20 \_\_\_ / 20 \_\_\_ (Systems w/less than 999 service connections)
- Water 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:



7009 2250 0000 0522 6002  
 7009 2250 0000 0522 6002



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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

2. Article Number  
 (Transfer from service label)

7009 2250 0000 8391 4710

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

**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?  
 If YES, enter delivery address below:  Yes  No

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

4. Restricted Delivery? (Extra Fee)  Yes  No

# PAYMENT SUBMITTAL FORM

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

System Name: Caltrans Calexico Port of Entry

System No. 1310017

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: