



Ron Chapman, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH
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INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

May 27, 2014

Mr. Claude Brown
Westgate Petroleum Company, Inc.
3740 Highland Springs Road
Lakeport, CA 95453

**CITATION NO. 02-03-14C-006 FOR PWS NO. 1700734
BACTERIOLOGICAL MCL VIOLATION**

Enclosed is a citation issued to the Westgate Petroleum Company, Inc. public water system for a bacteriological maximum contaminant level violation in February 2014.

Because this is an enforcement action for noncompliance with State regulations, your water system will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation. You will receive a bill sent from our Fee Billing Unit in Sacramento later this year. This bill will contain fees for any enforcement time spent on your water system.

If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2145.

Sincerely,

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

c: Duane Phelps
9453 Diamond Dust Trail
Kelseyville, CA 95451

Lake County Environmental Health Department

1700734/Compliance Section 6
02-03-14C-006-1700734-22/LSH

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Westgate Petroleum Company, Inc.

Water System No: 1700734

To: Westgate Petroleum Company, Inc.
3740 Highland Springs Road
Lakeport, CA 95453

Issued: May 27, 2014

CITATION FOR NONCOMPLIANCE
With Total Coliform Maximum Contaminant Level
February 2014

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Westgate Petroleum Company, Inc. (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64426.1.



APPLICABLE AUTHORITIES

Section 116650 of the CHSC 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.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (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.



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California Code of Regulations (CCR), Section 64426.1 states in relevant part:

(b) A public water system is in violation of the total coliform MCL {maximum contaminant level} when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

STATEMENT OF FACTS

The Department has received laboratory results for eight bacteriological samples collected during February 2014 from the System. All samples were analyzed for the presence of coliform bacteria. Two of the eight samples tested positive for coliform bacteria.

DETERMINATIONS

The Department has determined the System violated Title 22 of the CCR, Section 64426.1, in that the System failed to comply with the maximum contaminant level (MCL) for total coliform bacteria during the month of February 2014.

1 **DIRECTIVES**

2 The Westgate Petroleum Company, Inc. is hereby directed to take the
3 following actions:
4

5 1. Comply with Section 64426.1, Title 22, of the California Code of
6 Regulations in all future monitoring periods.
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9 2. Notify all persons served by the System of the MCL violation in
10 conformance with Section 64463.4 and 64465, Title 22 of the CCR,
11 and as follows:
12

13 a) Completion of Attachment A to include the name, address, and
14 telephone number of a System representative as a source of
15 additional information concerning the public notice. **You must**
16 **also give a legible, written description (preferably typed) of**
17 **the corrective actions taken by the water system to prevent**
18 **this violation from occurring in the future. You must use the**
19 **space provided in Attachment A for this written description.**
20

21
22 b) Post the notice contained in Attachment A, **after it has been**
23 **completed in accordance with (a) above**, in conspicuous
24 locations throughout the area served by the System. Posting must
25 begin no later than **June 27, 2014** and must continue for seven
26 days.
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c) Publish the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper of general circulation in the area served by the System (or weekly newspaper if no daily paper is available) for one day. The publication in a local newspaper must be completed by **June 27, 2014**.

d) Provide public notice for this violation in accordance with Section 64465(c), Title 22 or the CCR, which requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less) that the public notice contain information in the appropriate language(s) regarding the importance of the notice, or contain a telephone number or address where such residents may contact the water system to receive a translated copy of the notice or to receive assistance in the appropriate language.

3. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to the system customers but in no case later than **July 7, 2014**. **A copy of the notice published in the newspaper and a copy of the notice posted in conspicuous locations within the water system must be submitted.**

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

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

All submittals required by this Citation shall be submitted to the Department

at the following address: Michelle F. Frederick, P.E.
 Department of Public Health
 Drinking Water Program
 50 D Street, Suite 200
 Santa Rosa, CA 95404

PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each provision thereof notwithstanding the effectiveness of any provision.

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FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Michelle F. Frederick

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Program

May 27, 2014

Date

Attachments

Certified Mail No. 7010187000059270199



1700734/Compliance Section 6
02-03-14C-006/LSH

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COMPLIANCE CERTIFICATION

Citation Number 02-03-14C-006

Name of Water System: **WESTGATE PETROLEUM COMPANY, INC.**

System Number: **1700734**

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological violations of Title 22, California Code of Regulations (CCR) for the compliance period of February 2014.

Required Action

Date Completed

Complete Attachment A, as required in Directive 2(a)

Public Notification – Continuous Posting for 7 Days

Public Notification – Newspaper

Signature of Water System Representative

Date

Attach a copy of the notice posted and a copy published in the newspaper.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN JULY 7, 2014**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.



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.

Westgate Petroleum Company Water System Had Levels of Bacteria Above the Drinking Water Standard During February 2014

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We routinely monitor our drinking water for contaminants. We collected eight water samples to test for the presence of coliform bacteria during February 2014. Two of our samples showed the presence of coliform bacteria. The standard is that no more than 1 sample per month may test positive for bacteria. The positive samples were tested further for fecal coliform. **No fecal coliform or E. coli were found.** However, our drinking water exceeded the maximum contaminant level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22 of the California Code of Regulations (CCR).

What does this mean?

The California Department of Public Health (Department) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more drinking water samples than allowed. This was a warning of potential problems and a violation of the regulations.

What should I do?

You do not need to take corrective actions. This is not an emergency. If it had been, you would have been notified immediately.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

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

Has the problem been resolved? What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:
