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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 1, 2016

Mr. Chris Nowak
Reel In Resort
9495 Konocti Bay Road
Kelseyville, CA 95451

**RE: CITATION NO. 02_03_16C_002
NITRATE MCL VIOLATION – PUBLIC WATER SYSTEM ID 1700604**

Mr. Nowak;

Enclosed is a citation issued to the Reel In Resort (System) for failure to comply with the maximum contaminant level (MCL) for nitrate in the system's drinking water. Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the hourly rate for the State Water Resources Control Board, Division of Drinking Water (currently estimated at \$153.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento.

If you have any questions regarding this matter, please contact Lori Hanson at (707) 576-2604.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheri".

Sheri K. Miller, P.E.
Senior Sanitary Engineer, Mendocino District
Drinking Water Field Operations Branch

Enclosures

c: Lake County Environmental Health Department

1700604/Compliance File #4
02_03_16C_002-1700604-01/LSH

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

50 D Street, Suite 200, Santa Rosa, CA 95404 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Public Water System: Reel In Resort

Water System Number: 1700604

To: Reel In Resort
9495 Konocti Bay Road
Kelseyville, CA 95451

Owner: Christopher Nowak

Issue Date: April 1, 2016

CITATION FOR NON-COMPLIANCE
Section 64431, Title 22, California Code of Regulations
January 2016
Maximum Contaminant Level Violation - Nitrate

The State of California Water Resources Control Board, Division of Drinking Water (hereinafter "Division") hereby issues a citation to the Reel In Resort (hereinafter "System") for failure to comply with Title 22, California Code of Regulations (CCR) Section 64431. Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a

1 requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard,
2 permit or order issued thereunder. A copy of the *Applicable Statutes and Regulations* is
3 located in Appendix 3, which is attached hereto and incorporated by reference.
4

5 **STATEMENT OF FACTS**

6 The Reel In Resort is classified as a transient non-community water system serving 60
7 service connections and an estimated population of 200, located at 9495 Konocti Bay Road
8 in Kelseyville, California. The System's Water Supply Permit No. 02-03-02P17022 was
9 issued on October 11, 2002.
10

11 The Reel In Resort is required to monitor the groundwater source Well 01, PS code 1700604-
12 001, for nitrate each quarter, in accordance with Section 64432.1(a), Title 22, of the CCR
13 (copy of applicable authorities in Appendix 3). In January 2016, the quarterly nitrate result
14 from Well 01 was found to be 13 mg/L (as N). The maximum contaminant level (MCL) is 10
15 mg/L. This Division was notified of the MCL violation and contacted the System on February
16 9, 2016. A Tier 1 public notification was required as well as a confirmation sample. The
17 confirmation sample was collected from Well 01 on February 9, 2016. The analytical result
18 was 12 mg/L. An additional sample, collected from Well 01 on February 26, 2016, was 11
19 mg/L (as N).
20

21 **DETERMINATIONS**

22 The Division has determined that the Reel In Resort failed to comply with Section 64431, Title
23 22, of the CCR. Specifically, Reel In Resort failed to comply with the maximum contaminant
24 level for nitrate (as nitrogen) for samples collected from Well 01 on January 28, 2016,
25 February 9 and 26, 2016.
26
27

DIRECTIVES

The Reel In Resort is hereby directed to take the following actions:

1. Comply with Section 64431, Title 22, of the California Code of Regulations in all future monitoring periods.
2. Comply with Section 64432.1, Title 22, CCR; monitoring Well 01 for nitrate at least once every three months. Samples shall be from the raw water well source when the well is in operation.
3. Notify all persons served by the System of the nitrate MCL violation in conformance with Section 64463.1 and Section 64465, Title 22 of the CCR. The Public Notification Template provided in Appendix 1 fulfills the regulatory requirements and must be used for this directive. At least two forms of public notification must be completed.
4. Submit the Compliance Certification form, provided in Appendix 2, together with copies of both forms of public notification to the Division no later than **April 15, 2016**.
5. The public notification and Certification of Compliance requirements listed in the directives above shall be performed during any calendar quarter that the sample results exceed the maximum contamination level. Public notifications must include the most recent data available and be approved by the Division prior to distribution to the System's customers, and be distributed within 24 hours of receiving laboratory results. A copy of the public notice shall be submitted to the Department within 14 days of receiving laboratory results.

1 6. The System shall submit a Corrective Action Plan to the Division by **June 3, 2016**. The
2 System shall prepare for Division approval a Corrective Action Plan identifying the
3 improvements to the water system designed to correct the water quality problem
4 (violation of the nitrate MCL) and ensure that the System delivers water to consumers
5 that meets primary drinking water standards. The plan shall specify the method(s) and
6 timeline to bring the System into compliance with the nitrate maximum contaminant level.
7

8 The Division reserves the right to make such modifications to this Citation, as it deems
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 the System of its obligation to meet the requirements of the
13 California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing
14 with Section 116270), or any regulation, standard, permit or order issued thereunder.
15

16 All documents required by this Citation shall be submitted to the Division at the following
17 address: State Water Resources Control Board
18 Division of Drinking Water
19 ATTN: Sheri Miller, P.E.
20 50 D Street, Suite 200
21 Santa Rosa, CA 95404

22 **PARTIES BOUND**

23 This Citation shall apply to and be binding upon the System, its officers, directors, agents,
24 employees, contractors, successors and assignees.
25

26 **SEVERABILITY**

27 The directives of this Citation are severable, and the System shall comply with each and
every 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 Division of Drinking Water 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 Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

Sheri K. Miller

Sheri K. Miller, P.E., Senior Sanitary Engineer
Mendocino District, Division of Drinking Water

4-1-2016

Date

Certified Mail No. 7014120000011677198

Appendices (3):

- 1. Public Notification Template
- 2. Compliance Certification
- 3. Applicable Statutes and Regulations



1700604/Compliance File #4/02_03_16C_002-1700604-01/LSH

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.

DRINKING WATER WARNING

Reel in Resort water has high levels of nitrate

**DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA**

Water sample results from a January 28, 2016 sample showed nitrate levels of 13 milligrams per liter (mg/L). A confirmation sample was collected on February 9, 2016 and the result was 12 mg/L. Both sample results are above the nitrate standard, or maximum contaminant level (MCL), of 10 mg/L. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
 - Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
 - **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
 - If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

For more information call:

Water System contact: Chris Novak, owner, 707-277-7276, 9495 Konocti Bay Road, Kelseyville, 95451

State Water Resources Control Board contact: Sheri Miller, (707) 576-2145

Local County Health Department contact: 707-263-1164.

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

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- *SCHOOLS: Must notify school employees, students, and parents (if the students are minors).*
- *RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.*
- *BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.*

This notice is being sent to you by Reel in Resort.

CA State Water System ID#: 1700604. Date distributed: _____

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number : 02_03_16C_002

Name of Water System: Reel In Resort

System Number: 1700604

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that the Reel In Resort complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – Indicate methods below.	
<input checked="" type="checkbox"/> Mail or direct delivery to each customer (REQUIRED);	
<u>AND</u> choose one of the following:	
<input type="checkbox"/> Publication in a local newspaper (attach copy of newspaper);	
<input type="checkbox"/> Post in conspicuous place served by the water system for a minimum of 7 days (attach copy of posting, state locations and dates of posting); OR	
<input type="checkbox"/> Posting on the Internet or intranet (provide printout of website).	

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN April 15, 2016**

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.

APPENDIX 3. APPLICABLE STATUTES AND REGULATIONS

FOR CITATION NO. 02-03-16C-002

Note: The Department referenced below, formerly the California Department of Public Health, now refers to the State Water Resources Control Board, Division of Drinking Water. The Drinking Water Program moved agencies on July 1, 2014.

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.

Section 64431, of the California Code of Regulations states, in relevant part:

Maximum Contaminant Levels--Inorganic Chemicals.

(a) Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels Inorganic Chemicals**

<u>Chemical</u>	<u>Maximum Contaminant Level, mg/L</u>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

Section 64432.1, of the California Code of Regulations states, in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and

shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the Department of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

- (A) Collect another sample, and
- (B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the Department within 24 hours. If the average does not exceed the MCL, inform the Department of the results within seven days from the receipt of the original analysis.
- (C) If a system is unable to resample within 24 hours, it **shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks** of notification of the results of the first sample.
- (2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the Department reduce monitoring frequency to annual sampling.
- (4) After any round of quarterly sampling is completed, each community and nontransient-noncommunity system which initiates annual monitoring shall take subsequent samples during the quarter which previously resulted in the highest analytical results.

Section 64463.4, of the California Code of Regulations states, in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the

water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **community water systems shall give public notice by:**

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

Section 64465, of the California Code of Regulations states, in relevant part:

(a) Each public notice given pursuant to this article shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "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 your drinking water meets health standards. During [*compliance period*

dates], we [did not monitor or test or did not complete all monitoring or testing] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time.”

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people’s attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.