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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

March 4, 2013

Ms. Sharon Sutherland
Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

Dear Ms. Sutherland:

Enclosed is a citation issued to Sutherland Waterworks (Water System). The citation is being issued because the Water System failed to comply with the monthly bacteriological monitoring requirement, as specified in Section 64423, Title 22 of the California Code of Regulations during the months from January 2011 through December 2012.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the Water System to return to compliance. The Further Enforcement Action section describes penalties that may be assessed for failure to comply with the Citation.

Please be aware that Directive 2 of the citation requires that the water system provide Boil Water Notices to all its users, including the restaurant, gas station, post office, market and all residents. The boil water notices should be handed out to each individual resident and business and must be posted at conspicuous locations. It is the intent of the Department to perform unscheduled visits of the water system to ensure that these notices are posted.

Your Water System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation and any follow-up time required of Department staff to ensure compliance. The Water System will receive a bill from our Fee Billing Unit in Sacramento.

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

Sincerely,

A handwritten signature in black ink that reads "Michelle F. Frederick". The signature is written in a cursive, flowing style.

Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District

c: Mendocino County Health Department

Enclosure: Citation No. 02-03-13C-003-2300503-23

1 **Citation No. 02-03-13C-003-2300503-23**

2
3 **STATE OF CALIFORNIA**
4 **DEPARTMENT OF PUBLIC HEALTH**

5 **Name of Public Water System: SUTHERLAND WATERWORKS**

6 **Water System No: 2300503**

7
8 **To: SUTHERLAND WATERWORKS**
9 P.O. Box 12
10 Leggett, CA 95585

11
12 **Issued: March 4, 2013**

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14 **CITATION FOR NONCOMPLIANCE WITH SECTIONS 64423 AND**
15 **64423.1, TITLE 22, OF THE CALIFORNIA CODE OF REGULATIONS**

16
17 **TOTAL COLIFORM MONITORING AND REPORTING VIOLATION**
18 **January 2011 through December 2012**

19 Section 116650 of the California Health and Safety Code (CHSC),
20 authorizes the issuance of a citation for failure to comply with a requirement
21 of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter
22 4, commencing with Section 116270), or any regulation, standard, permit or
23 order issued thereunder.

24
25 The Division of Drinking Water and Environmental Management of the State
26 of California Department of Public Health (Department) hereby issues a
27 citation to Sutherland Waterworks (System) for failure to comply with Title
22, California Code of Regulations (CCR) Sections 64423 and 64423.1.



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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 64423, states in relevant part:

(a) Each water supplier shall collect routine bacteriological water samples as follows:

(3) The minimum number of samples for transient non-community water systems using groundwater and serving 1,000 or fewer persons per month shall be one in each calendar quarter during which the system provides water to the public.

CCR, Section 64423.1, states in relevant part:

Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

STATEMENT OF FACTS

The Sutherland Waterworks water system is required by the Division of Drinking Water and Environmental Management of the Department of Public Health (Department) to collect and report one bacteriological sample per calendar month. As of the date of this Citation, the Department has not received results for a routine bacteriological sample collected from the distribution system of the SUTHERLAND WATERWORKS during the months of January 2011 through December 2012.

Historically, the System has not responded or met continued Department requirements for compliance, due to inadequate financial resources. On

1 November 2, 2012, Department staff visited the System. During the
2 inspection, there was no detectable chlorine residual and the chlorinator
3 was not operable. The bacteriological sample collected by the Department
4 was positive for total Coliform and absent for E. coli. The chlorination
5 system was operating when Department staff left the System on November
6 2, 2012. The water system serves a restaurant, a gas station, post office,
7 market, and at least five residential connections.

8
9 On November 20, 2012, the Department sent a Notice of Violation letter to
10 the System requesting that it begin collecting bacteriological samples for
11 laboratory analysis by November 30, 2012, maintain a measurable chlorine
12 residual at all times, submit a completed Bacteriological Sampling Site Plan
13 and Emergency Notification Plan to the Department by December 31, 2012,
14 complete the required source chemical monitoring by December 31, 2012,
15 obtain at least a D1 operator to oversee the water treatment and distribution
16 facilities by December 31, 2012, and completed and submit a copy of the
17 2011 annual report and consumer confidence report by December 31, 2012.
To date, none of the above reference items have been completed.

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19 **DETERMINATIONS**

20 The Department has determined that the failure to collect and report a
21 routine bacteriological from the distribution system of the SUTHERLAND
22 WATERWORKS during the months from January 2011 through December
23 2012 are violations of Section 64423 and Section 64423.1, Title 22, of the
24 California Code of Regulations. The Department hereby issues a citation to
25 the SUTHERLAND WATERWORKS for the failure to comply with Section
26 64423 and 64423.1, Title 22, of the California Code of Regulations.

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2 The Department has also determined that the System should be required to
3 notify their customers that the Department recommends boiling water due to
4 the continuous failure to monitoring for bacteriological water quality, the
5 presence of total Coliform in the distribution system on November 2, 2012,
6 and the failure of the water system to maintain chlorination equipment.

7
8 **DIRECTIVES**

9 SUTHERLAND WATERWORKS is hereby directed to take the following
10 actions:

- 11
- 12 1. Comply with Section 64423 and 64423.1, Title 22, of the CCR in all
13 future monitoring periods.
 - 14
 - 15 2. **Notify all persons served by the Water System of the failure to**
16 **sample, in conformance with Section 64463.4 and Section**
17 **64465, Title 22 of the CCR and that the Department has**
18 **recommended that all water users boil their water until such**
19 **time as regular monitoring is reinstated and the system can**
20 **show that it has adequate technical, financial and managerial**
21 **resources to operate a public water system.** The public
22 notification shall be updated and sent to customers monthly until
23 such time as the water system is collecting monthly bacteriological
24 data, all required chemical data, has a certified operator in
25 responsible charge of the water system, AND the Department lifts the
26 boil water notice requirements. Notification must be completed in
27 accordance with each of the following:



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a) By mail or direct delivery of the notice contained in Attachment A to each customer and/or service connection, including those that supply drinking water to others. This notice must also be given to all other service connections which receive water from this Water System. This notice must be delivered to each customer and/or service connection and continuously posted in a conspicuous public location by **March 11, 2013**.

b) The water system must provide public notice for this violation in accordance with Section 64465(c), Title 22 of the CCR. Section 64465(c) requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less), the public notice must contain information in the appropriate language(s) regarding the importance of the notice, or it must 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. A representative of SUTHERLAND WATERWORKS shall complete the attached Compliance Certification form and return it to the Department by **March 25, 2013**. **A copy of the notice delivered to the customers must be attached to the form.**



1 All documents required by this Citation shall be submitted to the Department
2 at the following address:

3
4 Michelle Floyd Frederick, P.E.
5 Department of Public Health
6 Drinking Water Field Operations Branch
7 50 D Street, Suite 200
8 Santa Rosa, CA95404

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

13 **PARTIES BOUND**

14 This Citation shall apply to and be binding upon the System, its officers,
15 directors, agents, employees, contractors, successors, and assignees.
16

17 **SEVERABILITY**

18
19 The directives of this Citation are severable, and the System shall comply
20 with each and every provision thereof notwithstanding the effectiveness of
21 any provision.

22 **FURTHER ENFORCEMENT ACTION**

23
24 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
25 California Health and Safety Code authorizes the Department to: issue
26 additional citations with assessment of penalties if the System continues to
27 fail to correct a violation identified in a citation; take action to suspend or



1 revoke a permit that has been issued to a public water system if the system
2 has violated applicable law or regulations or has failed to comply with orders
3 of the Department; and petition the superior court to take various
4 enforcement measures against a public water system that has failed to
5 comply with orders of the Department. The Department does not waive any
6 further legal enforcement action by issuance of this citation.

7
8
9 *Michelle F. Frederick*
10 Michelle Floyd Frederick, P.E.
11 District Engineer
12 Mendocino District
13 Drinking Water Field Operations Branch

March 4, 2013
Date

14 Attachments

15 Certified Mail No. 7012 1010 0000 3983 8115



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2300503/Compliance File #4
02-03-13C-003-2300503-23/LSH

COMPLIANCE CERTIFICATION

Citation Number 02-03-13C-003-2300503-23

Name of Water System: **SUTHERLAND WATERWORKS**

System Number: **2300503**

Certification

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 (CCR) for the compliance period of January 2011 through December 2012. In addition, I certify that the SUTHERLAND WATERWORKS complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Public Notification - Mail or Direct Delivery	
Public Notification – Continuous Posting in Public Location	

Signature of Water System Representative

Date

Attach a copy of the notice delivered to the customers and a copy of the notice published in the newspaper.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN March 25, 2013**

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.

BOIL WATER NOTICE

Failure to follow this advisory could result in stomach or intestinal illness.

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Our water system failed to test the drinking water for coliform bacteria during the period from January 2011 through December 2012. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water quarterly for bacteria during January 2011 through December 2012 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

The California Department of Public Health in conjunction with the Mendocino County Health Department, and Sutherland Waterworks Water System are advising users of the Sutherland Waterworks water system to use boiled tap water or bottled water for drinking and cooking purposes as a safety precaution until regular monitoring and reporting of the water quality is consistently performed and the water system has a certified operator. We will inform you when the water is safe to drink and you no longer need to boil your water. It is currently unknown when this boil water notice will be lifted.

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. *Bring all water to a boil, **let it boil for one (1) minute**, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water. This is the preferred method to assure that the water is safe to drink.*

Optional alternatives:

- An alternative method of disinfection for residents that are not able to boil their water is to use fresh, unscented, liquid household bleach. To do so, add 8 drops (or 1/8 teaspoon) of bleach per gallon of clear water or 16 drops (or 1/4 teaspoon) per gallon of cloudy water, mix thoroughly, and allow it to stand for 30 minutes before using. A chlorine-like taste and odor will result from this disinfection procedure and is an indication that adequate disinfection has taken place.
- Water disinfection tablets may also be used by following the manufacturer's instructions.

For more information call:

Water Utility contact: Sharon Sutherland at 707-354-0603

California Department of Public Health Mendocino District Office at (707) 576-2145

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, businesses and property owners must post this in a conspicuous place.)

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from **SUTHERLAND WATERWORKS** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS(including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).