



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
50 D STREET, SUITE 200, SANTA ROSA, CA 95404
PHONE: (707) 576-2145 / FAX: (707) 576-2722
INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

May 19, 2014

Leggett Post Office
67674 Drive Thru Tree Road
Leggett, CA 95585

Leggett Patriot Gas Station
67670 Drive Thru Tree Road
Leggett, CA 95585

Patriot Gas Stations, Headquarters
1100 W. 14th Street
P.O. Box 4868
Eureka, CA 95502-4868

County of Mendocino, Environmental Health
860 N. Bush Street
Ukiah, CA 95482

RE: Sutherland Waterworks-Boil Water Notice and Citation

Dear Sutherland Waterworks Customers and Mendocino Environmental Health Staff:

The California Department of Public Health's Drinking Water Program (Department) has recently issued a citation to Sutherland Waterworks for failure to collect a bacteriological sample in January 2014. As a result of this and previous sample collection failures, the Department has had a continuous boil water notice for Sutherland Waterworks since March of 2013. As previously noted in our October 10, 2013 letter, we will now be independently sending out copies of any new citations and/or public notices. You should also be aware that no nitrate sample was collected during 2013. A citation for this violation is also pending.

Attached please find a copy of the public notice from the most recent citation and a copy of the citation. Please feel free to copy, post and/or distribute this information to inform customers served by Sutherland Waterworks that may not have received this notification directly. **When the boil water notice is lifted by the Department, we will notify you directly. Until such time, you should continue to boil your water.**

If you would like to discuss this matter or know someone who should be included on the distribution list for these public notifications, please contact Lori Hanson or myself at (707) 576-2145.

Sincerely,

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

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

Enclosure: Public Notice Requirements-Boil Water Notification
Citation No. 02-03-14C-002

c: Ms. Sharon Sutherland (w/o enclosures)
Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585



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California Department of Public Health

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May 19, 2014

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

RE: Sutherland Waterworks Citation No. 02-03-14C-002

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 during the month of January 2014.

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.

Please be aware that we did not receive the required public notification certification forms from your previous citations. ***Therefore, we will now be taking the additional step of notifying those customers served by Sutherland Waterworks of all future citations and public notifications directly.*** This should be considered a supplement to Sutherland Waterworks' public notification process. This is not in lieu of your efforts to notify the public.

Your Water System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation, time spent doing public notification, and any other follow-up time required of Department staff to ensure compliance (including inspection visits and associated travel time). 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 blue ink that reads "Michelle F. Frederick". The signature is written in a cursive style.

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

Enclosure: Citation No. 02-03-14C-002

c: Mendocino County Health Department

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: SUTHERLAND WATERWORKS

Water System No: 2300503

To: SUTHERLAND WATERWORKS
P.O. Box 12
Leggett, CA 95585

Issued: May 19, 2014

**CITATION FOR NONCOMPLIANCE WITH
SECTIONS 64423 AND 64423.1, TITLE 22,
OF THE CALIFORNIA CODE OF REGULATIONS AND
FOR NONCOMPLIANCE WITH
DIRECTIVES NO. 1, 2 AND 3 OF
CITATION NO. 02-03-13C-012-2300503-23 and
DIRECTIVES NO. 1, 2 AND 3 OF
CITATION NO. 02-03-13C-018-2300503-23**

**Monitoring and Reporting Violation
January 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



1 4, commencing with Section 116270), or any regulation, standard, permit or
2 order issued thereunder.

3
4 The Division of Drinking Water and Environmental Management of the State
5 of California Department of Public Health (Department) hereby issues a
6 citation to Sutherland Waterworks (System) for failure to comply with Title
7 22, California Code of Regulations (CCR) Sections 64423 and 64423.1 and
8 failure to comply with Directives No. 1, 2 and 3 of Citation No. 02-03-13C-
9 012-2300503-23 and with Directives No. 1, 2 and 3 of Citation No. 02-03-
10 13C-018-2300503-23.

11 **APPLICABLE AUTHORITIES**

12
13 Section 116650 of the CHSC states in relevant part:

14
15 (a) If the department determines that a public water system is in
16 violation of this chapter or any regulation, permit, standard, citation,
17 or order issued or adopted thereunder, the department may issue a
18 citation to the public water system. The citation shall be served upon
19 the public water system personally or by certified mail. Service shall
20 be deemed effective as of the date of personal service or the date of
21 receipt of the certified mail. If a person to whom a citation is directed
22 refuses to accept delivery of the certified mail, the date of service
23 shall be deemed to be the date of mailing.

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



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(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.

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.

1 Directives No. 1, 2 and 3 of Citation No. 02-03-13C-012-2300503-23 state in
2 relevant part:

3
4 SUTHERLAND WATERWORKS is hereby directed to take the
5 following actions:

- 6
- 7 1. Comply with Sections 64423 and 64423.1, Title 22, of the
8 CCR in all future monitoring periods. Additionally,
9 SUTHERLAND WATERWORKS shall collect a distribution
10 bacteriological sample each month, unless otherwise
11 directed by the Department.
 - 12 2. Notify all persons served by the Water System of the failure
13 to sample, in conformance with Section 64463.4 and
14 Section 64465, Title 22 of the CCR. The notification must
15 include that the Department has recommended that all
16 water users boil their water until such time as regular,
17 consistent monitoring is reinstated, and the system can
18 show that it has adequate technical, financial and
19 managerial resources to operate a public water system.
 - 20 3. A representative of SUTHERLAND WATERWORKS shall
21 complete the attached Compliance Certification form and
22 return it to the Department by September 27, 2013. A copy
23 of the notice delivered to the customers and posted in a
24 conspicuous public location must be attached to the form.
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Directives No. 1, 2 and 3 of Citation No. 02-03-13C-018-2300503-23 state in relevant part:

SUTHERLAND WATERWORKS is hereby directed to take the following actions:

1. Comply with Sections 64423 and 64423.1, Title 22, of the CCR in all future monitoring periods. Additionally, SUTHERLAND WATERWORKS shall collect a distribution bacteriological sample each month, unless otherwise directed by the Department.
2. Notify all persons served by the Water System of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. The notification must include that the Department has recommended that all water users boil their water until such time as regular, consistent monitoring is reinstated, and the system can show that it has adequate technical, financial and managerial resources to operate a public water system. The public notification shall be updated and sent to customers monthly until the water system resumes regular, consistent monthly bacteriological sampling, completes all required chemical monitoring, has a state certified operator under contract to check and maintain the water system, AND the Department lifts the boil water notice requirements.
3. A representative of SUTHERLAND WATERWORKS shall complete the attached Compliance Certification form and

1 return it to the Department by November 10, 2013. A copy
2 of the notice delivered to the customers and a copy of the
3 notice posted in a conspicuous public location must be
4 attached to the form.
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7 **STATEMENT OF FACTS**

8
9 The Sutherland Waterworks water system is required by the Department to
10 collect and report one bacteriological sample per calendar month. As of the
11 date of this Citation, the Department has not received results for a routine
12 bacteriological sample collected from the distribution system of the
13 SUTHERLAND WATERWORKS during the month of **January 2014**.
14 Additionally, SUTHERLAND WATERWORKS has not performed or certified
15 that public notification was completed as required in Citation No. 02-03-
16 13C-012-2300503-23 and in Citation No. 02-03-13C-018-2300503-23. The
17 System did collect bacteriological samples in February 2014, March 2014
18 and April 2014 that were negative for total coliform and Escherichia coli (E.
19 coli).

20 **DETERMINATIONS**

21 The Department has determined that the failure to collect and report a
22 routine bacteriological sample from the distribution system of the
23 SUTHERLAND WATERWORKS during the month of January 2014 is a
24 violation of Sections 64423 and 64423.1, Title 22, of the California Code of
25 Regulations. It is also a violation of Directive No. 1 of Citation No. 02-03-
26 13C-012-2300503-23 and of Directive No. 1 of Citation No. 02-03-13C-018-
27 2300503-23. Additionally, the Department has determined that
SUTHERLAND WATERWORKS has not submitted the Compliance



1 Certification form required in Directive No. 3 of Citation No. 02-03-13C-012-
2 2300503-23 and the Compliance Certification form required in Directive No.
3 3 of Citation No. 02-03-13C-018-2300503-23. Therefore SUTHERLAND
4 WATERWORKS is in violation of the public notification requirements in
5 Directives No. 2 and 3 of Citation No. 02-03-13C-012-2300503-23 and of the
6 public notification requirements in Directives No. 2 and 3 of Citation No. 02-
7 03-13C-018-2300503-23.

8
9 The Department hereby issues a citation to the SUTHERLAND
10 WATERWORKS for the failure to comply with Sections 64423 and 64423.1,
11 Title 22, of the California Code of Regulations and failure to comply with
12 Directives No. 1, 2 and 3 of Citation No. 02-03-13C-012-2300503-23 and
13 failure to comply with Directives No. 1, 2 and 3 of Citation No. 02-03-13C-
14 018-2300503-23.

15 The Department has also determined that the Water System must notify its
16 customers that the Department recommends that customers boil their
17 drinking water before using it. This recommendation is due to the fact that
18 the Sutherland Waterworks failed to monitor the drinking water for
19 bacteriological water quality in January 2014 and has repeatedly failed to
20 demonstrate that it has adequate technical, financial, and managerial
21 resources to safely operate a public water system.

22 DIRECTIVES

23
24 SUTHERLAND WATERWORKS is hereby directed to take the following
25 actions:

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1. Comply with Sections 64423 and 64423.1, Title 22, of the CCR in all future monitoring periods. Additionally,



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SUTHERLAND WATERWORKS shall collect a distribution bacteriological sample each month, unless otherwise directed by the Department.

2. **Notify all persons served by the Water System of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. The notification must include that the Department has recommended that all water users boil their water until such time as regular, consistent monitoring is reinstated, and the system can show that it has adequate technical, financial and managerial resources to operate a public water system.** The public notification shall be updated and sent to customers **monthly** until the water system resumes regular, consistent monthly bacteriological sampling, completes all required chemical monitoring, has a state certified operator under contract to check and maintain the water system, AND the Department lifts the boil water notice requirements. Notification must be completed in accordance with each of the following:

- 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 updated notice must be delivered to each customer and/or service connection every month, and the updated notice must be continuously posted in a conspicuous public location by **June 19, 2014.**

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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 **June 19, 2014. A copy of the notice delivered to the customers and a copy of the notice posted in a conspicuous public location must be attached to the form.**

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

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

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.

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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 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 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 legal enforcement action by issuance of this citation.

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

May 19, 2014
Date

Attachments

Certified Mail No. 70101870000059270168

