



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 13, 2016

Karl Fernandez
P.O. Box 9
Angwin, CA 94508

**CITATION NO. 02_03_16C_013 - ISSUED TO HOWELL MOUNTAIN MUTUAL
WATER COMPANY PUBLIC WATER SYSTEM #2810001
NITRATE MONITORING AND REPORTING VIOLATION**

Dear Mr. Fernandez:

Enclosed is a citation issued to the Howell Mountain Mutual Water Company public water system (System) by the State Water Resources Control Board, Division of Drinking Water (Division) for failing to sample Well 01 for nitrate in 2015. Monitoring reports may be found at: <https://sdwis.waterboards.ca.gov/PDWW/index.jsp>.

Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Division's hourly rate (currently estimated at \$160.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento later this year.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sheri K. Miller".

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water
State Water Resources Control Board

Enclosures

c: Napa County Environmental Health Department

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Public Water System: Howell Mountain Mutual Water Company

Water System Number: 2810001

To: Howell Mountain Mutual Water Company
P.O. Box 9
Angwin, CA 94508

Issue Date: May 13, 2016

CITATION FOR NON-COMPLIANCE
Section 64432.1(a), Title 22, California Code of Regulations
Monitoring and Reporting Violation 2015
Nitrate

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to Howell Mountain Mutual Water Company (System) for failure to comply with Section 64432.1(a), Title 22, of the California Code of Regulations (CCR).

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 requirement of Chapter 4 (California Safe Drinking Water Act), or

1 any regulation, standard, permit or order issued thereunder. A copy of the
2 *Applicable Statutes and Regulations* is located in Appendix 3, which is attached
3 hereto and incorporated by reference.

4
5 **STATEMENT OF FACTS**

6 The Howell Mountain Mutual Water Company is required to monitor its
7 groundwater source Well 01, PS code 2810001-002, for nitrate each year, in
8 accordance with Section 64432.1(a), Title 22, of the CCR. To date, the Division
9 has not received any laboratory results for a nitrate sample collected from Well 01
10 at the Howell Mountain Mutual Water Company water system in 2015.

11
12 **DETERMINATIONS**

13 The Division has determined that the Howell Mountain Mutual Water Company is
14 in violation of Section 64432.1(a), Title 22, of the CCR, because the System failed
15 to perform nitrate monitoring in 2015.

16
17 **DIRECTIVES**

18 The Howell Mountain Mutual Water Company is hereby directed to take the
19 following actions:

- 20
- 21 1. Comply with Sections 64432.1(a) and 64469, Title 22, of the California Code of
22 Regulations in all future monitoring periods.
 - 23
 - 24 2. On or before **December 31, 2016**, notify all persons served by the System of
25 the nitrate monitoring violation in conformance with Section 64463.7 and
26 Section 64465, Title 22, of the CCR. A copy of these regulatory sections is
27 provided in Appendix 3. The completed notice shall be sent to all customers.

1 A second method of notification must be chosen. This second method must
2 also be completed no later than **December 31, 2016**.

3

4 3. The System shall complete Appendix 2: **Compliance Certification**. Submit
5 the completed Compliance Certification form together with copies of the **public**
6 **notification** to the Division on or before **January 10, 2017**.

7

8 The Division reserves the right to make such modifications to this Citation, as it
9 deems necessary to protect public health and safety. Such modifications may be
10 issued as 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
13 requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part
14 12, Chapter 4, commencing with Section 116270), or any regulation, standard,
15 permit or order issued thereunder.

16

17 All documents required by this Citation shall be submitted to the Department at the
18 following address: Sheri K. Miller, P.E., District Engineer
19 SWRCB Division of Drinking Water
20 50 D Street, Suite 200
21 Santa Rosa, CA 95404

22

23

PARTIES BOUND

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

26

27

1 **SEVERABILITY**

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

5
6 **FURTHER ENFORCEMENT ACTION**

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

16
17 

18 5-13-2015

19 Sheri K. Miller, P.E.
20 Mendocino District Engineer
21 Division of Drinking Water
22 State Water Resources Control Board

23 Date

24 Certified Mail No.: 7014120000011677402

25 **Appendices (3):**

- 26 1. Public Notification Template
- 27 2. Compliance Certification Form
- 28 3. Applicable Statutes and Regulation



29 2810001/Compliance File #4
30 02_03_16C_013 - 2810001-03/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.

**Monitoring Requirement Not Met for
Howell Mountain Mutual Water Company**

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required by state regulations to monitor our drinking water for nitrate every year. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test for nitrate during 2015 and, therefore, cannot be sure of the quality of the drinking water at that time.

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 should I do?

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?

We are required by state regulations to monitor our drinking water for nitrate every year. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test for nitrate during 2015 and, therefore, cannot be sure of the quality of the drinking water at that time.

What does this mean?

We cannot be sure that the level of nitrate in our drinking water in 2015 was below the maximum allowed by law. Infants under the age of six months who drink water containing nitrate in excess of the maximum level allowed 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. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 Howell Mountain Mutual Water Company.

PUBLIC WATER SYSTEM NO. 2810001

Date distributed: _____.

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing

¹ CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number : 02_03_16C_013

Name of Water System: Howell Mountain Mutual Water Company

System Number: 2810001

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 Howell Mountain Mutual Water Company complied with the directives of this citation as indicated below:

Required Action	Date Completed
Complete Appendix 1, as required in Directive 2	
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 for one day (attach copy of published newspaper notice); OR	
<input type="checkbox"/> Post in various conspicuous locations within the area served by the water system for a minimum of 7 days (attach photos of posted copies at various locations, state locations and dates of posting); OR	
<input type="checkbox"/> Posting on the Internet or intranet (provide website and printout of notice).	

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION BY January 10, 2017.
COPIES OF PUBLIC NOTICES MUST BE ATTACHED.**

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_013

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.

California Code of Regulations Section 64432.1 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.
- (b) All public water systems shall monitor to determine compliance with the MCL for nitrite in Table 64431-A, by taking one sample at each sampling site during the compliance period beginning January 1, 1993.

California Code of Regulations Section 64463.7 Tier 3 Public Notice states, in relevant part:

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

- (1) Monitoring violations;
- (2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or
- (3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

- (1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.
- (2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each 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 State Board 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.

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

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

- (1) Is given no later than one year after the water system learns of the violation or occurrence;
- (2) Includes the content specified in section 64465; and
- (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

California Code of Regulations (CCR), Section 64465 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.

California Code of Regulations Section 64469 states in relevant part:

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department no later than the tenth day of the following month.

(c) Analytical results shall be reported to the Department electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.