



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

October 13, 2015

PWS No. 3110026

Armon Close  
Operations Manager  
Nevada Irrigation District  
1036 West Main Street  
Grass Valley, CA 95945

### **NEVADA IRRIGATION DISTRICT NORTH AUBURN PUBLIC WATER SYSTEM (PWS# 3110026) – CITATION NO. 01-09-15C-010**

Armon Close:

Enclosed is a copy of the Division of Drinking Water Citation No. 01-09-15C-010 issued to the Nevada Irrigation District North Auburn Public Water System (PWS # 3110026). Please note there are certain deadlines associated with this Citation.

If you have any questions, or if we can be of any assistance, please do not hesitate to contact Michael Tolin at (916) 552-9995, or by email at [Michael.tolin@Waterboards.ca.gov](mailto:Michael.tolin@Waterboards.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Ali R. Rezvani, for".

Ali R. Rezvani, P.E.  
Sacramento District Engineer  
Drinking Water Field Operations Branch

Enclosure:

cc: Catrie Levenson, REHS, PHM  
Environmental Health Specialist  
Nevada County  
950 Maidu Avenue  
Nevada City, CA 95959

Michael Tolin, P.E. – Associate Sanitary Engineer

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

bc:

XXX/xxx

October 13, 2015

311026 Citation 01-09-15C-010 letter 10-13-15

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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** Nevada Irrigation District  
1036 West Main Street  
Grass Valley, CA 95945

**Attn:** Armon "Chip" Close  
Operations Manager  
Nevada Irrigation District

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE**  
**22, SECTION 64426.1- WATER SYSTEM NO. 3110026**  
**CITATION NO. 01-09-15C-010**  
**Issued on October 13, 2015**

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

In accordance with CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116271, the State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Nevada Irrigation

1 District North Auburn public water system (hereinafter, Water System) (Nevada  
2 Irrigation District, 1036 West Main Street Grass Valley, CA 95945) for violation of  
3 California Code of Regulations (CCR), Title 22, Section 64426.1.

4  
5 **APPLICABLE AUTHORITIES**

6 **Section 116650 of California Health and Safety Code provides:**

- 7
- 8 (a) If the department determines that a public water system is in violation of this  
9 chapter or any regulation, permit, standard, citation, or order issued or  
10 adopted thereunder, the department may issue a citation to the public water  
11 system. The citation shall be served upon the public water system personally  
12 or by certified mail. Service shall be deemed effective as of the date of  
13 personal service or the date of receipt of the certified mail. If a person to  
14 whom a citation is directed refuses to accept delivery of the certified mail, the  
15 date of service shall be deemed to be the date of mailing.
- 16 (b) Each citation shall be in writing and shall describe the nature of the violation  
17 or violations, including a reference to the statutory provision, standard, order,  
18 citation, permit, or regulation alleged to have been violated.
- 19 (c) A citation may specify a date for elimination or correction of the condition  
20 constituting the violation.
- 21 (d) A citation may include the assessment of a penalty as specified in subdivision  
22 (e).
- 23 (e) The department may assess a penalty in an amount not to exceed one  
24 thousand dollars (\$1,000) per day for each day that a violation occurred, and  
25 for each day that a violation continues to occur. A separate penalty may be  
26 assessed for each violation.

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**California Code of Regulations, Title 22, Section 64426.1 provides, in relevant part:**

(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in §64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL 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 are 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.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier

1 shall also notify the Department within 24 hours of the determination.  
2 The water supplier shall also notify the consumers served by the water  
3 system. A Tier 2 Public Notice shall be given for violations of  
4 paragraphs (b) (1) or (2), pursuant to section 64463.4. A Tier 1 Public  
5 Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant  
6 to section 64463.1.

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**STATEMENT OF FACTS**

9 The Water System is operated under Water Supply Permit No. 71-058, issued on  
10 December 3, 1971.

11

12 The Water System serves approximately 6,440 year-round residents through 2,257  
13 service connections, and as such, is classified as a community water system. The  
14 Water System consists of one service area with a single pressure zone. The Water  
15 System, according to Section 64423 of Title 22, is required to collect three samples  
16 per week for analysis of coliform bacteria content to determine compliance with the  
17 MCL for total and fecal coliform bacteria. According to the current Bacteriological  
18 Sample Siting Plan dated, August 15, 2006, NID typically collects three samples each  
19 week.

20

21 On September 9, 2015, the Water System collected 2 routine bacteriological samples  
22 from the distribution system. The addresses of the sample sites were 11120 Meadow  
23 Brook Drive and 2325 Cottage Drive Auburn California 95602. Of the 2 samples  
24 taken on September 9, 2015, both samples collected had a result of total coliform-  
25 present, E.coli-negative.

26

1 On September 11, 2015, the water system collected repeat distribution samples in  
2 response to the original September 9, 2015, total coliform-positive results. Of the six  
3 repeat samples collected on September 11, 2015, all samples tested negative for both  
4 total coliform and *E. coli*. On September 11, 2015, the Water System notified the  
5 Division of the violation of the Maximum Contaminant Level (MCL) of the  
6 bacteriological samples collected from the distribution system as required in the Total  
7 Coliform Rule (TCR). The remaining distribution system water samples collected  
8 during September 2015 monitoring period were negative for the presence of total  
9 coliform bacteria.

10

11 The Water System had a total of two results for the month of September 2015, which  
12 resulted in non-compliance of the Total Coliform Rule (TCR) MCL.

13

14 On October 1, 2015, the Treated Water Superintendent, Mr. Fred Waymire,  
15 requested, via email, an extension from the original 30 days for notification of the  
16 violation date. On the same date an extension was granted to NID from the Division.  
17 Therefore, within 60 days from the date of the initial positive coliform bacteria results,  
18 NID shall notify all persons served by the Nevada Irrigation District North Auburn  
19 public water system of the MCL violation as required by Section 64426.1(c), Title 22,  
20 of the CCR.

21

**DETERMINATION**

22 The Water System has failed to comply with MCL of the TCR regulations for the  
23 Nevada Irrigation District North Auburn public water system distribution samples in the  
24 month of September 2015. Consequently, the Division has determined that the Water  
25 System violated Section 64426.1, Title 22, of the CCR for the month of September  
26 2015.

27

**DIRECTIVES**

The Water System is hereby directed to take the following actions:

1. Comply with Section 64426.1, Title 22, of the CCR in future monitoring periods.
2. Within 60 days of the issuance of this Citation, notify all persons served by the Nevada Irrigation District North Auburn public water system of the MCL violation as required by Section 64426.1(c), Title 22, of the CCR. Notification shall be completed in accordance with each of the following:
  - a. Mail or direct delivery of the notice contained in Attachment 'A' 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. Provide the notice contained in Attachment 'A' to customers using one or more of the following methods to reach persons not likely to be reached by a public posting:
    - i. Publication in a local newspaper,
    - ii. Posting in conspicuous public places within the service area,
    - iii. Posting on the Internet, or
    - iv. Delivery to community organizations.

Changes and/or modifications to Attachment 'A' shall not be made unless approved by the Division.



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3. Complete and return Attachment 'B' "Certification of Completion of Public Notification" form within 10 days of giving public notice. A copy of the notice used to provide public notification shall be attached to the form.
  
4. Within 30 days of receipt of this Citation, the Water System shall submit a written response to the Division indicating its willingness to comply with directives of this Citation.
  
5. Within 30 days of receipt of this Citation, the Water System shall investigate the possible cause of the bacteriological detections in the system and report the findings to the Division.
  
6. The Nevada Irrigation District shall review, amend as needed, and submit a revised Bacteriological Sample Siting Plan to the Division.

The Division 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 deemed effective upon issuance.

Nothing in this Citation relieves Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

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Ali R. Rezvani, P.E.  
Sacramento District Engineer  
Division of Drinking Water  
State Water Resources Control Board  
P.O. Box 997413, MS 7400  
Sacramento, CA 95899-7413  
(916) 449-5600

**PARTIES BOUND**

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

**SEVERABILITY**

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

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to 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 an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

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10/13/2015

*Richard L. Hinrichs*

Date

Richard L. Hinrichs, P.E., Chief,  
Northern California Section  
Division of Drinking Water  
State Water Resources Control Board

**Attachments:**

- 1. Public Notification Template
- 2. Proof of Notification Form

Certified Mail No. 7009 2250 0004 3622 0161

cc: Ali R. Rezvani, P.E.,  
Sacramento District Engineer  
Drinking Water Field Operations Branch

Nevada County, Department of Environmental Health

