



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

May 30, 2014

Roger Grimsley, City Manager  
City Of San Juan Bautista  
PO Box 1420  
San Juan Bautista, CA 95045

Attention Mr. Grimsley:

**ISSUANCE OF COMPLIANCE ORDER NO. 02-05-14R-001 FOR NITRATE MCL  
EXCEEDANCE – CITY OF SAN JUAN BAUTISTA WATER SYSTEM (3510002)**

Enclosed is a Compliance Order issued to City of San Juan Bautista Water System (City) for failure to comply with the primary maximum contaminant level (MCL) for nitrate as specified in Section 64431(a) of the California Code of Regulations. The water system exceeded the nitrate MCL of 45 mg/L with results between 82.5 and 98.0 mg/L in May 2014.

The City will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Compliance Order since this is an enforcement action for noncompliance with state regulations. If you have any questions regarding this matter, please contact Lora Lyons at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.  
District Engineer, Monterey District  
Drinking Water Field Operations Branch

**CERTIFIED MAIL No: 7008 1830 0004 5435 0578**

Enclosures:  
Compliance Order 02-05-14R-001  
Attachment A: Proof of Notification

cc: San Benito County Environmental Health Department

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**Compliance Order No. 02-05-14R-001**

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

**IN RE:** CITY OF SAN JUAN BAUTISTA  
Water System No. 3510002

**TO:** Mr. Roger Grimsley, City Manager  
City of San Juan Bautista  
P. O. Box 1420  
San Juan Bautista, CA 95045

**Date Issued:** May 30, 2014

**COMPLIANCE ORDER FOR VIOLATION OF HEALTH AND SAFETY CODE  
SECTIONS 116555 (a)(1) AND (a)(3) AND TITLE 22, CALIFORNIA CODE OF  
REGULATIONS SECTION 64431**

Section 116655 of the California Health and Safety Code authorizes the issuance of an order for failure to comply with a requirement of California Safe Drinking Water Act (California Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any permit, regulation, or standard issued thereunder.

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The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a compliance order (Order) to the City of San Juan Bautista for failure to comply with Health and Safety Code Sections 116555 (a)(1) and (a)(3) and Title 22, California Code of Regulations, Section 64431.

**STATEMENT OF FACTS**

The City of San Juan Bautista (City) is a community water system serving an estimated population of 2050 persons through 693 service connections. In addition, there is a significant tourist population served through the San Juan Bautista Mission/State Park and 15 restaurants. The source of supply for the City is three groundwater wells, two designated as “active” sources and one designated as a “standby” well and identified as shown in the table below.

Source	PS Code	Availability
Well 01 - Raw	3510002 - 001	Active
Well 02 - Raw	3510002 - 002	Active
Well 03 - Raw- Standby	3510002 - 003	Standby

Section 64431, Title 22 of the California Code of Regulations requires that community water systems deliver water to all customers that complies with the nitrate maximum contaminant level (MCL) of 45 milligrams per liter (mg/L).

1 Following a sample collected from Well 02 on August 6, 2013 showing a nitrate  
2 concentration of 42.7 mg/L, the City notified the Department of the result and removed  
3 Well 02 from service. The City conducted additional nitrate monitoring during  
4 September 2013 with the well offline that showed nitrate concentrations ranging from  
5 23 mg/L to 71 mg/L.  
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8 On May 5, 2014, the City notified the Department that the levels in the storage tank  
9 were critically low and that the City needed to bring Well 02 online to avoid system-  
10 wide outages. As directed by the Department, the City hand-delivered and also mailed  
11 Tier 1 notifications to all customers on May 6, 2014 notifying them that Well 2 would be  
12 brought online and that the water exceeded the MCL for nitrate. Notifications were also  
13 posted on public notice boards throughout the City and provided to the media. The  
14 City brought Well 2 online on May 7, 2014. Sampling for nitrate in Well 2 was  
15 conducted on May 8, 9, 10, 11 and 12, 2014, with all results between 82.5 and 98.0  
16 mg/L, which exceeds the MCL of 45 mg/L.  
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20 **AUTHORITIES**

21 **Health and Safety Code Section 116555 states in relevant part:**

22 (a) Any person who owns a public water system shall ensure that the System does all  
23 of the following:

- 24 (1) Complies with primary and secondary drinking water standards.  
25 (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and  
26 potable water.  
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**Health and Safety Code Section 116655 states in relevant part:**

(a) Whenever the Department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**California Code of Regulations, Title 22, Section 64431 (a) states in relevant part:**

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

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<b>Chemical</b>	<b>Maximum Contaminant Level, mg/L</b>
Nitrate (As NO3)	45

**DETERMINATIONS**

Based on the above-described Statement of Facts, the Department determines that the System has violated the following:

1. Health and Safety Code, Section 116555 (a)(1): Specifically, the City has failed to comply with primary and secondary drinking water standards.
2. Health and Safety Code, Section 116555 (a)(3): Specifically, the City has failed to provide a reliable and adequate supply of pure, wholesome, healthful and potable water.
3. California Code of Regulations, Title 22 Section 64431: Specifically, the City has failed to comply with the primary MCL for nitrate of 45 mg/L.

**ORDER**

Pursuant to Section 116655 of the California Health and Safety Code, the Department and its Director hereby orders the City to do the following:

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**Directive 1: As soon as possible**, the City shall comply with California Health and Safety Code Sections 116555(a)(1) and (a)(3) and California Code of Regulations Section 64431 in all future monitoring periods.

**Directive 2: Effective immediately**, the City shall provide monthly public notification in English and Spanish of its failure to comply with the nitrate MCL during any calendar month that Well 02 is discharging to the distribution system until such time that the Department approves discontinuing the notification. The methods of monthly notification shall include mailing to all customers, posting in public places throughout the service area, posting on the City's website, and inclusion in a newspaper that serves the City's service area. The Department approved the notification drafted by the City on May 6, 2014. Proof of public notification shall be provided to the Department following each notification by the 10<sup>th</sup> day of the month following notification, using the form provided as Attachment A.

**Directive 3: Effective immediately**, the City shall continue to collect monthly samples from Well 02 for nitrate analysis. The analytical results shall be reported to the Department using the source code 3510002-002 no later than the 10<sup>th</sup> day following the month in which the samples were analyzed.

**Directive 4: By July 15, 2014**, the City shall submit to the Department for review and approval, an action plan and compliance schedule for improvements

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to the water system to correct the nitrate water quality problem and eliminate the delivery of water to consumers that does not meet primary drinking water standards.

**Directive 5: By March 31, 2015**, the City shall complete all improvements in the proposed project submitted pursuant to Directive 4 above in accordance with the compliance schedule to be reviewed and approved by the Department.

**Directive 6: By June 30, 2014**, the City shall submit a written response to the Department, indicating its willingness to comply with the directives of this Order.

The Department reserves the right to make such modification to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

Nothing in this Order relieves the City of its obligation to meet the requirements of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any permit, regulation, standard or order issued thereunder.

All submittals required by this Order shall be addressed to:

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Jan Sweigert, P.E., Monterey District Engineer  
California Department of Public Health,  
Drinking Water Field Operations Branch  
1 Lower Ragsdale Dr., Bldg. 1, Suite 120  
Monterey, CA 93940

**PARTIES BOUND**

This Order shall apply to and be binding upon the City, its officers, directors, agents, employees, contractors, successors and assignees.

**SEVERABILITY**

The directives of this Order are severable, and the City shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the H&S Code authorizes the Department to: issue a citation with assessment of penalties for failure to comply with any order, in an amount not to exceed one thousand dollars (\$1,000) per day for each day the violation continues; take action to suspend or revoke a permit that has been issued to a public water system if the system has failed to comply with an order of the Department; and petition the superior court to take various enforcement actions against a public water system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this Order.

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The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the City, its employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the City or its agents in carrying out activities pursuant to the Order.

Stefan Cajina, P.E., Chief  
North Coastal Region  
Drinking Water Program

May 30, 2014  
Date

CERTIFIED MAIL # 7008 1830 0004 5435 0578

**Attachments:**  
Attachment A: Proof of Notification Form



**PROOF OF NOTIFICATION**

**City of San Juan Bautista Water System**

**Water System # 3510002**

**Certification**

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the **City of San Juan Bautista** Water System of the violation of Title 22, California Code of Regulations (CCR) for the compliance period of                     . I complied with Title 22, CCR Public Notification Requirements as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Public Notification – Mail or Hand Delivery	
Public Notification – Posting in Public Places	
Public Notification – Newspaper	
Public Notification – Website	

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**\*\*\* Attach a copy of the notice delivered and posted by the water system. \*\*\***

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT**

**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.