

## State Water Resources Control Board

Division of Drinking Water

June 12, 2015

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

Attention Mr. Grimsley:

**CITATION NO. 02\_05\_15C\_007**  
**NONCOMPLIANCE WITH COMPLIANCE ORDER NO. 02\_05\_14R\_001**

Enclosed is a Citation issued to the City of San Juan Bautista (System) public water system.

The System will be billed at the State Water Resources Control Board's (Water Board) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. California Health and Safety Code Section 116577 provides that a public water system must reimburse the Water Board for actual costs incurred by the Water Board for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Water Board has spent approximately two hours on enforcement activities associated with this violation.

The System will receive a bill sent from the Drinking Water Fee Branch in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions regarding this matter, please contact Lora Lyons of my staff at (831) 655-6942 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office  
Northern California Field Operations Branch  
Drinking Water Program

Enclosures

Certified Mail No. 7008 1830 0004 5435 0806

cc: San Benito County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR



## STATEMENT OF FACTS

1  
2  
3 The System is classified as a community water system serving a population of  
4 approximately 1720, through 693 connections.

5  
6 Compliance Order (CO) 02\_05\_14R\_001, Directive 1 required the System comply  
7 with primary and secondary drinking water standards and provide a reliable and  
8 adequate supply of pure, wholesome, healthful, and potable water. Directive 4  
9 required the System to submit an action plan and compliance schedule for  
10 improvements to the water system to ensure the delivery of water to consumers that  
11 meets primary drinking water standards at all times. Directive No. 5 required the  
12 System complete all improvements in the proposed project by March 31, 2015.

13  
14 By letter dated July 22, 2014 the Division approved the submitted action plan and  
15 schedule for improvements to the water system, which included providing at least one  
16 new groundwater well. The System submitted quarterly updates to the Division that  
17 included changes to the date of completion of milestones specified in the approved  
18 compliance schedule. The Division has not approved a new compliance date for  
19 Directive 5, and to date, the System has not completed all elements of the proposed  
20 project submitted pursuant to Directive 4 of CO 02\_05\_14R\_001.

## DETERMINATION

21  
22  
23  
24 Section 116650 of the CHSC authorizes the Division to issue a citation to a public  
25 water system upon determination that the public water system is in violation of the  
26 California SDWA or any regulation, permit, standard, citation, or order issued or  
27 adopted thereunder.

1 On the basis of the above Statement of Facts, the Division has determined that  
2 System is in violation of Directive 5 of CO 02\_05\_14R\_001.

### 3 4 **DIRECTIVES**

5  
6 System is hereby directed to take the following actions:

- 7
- 8 1. By **July 13, 2015** the City shall submit a written response to the Division,  
9 indicating its willingness to comply with the directives of this Citation  
10
  - 11 2. By **August 1, 2015** submit to the Division for review and approval, an action plan  
12 and compliance schedule with specific dates for key milestones for improvements  
13 to the water system to provide a reliable and adequate supply of pure, wholesome,  
14 healthful and potable water to ensure the delivery of water to consumers that  
15 meets primary drinking water standards at all times.  
16
  - 17 3. On or before **October 10, 2015** and every three months thereafter, submit a report  
18 to the Division showing actions taken during the previous calendar three months to  
19 comply with the Corrective Action Plan, using the form provided as Appendix 2  
20 hereto.  
21
  - 22 4. By **July 1, 2017**, the City shall complete all improvements in the proposed project  
23 submitted pursuant to Directive 2 above in accordance with the compliance  
24 schedule to be reviewed and approved by the Division.  
25
  - 26 5. The System shall sample Well 02 for nitrate and receive the analysis results prior  
27 to discharging Well 02 to the distribution system. After bringing Well 02 online,

1 daily nitrate monitoring shall be conducted and the results submitted to the  
2 Division each day Well 02 remains in use.  
3

4 6. If any nitrate sample result exceeds the maximum contaminant level of 45 mg/L,  
5 the System shall notify the Division and conduct public notification in conformance  
6 with Title 22, California Code of Regulations, Sections 64463.1 and 64465.  
7 Notification shall include mailing to all customers, posting in public places  
8 throughout the service area, posting on the City's website, and inclusion in a  
9 newspaper that serves the City's service area. The notification shall be approved  
10 by the Division before posting. Appendix 3 may be used to fulfill this Directive.  
11

12 7. By the tenth day of the month following any public notification required by Directive  
13 6, complete Appendix 4: Compliance Certification Form. Submit it together with a  
14 copy of the Division approved public notification.  
15

16 8. Notify the Division in writing no later than five (5) days prior to the deadline for  
17 performance of any Directive set forth herein if the System anticipates it will not  
18 timely meet such performance deadline.  
19

20 All submittals required by this Citation shall be submitted to the Board at the following  
21 address:

22  
23 Jan Sweigert, P.E.  
24 District Engineer  
25 State Water Resources Control Board  
26 Division of Drinking Water  
27 1 Lower Ragsdale Drive, Building 1, Suite 120  
28 Monterey, CA 93940  
29

1 The Water Board reserves the right to make such modifications to this Citation as it  
2 may deem necessary to protect public health and safety. Such modifications may be  
3 issued as amendments to this Citation and shall be effective upon issuance.

4 Nothing in this Citation relieves the System of its obligation to meet the requirements  
5 of the CHSC or any regulation, standard, permit or order issued thereunder.

#### 6 7 **PARTIES BOUND**

8  
9 This Citation shall apply to and be binding upon the System, its owners, shareholders,  
10 officers, directors, agents, employees, contractors, successors, and assignees.

#### 11 12 **SEVERABILITY**

13  
14 The directives of this Citation are severable, and the System shall comply with each  
15 and every provision thereof notwithstanding the effectiveness of any provision.

#### 16 17 **FURTHER ENFORCEMENT ACTION**

18  
19 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the CHSC  
20 authorizes the Water Board to: issue citation with assessment of penalties if a public  
21 water system continues to fail to correct a violation identified in a citation; take action  
22 to suspend or revoke a permit that has been issued to a public water system if it has  
23 violated applicable law or regulations or has failed to comply with orders of the Water  
24 Board; and petition the superior court to take various enforcement measures against a  
25 public water system that has failed to comply with an order of the Water Board.

26

1 The Water Board does not waive any further enforcement action by issuance of this  
2 citation.

3  
4 Jan Sweigert  
5 Jan Sweigert, P.E.

6/12/2015  
Date

6 District Engineer, Monterey District Office  
7 Northern California Field Operations Branch  
8 Division of Drinking Water



9  
10  
11 Appendices (4):

- 12
- 13 1. Applicable Statues and Regulations
- 14 2. Quarterly Report
- 15 3. Public Notice
- 16 4. Certification
- 17
- 18

19  
20 Certified Mail No. 7008 1830 0004 5435-0806

21  
22

## **APPENDIX 1:**

### **APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 02\_05\_15C\_007**

#### **Section 116650 Of the Health and Safety Code 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.

#### **Section 116555(a)(1) and (a)(3) Of the Health and Safety Code states in relevant part:**

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

(1) Complies with primary and secondary drinking water standards.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

### Quarterly Progress Report

Water System: <b>City of San Juan Bautista</b>	Water System No: <b>3510002</b>
Violation: <b>Violation of CO No. 02-05-14R-001</b>	
Calendar Quarter:	Date Prepared:

#### Summary of Compliance Plan

#### Tasks Completed in the Quarter

#### Tasks Remaining to Complete

Anticipate Compliance Date:

System Representative Name & Title: \_\_\_\_\_

System Representative Signature: \_\_\_\_\_

This form should be prepared and signed by the water system personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress must be submitted by the 10<sup>th</sup> day of the month following the end of each subsequent quarter.



# City of San Juan Bautista

*The "City of History"*

[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)

311 Second St., P.O. Box 1420, San Juan Bautista, CA 95045  
(831) 623-4661

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### DRINKING WATER WARNING

City of San Juan Bautista Water System has high levels of nitrate  
DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR PREGNANT  
WOMEN OR USE IT TO MAKE INFANT FORMULA

Water sample test results during the month of [REDACTED] showed nitrate levels from [REDACTED] mg/L to [REDACTED] mg/L. Some of these results are above the nitrate standard, or maximum contaminant level (MCL), of 45 milligrams per liter. Nitrates in drinking water are a serious health concern for infants less than six months old and pregnant women.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** Infants below the age of six months who drink water containing nitrate in excess of the MCL 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. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering or letting water stand does not reduce the nitrates level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What the City is doing:

- **BOTTLED WATER FOR PREGNANT WOMEN AND INFANTS UNDER 6 MONTHS.** Stop by or call to arrange pick up of bottled water from City Hall for residents who are pregnant women or families with infants under 6 months of age.
- **MONTHLY NOTICING OF STATUS.** The City will be sending out notices to let the water users know what the status of the water is and will send notification when the notice has been lifted.



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(831) 623-4661**

## **CORRECTIVE ACTION.**

- For more information, please contact: City of San Juan Bautista, 311 Second Street (831) 623-4661 or after hours at (831) 902-0887

*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, 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.*

## **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.

**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.