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CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: City of Imperial
420 South Imperial Ave
Imperial, CA 92251

Attn: Mr. Jackie Loper,
Public Services Director

**CITATION FOR VIOLATION OF
CALIFORNIA CODE OF REGULATIONS, Title 17 Sections 7584(f), 7605(c) & 7605 (e)
– WATER SYSTEM NO. 1310006**

CITATION No. 05-14-15C-005

Issued on December 2, 2015

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director") hereby issues this citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the City of Imperial water system for violation of Title 17, California Code of Regulations (hereinafter "CCR") Sections 7584 (f), 7605 (c), and 7605 (e).

APPLICABLE AUTHORITIES

Section 116650 of the CHSC provides:

116650. Citations.

(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

1 *personal service or the date of receipt of the certified mail. If a person to*
2 *whom a citation is directed refuses to accept delivery of the certified mail,*
3 *the date of service shall be deemed to be the date of mailing.*

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

7 *(c) A citation may specify a date for elimination or correction of the condition*
8 *constituting the violation.*

9 *(d) A citation may include the assessment of a penalty as specified in*
10 *subdivision (e).*

11 *(e) The department may assess a penalty in an amount not to exceed one*
12 *thousand dollars (\$1,000) per day for each day that a violation occurred, and*
13 *for each day that a violation continues to occur. A separate penalty may be*
14 *assessed for each violation.*

15 **Title 17, CCR, Section 7584 provides:**

16 *The water supplier shall protect the public water supply from contamination*
17 *by implementation of a cross-connection control program. The program, or*
18 *any portion thereof, may be implemented directly by the water supplier or by*
19 *means of a contract with the local health agency, or with another agency*
20 *approved by the health agency. The water supplier's cross-connection control*
21 *program shall for the purpose of addressing the requirements of Sections*
22 *7585 through 7605 include, but not be limited to, the following elements:*

23 *(a) The adoption of operating rules or ordinances to implement the cross-*
24 *connection program.*

25 *(b) The conducting of surveys to identify water user premises where cross-*
26 *connections are likely to occur,*

27 *(c) The provisions of backflow protection by the water user at the user's*
28 *connection or within the user's premises or both,*

1 System is a community public water system as defined in CHSC, Section 116275;
2 therefore, the Water System must comply with Title 17, CCR.

3
4 An evaluation of the Water System's cross connection control program (CCCP) was
5 performed by the Division as part of the 2015 Water System sanitary survey.

6
7 Per 2012, 2013, and 2014 electronic Annual Report to the Drinking Water Program
8 (hereinafter "eAR"), the number of backflow devices in the system at the end of each year,
9 number installed per year, number failed per year and number tested per year are listed in
10 Table 1.

11
12 Table 1. Backflow Devices in the System

	Total Number in System	Number Installed	Number Tested	Number Failed	Number Repaired/replaced
2014	476	4	342	8	9
2013	472	0	243	29	16
2012	386	5	310	31	24

13
14 After the inspection, on May 19, 2015, when asked via email how the Water System
15 accounts for the difference between the total number in the system and number tested,
16 the Water System responded on May 29, 2015 that they are making several corrections to
17 their CCCP. In the same email, the Water System reported that currently there are a total
18 of 267 backflow devices in the program, not 476 as previously reported to the Division in
19 the eAR. The Water System explained that 171 devices have recent acceptable test
20 results, and 96 devices have not yet been tested or have been identified as having the
21 following issues: 62 devices are either new/replaced, duplicate, or have had no recent
22 testing completed; notice for 16 devices have been returned; and 18 devices are for
23 closed accounts or accounts no longer in service.

24
25 In the same email, the Water System reported that the 1st letter to customers with devices
26 was sent out on July 16, 2014 with a test due date of August 28, 2014; a 2nd letter was
27 sent out on October 1, 2014 with an extension test due date of October 31, 2014. A 3rd
28 and final letter with Water Shut-Off notice were scheduled to be sent on June 15, 2015.

1 The Water System stated that the reason for the delay in the 3rd notice is that their clerk
2 assigned to this duty had been out on extended leave. It is unknown how many letters
3 were sent out in July 2014, October 2014 and June 2015. The Water System has not
4 provided this information to the Division although it was requested by the Division on June
5 22, 2015, July 2, 2015 and August 20, 2015.

6
7 In an email dated July 7, 2015, instead of providing the number of letters that were sent
8 out, the Water System responded that *"As of July 1st 2015, the City of Imperial maintains
9 252 hazardous sites. Within those hazardous sites there are 464 backflow prevention
10 devices accounted for in our Tokay Database system"*.

11
12 On September 23, 2015, when asked if the Water System sent out 3rd and final letter in
13 June 2015, the Division was informed via email that there were no 3rd notices sent out to
14 customers. The clerk assigned to this duty explained that she found a lot of discrepancies
15 in the system upon her return from leave (a lot of serial numbers were missing either
16 letter/letters or number/numbers and double serial numbers, etc.), and sent the 1st notice
17 on August 19, 2015 with a due date of September 30, 2015. The Water System also
18 reported that a 2nd notice will be sent on October 1, 2015 with a due date of October 15,
19 2015 and a 3rd /final notice will be sent on October 20, 2015 with a due date of October
20 30, 2015.

21
22 According to the 2015 CCCP evaluation form, the Water System reported that there is a
23 45-day notice and then water service is disconnected. Per the 2008 CCCP evaluation
24 form, the Water System reported that the procedure includes a 30-day notice, a 10-day
25 notice, a 24-hour notice, a phone call and then the water service is disconnected. Per the
26 2007 CCCP evaluation form, the Water System described the procedure as *"Procedures
27 are stated in the City Ordinance; 30 days to correct. 15 days to correct after NOV, and if
28 no action is taken, the water supply would be shut down."*

29
30 During the May 11, 2015 inspection, when requested, the Water System was not able to
31 provide a copy of the Cross Connection Control Ordinance; however, a copy was located
32 in the Division's file after the inspection.

1 The Water System's Cross Connection Control Ordinance is Ordinance No. 555, adopted
2 on December 20, 1989. Per the Water System's Ordinance No. 555, the customer
3 notification procedure is described as follows:

- 4
- 5 1. *The City will notify each affected water user when it is time for the backflow*
6 *prevention device installed on their service connection to be tested. This written*
7 *notice shall give the water user 30 days to have the device tested and supply the*
8 *water user with the necessary form to be completed and resubmit to the City.*
 - 9 2. *A second notice shall be sent to each water user which does not have his/her*
10 *backflow prevention device tested as prescribed in the first notice within the 30 day*
11 *period allowed. The second notice will give the water user a two week period to have*
12 *his/her backflow prevention device tested. If no action is taken within the 2 week*
13 *period the City may terminate water service to the affected water user until the*
14 *subject device is tested.*
- 15

16 During 2014 and 2015, the Water System did not follow the noticing procedures and
17 timeframes in their 1989 Cross Connection Control Ordinance.

18 19 **DETERMINATIONS**

20 Based on the above Statement of Facts, the Division has determined that the Water
21 System:

- 22
- 23 1. Violated CCR Title 17 Section 7584 (f) in that the Water System failed to maintain
24 accurate records for the location, tests and repairs of backflow devices.
- 25
- 26 2. Violated CCR Title 17 Section 7605 (c) in that the Water System failed to test all
27 backflow devices annually for calendar years 2012, 2013, and 2014.
- 28
- 29 3. Violated CCR Title 17 Section 7605 (e) in that the Water System failed to notify the
30 water user when testing of backflow preventers is needed for 2014 and 2015 per
31 the Division approved 1989 Cross Connection Control ordinance.

PENALTIES

PURSUANT TO CHSC SECTION 116650

1
2
3
4 The Division hereby assesses upon the Water System a penalty of one thousand dollars
5 (\$1000) per year for each year that the Water System has violated CCR Title 17 Section
6 7584 (f), 7605, (hereinafter "the Penalty"). As of the date of issuance of this Citation, the
7 Water System has violated CCR Title 17 Sections 7584 (f) and 7605 for three (3) calendar
8 years (2012, 2013, and 2014) and thus the amount of the Penalty imposed as of the date
9 of this Citation is three thousand dollars (\$3,000).
10

DIRECTIVES

11
12 Water System is hereby directed to take the following actions:
13

- 14 1. On or before December 31, 2015, comply with CCR Title 17, Sections 7584 and
15 7605 and remain in compliance.
16
- 17 2. On or before June 2, 2016, submit for Division review and approval a Cross-
18 Connection Control Survey prepared by a cross-connection control specialist certified
19 by the California-Nevada Section of the American Water Works Association (or an
20 organization with equivalent certification requirements) and Implementation Schedule
21 for implementing the recommendations made in the Cross Connection Control
22 Survey.
23
- 24 3. Comply with the Implementation Schedule that has been approved by the Division in
25 accordance with Directive 2 above.
26
- 27 4. Commencing on the date of issuance of this Citation, test all active devices per CCR
28 Title 17 Section 7605.
29



- 1 5. Commencing on the date of issuance of this Citation and continuing until directed by
2 the Division to do otherwise, submit the following to the Division by the tenth day of
3 every month:
- 4 a) A report identifying the total number of backflow prevention devices in the
5 system, number tested, number of passed and failed devices, a list of devices yet to
6 be tested during the current calendar year (including notes regarding when the
7 device is scheduled to be tested, date of letter(s) issued, etc.), number installed and
8 number repaired and/or replaced.
- 9
- 10 6. On or before February 10, 2016, pay the Penalty of \$3,000. Payment shall be made
11 by check made payable to the Safe Drinking Water Account. The requirement to pay
12 the Penalty shall be suspended until February 10, 2016. Such suspension of the
13 requirement to pay the Penalty may be extended by the Board beyond February 10,
14 2016. Such extension may be effected only by written notice from the Board to the
15 Water System. Additionally the requirement to pay the Penalty may be waived if the
16 Board in its sole discretion determines that the Water System has complied with the
17 directives of this Citation as the same may be amended from time to time. Such
18 waiver may be effected only by written notice from the Board to the Water System.

19
20 All submittals required by this Citation shall be addressed to:

21
22 Sean Sterchi, P.E.
23 San Diego District Engineer
24 State Water Resources Control Board
25 Division of Drinking Water
26 1350 Front Street, Room 2050
27 San Diego, CA 92101
28

29 As used in this Citation, the date of issuance shall be the date of this Citation; and the
30 date of service shall be the date of service of this Citation, personal or by certified mail, on
31 the Water System.
32

1 The Division reserves the right to make such modifications to this Citation and/or to issue
2 such further citations as it may deem necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Citation and shall be deemed
4 effective upon issuance.

5
6 Nothing in this Citation relieves Water System of its obligation to meet the requirements of
7 Chapter 4, Part 12, Division 104 of the CHSC (hereinafter "the California SDWA"), and
8 any regulation, permit, standard or order issued or adopted thereunder.

9
10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the Water System, its owners,
12 shareholders, officers, directors, agents, employees, contractors, successors, and
13 assignees.

14
15 **SEVERABILITY**

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

18
19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the Division to: issue a citation with assessment of
21 administrative penalties to a public water system for violation of continued violation of the
22 requirements of the California SDWA or any regulation, permit, standard, citation, or order
23 issued or adopted thereunder including but not limited to, failure to correct a violation
24 identified in a citation or compliance order. The California SDWA also authorizes the
25 Board to take action to suspend or revoke a permit that has been issued to a public water
26 system if the public water system has violated applicable law or regulations or has failed to
27 comply with an order of the Board; and to petition the superior court to take various
28 enforcement measures against a public water system that has failed to comply with an
29 order of the Board. The Board does not waive any further enforcement action by issuance
30 of this Citation.

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12/2/2015



Date

Sean Sterchi, P.E.
San Diego District Engineer
Acting Regional Engineer - South Coast Section
State Water Resources Control Board
Division of Drinking Water

CERTIFIED MAIL NO. 7014 2870 0000 8019 6539

ATTACHMENTS:

- 1) Notice of Citation Issuance Penalty
- 2) Email correspondences

cc) Jeff Lamoure, Deputy Director for Environmental Health Services, County of Imperial
(via email)

- Mark Gran - Mayor, City Council, 420 South Imperial Avenue, Imperial CA 92251
- Doug Cox - Mayor Pro-Tem, 420 South Imperial Avenue, Imperial CA 92251
- Geoff Dale - Council Member, 420 South Imperial Avenue, Imperial CA 92251
- Betty Sampson - Council Member, 420 South Imperial Avenue, Imperial CA 92251
- James Tucker - Council Member, 420 South Imperial Avenue, Imperial CA 92251
- Marlene D Best, City Manager, 420 South Imperial Avenue, Imperial CA 92251

DRINKING WATER FIELD OPERATIONS BRANCH

**NOTICE OF CITATION ISSUANCE
PENALTY**

BACKGROUND STATEMENT

The State Water Resources Control Board, Division of Drinking Water, issued **Citation No. 05-14-15C-005** for the **City of Imperial Water System** (Public Water System No. 1310006).

This Citation carries a penalty of \$3,000.00 (three thousand dollars).

METHOD OF PAYMENT

On or before February 10, 2016, submit a check in the amount of \$3,000 made payable to:

SWRCB – Division of Drinking Water

and mail to:

**SWRCB Accounting Office
ATTN: Drinking Water Program Fees
P.O. Box 1888
Sacramento, CA 95812-1888**

(Please indicate the Citation Number on the Check)

(Attach Check Here)

Ertas, Tuba@Waterboards

From: Bertha Hernandez <BHernandez@cityofimperial.org>
Sent: Wednesday, September 23, 2015 3:00 PM
To: Ertas, Tuba@Waterboards
Cc: jloper@cityofimperial.org; Laura Gutierrez
Subject: 2014 Backflows

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Sorry for the delay in response to the email sent to Mr. J. Loper regarding out 3rd Notices for Backflow, There were no 3rd Notices sent out to customers. I sent 1st notice out on July 16, 2014 with a due date of August 28, 2014, 2nd letters were sent out on October 1, 2014 with a due date of October 31. I was out on medical leave from October 3rd 2014 to February 9th 2015. While I was out a co-worker did assist in inputting backflows report into the Tokay system. When I returned I did find a lot of discrepancies in the system. I found that a lot of serial numbers were missing either letter/letters or number/numbers and double serial numbers and etc. What I have done now is gone through each backflow and have worked with tokay and have now resolved these issues. I have now sent the 1st notice on August 19, 2015 with a due date of September 30, 2015. If you'd like I can send you an email once I have send 2nd and 3rd/Final/Disconnection Notice have been sent that will be done before the end of the year.

Questions Please do not hesitate to call me.

Thank You

Bertha A. Hernandez
Accounting Assistant I

City of Imperial
420 South Imperial Ave
Imperial, CA 92251

Phone: 760-355-3050

Fax: 760-355-4718

E-Mail: bhernandez@cityofimperial.org

www.cityofimperial.org

<https://www.facebook.com/pages/Imperial-Market-Days/191620407580418>

Ertas, Tuba@Waterboards

From: Bertha Hernandez <BHernandez@cityofimperial.org>
Sent: Wednesday, September 23, 2015 3:33 PM
To: Ertas, Tuba@Waterboards
Cc: jloper@cityofimperial.org; Laura Gutierrez
Subject: 2014 Backflows

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Again,

In my last email sent to you I left out my expected dates for the 2nd and 3rd/final disconnection notice.

My expected dates are as follows:

2nd Notice – October 1, 2015
Due – October 15th, 2015

3rd/Final Disconnection Notice – October 20th
Due - October 30th, 2015

Thank you once again ☺

Bertha A. Hernandez
Accounting Assistant I

City of Imperial
420 South Imperial Ave
Imperial, CA 92251

Phone: 760-355-3050

Fax: 760-355-4718

E-Mail: bhernandez@cityofimperial.org

www.cityofimperial.org

<https://www.facebook.com/pages/Imperial-Market-Days/191620407580418>

Ertas, Tuba@Waterboards

From: imperialwtp <imperialwtp@cityofimperial.org>
Sent: Tuesday, July 07, 2015 2:21 PM
To: Ertas, Tuba@Waterboards
Cc: jloper@cityofimperial.org
Subject: [City of Imperial] Response to 2015 Sanitary Survey Questions
Attachments: CT Calculation June 2015.xls; Stage2Q12014.pdf; Stage2Q42013.pdf; JackieLoperCCCCert.pdf

Dear Tuba,

Jackie Loper is currently on Vacation. We have included a photo copy of Jackie Loper's Cross Connection Control Certificate titled, "JackieLoperCCCCert."

Below you will find the information we were able to gather for your questions.

1. On the Filter Surveillance Program and Media inspection.
 - a. To our Knowledge we do not have an official Filter Surveillance Program in our files at the Water Treatment Facility.
 - b. Regarding Media Loss, the Water Treatment Facility Operators have lowered the water level for the Filters to prevent media loss. This has significantly abated the amount of media being wasted out of the four gravity filters.
 - c. Regarding the inspection program, the Water Treatment Facility Operators observe backwashes daily, adjust backwash water levels, and perform bi-annual filter core samples to monitor media loss.
2. On the Alarm List Summary:
 - a. Can you be more specific on what you mean by, "a recent alarm summary list, including the type of alarm response and delay time"?
 - b. Currently our system is not set up to attain this information in one place. If you are seeking a full summary of all alarms and their settings we will have to contract out the work to our SCADA Expert.
3. On Backflow Devices:
 - a. As of July 1st 2015 the City of Imperial maintains 252 hazardous sites. Within those Hazardous sites there are 464 backflow prevention devices accounted for in our Tokay Database system.
4. On the Cross Connection Control Ordinance.
 - a. We have informed City Hall of the need for the Cross Connection Control Ordinance and will send you the PDF Version this week.
5. On the Chain of Custody form for Stage 2 samples.
 - a. Please see attached Stage 2 Chain of Custody forms titled, "Stage2Q42013, & "Stage2Q12014"
6. On the CT Calculations.
 - a. See Attached Excel spreadsheet titled, "CT Calculations June 2015."

Please let me know if you require anything further.

Sincerely,

Steven Andrew Mireles
T2 Water Treatment Operator
City of Imperial, WTF

Robert Emmett

Ertas, Tuba@Waterboards

From: Laura Gutierrez <LGutierrez@cityofimperial.org>
Sent: Friday, May 29, 2015 1:02 PM
To: Ertas, Tuba@Waterboards
Cc: jloper@cityofimperial.org
Subject: FW: 2015 Sanitary Survey-2
Attachments: Clarifier Settling Plate.pdf; Filter Surveillance.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Tuba,

Below are the responses to your questions for Mr. Loper...

1. SCADA upgrades— when and what type of upgrades you've had
THE WTF WENT FROM A WONDERWARE MONITORING SCADA TO AN IGNITION AUTOMATED SYSTEM WHICH COULD BE OPERATED BOTH LOCALLY AND REMOTELY. THIS SYSTEM ALSO HAS A HISTORIAN AND A SQL SERVER.
2. Raw water pump conversion to VFD - when and what type of upgrades you've had
THE WTF WENT FROM VARIABLE FREQUENCY DRIVES (VFD) MADE BY HALMAR ROBICON GROUP LABELED ROBICON I.D. SERIES. TO A VFD TOSHIBA DRIVE MODEL 6 MOTOR CONTROL CENTER BY BRITHINEE ELECTRIC.
3. Clarifier settling plate replacement - when and what type of upgrades you've had
SEE CLARIFIER ATTACHMENT
4. Filter surveillance -when did you have it? Can you please send me a copy of the report? The bed depth and anthracite depths? When did you add the anthracite? Is anthracite ANSI/NSF 61 certified? Company's name?
THE COMPANY ERS INDUSTRIAL SERVICES INC. PERFORMED A FILTER MEDIA REPLACEMENT PROJECT WITH FILTERS 1 AND 2 COMPLETED IN MARCH OF 2015, AND FILTERS 3 AND 4 COMPLETED IN APRIL 2015. THE FILTER MEDIA BED DEPTHS ARE 4 INCHES OF COARSE SAND, 12 INCHES OF FINE SAND, AND 24 INCHES OF ANTHRACITE FILTER MEDIA. THE ANTHRACITE MEDIA IS ANSI/NSF 61 CERTIFIED. - SEE FILTER SURVEILLANCE ATTACHMENT

ADDITIONAL QUESTIONS:

1. This is from our office documents. Have you done this?

The City received a proposal from Webb Associates in April 2012 and is planning to replace the Shop Booster Station pumps. The existing pumps provide a lower pressure than the Aten Road Booster Station and the water treatment plant High Service Booster Station and therefore cannot operate efficiently while the other booster stations are running. Currently operates have to turn off the other booster stations and manually operate the Shop Booster Station to draw water from the 2.0 MG Shop Tank.

YES, THE SHOP BOOSTER STATION PUMPS WERE REPLACED.

2. The City operates approximately **XXX** miles of pipelines ranging in size from **4-inches to 16-inches**.

THE CITY OF IMPERIAL HAS APPROXIMATELY 79 MILES OF PIPELINE BETWEEN 4-INCHES TO 16-INCHES IN DIAMETER. (NOTE: MILEAGE RECEIVED FROM WEBB ENGINEERING / KRIS)

3. Please let me know when the City began Stage 2 DBPR monitoring.
4TH QUARTER 2013

4. Per EAR 2014,

The number of back flow devices in system: 476

Number of devices installed during past year: 4

Number of devices tested during the past year: 342

Please let me know what happened to $476-342=134$

THERE ARE SEVERAL CORRECTIONS THAT WE ARE MAKING TO OUR BACKFLOW PROGRAM. CURRENTLY THERE ARE A TOTAL OF 267 IN THE PROGRAM. 171 HAVE COMPLETED DEVICE INSPECTIONS, AND 96 HAVE NOT YET BEEN COMPLETED OR WE HAVE IDENTIFIED AS HAVING THE FOLLOWING ISSUES: 62 ARE EITHER NEW/REPLACED, DUPLICATE, OR NO TESTING COMPLETED; 16 NOTICES HAVE BEEN RETURNED; AND 18 CLOSED ACCOUNTS OR NO LONGER IN SERVICE. THE CITY'S DUE DILIGENCE TO OBTAIN COMPLIANCE FOR THESE DEVICES HAS BEEN AS FOLLOWS: 1ST LETTER WAS SENT OUT ON JULY 16, 2014 WITH A TEST DUE DATE OF AUGUST 28, 2014; 2ND LETTER WAS SENT OUT ON OCTOBER 1, 2014 WITH AN EXTENSION TEST DUE DATE OF OCTOBER 31, 2014. WE CURRENTLY HAVE NOT YET SENT OUT OUR 3RD AND FINAL LETTER WITH WATER SHUT-OFF NOTICE, BUT HAVE SCHEDULED THAT NOTICE TO BE SENT FOR JUNE 15, 2015. THE REASON FOR THE DELAY IN THE 3RD NOTICE IS THAT OUR CLERK ASSIGNED TO THIS DUTY HAD BEEN OUT ON EXTENDED MEDICAL LEAVE.

IF YOU SHOULD HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE DO NOT HESITATE IN CONTACTING ME AT (760) 355-3336.

THANK YOU,
JACKIE LOPER