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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Anchorpoint Christian School
2220 Pacheco Pass Highway
Gilroy, CA 95020

Attn: Mr. Steve White
President/Principal

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64431
WATER SYSTEM NO. 4300610
CITATION NO. 02-17-16C-007
Issued on February 8, 2016

Section 116650 of the California Health and Safety Code 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.

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 a citation to the Anchorpoint Christian School (hereinafter, "ACS" or "Water System") (2220 Pacheco

1 Pass Highway, Gilroy, CA 95020) for violating California Code of Regulations (CCR),
2 Title 22, Section 64431.

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division 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 Division 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 Division 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.

1 **California Code of Regulations, Title 22, Section 64431 provides in relevant part:**

2
3 Public water systems shall comply with the primary maximum contaminant
4 level for nitrate (as nitrogen) of 10. mg/L.
5

6 **STATEMENT OF FACTS**

7
8 Anchorpoint Christian School, located at 2220 Pacheco Pass Highway east of the
9 town of Gilroy, is a nontransient-noncommunity water system that provides potable
10 water to approximately 10 staff and 70 students in grades 7 through 12. All of the
11 potable water supply is produced from one active groundwater source, Well 01 (PSC
12 No. 4300610-001). The water system also consists of a 750-gallon steel pressure
13 tank to pressurize the irrigation system, a 119-gallon pressure tank to pressurize the
14 domestic system, a nitrate removal ion exchange treatment facility and a distribution
15 system. The Water System serves treated water to several classroom sinks, one
16 office building, and locker rooms with showers.
17

18 To verify the performance of the nitrate removal treatment facility and determine
19 compliance with the nitrate maximum contaminant level (MCL) of 10. mg/L, ACS
20 collected a sample from the treated effluent on January 29, 2016. The result was 14.1
21 mg/L.
22

23 Section 64432.1 (a) (1), Chapter 15, Title 22 of the California Code of Regulations
24 specifies that water suppliers shall require their contract laboratory to notify the
25 supplier within 24 hours whenever the level of nitrate in a single sample exceeds the
26 MCL. The Water System was notified of the exceedance on February 4, 2016 by the
27



1 Division. The Water System was directed to immediately issue "Do Not Drink" notices
2 to all staff, students and parents.

3 **DETERMINATION**

4
5 The Division has determined that Anchorpoint Christian School failed to comply with
6 the California Code of Regulations, Title 22, Section 64431. Specifically, Anchorpoint
7 Christian School failed to comply with the maximum contaminant level for nitrate (as
8 nitrogen) for sample collected during the month of January 2016.

9
10 **DIRECTIVES**

11
12 Anchorpoint Christian School is hereby directed to take the following actions:

- 13
14 1. Forthwith, Anchorpoint Christian School shall cease and desist from failing to
15 comply with the California Code of Regulations, Title 22, Section 64431, which
16 specifies that the maximum contaminant level for nitrate (as nitrogen) of 10. mg/L
17 shall not be exceeded in the water supplied to the public.
18
19 2. Within 30 days of receipt of this Citation, Anchorpoint Christian School shall
20 produce and provide to the Division a Corrective Action Plan (CAP). The CAP
21 shall specify the method(s) and timeline to bring the Water System into
22 compliance with the nitrate maximum contaminant level.
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24 3. Conduct public notification for the nitrate maximum contaminant level exceedance
25 as soon as possible and within 24 hours after learning of the nitrate violation. The
26 notification shall be completed in accordance with the following methods:
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- a. Mail and/or direct delivery to all staff and parents.

- b. Posting in conspicuous locations throughout the area served by the water system. The notices shall remain posted until the Water System is consistently and reliably in compliance with the nitrate maximum contaminant level.

The Water System was notified by the Division of the exceedance and was directed to immediately conduct public notification on February 4, 2015. The Water System has not confirmed completion of the notification.

- 4. Within 10 days of receipt of this Citation, Anchorpoint Christian School shall provide to the Division certification of public notification using the enclosed form (Attachment No. 1). A copy of the notice shall be attached to the certification form.

- 5. Within 10 days of receipt of this Citation, Anchorpoint Christian School shall agree in writing to comply with all directives of this Citation.

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 Anchorpoint Christian School of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

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

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Eric Lacy, P.E.
District Engineer
State Water Resources Control Board
Division of Drinking Water
850 Marina Bay Parkway
Building P, 2nd Floor
Richmond, CA 94804

PARTIES BOUND

This Citation shall apply to and be binding upon Anchorpoint Christian School, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

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



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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board 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 Board 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 Board; 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 Board. The Board does not waive any further enforcement action by issuance of this citation.

February 8, 2016

Date

Eric Lacy

Eric Lacy, P.E.
District Engineer
Division of Drinking Water
State Water Resources Control Board

Attachment 1: Proof of Notification

cc: Santa Clara County Environmental Health

certified mail # 7014 3490 0001 7031 0857



ATTACHMENT 1

PROOF OF COMPLIANCE
Citation Number 02-17-16C-007
Anchorpoint Christian School
System Number: 4300610

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Anchorpoint Christian School, of the nitrate maximum contaminant level violation of Section 64431, Chapter 15, Title 22, California Code of Regulations, for the compliance period of January 2016.

I complied with the directives of this citation as indicated below:

Required Action

Date Completed

1. Public notification

a. Mail and/or direct delivery

b. Posting in conspicuous places

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE DELIVERED OR MAILED NOTICE MUST BE ATTACHED TO THIS FORM

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 citation 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.