



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

August 23, 2016

Mr. Frederick Harris
Vice President, Administrative Services
Gavilan Junior College
5055 Santa Teresa Boulevard
Gilroy, CA 95020

Dear Mr. Harris:

CITATION NO. : 02_17_16C_025
CALIFORNIA HEALTH AND SAFETY CODE VIOLATION
Gavilan Junior College, System No. 4300608

Enclosed is a citation issued to Gavilan Junior College (GJC). The citation is issued because the water system failed to comply with the California Health and Safety Code Section 116550(a).

If you have any questions regarding this matter, please contact Karen Nishimoto at (510) 620-3461.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

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

Attachment: Proof of Notification Form

cc: Santa Clara County Environmental Health Department (w/o attachment)

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Gavilan Junior College
5055 Santa Teresa Boulevard
Gilroy, CA 95020

Attn: Frederick Harris, Vice President, Administrative Services
Gavilan Junior College

CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE
SECTION 116550(a) - WATER SYSTEM NO. 4300608
CITATION NO. 02-17-16C-025
Issued on August 23, 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, 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 Gavilan Junior College (hereinafter, GJC) (5055 Santa Teresa Boulevard, Gilroy, CA 95020) for violation of California Health and Safety Code 116550 subsection (a).

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(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.

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2 California Health and Safety Code, Section 116550, subsection (a) provides, in
3 relevant part:

4
5 (a) No person operating a public water system shall modify, add to or
6 change his or her source of supply or method of treatment of, or change his or her
7 distribution system as authorized by a valid existing permit issued to him or her by the
8 department unless the person first submits an application to the department and
9 receives an amended permit as provided in this chapter authorizing the modification,
10 addition, or change in his or her source of supply or method of treatment.

11
12 **STATEMENT OF FACTS**

13 The GJC water system is operated under Water Supply Permit No. 02-17-06P-
14 4300608, issued on February 14, 2006.

15
16 GJC serves water to approximately 989 customers via 22 service connections. GJC
17 is located just south of Gilroy, CA and receives water from one approved groundwater
18 well. GJC had been working on a long-term improvement project to replace the old
19 storage tank with two new tanks, construct a new groundwater well, and replace the
20 old chlorine injection system with an on-site sodium hypochlorite generation system.
21 All of these improvements require a permit amendment from the Division.

22
23 GJC personnel requested and received Division approval to put the first of the two
24 tanks on-line on April 17, 2015. According to GJC personnel, Tank 2 was put on-line
25 in December 2015, the new sodium hypochlorite generation system was put on-line in
26 March 2016, and the new well was put on-line in April 2016. GJC did not complete
27 the permitting application requirements for these facilities, nor did the Division
approve the use nor issue permit amendments. GJC did not complete initial water



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quality monitoring for the new well prior to putting water from the new groundwater well into the distribution system.

DETERMINATION

The Division has determined that GJC failed to comply with Section 116550 of the California Health and Safety Code. GJC modified its distribution system by adding a new source of supply, new treatment, and new storage without first completing permitting requirements and receiving an amended permit from the Division authorizing the additions.

DIRECTIVES

GJC is hereby directed to take the following actions:

1. Forthwith, GJC shall cease and desist from failing to comply with permitting requirements.
2. GJC shall conduct public notification for failing to comply with permitting requirements and for providing water of unknown quality to users as soon as possible and within no later than 30 days in conformance with Section 64463.4(c), Chapter 15, Title 22, California Code of Regulations (CCR). The notification shall be complete in accordance with the following:

Mail or direct delivery to each customer served by the water system AND public notification in a local newspaper, posting in conspicuous public places served by the water system or on the internet, or delivery to

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community organizations to reach persons not likely to be reached by mailing or direct delivery.

Proof of notification must be provided to the Division. This can be met by submitting a completed Proof of Notification form (Attachment No. 1) and a copy of the notice issued within 14 days of completing the notification. The notice must be approved by the Division prior to distribution.

3. Within 30 days of receipt of this Citation, GJC shall provide a Corrective Action Plan (CAP) that describes the specific actions that will be taken to return to compliance; specifically, the actions necessary to complete permitting of the new drinking water system facilities.

4. Within 30 days of receipt of this Citation, GJC shall submit a written response stating it will not use the new well for potable purposes without Division approval.

5. Within 30 days of receipt of this Citation, GJC shall submit a written response stating its understanding and willingness to comply with requirements to request and receive a permit amendment prior to modifying, adding, or changing, the source of supply, method of treatment, or distribution system.

6. Within 10 days of receipt of this Citation, GJC shall submit a written response to the Division indicating its willingness to comply with 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.



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Nothing in this Citation relieves GJC 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.

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

Mr. Eric Lacy, P.E.
District Engineer, Santa Clara District
Division of Drinking Water
State Water Resources Control Board
850 Marina Bay Parkway
Building P, 2nd Floor
Richmond, CA 94804-6403

PARTIES BOUND

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

SEVERABILITY

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

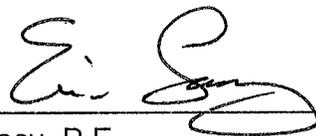
FURTHER ENFORCEMENT ACTION

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

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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.

August 23, 2016
Date


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

Attachments:

- 1. Proof of Notification Form

CERTIFIED MAIL # 7015 1730 0000 9907 7404

PROOF OF NOTIFICATION

Water System Name: Gavilan Junior College
Water System Number: 4300608

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Gavilan Junior College of supplying water of unknown water quality and failure to comply with permit requirements. I complied with the directives of the Division of Drinking Water as indicated below:

Required Action

Date Completed

Public Notification by mail or direct delivery AND publication in a local newspaper, posting in public or internet, or delivery to community organizations.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION.
A COPY OF THE PUBLISHED NOTICE, DELIVERED NOTICE, AND POSTED 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.