



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

October 7, 2016

System No. 4600017

Certified Mail/Return Receipt
No. 7012 3460 0003 1113 2363

Larry Ostrom, Manager
R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

TRANSMITTAL OF CITATION NO. 01-02-16C-010

Dear Mr. Ostrom,

The State Water Resources Control Board (Water Board), Division of Drinking Water, has issued the R.R. Lewis Small Water Company a citation, which is attached.

If you have any questions regarding this matter, please call staff engineer Steve Watson at (530) 224-4828 or me at (530) 224-4800.

Sincerely,

A handwritten signature in black ink that reads "Michael J. McNamara, for".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director
Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section
Rami Kahlon, California Public Utilities Commission

Enclosure: Citation No. 01-02-16C-010

sww \ 4600017 RR Lewis \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

Attn: Larry Ostrom, Manager

CITATION FOR VIOLATION OF
DIRECTIVE NO. 2 IN COMPLIANCE ORDER NO. 01-02-15R-007
WATER SYSTEM NO. 4600017
CITATION NO. 01-02-16C-010
Issued on October 7, 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 R.R. Lewis Small Water Company (hereinafter, Company) (4500 E. Fremont Street, Stockton, CA 95215) for violation of Directive No. 2 in Compliance Order No. 01-02-15R-007.

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.

Directive No. 2 of Compliance Order No. 01-02-15R-007 required:

2. On or before **November 1, 2015**, the Company shall provide continuous, reliable chlorination of the Wixson Spring water supply.



1 minimum, a special use permit, building permit, and a zoning variance, along with
2 compliance with the California Environmental Quality Act and associated environmental
3 clearances were required for the construction of the building and the installation and
4 operation of the facilities.

5
6 Upon being informed that the Company was constructing facilities within a State right-
7 of-way, the California Department of Transportation (Caltrans) directed the Company on
8 October 6, 2015, to stop all work associated with an encroachment permit Caltrans
9 issued to the Company on August 6, 2015. The encroachment permit only allowed for
10 ingress/egress to the work, and not for construction work within the State right-of-way.

11
12 The Company ignored the stop work orders from both Sierra County and Caltrans, and
13 continued construction and connection of the chlorination facilities in the State right-of-
14 way. On October 20, 2015, the Company informed the Division that construction of the
15 chlorination facilities were complete and ready for inspection. These facilities included a
16 wooden framed shed, chlorination equipment, and piping that connected the facility to
17 the drinking water supply system of the Company.

18
19 On November 3, 2015, Caltrans informed the Company that the construction of the
20 facilities within the State right-of-way was an unauthorized encroachment, and "red-
21 tagged" the facilities, giving the Company five days to remove the facilities. On
22 November 5, 2015, the Company informed the Division that the facilities had been "red-
23 tagged" by Caltrans and requested an inspection.

24
25 On or about November 13, 2015, the Company moved the facilities out of the Caltrans
26 right-of-way and onto the adjoining private property, owned by Walter and Frances
27 Brett, without the permission of the owners.

1 On December 9, 2015, the Company informed the Division that the facilities had been
2 moved out of the Caltrans right-of-way and requested an inspection. In a phone
3 conversation subsequent to that email, the Company informed the Division that the
4 chlorination facilities were now located on private property not owned by the Company
5 and that an existing easement that the Company possessed for that property was
6 sufficient to allow for the facility's location on that property.

7
8 On December 11, 2015, the Division received information from Sierra County that the
9 Company had made no progress complying with local ordinances and land use
10 requirements, including a special use permit, a building permit, environmental
11 clearances, and State Scenic Corridor requirements.

12
13 On December 16, 2015, the Division was informed by Caltrans that the encroachment
14 permit with the Company had been closed, since the illegally placed facilities had been
15 removed and placed on the adjoining private property.

16
17 On December 23, 2015, in response to the Company's request for an inspection of the
18 facilities, the Division informed the Company that prior to any inspection or permitting of
19 the facility, the following information would need to be submitted: 1) a copy of the written
20 permission from the property owner for the use of the property, 2) a copy of the
21 easement for the property, and 3) written verification from Sierra County that all local
22 land use ordinances, permitting, and California Environmental Quality Act (CEQA)
23 clearances had been completed for the project.

24
25 On January 22, 2016, the Company responded to the Division's request by submitting
26 subdivision maps and real estate disclosures which had little to no relevance to the



1 situation at hand. In addition, the Company maintained that no land use permits were
2 required from Sierra County for the project.

3
4 To date, the Company has not been able to produce any of the requested information to
5 show they have legal right to operate the facilities in their present location.

6
7 On August 11, 2016, Sierra County issued a letter to Walter and Frances Brett informing
8 them that several violations of the Sierra County Code exist on their property related to
9 the construction and placement of the utility structure by the Company. This letter
10 identifies five specific zoning code violations, three building code violations, failure to
11 comply with the California Environmental Quality Act (CEQA), and failure to produce
12 land tenure documents for location of the structure on private land. In the letter, Sierra
13 County also clearly states that the existing structure cannot remain in its present
14 location, since it blocks an easement and violates property line setbacks. A copy of
15 this letter is included in Attachment 'A.'

16 17 DETERMINATIONS

18
19 The Company has constructed the chlorination facilities, required under Directive 2 of
20 Compliance Order No. 01-02-15R-007, on private property without written, legal
21 permission from the land owner. The Company has constructed the chlorination
22 facilities without complying with local land use ordinances, including, but not limited to, a
23 special use permit, a building permit, and CEQA clearances. Since the Company does
24 not have these local governmental approvals and has not followed CEQA requirements,
25 the Division cannot issue an amended permit for the operation of the chlorination
26 facilities. Therefore, chlorination facilities cannot be operated as constructed.

27

1 For these reasons the Division has determined that the Company is in violation of
2 Directive No. 2 of Compliance Order No. 01-02-15R-007 which required that "on or
3 before **November 1, 2015**, the Company shall provide continuous, reliable chlorination
4 of the Wixson Spring water supply."

5 6 ADMINISTRATIVE PENALTY

7
8 Section 116650 of the California Health and Safety Code allows for the assessment of a
9 penalty for failure to comply with, among other things, an order issued pursuant to the
10 California SDWA. The Division hereby assesses the Company a penalty of \$5,000 for
11 failure to comply with Directive No. 2 of Compliance Order No. 01-02-15R-007 since
12 **November 1, 2015** ("Penalty").

13
14 In addition, the Division hereby assesses the Company a penalty of \$100.00 for each
15 day after the date of issuance of this Citation that the Company violates or continues to
16 violate Directive No. 2 of Compliance Order No. 01-02-15R-007 (collectively "Additional
17 Penalties"),

18 19 DIRECTIVES

20
21 The Company is hereby directed to take the following actions:

- 22
23 1. Comply with Directive No. 2 of Compliance Order No. 01-02-15R-007 by no later
24 than **July 1, 2017**. To demonstrate compliance with this directive the Company
25 must submit to the Division a copy of the final approval from Sierra County for the
26 constructed chlorination system; evidence of compliance with CEQA
27 requirements; written verification that the chlorination system is operational and

1 capable of feeding a chlorine dosage of up to 2.0 milligrams per liter; and receive
2 confirmation in writing from the Division that such chlorination system can be
3 permitted for operation as constructed.

4

5 2. The Company shall submit to the Division regular progress reports that detail the
6 Company's work towards complying with Directive No. 2 of Compliance Order
7 No. 01-02-15R-007. The first report will be due on **December 31, 2016**, and
8 then monthly thereafter. Reports for each subsequent month shall be due on the
9 10th day of the following month.

10

11 3. Submit to the Board by **November 15, 2016**, a check for the Penalty of
12 \$5,000.00 imposed by this Citation. The citation number shall be written on the
13 check. The check shall be made payable to the **State Water Resources**
14 **Control Board – Safe Drinking Water Account** and mailed to the Board along
15 with Attachment 'B' entitled "Notice of Citation Issuance."

16

17 4. The requirement to pay the Additional Penalties shall be suspended until
18 July 1, 2017. Such suspension of the requirement to pay any and all Additional
19 Penalties may be extended by the Board beyond July 1, 2017. Such extension
20 may be effected only by written notice from the Board to the Company.
21 Additionally, the requirement to pay the Additional Penalties may be waived if the
22 Board in its sole discretion determines that the Company has complied with the
23 directives of this Citation as the same may be amended from time to time. Such
24 waiver may be effected only by written notice from the Board to the Company.

25

26 5. If the Board does not suspend the requirement to pay the Additional Penalties
27 after July 1, 2017, the Company shall submit to the Board by a check in the



1 amount equaling \$100 for each day that the Company's failure to comply with
2 Directive No. 2 of Compliance Order No. 01-02-15R-007 occurred after the date
3 of issuance of the Citation (collectively "Additional Penalties"). The citation
4 number shall be written on the check. The check shall be made payable to the
5 **State Water Resources Control Board – Safe Drinking Water Account** and
6 mailed to the Board along with Attachment 'C' entitled "Notice of Citation
7 Issuance – Additional Penalties."
8

9 6. Complete and return Attachment 'D' entitled "Compliance Certification" by
10 **November 30, 2016.**
11

12 Unless otherwise noted, all documents required under this Citation shall be submitted to
13 the Board at the following address:

14
15 Michael J. McNamara, P. E.
16 Lassen District Engineer
17 Division of Drinking Water
18 State Water Resources Control Board
19 364 Knollcrest Drive, Suite 101
20 Redding, CA 96002
21

22 Payment of the administrative penalty required under Directive 3 of this Citation shall be
23 submitted to the Board at the address given in Attachment 'B.'
24

25 As used in this Citation, the date of issuance shall be the date of this Citation; and the
26 date of service shall be the date of service of this Citation, personal or by certified mail,
27 on the Company.
28

1 Nothing in this Citation relieves the Company of its obligation to meet the requirements
2 of the California SDWA or any regulation, permit, standard or order issued or adopted
3 thereunder. The Division reserves the right to make such modifications to this Citation,
4 as it may deem necessary to protect public health and safety. Such modifications may
5 be issued as amendments to this Citation and shall be effective upon issuance.

6
7 **FURTHER ENFORCEMENT ACTION**

8
9 The California SDWA authorizes the Board to: issue a citation with assessment of
10 administrative penalties to a public water system for violation or continued violation of
11 the requirements of the California SDWA or any regulation, permit, standard, citation, or
12 order issued or adopted thereunder including, but not limited to, failure to correct a
13 violation identified in a citation or compliance order. The California SDWA also
14 authorizes the Board to take action to suspend or revoke a permit that has been issued
15 to a public water system if the system has violated applicable law or regulations or has
16 failed to comply with an order of the Board; and to petition the superior court to take
17 various enforcement measures against a public water system that has failed to comply
18 with or violates an order of the Board. The Board does not waive any further
19 enforcement action by issuance of this citation.

20
21 **PARTIES BOUND**

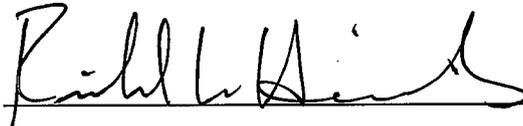
22
23 This Citation shall apply to and be binding upon the Company, its officers, directors,
24 shareholders, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

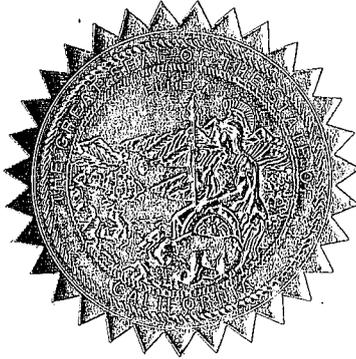
The Directives of this Citation are severable, and the Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

10/7/2016



Date

Richard L. Hinrichs, P.E., Chief
Northern California Section
Division of Drinking Water
State Water Resources Control Board



Attachments:

- 'A' August 11, 2016, Letter From Sierra County
- 'B' Notice of Citation Issuance
- 'C' Notice of Citation Issuance – Additional Penalties
- 'D' Compliance Certification

CERTIFIED MAIL 7012 3460 0003 1113 2363

SIERRA COUNTY

Department of Planning and Building Inspection

P.O. Box 530
Downieville, California 95936
(530) 289-3251 (800) 655-3251
Fax (530) 289-2828



Tim H. Beals
Director

August 11, 2016

Ms. Frances Brett
Mr. Walter Brett
260 Jersey Street
San Francisco, California 94114-3823

Dear Frances and Walter:

The purpose of this letter is to advise you as the record owners of property in Sierra City identified as County Assessor parcel 008-230-014, that a series of violations of the Sierra County Code exist on your property. These violations stem from the construction and placement by the RR Lewis Water Company of a utility structure (chlorinator shed) on your property that is in violation of County zoning from several aspects as well as violations of the County building code.

Your property is classified as Residential-Single Family Zoning District (R-1) and the use and development upon private land is regulated by County zoning regulations, County building codes, and the California Environmental Quality Act. This property is within the "R-1" zoning district and the construction and operation of a utility structure for the water company requires a special use permit, requires a full application including indemnification and adequate land tenure allowing the water company to place the structure on the property (lease, agreement, etc). Further, the location of the structure as it currently stands is very problematic as it blocks an easement and violates building setbacks from property lines.

A brief summary of the violations include the following:

- 1) Violations of Chapter 15 of the County Code (Zoning) as follows:
 - a. Special Use Permit required for a utility building in the R-1 zoning district
 - b. Building within an easement
 - c. Setback violations (rear property line) for a structure
 - d. Failure to review under State Scenic Corridor regulations
 - e. Variance required for building setbacks from easements or property lines
- 2) Violations of Chapter 12 of the County Code (Building) as follows:
 - a. Failure to obtain a building permit-project is not exempt
 - b. Failure to provide proper plans to confirm snow load and engineering
 - c. Building within an easement

- 3) Failure to comply with California Environmental Quality Act
- 4) Failure to produce land tenure documents for location of structure on private land

There is an extensive, recent history regarding the construction and placement of this utility structure by the RR Lewis Water Company which is a private water company regulated by the California Public Utility Commission and from what we understand, this building was located on your property without your consent. As a result, you as record owner of this property are being advised of the violation since you are ultimately the responsible parties regarding the property. We are also advising the RR Lewis Water Company of the violation as this utility was responsible for the initiation and execution of the development of your property which has been determined to be a series of code violations.

Briefly, in September 2015 we observed a building pad under construction on or near to your property and adjacent to State Highway 49. No notice was issued to the County by the water company and the County initiated correspondence with the water company on September 22, 2015 (email attached as exhibit 1) inquiring of the scope of project under construction. The County also initiated inquiries to Caltrans as it appeared that the structure was within the State right of way. As a result of our inquiries, we obtained from Caltrans a copy of an application for encroachment permit filed by the water company. It was found to contain a number of misrepresentations and inaccurate information about the project including lack of CEQA compliance, lack of evaluation under the State Scenic Corridor regulations, representations that the water company is a public utility when in fact it is a private water company, lack of landowner consent (Brett) if the project involved and private property, misrepresentation of the scope and purpose of easements on your property that were created by the recording of the Tschopp Subdivision in the 1970's, and a lack of required zoning and building permits for the project.

Mr. Ostrom, manager and owner of the water company replied to our inquires by email dated September 23, 2015 (attached as exhibit 2) indicating that the building was 100% on State right of way, that the owners (Brett) had no problem with the operation or installation of the chlorinator, that local permits were not required, and that this project was under order by the State Waterboard. The County immediately responded on September 25, 2015 (attached as exhibits 2 and 3). Caltrans on September 30 and October 7, 2015 (attached as exhibits 4 and 5) clearly outlined to Mr. Ostrom that his project was in violation of State law and the building would have to be removed.

The email history on this is significant and we have numerous emails between the parties (Caltrans, RR Lewis Water Company/Larry Ostrom, the State Waterboard) so to summarize the events on this matter, after Caltrans notified Mr. Ostrom of his violations, the agency surveyed its right of way, confirming that the building was partially within State right of way. Caltrans commenced a formal enforcement action and the water company took action to "push" the building a few feet so it would now be entirely on your property. This solved the problems that Caltrans had with the water company but did nothing to resolve the numerous code issues that the water company has with the

County. To avoid getting into too much detail on this background, suffice it to say that after repeated efforts by the County through emails and letters, the water company ignored stop work orders, ignored notices of violation, and proceeded to move the structure onto your property in blatant disregard for the correspondence from the County and for compliance with the County code. The chlorinator has been installed and to our knowledge is fully operational. To date, Mr. Ostrom has made no effort to seek the required compliance with the County code provisions as outlined herein.

First, I would ask that you contact this office within ten (10) days from the date of this letter so we can determine how you are going to proceed with this matter as it impacts your private property. If you and Mr. Ostrom are to reach some solution, all parties need to understand that the building cannot stay in its present location. It cannot block the easement and it violates all property line setbacks within the code for structures. Issues such as maintenance access, tree and brush removal, location, color, future repairs, term, and numerous other matters should be evaluated and memorialized in some form of lease or agreement that confirms that the RR Lewis Water Company has adequate land tenure to use and remain on this property.

Second, a complete application for the special use permit, application for any necessary zoning variance, a detailed site plan, an indemnification agreement and agreement to cover all project processing costs, (including litigation defense), and other supporting application documents along with the required fees and project processing deposits all will be required to be made by you or the water company no later than twenty (20) days from the date of this letter.

This is an odd set of circumstances where a private utility developed a structure and commenced a use without the written consent of you as the property owner. Typically, at minimum a property lease that protects the interest of the property owner and clearly assigns responsibilities from everything from access to tax liability is in place before any project starts. At that point, when adequate land tenure exists, the utility in this case, would then have the authority to pursue some form of project. However, in this case, not only is landowner consent absent but the utility is defiant and intentionally ignoring the orders of the County and at this point, our only option is to commence a formal enforcement proceeding. This action will be taken if the water company fails to honor the dates outlined above. This is not only a matter of zoning and building code compliance at the local level, but the existence of a compliance order issued by the State Waterboard against the water company also places this matter in a category of public health and safety.

So in summary, this requires your prompt attention as I have allowed months to pass in hope that the water company would make efforts and communicate its intention to you as well as comply with the County Code. One would think that the water company being under a formal compliance order by the State Waterboard would be sufficient incentive to resolve this matter and obtain the proper entitlements. It appears that the water company is being defiant on this issue as well. So needless to say, this places you in an awkward position as the property owner having to decide if you wish to negotiate some agreement

with the water company or advise the County that the structure is a trespass and its continued existence does not have your concurrence. Please accept my appreciation for your communications to the County over the past months as you have been very forthright and clear as to the situation we are collectively experiencing. I trust that my correspondence with you over the months has been informative and helpful and if you have any questions, please feel free to contact me.

Thank you and I look forward to your reply.

Sincerely,

Sierra County
Planning Department



Tim H. Beals
Director

CC: Supervisor Peter Huebner
County District Attorney
County Counsel
State Waterboard-Mr. Mike McNamara
Caltrans-Mr. Al Reed
CPUC-Ms. Jocelyn Wong
Mr. Brandon Pangman
Ms. Elizabeth Morgan
File

Tim Beals

From: Tim Beals
Sent: Tuesday, September 22, 2015 3:49 PM
To: 'RRLewis H2OCO'
Cc: Glen Cornell; Richard Hertzberg; 'Bill'; Lauri Chrisman; John and Isabell; 'Nora Prince'; 'RTSO@aol.com'; Watson, Steve@Waterboards; 'Rooklidge, Stephen@Waterboards'; Peter Huebner; Elizabeth Morgan
Subject: Chlorinator Installation

Larry...I have heard from several sources that you may be considering the construction/installation of a chlorinator on property near to the manifold distributing water to RRLewis, Tschopp, and Maple Grove water systems. Please confirm if this is the case or just another rumor. If this is true, we need to discuss land use requirements for such an installation. As was the case for a chlorinator on your system at the upper end of the system (adjacent Mya Way), this site would be no different as it is private land and zoned residential and a chlorinator may require a special use permit to install or construct it. Additionally, there may be subdivision tract restrictions for the Tschopp subdivision-Units 1 and 2 that may be in effect. As you recall there were access issues, traffic issues, noise concerns, material handling and security concerns, and other factors that were of concern to some neighbors to the approved site off of Mya Way and we would expect the same or an increased level of concern at a site in the general area of the existing manifold.

Please let me know if this is a plan that is being pursued and if possible, provide a specific location so that we can further evaluate the land use permit requirements for such an installation. Thank you.

Tim Beals

9/23/2015

EXHIBIT 1

Tim Beals

From: Tim Beals
Sent: Friday, September 25, 2015 2:03 PM
To: 'RRLewis H2OCO'
Cc: Glen Cornell; John and Isabell; Nora Prince; RTSO@aol.com; Watson, Steve@Waterboards; Rooklidge, Stephen@Waterboards; Elizabeth Morgan; McNamara, Mike@Waterboards; Burton, Bruce@Waterboards; Wong, Jocelyn; 'Bill'; Richard Hertzberg; Peter Huebner
Subject: RE: Chlorinator Installation

Thanks Larry for the September 23, 2015 clarification on the proposed chlorinator. I am glad that you have communicated your plans to the other water systems and it appears that chlorination is necessary and it will be necessary for future use of the Wixson water as a source.

I am not sure what the point or relevance is for your opening statement but the fact that I receive a monthly water bill from the water company for my private residence in Sierra City is irrelevant to anything involved in this correspondence. Anyway, on the proposed site of the chlorinator, I am aware of the new building...on Tuesday (9-22-15) I took pictures of the new pad. On Wednesday (9-23-15) the building appeared irrespective of my earlier inquiry about the chlorinator. I also received a copy of the Caltrans encroachment permit application and permit from Caltrans. I understand and appreciate the compliance order that you are under regarding chlorination and it is unfortunate that you did not make applications at the County when you filed your applications with Caltrans in June of this year. Unfortunately a lot of time has passed and the November 1 date is nearly upon you. Also, I have no idea what "meeting in Sacramento" you are talking about but as for my response regarding the chlorinator being "predictable"...this chlorinator is no different that the one installed adjacent Mya Way several years ago and the permitting issues have not changed. A chlorinator in a residential zone is required to be authorized under County special use permit. If this was "predictable" it is unfortunate that you did not inquire or make application months ago...

Anyway, I will be forwarding an email to you later today that sets forth the County's position on permitting for a new chlorinator. Once you receive this email, I urge you to make contact with me or with Brandon Pangman of this office to move this process along as quickly as possible. Thanks Larry.

Tim Beals

From: RRLewis H2OCO [mailto:rrlewish2o@gmail.com]
Sent: Wednesday, September 23, 2015 12:28 PM
To: Tim Beals
Cc: Glen Cornell; John and Isabell; Nora Prince; RTSO@aol.com; Watson, Steve@Waterboards; Rooklidge, Stephen@Waterboards; Elizabeth Morgan; McNamara, Mike@Waterboards; Burton, Bruce@Waterboards; Wong, Jocelyn
Subject: Re: Chlorinator Installation

Tim--

It is not a rumor as all of our customers were notified on June 29, 2015 on their bills. Since you paid your bill, we can only assume that you got it. We have also had conversations with the other water users on the spring although none of their water is affected by our installation of our chlorinator. It serves only R R Lewis Small Water customers.

It shouldn't be too hard to find the new chlorinator as the building is in place. The building is under 60 square feet, has no electricity, and is located 100% on Cal Trans property. We have an encroachment permit for the building and access from Cal Trans (we've always had an access encroachment permit).

In addition, we have spoken with the current homeowner who has no problem with the operation or installation of the chlorinator. You might also note that according to Frances, any building restrictions on their Subdivisions, expired long ago. There are no other homeowners that might be affected by the unit as it makes very little noise. In short, the building doesn't require a permit and while you might think differently, we see no need for a special use permit.

Note that this project is being done under the direct order of the State Water Board with a deadline of November 1st and fines for failure to perform are substantial. As usual, you don't fail to be predictable, as exactly what you are saying now, was predicted at the last meeting in Sacramento. We would suggest that you contact Mike McNamara or Bruce Barton if you have any questions.

I intend to make the final connections to the system next week so we can run the system for a month or so to make certain all the bugs in the operation are cleared.

Larry

On Tue, Sep 22, 2015 at 3:48 PM, Tim Beals <tbeals@sierracounty.ca.gov> wrote:

Larry...I have heard from several sources that you may be considering the construction/installation of a chlorinator on property near to the manifold distributing water to RRLewis, Tschopp, and Maple Grove water systems. Please confirm if this is the case or just another rumor. If this is true, we need to discuss land use requirements for such an installation. As was the case for a chlorinator on your system at the upper end of the system (adjacent Mya Way), this site would be no different as it is private land and zoned residential and a chlorinator may require a special use permit to install or construct it. Additionally, there may be subdivision tract restrictions for the Tschopp subdivision-Units 1 and 2 that may be in effect. As you recall there were access issues, traffic issues, noise concerns, material handling and security concerns, and other factors that were of concern to some neighbors to the approved site off of Mya Way and we would expect the same or an increased level of concern at a site in the general area of the existing manifold.

Please let me know if this is a plan that is being pursued and if possible, provide a specific location so that we can further evaluate the land use permit requirements for such an installation. Thank you.

Tim Beals

Tim Beals

From: Tim Beals
Sent: Friday, September 25, 2015 2:56 PM
To: 'RRLewis H2OCO'
Cc: Brandon Pangman; Elizabeth Morgan; Rooklidge, Stephen@Waterboards; Watson, Steve@Waterboards; McNamara, Mike@Waterboards; Peter Huebner; steve_folsom@dot.ca.gov; 'albert.l.reed@dot.ca.gov'
Subject: Water System Chlorinator-County Permit Requirements

Attn: Mr. Larry Ostrom
Manager

Larry...as you know we have exchanged a few emails regarding a new chlorinator system and building that you are proposing to install adjacent to State Route 49 in Sierra City. It is immediately behind or north of the parcel (APN 008-230-0140) owned by Frances and Walter Brett and at this point it is not clear if the project is solely on State right of way (State Route 49) or if it is wholly or partially on the property owned by the Bretts.

Over the past week we have observed the development of a building pad, the placement of a small wood structure, and there are plans to place a chlorinator within the structure to support the treatment of water from the Wixson Spring so that it may be conveyed to the services within the RR Lewis Water System service area. As you know, this is virtually the same scope of project that was approved by the County for the RR Lewis Water Company in January 2007 when you applied for a special use permit in November 2006 for a water system chlorinator adjacent your property at Mya Way in Sierra City.

I am aware that the RR Lewis Water Company is under a compliance order to chlorinate the Wixson "leg" of its water system and there are expectations and deadlines that have been imposed by the State Water Resources Control Board-Division of Drinking Water.

I am also aware that you made application to Caltrans for an encroachment permit in June of 2015. In the encroachment permit application you proposed a chlorinator, a small building, electricity, and represented that you had some form of easement from the Brett family who are the property owners adjacent to the existing State right of way. The site plan was very difficult to read so location related to property boundaries was nearly impossible to decipher. The application and permit made no reference to nor did it indicate if there was any CEQA review or consideration given to the fact that this proposed site is within the State Scenic Corridor (Official Poppy Route) for State Route 49.

I have reviewed the County Code and the facts that I presently have in my possession and you are advised that County land use permits are required for this project. The RR Lewis Water Company is a private company and regardless of its location in, partially in, or outside of State right of way on private land, County permits are required. The property is zoned as "Residential (R-1) and such uses as proposed are conditional, requiring application and approval of a special use permit (SC Code, Section 15.12.080). Additionally, the proposed location is within the Scenic Highway District (SC Code, Section 15.12.280) and approval of the proposed use and a site plan (per section 15.12.280 (g)) is required. A determination cannot be made at this point if any zoning variance is required as a field visit will be necessary to confirm compliance with required setbacks and to determine if any water courses are in proximity to the project that would trigger further review under the County stream setback policies (SC Code, Section 15.12.060). It is likely that a County building permit will be required as this is not an exempt category of building under the County Code (SC Code, Section 12.04.050 and 12.04.050). Finally, all of this is subject to compliance with the California Environmental Quality Act and proper environmental clearances will be necessary.

The application process is straight forward and there will be a need for a detailed site plan and other technical drawings to support the project. You are directed to stop further development of the site until the proper permits are secured from the County. We will forward a copy of this to the State Water Resources Control Board-Division of Drinking Water and to Caltrans advising them of this matter and will ask that the compliance with local ordinances be recognized in the administration of their respective permits.

10/9/2015

EXHIBIT 3

As email to Brandon Pangman, Deputy Planning Director, I will ask that he email you the proper application information, and any other supporting documents needed to advance this project through the process. I encourage you to promptly contact us so we can schedule a field visit, discuss with you the application requirements, and make every effort to expedite the review and action on the applications that you are being asked to file. We want to work with you to process this project and the ability for us to execute the process and to the point of a public hearing, in large part, will depend directly on the level of cooperation and promptness we receive from you on this matter.

Thank you and if you have questions or wish to meet, please contact Mr. Pangman or myself.

Tim Beals

10/9/2015

Tim Beals

From: Laughlin, Charles W@DOT [chuck.laughlin@dot.ca.gov]
Sent: Wednesday, September 30, 2015 7:31 AM
To: Reed, Albert L@DOT
Cc: Dhaliwal, Berinder S@DOT; Tim Beals
Subject: RE: Water chlorination, Special Use Permits.
Importance: High

Al,

Thanks for the history.

Of note is that the State (Caltrans) is **NOT** allowing the private use of the State right-of-way. If this facility is in fact located within the State right-of-way, then Mr. Ostrom supplied erroneous information in his permit application as the permit was issued to provide access to a facility outside of the State right-of-way. If there are facilities within the State right-of-way, we will need to further examine this issue to determine whether or not they constitute an unauthorized encroachment or if acquisition of right-of-way resulted in improvements previously outside of State right-of-way being included when we secured additional right-of-way.

This would imply that Mr. Ostrom must coordinate with the County regarding his intended construction in a Scenic corridor.

I believe you were going to coordinate with Caltrans Surveys to see if they could establish the right-of-way line for this location. Have you had a chance to determine when they will be able to perform this work?

We need to discuss this further, but at no time was the intent of Caltrans to allow Mr. Ostrom or R R Lewis Small Water Company unfettered use of State right-of-way.

CHARLES W. LAUGHLIN, P.E.
 Chief, District 3 Encroachment Permits

703 B Street
 Marysville, CA 95901 -
 Office: 530-741-4408
 Cell: 530-755-6357
 Fax: 530-741-4236

From: Reed, Albert L@DOT
Sent: Tuesday, September 29, 2015 4:08 PM
To: Laughlin, Charles W@DOT
Subject: FW: Water chlorination, Special Use Permits.

Chuck,

Please read and I will try to give you a call in a few.

10/9/2015

EXHIBIT 4

Tim Beals

From: Tim Beals
Sent: Wednesday, October 07, 2015 8:32 AM
To: Brandon Pangman
Cc: Peter Huebner
Subject: FW: Stop work notice Caltrans permit

From: Reed, Albert L@DOT [mailto:albert.l.reed@dot.ca.gov]
Sent: Tuesday, October 06, 2015 5:36 PM
To: rrlewish2o@gmail.com
Cc: Laughlin, Charles W@DOT <chuck.laughlin@dot.ca.gov>; Dhaliwal, Berinder S@DOT <berinder.dhaliwal@dot.ca.gov>
Subject: Stop work notice Caltrans permit

Mr. Olstrom,

I have recently been notified that work conducted under Caltrans encroachment permit 0315-6US0471 may be in violation of such permit. Specifically, it is suspected that facilities have been constructed within the State right of way. The issued encroachment permit only allows for ingress/egress to the work, repairing existing valves and trimming trees. In addition, notice was never given work was to begin and a pre-job meeting was never conducted.

In correspondence with Sierra County director Tim Beals, you have stated all of the work associated with this permit has occurred on State right of way. This is a violation of your approved permit and as a result you are being directed to stop all work associated with this permit, immediately. The building and any other new facilities will not be allowed to remain on State right of way if they have in fact been placed within the right of way.

Please confirm the building has been constructed on State right of way and all work has been halted.

Al Reed
Caltrans Permit Inspector
Truckee Office
albert.l.reed@dot.ca.gov
530-755-6688

10/9/2015

EXHIBIT 5

STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board

Notice of Citation Issuance

System Name: R.R. Lewis Small Water Company

System Number: 4600017

Background Statement

During the month of September 2016, the Division of Drinking Water issued Citation Number 01-02-16C-010 to the R.R. Lewis Small Water Company. The citation carried an administrative penalty in the amount of **\$5,000.00**

Method of Payment

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **November 15, 2016**. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board

Notice of Citation Issuance – Additional Penalties

System Name: R.R. Lewis Small Water Company

System Number: 4600017

Background Statement

During the month of October 2016, the Division of Drinking Water issued Citation Number 01-02-16C-010 to the R.R. Lewis Small Water Company. The citation carried an additional penalty in the amount of \$100 per day for each day the Company remains out of compliance. For the period between _____ and _____, a penalty of \$ _____.

Method of Payment

A check for the total amount of the additional penalty administrative penalty and a copy of this form shall be submitted to the Division within 5 days of each 30 day period. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

COMPLIANCE CERTIFICATION

Citation Number: **01-02-16C-010**

Name of Water System: **R.R. Lewis Small Water Company**

System Number: **4600017**

As required by Section 116450 of the California Health and Safety Code, I certify that the R.R. Lewis Small Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$5,000 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 2	_____
_____ Signature of Water System Representative	_____ Date

Attach a copy of the check for payment of the administrative penalty.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN November 30, 2016.

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.