



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

Division of Drinking Water

Certified Mail  
7012 3460 0003 1113 2165

January 7, 2016

City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Attn: Randy Johnsen, Interim City Manager

CITY OF DUNSMUIR, SYSTEM NO. 4700002 - CITATION FOR FAILURE TO RETAIN CERTIFIED DISTRIBUTION OPERATOR

Enclosed is a citation issued to the City of Dunsmuir for failing to retain the services of an appropriately certified Chief Water Distribution Operator. The order specifies action to be taken to achieve compliance and avoid future civil penalties.

Section 116577 of the California Safe Drinking Water Act provides for the State Board to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this citation. Our costs are approximately \$153 per hour. At this time we have spent approximately three and one-half (3.5) hours on enforcement activities associated with this violation. You will receive a bill for these costs, following the end of the State's fiscal year, from our Fee Branch in Sacramento.

Should you have any questions, please contact me at (530) 224-4872 or Barry Sutter at (530) 224-4875.

A handwritten signature in black ink that reads "Tony Wiedemann".

Tony Wiedemann, P.E.  
Klamath District Engineer  
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosures

cc: Richard Hinrichs, P.E., Chief – DDW – Northern California Section

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**STATE OF CALIFORNIA**  
**STATE WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

Date: January 7, 2016

To: City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Attn: Randy Johnsen, Interim City Manager

**CITATION NO. 01\_01\_16C\_001**  
**FOR FAILURE TO RETAIN**  
**CERTIFIED DISTRIBUTION OPERATOR**  
**Sections 106885 and 116555**  
**California Health and Safety Code**  
**Public Water System: City of Dunsmuir**  
**Public Water System No. 4710002**

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.

1 The State Water Resources Control Board (hereinafter "State Board"), acting by and  
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for  
3 the Division (hereinafter "Deputy Director"), hereby issues a citation to the City of  
4 Dunsmuir for failure to retain a certified water distribution operator as required by  
5 Sections 106885 and 116555 of the California Health and Safety Code (CHSC), and  
6 Sections 63770 and 64413.7 of the California Code of Regulations (CCR).

7  
8 **APPLICABLE AUTHORITIES**

9 **Section 106885 of the CHSC states in relevant part:**

10 (b) All persons who are in responsible charge of the water distribution system of a  
11 community water system or a nontransient noncommunity water system shall  
12 possess a valid and current water distribution operator certificate of the appropriate  
13 grade in accordance with the regulations referred to in Section 106910.

14  
15 **Section 116555 of the CHSC states in relevant part:**

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

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

19 (2) Will not be subject to backflow under normal operating conditions.

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

22 (4) Employs or utilizes only water treatment operators or water treatment operators-  
23 in-training that have been certified by the department at the appropriate grade.

24 (5) Complies with the operator certification program established pursuant to Chapter  
25 4 (commencing with Section 106875).

26 (b) Any person who owns a community water system or a nontransient noncommunity  
27 water system shall do all of the following:

1 (1) Employ or utilize only water distribution system operators who have been  
2 certified by the department at the appropriate grade for positions in responsible  
3 charge of the distribution system.

4 (2) Place the direct supervision of the water system, including water treatment  
5 plants, water distribution systems, or both under the responsible charge of an  
6 operator or operators holding a valid certification equal to or greater than the  
7 classification of the treatment plant and the distribution system.

8  
9 **Section 64413.7 of CCR states in part:**

10 (a) Each water supplier shall designate at least one chief operator that meets the  
11 requirements specified in §63770 for each distribution system utilized by the water  
12 system.

13 (b) Each water supplier shall designate at least one shift operator that meets the  
14 requirements specified in §63770 for each distribution system utilized by the water  
15 system for each operating shift.

16 (c) The chief operator or shift operator shall be on-site or able to be contacted within one  
17 hour.

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19 A copy of additional *Applicable Authorities* is located in Appendix 1, which is attached  
20 hereto and incorporated by reference.

21  
22 **STATEMENT OF FACTS**

23 The City of Dunsmuir public water system is a community water system serving a  
24 population of approximately 1,920 people. The distribution system classification is D2  
25 and requires a Chief Water Distribution Operator of Grade D2 or greater. The City of  
26 Dunsmuir currently employs one D1 certified operator.

1 The requirement for a D2 certified operator has been noted in past inspection letters  
2 (letters following onsite inspections summarizing deficiencies). Most recently, the  
3 Division's inspection letter dated September 4, 2014, outlined a plan with milestones to  
4 enable one or more operators to take the D2 distribution operator exam in March 2015.  
5 By letter dated November 20, 2015, the Division requested documentation from the City  
6 of Dunsmuir verifying the employment of a D2 certified operator. On December 7, 2015,  
7 Ron LaRue, Utilities Supervisor for the City of Dunsmuir, informed the Division by  
8 telephone that they do not currently employ or utilize a D2 (or higher grade) certified  
9 operator.

10  
11 By letter dated December 11, 2015, Ron LaRue, Utilities Supervisor, submitted a plan to  
12 enable himself and another current employee to take the distribution operator exam on  
13 March 19, 2016. The plan acknowledged that he and the employee have not completed  
14 a course of specialized training in water supply principles, which is required to be eligible  
15 for the D2 operator exam. The course must be completed before applying for the exam.  
16 The application deadline for the March 19, 2016 exam was January 2, 2016. Therefore,  
17 the plan cannot be implemented as proposed. The plan, however, is feasible for the next  
18 available D2 operator exam on September 17, 2016.

### 19 20 21 **DETERMINATION**

22 According to records in this Division office, the City of Dunsmuir has failed to retain the  
23 services of an appropriately certified Chief Water Distribution Operator and is in violation  
24 of Sections 106885 and 116555 of the CHSC, and Sections 63765, 63770, 64413.5 and  
25 64413.7 of the CCR.

1 **DIRECTIVES**

2 The directives refer to a D2 certified operator, which is the minimum certification grade  
3 required for the City of Dunsmuir's Chief Water Distribution Operator. The City has the  
4 option to obtain a Chief Water Distribution Operator with a higher certification grade.  
5

6 The City of Dunsmuir public water system is hereby directed to take the following  
7 actions:  
8

- 9 1. Comply with Sections 106885 and 116555 of the H&S Code, and Sections 63765,  
10 63770, 64413.5 and 64413.7 of the CCR, by obtaining a D2 certified operator by  
11 March 1, 2016, or by enabling a current employee to obtain their D2 certification as  
12 outlined below.
- 13 a. On or before February 1, 2016, inform the Division of the name(s) of one or more  
14 employees that will attempt to obtain their D2 certification and submit proof to the  
15 Division that they have enrolled in an acceptable specialized training course in  
16 water supply principles. If this deadline is not met, the City must obtain a D2  
17 certified operator by March 1, 2016.
  - 18 b. On or before July 1, 2016 (exam application deadline), submit proof to the  
19 Division that one or more employees have successfully completed the specialized  
20 training course in water supply principles and have applied for the September 17,  
21 2016 exam. If this deadline is not met, the City must obtain a D2 certified  
22 operator by August 1, 2016.
  - 23 c. On or before September 1, 2016, submit proof to the Division that one or more  
24 employees have been approved to take the D2 exam on September 17, 2016. If  
25 this deadline is not met, the City must obtain a D2 certified operator by  
26 October 1, 2016.  
27

1 d. If no employees pass the exam, the City must obtain a D2 certified operator within  
2 30 days of learning of the exam results.

3  
4 2. Within two (2) days after obtaining a D2 certified operator, notify the Division in  
5 writing of the name and contact information of the D2 certified operator that will  
6 oversee the City of Dunsmuir public water system and fulfill the requirements for  
7 Chief Water Distribution Operator.

8  
9 All submittals required by this citation shall be submitted to the Division of Drinking Water  
10 at the following address:

11 Tony Wiedemann, P.E.  
12 Klamath District Engineer  
13 State Water Resources Control Board  
14 Division of Division of Drinking Water  
15 364 Knollcrest Drive, Suite 101  
16 Redding, CA 96002

17  
18 The Division reserves the right to make such modifications to this Citation as it may  
19 deem necessary to protect public health and safety. Such modifications may be issued  
20 as amendments to this Citation and shall be effective upon issuance.

21  
22 Nothing in this Citation relieves the City of Dunsmuir of its obligation to meet the  
23 requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12,  
24 Chapter 4, commencing with Section 116270), or any regulation, standard, permit or  
25 order issued thereunder.

26  
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1 **PARTIES BOUND**

2 This Citation shall apply to and be binding upon the City of Dunsmuir, its owners,  
3 shareholders, officers, directors, agents, employees, contractors, successors, and  
4 assignees.

5 **SEVERABILITY**

6 The directives of this Citation are severable, and the City of Dunsmuir shall comply with  
7 each and every provision thereof notwithstanding the effectiveness of any provision.

8  
9 **FURTHER ENFORCEMENT ACTION**

10 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California  
11 Health and Safety Code authorizes the Division to issue a citation with assessment of  
12 penalties if City of Dunsmuir continues to fail to correct a violation identified in a citation;  
13 take action to suspend or revoke a permit that has been issued to a public water system  
14 if City of Dunsmuir has violated applicable law or regulations or has failed to comply with  
15 orders of the Division; and petition the superior court to take various enforcement  
16 measures against a public water system that has failed to comply with an order of the  
17 Division. The Division does not waive any further enforcement action by issuance of this  
18 citation.

19  
20 Tony Wiedemann

21 Tony Wiedemann, P.E.  
22 Klamath District Engineer  
23 State Water Resources Control Board  
24 Drinking Water Field Operations Branch

25 January 7, 2016  
26 Date



27 Appendix 1 - Applicable Authorities

Certified Mail No. 7012 3460 0003 1113 2165

APPENDIX 1:  
APPLICABLE AUTHORITIES  
Certified Water Treatment/Distribution Operator

Section 116271 of the California Health and Safety Code (CHSC) states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500.

...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State

Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section of 106885 of the CHSC (Certification required) states in part:

- (a) All persons who operate or supervise the operation of water treatment plants shall possess a valid and current water treatment operator certificate or water treatment operator-in-training certificate of appropriate grade in accordance with the regulations referred to in Section 106910.
- (b) All persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system shall possess a valid and current water distribution operator certificate of the appropriate grade in accordance with the regulations referred to in Section 106910.

Section 106910 of the CHSC states:

The department may adopt rules, regulations, and certification standards necessary to carry out the provisions of this article, pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The rules, regulations, and standards shall include, but not be limited to, the following:

- (a) The classification of treatment plants taking into consideration the plant size, character of the water being treated, type and degree of treatment, complexity of operation, and other physical conditions affecting the operation of the water treatment plant.

- (b) The classification of distribution systems of community water systems and nontransient noncommunity water systems taking into consideration the complexity and size of the system.
- (c) Criteria and standards establishing the level of skill, knowledge, education, and experience necessary to operate successfully or to supervise successfully the operation of specific classes of water treatment plants so as to protect public health.
- (d) Criteria and standards establishing the level of skill, knowledge, and experience necessary to operate successfully or to supervise successfully the operation of specific classes of water distribution systems so as to protect the public health.
- (e) Criteria and standards for operator certification renewal including continuing education requirements.
- (f) Criteria and standards for recertification of an operator when the operator's certificate has lapsed.
- (g) Criteria and standards for the availability of designated water treatment operators for each operating shift.

Section 116555 of the CHSC states in part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
  - (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.
  - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.
  - (4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.
  - (5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).
- (b) Any person who owns a community water system or a nontransient noncommunity water system shall do all of the following:
  - (1) Employ or utilize only water distribution system operators who have been certified by the department at the appropriate grade for positions in responsible charge of the distribution system.
  - (2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an operator or operators holding a valid certification equal to or greater than the classification of the treatment plant and the distribution system.

Section 63750.50 of the California Code of Regulations (CCR) states:

"Distribution system" means any combination of pipes, tanks, pumps, etc., which delivers drinking water from a source or treatment facility to the consumer and includes:

- (a) Disinfection facilities for which no *Giardia* or virus reduction is required pursuant to §64654 (a) [Surface Water Treatment Regulations].
- (b) The composite of all distribution systems of a public water system.

Section 63750.85 of the CCR states:

“Water treatment facility” means a group or assemblage of structures, equipment, and processes that treat or condition a water supply, affecting the physical, chemical, or bacteriological quality of water distributed or otherwise offered to the public for domestic use by a public water system as defined in Health and Safety Code §116275. Facilities consisting of only disinfection for which no *Giardia* or virus reduction is required pursuant to §64654(a) and which are under the control of a certified distribution operator are not included as water treatment facilities.

Section 63765 of CCR states in part:

- (a) Except as provided in (c), chief and shift operators shall possess valid operator certificates pursuant to Table 63765-A.

Table 63765-A

Minimum Certification Requirements for Chief and Shift Operators

<i>Treatment Facility Classification</i>	<i>Minimum Certification of Chief Operator</i>	<i>Minimum Certification of Shift Operator</i>
T1	T1	T1
T2	T2	T1
T3	T3	T2
T4	T4	T3
T5	T5	T3

Section 63770 of CCR states:

- (a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.

Table 63770-A

Minimum Certification Requirements for Chief and Shift Operators

<i>Distribution System Classification</i>	<i>Minimum Certification of Chief Operator</i>	<i>Minimum Certification of Shift Operator</i>
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

- (b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:
- (1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.
  - (2) Shutdown, repair, disinfect and test broken water mains.
  - (3) Oversee the flushing, cleaning, and pigging of existing water mains.
  - (4) Pull, reset, rehabilitate, disinfect and test domestic water wells.
  - (5) Stand-by emergency response duties for after hours distribution system operational emergencies.
  - (6) Drain, clean, disinfect, and maintain distribution reservoirs.
- (c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:
- (1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.

- (2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.
- (d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:
  - (1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.
  - (2) Investigate water quality problems in the distribution system.

Section 64413.5 of CCR states:

- (a) Each water supplier shall designate at least one chief operator that meets the requirements specified in §63765 for each water treatment facility utilized by the water system.
- (b) Each water supplier shall designate at least one shift operator that meets the requirements specified in §63765 for each water treatment facility utilized by the water system for each operating shift.
- (c) Except as provided in (d), a chief operator or shift operator shall be on-site at all times that the facility is operating.
- (d) If the water supplier's operations plan, submitted and approved pursuant to §64661, demonstrates an equal degree of operational oversight and reliability with either unmanned operation or operation under reduced operator certification requirements, the chief operator or shift operator is not required to be on-site, but shall be able to be contacted within one hour.
- (e) If there is no change in the treatment facility and the employed shift and/or chief operators, the water supplier shall be in compliance until January 1, 2003 with the shift and operator certification requirements that were in effect on December 31, 2000. If the water system employs a new shift and/or chief operator, that operator shall meet the certification requirements pursuant to §63765(a).

Section 64413.7 of CCR states:

- (a) Each water supplier shall designate at least one chief operator that meets the requirements specified in §63770 for each distribution system utilized by the water system.
- (b) Each water supplier shall designate at least one shift operator that meets the requirements specified in §63770 for each distribution system utilized by the water system for each operating shift.
- (c) The chief operator or shift operator shall be on-site or able to be contacted within one hour.