State of California—Health and Human Services Agency
California Department of Public Health

RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

June 9, 2014

Mr. Kamal Gill
Owner
430 Peacock Way
Vacaville, CA 95688-8781

CITATION NO. 02-04-14C-004
NITRATE MCL EXCEEDANCE
DIXON 76 GAS STATION, SYSTEM NO. 4800732

Dear Mr. Gill:

Enclosed is Citation No. 02-04-14C-004 for failure to comply with 22 CCR Sections 64431(a) and 64432.1(a).

In addition to this citation and corresponding fine, your water system is billed an hourly rate (approximately $126/hour) for time spent on enforcement action for non-compliance with state regulations. You should receive the separate hourly rate bill within the next few months.

If you have any questions, please contact Ms. Alla Lilichenko by phone at (510) 620-3601 or by e-mail at alla.lilichenko@cdph.ca.gov.

Sincerely,

Robert C. Brownwood

Robert Brownwood, P.E.
San Francisco District Engineer
Drinking Water Program

Attachments:

1. Citation No. 02-04-14C-004 (Certified Mail No. 7007 0220 0004 6904 0504)
2. Compliance Certification
3. Notice to all School Administrators, Rental Property Owners, and Business Property Owners
4. Attachment A
5. Notice of Citation Issuance

bcc: R. Brownwood, A.Lilichenko, System file, Chron file (all w/attachment)

S.Cajina (PDF only)

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Dixon 76

Water System Number: 4800732

To: Mr. Kamal Gill
Owner
430 Peacock Way
Vacaville, CA 95688-8781

Issued: June 9, 2014

CITATION FOR NONCOMPLIANCE

With Title 22 of the California Code of Regulations Sections 64431(a) and 64432.1(a)

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to Dixon 76 (System) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64431(a) and 64432.1(a).

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APPLICABLE AUTHORITIES

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.

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Title 22, CCR, Section 64431(a) states in relevant part:

(a) Public water systems shall comply with the primary Maximum Contaminant Levels (MCLs) in Table 64431-A as specified in this article. Table 64431-A indicates an MCL for nitrate (as NO_3) to be 45 mg/L.

Title 22, CCR, Section 64432.1(a) states in relevant part:

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the Department of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the Department within 24 hours. If the average does not exceed the MCL, inform the Department of the results within seven days from the receipt of the original analysis.

(C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

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STATEMENT OF FACTS

The System is a gas station, transient noncommunity water system, located at 8665 Pedrick Road, Dixon, Ca 95620, Solano County. The System has one service connection and serves a transient population of 150 people. Water is used for human consumption. The water system consists of a single well, pressure tank, water softener, cartridge filter, newly installed nitrate removal treatment system, disinfection facility, and water contact tank.

Dixon 76 is required to collect and have analyzed for nitrate, one sample from the well (Primary Station Code 4800732-001) and one sample immediately downstream of the nitrate treatment system (4800732-002) monthly.

Dixon 76 collected required samples on April 4, 2014, and the treated water nitrate sample result (4800732-002) was detected at 67 mg/L, which exceeded the MCL of 45 mg/L for nitrate. The water system was required to notify the Department of acute nitrate MCL exceedance and collect a confirmation sample within 24 hours or issue a Tier 1 Public Notice pursuant to section 64463.1 and collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

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DETERMINATIONS

THE DEPARTMENT HAS DETERMINED:

The System violated Title 22 of the CCR, Sections 64431(a) and 64432.1(a), in that the System failed to comply with, the MCL for nitrate, to notify the Department of acute nitrate MCL exceedance, collect a confirmation sample within 24 hours or issue a Tier 1 Public Notice and collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

PENALITIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650

The Department hereby assesses upon System a penalty in the amount of $100.00. Directions for paying this penalty are included in Directive 4 of this citation.

DIRECTIVES

Dixon 76 is hereby directed to take the following actions:

1. Comply with Sections 64431(a) and 64432.1(a) in all future monitoring periods.

2. Notify all persons served by the System of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR, and as follows:

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a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided on Attachment A for this written description.**

b) Post the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in conspicuous locations throughout the area served by the System. Posting must begin no later than **June 16, 2014,** and must continue for seven days.

3. For the month of **July 2014**, collect weekly samples and analyze them for nitrate using a state certified laboratory.

4. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to system customers but in no case later than **July 2, 2014. A copy of the notice posted to the customers must be attached to the form.**

5. Prepare and submit a written Corrective Action Plan (CAP). The CAP shall specify the method(s) and timeline to bring the Water System into compliance with all elements of Section 64431(a), Chapter 15, Title 22, CCR. The CAP shall be submitted to the Department by **July 2, 2014.**

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6. The System shall complete the attached Notice of Citation Issuance form and return it to the Department by **July 2, 2014** with the attached check in the amount of $100.

The Department 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 effective upon issuance.

Nothing in this citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

All submittals required by this citation shall be submitted to the Department at the following address:

Robert Brownwood, P.E.
Department of Public Health
Drinking Water Program
850 Marina Bay Parkway, Bldg. P., 2nd Floor
Richmond, CA 94804

PARTIES BOUND

This citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; 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 orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Stefan Cajina, P.E., Chief
North Coastal Section
Drinking Water Program

June 9, 2014
Date

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Attachments:

1. Compliance Certification
2. Notice to all School Administrators, Rental Property Owners, and Business Property Owners
3. Attachment A
4. Notice of Citation Issuance

Certified Mail No. 7007 0220 0004 6904 0504

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COMPLIANCE CERTIFICATION

Citation Number 02-04-14C-004

Name of Water System: **Dixon 76**

System Number: **4800732**

Certification

I certify that the users of the water supplied by this water system were notified of failure to comply with MCL for nitrate, to notify the Department of acute nitrate MCL exceedance, collect a confirmation sample within 24 hours or issue a Tier 1 Public Notice and collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

Required Action	Date Completed
Complete Attachment A, as required by Directive 2(a)	_____
Public Notification – Posting	_____
Civil Penalty $100	_____

_____ _____

Signature of Water System Representative Date

Attach a copy of the notice delivered to the customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN 07/02/2014

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.

To all Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from **Dixon 76 Gas Station** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses)**:** Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien. **Dixon 76 failed to comply with Maximum Contaminant Level (MCL) for Nitrate, notify the Department of acute nitrate MCL exceedance, collect a confirmation sample within 24 hours or issue a Tier 1 Public Notice and collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.**

Nitrate is considered to have an acute health risk and can interfere with the ability of red blood cells to carry oxygen to the tissues of the body, producing a condition called methemoglobinemia. It is of greatest concern in infants, whose immature stomach environment enables conversion of nitrate to nitrite, which is then absorbed into the blood stream. Clinical effects on infants ingesting nitrite at high levels in foods or from formula made with nitrate-contaminated drinking water are often referred to as the "blue baby syndrome." High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.
The groups with the greatest risk of becoming ill through ingesting nitrate are infants under 6 months and pregnant women. In general, the groups with the lowest risk of becoming ill are healthy children and adults.

As our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?
We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. In April 2014 our water system failed to comply with MCL for nitrate, notify the California Department of Public Health of acute nitrate MCL exceedance, collect a confirmation sample within 24 hours or issue a Tier 1 Public Notice and collect and analyze a confirmation sample within two weeks of notification of the results of the first sample as required by Sections 64431(a) and 64432.1(a) of California Code of Regulations.

What does this mean?
Nitrates can be found in drinking water supplies. Their presence in groundwater is generally associated with septic systems, confined animal feeding operations or fertilizer use.

What should I do?
If you have health concerns, you may wish to consult your doctor. General guidelines are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

The following corrective actions were performed to prevent this violation from occurring in the future:

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____
(water system contact name)

_____
(address)

_____
(phone number)

STATE OF CALIFORNIA
DRINKING WATER FIELD OPERATIONS BRANCH

DEPARTMENT OF PUBLIC HEALTH

Notice of Citation Issuance

System Name: Dixon 76

System Number: 4800732

Background Statement

During the month of June 2014, the Division of Drinking Water and Environmental Management issued Citation Number 02-04-14C-004 to Dixon 76 Gas Station. The citation carried a civil penalty in the amount of **$100.00**.

Method of Payment

A check for the total amount of the civil penalty and a copy of this form shall be submitted to the Department by **July 2, 2014**. The citation number shall be written on the check. The check shall be made payable to the **California Department of Public Health Safe Drinking Water Account** and submitted to:

Department of Public Health
Drinking Water Program – Fee Billing Unit
P.O. Box 997379, MS 7406
Sacramento, CA 95899-7379
Attn: Ms. Perin Peebles

Please attach check below: