



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 4, 2015

Mr. David Martin
President
Martins Metal Fabrication
7260 Lewis Road
Vacaville, CA 95687-9451

**RE: CITATION NO. 02_04_15C_013 – BACTERIOLOGICAL WATER QUALITY
MONITORING AND REPORTING FAILURE MARTINS METAL FABRICATION –
SYSTEM NO. 4810029**

Dear Mr. Martin:

Enclosed is Citation No. 02_04_15C_013 failure to comply with 22 CCR Section 64423. Specifically, Martins Metal failed to collect and report monthly bacteriological report for the month of October 2015.

In addition to the citation, your water system is billed a subsequent fine for time spent on enforcement action for non-compliance with state regulations. You will receive this bill (estimated \$153/hour).

If you have any questions, please contact Pamela Evans at (510) 620-3457 or by email to Pamela.evans@waterboards.ca.gov

Sincerely,

Robert Brownwood P.E.
San Francisco District Engineer
Division of Drinking Water

Attachment: Citation NO. 02_04_15C_013
Compliance Certification

Cc: Solano County Environmental Health Department (w/o attachments)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Martins Metal Fabrication
7260 Lewis Road
Vacaville, CA 95687-9451

ATTN: David Martin

CITATION FOR VIOLATION OF TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR)
SECTION 64423 FOR THE MONTH OF OCTOBER 2015
WATER SYSTEM NO: 4810029
CITATION NO: 02_04_15C_013
ISSUE DATE: DECEMBER 4, 2015

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement 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.

The Division of Drinking Water (Division) of the State Water Resources Control Board (Board) hereby issues a citation to Martins Metal Fabrication (Martins Metal) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64423.

1
2 **APPLICABLE AUTHORITIES**

3 **Section 116650 of the CHSC states in relevant part:**

- 4
- 5 (a) If the division determines that a public water system is in violation of this chapter or
- 6 any regulation, permit, standard, citation or order issued thereunder, the division may
- 7 issue a citation to the public water system. The citation shall be served upon the
- 8 public water system personally, or by certified mail. Service shall be deemed effective
- 9 as of the date of personal service or the date of receipt of the certified mail, if a person
- 10 to whom a citation is directed refuses to accept delivery of the certified mail, the date
- 11 of service shall be deemed to be the date of mailing.
- 12
- 13 (b) Each citation shall be in writing and shall describe the nature of the violation or
- 14 violations, including a reference to the statutory provision, standard, order, citation,
- 15 permit, or regulation alleged to have been violated.
- 16
- 17 (c) A citation may specify a date of elimination or correction of the condition constituting
- 18 the violation.
- 19
- 20 (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- 21
- 22 (e) The division may assess a penalty in an amount not to exceed one thousand dollars
- 23 (\$1000) per day for each day that a violation occurred, and for each day that a
- 24 violation continues to occur. A separate penalty may be assessed for each violation.
- 25
- 26
- 27

21 **Section 64423 of the CCR states in relevant part:**

- 22
- 23 (a) Each water supplier shall collect routine bacteriological water samples as follows:
- 24 (2) The minimum number of samples for a nontransient-noncommunity water system
- 25 using groundwater and serving 1000 or fewer persons a month shall be one sample
- 26 per month.
- 27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATEMENT OF FACTS

Martins Metal is a nontransient-noncommunity public water system located at 7260 Lewis Road in Vacaville in Solano County. The water system serves a population of approximately 35 employees through one service connection at a private business. The water system and service area are owned by Martins Metal Fabrication & Welding, Inc. Mr. David Martin is company president. Water system facilities are one groundwater well and the distribution system. The Division has determined that Martins Metal did not collect the required bacteriological sample for the month of October 2015.

DETERMINATIONS

Martins Metal has violated the routine sampling requirement in Section 64423 for the month of October 2015.

PENALTIES

The Division hereby assesses upon Martins Metal a penalty in the amount of \$100. Directions for paying this penalty are included in Directive No. 4 of this citation.

DIRECTIVES

Martins Metal is hereby directed to take the following actions:

1. Comply with Section 64423 Title 22, of the CCR in all future monitoring months.
2. Notify all persons served by Martins Metal of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR and as follows:
 - a) Completion of Attachment A to include the name, address, and telephone number of a representative of Martins Metal as a source of additional information concerning the public notice. You must also give a legible, written description



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(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 water system. Posting must begin no later than December 11, 2015, and must continue for seven days.

3. Martins Metal shall complete the attached Compliance Certification form and return it to the Division within 10 days of the public notice being given to system customers but in no case later than December 30, 2015. A copy of the notice posted within the water system must be attached to this form.

4. Pay to the State Water Resources Control Board, Division of Drinking Water a fine of \$100. Please make check payable to:

State Water Resources Control Board, Division of Drinking Water
1001 "1" Street, 18th Floor
Sacramento, CA 95814

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 issues as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves Martins Metal 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

All submittals required by this Citation shall be submitted to the Division at the following address: Robert Brownwood, P.E.
San Francisco District Engineer
State Water Resources Control Board
Division of Drinking Water
850 Marina Bay Parkway, Bldg. P., 2nd Floor
Richmond, CA 94804

PARTIES BOUND

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

SEVERABILITY

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to issue a 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, or order issued thereunder including, but not limited to, failure to correct a violation identified in citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable laws or regulations or has failed to comply with an order of the Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

Dec. 4, 2015
Date



Stefan Cajina, P.E. Chief
North Coast Region
State Water Resources Board
Division of Drinking Water

Attachment: Compliance Certification

Certified Mail No: 7014 3490 0001 7031 0673

cc: Solano County Environmental Health Department



COMPLIANCE CERTIFICATION

Citation Number 02_04_15C_013

Name of Water System: **Martins Metal Fabrication**

System Number: **4810029**

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological sampling violations of Title 22, California Code of Regulations (CCR) for the compliance period of October 2015

Required Action

Date Completed

Complete Attachment A, as required in Directive 2(a)

Public Notification – Continuous Posting for 7 days

Signature of Water System Representative

Date

Attach a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN December 18, 2015**

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.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

**Martins Metal Failed to Test for Coliform Bacteria
For the month of October 2015**

Our water system failed to test the drinking water for coliform bacteria for the month of October 2015. Although this is not an emergency, as our customers have a right to know about this violation, 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 regulation 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. We did not test for coliform bacteria for the month of October 2015, and therefore, cannot be sure of the quality of the drinking water during that time.

What does this mean?

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine sampling and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria for the month of October 2015 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do? This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA' Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken 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:

(name)

(address)

(phone number)