



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

February 24, 2016

System No. 4810029

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

**RE: CITATION NO. 02_04_16C_001 – BACTERIOLOGICAL WATER QUALITY
MONITORING AND REPORTING; FAILURE TO SUBMIT NOTIFICATION AND FAILING
TO SAMPLE FOR NITRATE**

Dear Mr. Martin:

Enclosed is Citation No. 02_04_16C_001. Specifically, Martins Metal failed to collect and report monthly bacteriological reports for the months of November and December 2015, and for January 2016. Martin's Metal also failed to submit public notification for the October 2015 coliform violation and failed to sample for nitrate in 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 later in the year (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_16C_001
Compliance Certification

Certified Mail No: 7014 3490 0001 7031 0802

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

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Martin's 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(a) FOR THE MONTHS OF NOVEMBER, DECEMBER 2015, AND
JANUARY 2016; SECTIONS 64463.4 AND 64469(d), FOR FAILURE TO SUBMIT
NOTIFICATION AND SECTION 64432.1 FOR FAILING TO SAMPLE FOR NITRATE IN
2015.**

WATER SYSTEM NO: 4810029

CITATION NO: 02_04_16C_001

ISSUE DATE: FEBRUARY 24, 2016

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 issued a citation to Martin's Metal Fabrication (Martin's Metal) for failure to comply with Title, 22, California Code of Regulations (CCR) Sections 64423(a), 64463.4, 64469(d), and 64432.1



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2 **APPLICABLE AUTHORITIES**

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

- 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 (b) Each citation shall be in writing and shall describe the nature of the violation or
13 violations, including a reference to the statutory provision, standard, order, citation,
14 permit, or regulation alleged to have been violated.
- 15 (c) A citation may specify a date of elimination or correction of the condition constituting
16 the violation.
- 17 (d) A citation may include the assessment of a penalty as specified in subdivision (e)
- 18 (e) The division may assess a penalty in an amount not to exceed one thousand dollars
19 (\$1000) per day for each that a violation occurred, and for each day that a violation
20 continues to occur. A separate penalty may be assessed for each violation.

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
25 system using groundwater and serving 1000 or fewer persons a month shall be one
26 sample per month.
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Section 64463.4 of the CCR states in relevant part:

(a) A water system shall give public notice pursuant to this section.....

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a).

Section 64432.1 of the CCR states in relevant part:

(a) To determine compliance with the MCL for nitrate, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually.

Section 64469(d) of the CCR states in relevant part:

Within ten days of giving the initial or repeat public notices pursuant to Article 18 of this Chapter, except for notice given under Section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

STATEMENT OF FACTS

Martin's Metal has is a transient-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 Martin's Metal Fabrication and Welding, Inc. Mr. David Martin is company president. Water system facilities are one groundwater well and the distribution system. The Division has determined that Martin's Metal did not collect the required bacteriological sample for the months of November and December 2015, and January 2016, and did not post the public notice for the previous violation in Citation 02_04_15C_013. Martin's Metal failed to sample for nitrate during 2015, and

1 failed to post a Tier 2 notice for the October monitoring violation as required by Title 22,
2 CCR, Section, 64469(d).

3
4 **DETERMINATION**

5 Martin's Metal has violated Section 64423(a) for not sampling coliform bacteria in
6 November and December 2015, and in January 2016; Sections 64463.4 and 64469(d) for
7 failing to post a Tier 2 notice for the October monitoring violation and Section 64432.1 for
8 failing to sample for nitrate in 2015.

9 **PENALTIES**

10 The Division hereby assesses upon Martin's Metal a penalty in the amount of \$600.
11 Directions for paying this penalty are included in Directive No. 4, of this citation.

12
13 **DIRECTIVES**

14 Martin's Metal is hereby directed to take the following actions:

- 15
- 16 1. Comply with Sections 64423, 64463.4, 64432.1 and 64469(d), Title 22, of the CCR in
17 all future monitoring months.
 - 18 2. Notify all persons served by Martin's Metal of the failure to sample, in conformance
19 with Section 64463.4 and Section 64465, Title 22, of the CCR and as follows:
 - 20 a) Completion of Attachment A to include the name, address, and telephone number
21 of a representative of Martin's Metal as a source of additional information
22 concerning the public notice. You must also give a legible, written description
23 (preferably typed) of the corrective actions taken by the water system to prevent
24 this violation from occurring in the future. You must also use the space provided
25 on Attachment A for this written description.
 - 26 b) Post the notice contained in Attachment A, after it has been completed in
27 accordance with (a) above, in conspicuous locations throughout the area served

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by the water system. Posting must begin no later than February 29, 2016, and must continue for seven days.

3. Martin's Metal shall complete the attached Compliance Certification form and return it to the Division within 10 days of the public notice being given to the system customers but in no case no later than March 11, 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 \$600. Please make check payable to:

State Water Resources Control Board, Division of Drinking Water
1001 I Street, 18th Floor
Richmond, 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 issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves Martin's Metal of its obligation to meet the requirements of the California SDWA (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 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

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PARTIES BOUND

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

SEVERABILITY

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

FURTHR ENFORCEMENT ACTIONS

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 SDA or any permit, regulation, standard, or order issued thereunder including but not limited to, failure to correct a violation identified in a 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.

Feb. 24, 2016
Date

SAJ
Stefan Cajina, P.E., Chief
North Coastal Section
State Water Resources Center
Division of Drinking Water



Attachment: Compliance Certification
Citation Number 02_04_15C_013

Certified Mail No: 7014 3490 0001 7031 0802

Cc: Solano County Environmental Health Department

COMPLIANCE CERTIFICATION

Citation Number 02_04_16C_001

Name of Water System: Martins Metal Fabrication, Inc.

System Number: 4810029

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological sampling violation of Title 22, California Code of Regulations (CCR) for the compliance period November and December 2015, and January 2016. For failing to post public notice for Citation No. 02_04_15C_013, Directive No. 3, failing to collect four repeat samples within 24 hours of notification, failing to sample for Nitrate during 2015 and failing to post a Tier 2 notice for October.

| <u>Required Action</u> | <u>Date Completed</u> |
|--|-----------------------|
| Complete Attachment A, as required in Directive 3 | |
| Public Notification -- Continuous Posting for 7 days | |
| | Date |
| Signature of Water System Representative | |

Attach a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN March 8, 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.

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.

Our water system failed to test the drinking water for coliform bacteria during November and December 2015 and January 2016. As our customers you 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 during the period of November and December 2015 and January 2016. 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 during the months of, October and December 2015 and January 2016, was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do? 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)