



State Water Resources Control Board
Division of Drinking Water

December 14, 2015

System No. 5010019

Michael Cooke, Municipal Services Director
City of Turlock
156 S. Broadway, Suite 270
Turlock, CA 95380

TRANSMITTAL OF CITATION NO. 01-10-15C-018

The City of Turlock (hereinafter "City") water system (No. 5010019) failed to monitor its source water for nitrate during the third quarter of 2015, as specified in the Domestic Water Quality and Monitoring Regulations, Title 22, Section 64432.1(a) of the California Code of Regulations. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01-10-15C-018, in response to this violation. The Citation is being transmitted to the City under cover of this letter.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at Brian.Kidwell@waterboards.ca.gov or by phone at (209) 948-3963.

Sincerely,

Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Citation No. 01-10-15C-018

Certified Mail No. 7004 2890 0002 0058 0009

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: City of Turlock
156 S. Broadway, Suite 270
Turlock, CA 95380

Attn: Mr. Michael Cooke, Municipal Services Director
City of Turlock

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64432.1(a)(2)
QUARTERLY NITRATE MONITORING AND REPORTING VIOLATION
WATER SYSTEM NO. 5010019
CITATION NO. 01-10-15C-018
Issued on December 14, 2015

The State Water Resources Control Board (hereinafter "Water Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this Citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the City of Turlock (hereinafter, "City") for violation of California Code of Regulations (CCR), Title 22, Section 64432.1(a)(2).

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division 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 Division 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 Division 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.

1 **California Code of Regulations, Title 22, Section 64432.1, subsection (a)(2)**
2 **provides, in relevant part:**

3
4 (2) For public water systems using groundwater, the repeat monitoring frequency shall
5 be quarterly for at least one year following any one sample in which the concentration
6 is greater than or equal to 50 percent of the MCL. After four consecutive quarterly
7 samples are less than the MCL, a system may request that the State Board reduce
8 monitoring frequency to annual sampling.

9
10 **STATEMENT OF FACTS**

11 The City water system is operated under Water Supply Permit No. 01-10-15P-005,
12 which was issued on August 24, 2015.

13
14 The City water system is publically owned and operated. The water system is located
15 in Stanislaus County, on California Highway 99, approximately 15 miles southeast of
16 the City of Modesto. The City's service area is approximately 25 square miles in size.
17 The water system is classified as a community water system that serves primarily
18 residential customers living within the City's service area. The water system serves
19 approximately 70,132 people through 18,365 service connections. The water system
20 is operated by City personnel.

21
22 The City obtains all of its domestic water supply from twenty-one groundwater wells.
23 None of the City's wells are continuously disinfected; however the City is equipped
24 with emergency chlorination equipment for each well. The City's wells have a
25 combined source capacity of 30,750 gpm. The City also has three ground level water
26 storage tanks with a total capacity of 3.1 MG.



1 Of the City's twenty-one wells, eleven are sampled for nitrate on a quarterly, or more
2 frequent, basis. According to the latest Permit, and monitoring schedule, Well No. 33
3 is required to be sampled for nitrate on a quarterly basis. Well No. 33 was last
4 sampled for nitrate, with a result of 25.2 mg/L, on June 17, 2015. Well No. 33 should
5 have been sampled for nitrate again in September 2015.

6
7 **DETERMINATION**

8 The Division has determined that the City failed to comply with the requirements of
9 Section 64432.1(a)(2) due to the fact that the City failed to collect the required
10 quarterly nitrate sample from Well No. 33 during September 2015. Therefore, the City
11 is in violation of Section 64432.1(a)(2) of the California Code of Regulations.

12
13 It should be noted, that the City has stated that Well No. 33 will be sampled for nitrate
14 as soon as possible.

15
16 **DIRECTIVES**

17 The City is hereby directed to take the following actions:

- 18
19 1. Failure to conduct quarterly nitrate monitoring is considered a monitoring and
20 reporting violation. As a result, the City is required to notify the consumers of
21 this violation in the 2015 Consumer Confidence Report, which is required to be
22 distributed to all customers by July 1, 2016. The City must also complete the
23 attached Proof of Notification form and submit it to the Division, with a copy of
24 the 2015 Consumer Confidence Report, by October 1, 2016.

1 2. The City shall monitor Well No. 33 for nitrate as soon as possible. The City
2 shall collect a second nitrate sample by December 31, 2015. Well No. 33 shall
3 remain on quarterly nitrate monitoring unless instructed otherwise.
4

5 The Division reserves the right to make such modifications to this Citation as it may
6 deem necessary to protect public health and safety. Such modifications may be
7 issued as amendments to this Citation, and shall be deemed effective upon issuance.
8

9 Nothing in this Citation relieves the City of its obligation to meet the requirements of
10 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
11 issued or adopted thereunder.
12

13 All submittals required by this Citation shall be submitted to the Division at the
14 following address:

15
16 Brian Kidwell, P.E.
17 Associate Sanitary Engineer
18 State Water Resources Control Board, Division of Drinking Water
19 31 E. Channel Street, Room 270
20 Stockton, CA 9202
21

22 **PARTIES BOUND**

23 This Citation shall apply to and be binding upon the City, its officers, directors,
24 shareholders, agents, employees, contractors, successors, and assignees.
25

26 **SEVERABILITY**

27 The Directives of this Citation are severable, and the City shall comply with each and
28 every provision thereof, notwithstanding the effectiveness of any other provision.
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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue 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, permit or order issued or adopted 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 law 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 violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

12-14-2015



Date _____ Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
Division of Drinking Water
State Water Resources Control Board

Attachments:

- 1. Proof of Notification Form

Certified Mail No. 7004 2890 0002 0058 0009

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Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Division approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: _____

Signature of Person Serving Notice

****Notice:** Complete this Proof of Notification and return it **along with a copy of the notification** to the Division within **10 days** of giving public notice.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 fine of not more than twenty-five thousand dollars (\$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.