

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

IN RE: **UNITED STATES FOREST SERVICE – SWEETWATER CAMPGROUND**  
Water System No.: 5500003

TO: Mr. Tim Hughes, Facilities Engineer  
United States Forest Service  
19777 Greenley Road  
Sonora, CA 95370

CC: Tuolumne County Environmental Health Department  
Jim Junette, Groveland District Ranger, 24545 Highway 120, Groveland CA, 95321  
Gary Vaughn, Recreation Specialist, 24545 Highway 120, Groveland CA, 95321

**CITATION FOR VIOLATION OF  
CALIFORNIA HEALTH AND SAFETY CODE SECTION 116550(a) CHANGES REQUIRING  
AMENDED PERMIT; AND CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION  
64556(a)(3)(A) PERMIT AMENDMENTS**

**January 2016  
Issued on January 5, 2016**

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.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the USFS – Sweetwater Campground Water System (hereinafter "Water System") located along Highway 120 east of community of

1 Groveland, CA for violation of California Health and Safety Code Section 116550(a) and  
2 California Code of Regulations (CCR), Title 22, Section 64556(a)(3)(A).

3  
4 **APPLICABLE AUTHORITIES**

5 The applicable statutes and regulations are provided in Attachment A, attached hereto and  
6 incorporated by reference.

7  
8 **STATEMENT OF FACTS**

9 The Water System is a transient-noncommunity water system serving a population of  
10 approximately 73 persons through three (3) service connections. In addition to the  
11 campground, the Water System also can provide water to a small maintenance yard used by  
12 the City of San Francisco for the Hetch Hetchy Reservoir maintenance yard. The maintenance  
13 yard has its own filtration and disinfection facilities and treatment operator. The Water System  
14 currently operates under a revised water supply permit (03-11-12P-001) issued by the Division  
15 on January 17, 2012.

16  
17 Per permit provision 1, the Water System is permitted to use the approved spring (PS Code  
18 5500003-001) as the only source of supply. The Water System shall not add or change the  
19 source of supply as authorized by a valid permit unless the Water System first submits a permit  
20 application to the Division and received an amended permit. Sometime in late 2014, the Water  
21 System changed the source of supply from the approved spring to an unapproved spring of  
22 similar construction located near the approved spring due to the active spring not recharging.  
23 The Hetch Hetchy maintenance yard is currently hauling its own water and the Water System is  
24 under a self-imposed boil water order since August 2015. The Division was notified of this  
25 change in late 2015 after the campground was closed. The System has been instructed to  
26 disconnect the unapproved source.

1 Public notification to the consumers of the water system has not been conducted. Attachment B  
2 is a copy of a public notice that the Water System may use to notify its customers/consumers.  
3 This notice fulfills the Tier 1 notification requirements and includes the mandatory language.  
4 Proof of notification is required.

5  
6 **DETERMINATION**

7 The Division has determined that the Water System failed to comply with CHSC, Section  
8 116550(a), which specifies no person operating a public water system shall modify, add to or  
9 change his or her source of supply or method of treatment of, or change his or her distribution  
10 system as authorized by a valid existing permit issued to him or her by the department unless  
11 the person first submits an application to the department and receives an amended permit. The  
12 USFS failed to submit an application for an amendment to the water supply permit prior to use  
13 of the unapproved source.

14  
15 The Division has determined that the Water System failed to comply with Title 22, CCR, Section  
16 64556(a)(3)(A), which specifies that an application for an amended domestic water supply  
17 permit shall be submitted to the Division prior to modification of the water supply by adding a  
18 new source. The USFS failed to submit an application for an amendment to the water supply  
19 permit.

20  
21 **PUBLIC NOTIFICATION REQUIREMENTS**

22 This violation is considered a monitoring and reporting (M&R) violation and requires public  
23 notification. Because chemical monitoring was not conducted for the unapproved source and  
24 monitoring results were not reported to the Division electronically, public notification must be  
25 conducted because there is no basis to determine whether the source water met the primary  
26 drinking water standards. Public notification can be accomplished by using one of the following

1 methods using the attached template (Attachment B). Please read this attachment and  
2 complete as needed:

- 3 • Publication in a local newspaper (weekly or daily)
- 4 • Mail or hand deliver

5 Proof of notification is required. Please use Attachment C to provide this information and submit  
6 to our office by February 29, 2016.

7  
8 **DIRECTIVES**

9 The Water System is hereby directed to take the following actions:

- 10  
11 1. By February 29, 2016, the USFS shall submit an incident report outlining the events  
12 surrounding the use of the unpermitted water source.
- 13  
14 2. By February 29, 2016, the USFS shall submit a plan for ensuring unpermitted water sources  
15 are not used as active sources of supply in the domestic water supply system.
- 16  
17 3. By February 29, 2016, the USFS shall provide proof of notification for the self-imposed Tier  
18 2 public notice (Boil Water Notice) issued in August 2015.
- 19  
20 4. By March 31, 2016, the USFS must provide Tier 1 public notice as required by CCR, Title  
21 22, Section 64463.4. Notification procedures and format are provided in Attachment B. Proof  
22 of notification shall be provided to the Division by March 31, 2016, using the form provided  
23 in Attachment C.

1 5. By January 31, 2016, the USFS shall submit a written response to the Division  
2 acknowledging that it has received this citation and will comply with all of the directives listed  
3 herein.

4  
5 The Division reserves the right to make such modifications to the Citation as it may deem  
6 necessary to protect public health and safety. Such modifications may be issued as  
7 amendments to this Citation and shall be effective upon issuance.

8  
9 Nothing in this Citation relieves the Water System of its obligation to meet the requirements of  
10 the California Safe Drinking Water Act or any regulation, standard, permit or order issued  
11 thereunder.

12  
13 All submittal required by this Citation shall be submitted to the Division at the following address:

14  
15 Kassy D. Chauhan, P.E.  
16 Senior Sanitary Engineer  
17 State Water Resources Control Board  
18 Division of Drinking Water  
19 265 W. Bullard Avenue, Suite 101  
20 Fresno, CA 93704

21  
22 **PARTIES BOUND**

23 This Citation shall apply to and be binding upon the USFS – Sweetwater Campground Water  
24 System, its officers, directors, agents, employees, contractors, successors, and assignees.

25  
26 **SEVERABILITY**

27 The Directives of this Citation are severable, and the USFS – Sweetwater Campground Water  
System shall comply with each and every provision thereof notwithstanding the effectiveness of  
any provision.

1 **FURTHER ENFORCEMENT ACTION**

2 The California SDWA authorizes the Board to: issue citation with assessment of administrative  
3 penalties to a public water system for violation or continued violation of the requirements of the  
4 California SDWA or any permit, regulation or order issued or adopted thereunder including, but  
5 not limited to, failure to correct a violation identified in a citation or compliance order. The  
6 California SDWA also authorizes the Board to take action to suspend or revoke a permit that  
7 has been issued to a public water system if the system has violated applicable law or  
8 regulations or has failed to comply with an order of the Board; and to petition the superior court  
9 to take various enforcement measures against a public water system that has failed to comply  
10 with an order of the Board. The Board does not waive any further enforcement action by  
11 issuance of this citation.

12  
13  
14 1-5-16  
15 Date

*Kassy D. Chauhan*  
Kassy D. Chauhan, P.E.  
Senior Sanitary Engineer, Merced District  
DRINKING WATER FIELD OPERATIONS BRANCH

17  
18 **Certified Mail No.:** 7011 2000 0000 5036 3611  
19 KDC/CMB

- 20 **Attachments:**  
21 Attachment A: Applicable Authorities  
22 Attachment B: Public Notice for December 2015  
23 Attachment C: Proof of Notification Form



## ATTACHMENT A

### Applicable Statutes and Regulations for Citation No. 03-11-16C-001 Use of a Non-Permitted Water Source

#### Section 116550 of the CHSC states in relevant part:

- (a) No person operating a public water system shall modify, add to or change his or her source of supply or method of treatment of, or change his or her distribution system as authorized by a valid existing permit issued to him or her by the Department unless the person first submits an application to the Department and receives an amended permit as provided in this chapter authorizing the modification, addition, or change in his or her source of supply or method of treatment

#### Section 116555(a)(1) of the CHSC states in relevant 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.

#### Section 116650 (Citations) of the CHSC states in relevant part:

- (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.

#### Section 64556 (Permit Amendments) of the CCR states in relevant part:

- (a) An application for an amended domestic water supply permit shall be submitted to the State Board prior to any of the following:
  - (1) Addition of a new distribution reservoir (100,000 gallon capacity or greater) to the distribution system;
  - (2) Modification or extension of an existing distribution system using an alternative to the requirements in this chapter;
  - (3) Modification of the water supply by:
    - (A) Adding a new source;
    - (B) Changing the status of an existing source (e.g., active to standby); or
    - (C) Changing or altering a source, such that the quantity or quality of supply could be affected;

#### Section 64463.4 (Tier 2 Public Notice) of the CCR states in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
  - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
    - (A) Where a Tier 1 public notice is required under section 64463.1; or
    - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
  - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
  - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
  - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (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), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
  - (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
  - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to give notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and . . .
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

- (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
  - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
  - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
    1. Publication in a local newspaper;
    2. Posting in conspicuous public places served by the water system, or on the Internet; or
    3. Delivery to community organizations.
- (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
  - (A) Posting in conspicuous locations throughout the area served by the water system; and
  - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
    1. Publication in a local newspaper or newsletter distributed to customers;
    2. E-mail message to employees or students;
    3. Posting on the Internet or intranet; or
    4. Direct delivery to each customer.

**Section 64465 (Public Notice Content and Format) of the CCR states in relevant part:**

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
  - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
  - (2) The date(s) of the violation or occurrence;
  - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
  - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
  - (5) Whether alternative water supplies should be used;
  - (6) What actions consumers should take, including when they should seek medical help, if known;
  - (7) What the water system is doing to correct the violation or occurrence;
  - (8) When the water system expects to return to compliance or resolve the occurrence;
  - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
  - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and
  - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*did not monitor or test*' or '*did not complete all monitoring or testing*'] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."
- .....
- (c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
  - (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
  - (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.
- (d) Each public notice given pursuant to this article shall:
  - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
  - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
  - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

Date:

## UNSAFE WATER ALERT

[Insert one-liner language other than Spanish here, otherwise delete.]

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### [System Name] water is possibly contaminated with [an unknown substance]

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## DO NOT DRINK YOUR WATER

Failure to follow this advisory could result in illness.

An unknown substance has been added to the drinking water supplied by the [Water System Name] due to a recent [intrusion; break-in] at [one of the wells; our treatment plant; storage tank; specific facility]. The California Department of Health Services, [County Name] County Health Department, and [Water System name] Water System are advising residents of [City, Town, System] to NOT USE THE TAP WATER FOR DRINKING AND COOKING UNTIL FURTHER NOTICE.

### What should I do?

- **DO NOT DRINK YOUR TAP WATER---USE ONLY BOTTLED WATER.** Bottled water should be used for all drinking (including baby formula and juice), brushing teeth, washing dishes, making ice and food preparation **until further notice.**
- **DO NOT TRY AND TREAT THE WATER YOURSELF.** Boiling, freezing, filtering, adding chlorine or other disinfectants, or letting water stand will not make the water safe.
- Optional: Potable water is available at the following locations: [List locations]  
Please bring a clean water container (5 gallons maximum capacity).

**We will inform you when tests show that the water is safe again. We expect to resolve the problem within [estimated time frame].**

For more information call:

Water Utility contact: [Name, title, phone & address of responsible utility representative].

California Department of Health Services at: [insert local district office, DE and phone number].

Local County Health Department: [insert phone number of local health department].

This notice is being sent to you by [insert water system name]. California Public Water System ID # [XXXXXXX]. Date Distributed: [date].

*Please share this information with all other people who receive this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand.*

## Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Merced District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** \_\_\_\_\_

**Public Water System No.:** \_\_\_\_\_

Public notification for **unsafe water due to use of a non-permitted source** was performed by the following method(s) (check and complete those that apply):

The notice was mailed to users on: \_\_\_\_\_  
A copy of the notice is attached.

The notice was hand delivered to water customers on: \_\_\_\_\_  
A copy of the notice is attached.

The notice was published in the local newspaper on: \_\_\_\_\_  
A copy of the newspaper notice is attached.

The notice was published in conspicuous places on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of locations the notice was posted is attached.

The notice was delivered to community organizations on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state 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 separate violation each day that the 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers

System Number: \_\_\_\_\_  
Enforcement Action No. 03-11-16C-001