

**State Water Resources Control Board**

Division of Drinking Water

September 7, 2016  
System No.: 5500089

Mr. Brian Anderluh, Owner  
Evergreen Lodge Water System  
33160 Evergreen Road  
Groveland, CA 95321

**CITATION NO.: 03-11-16C-019  
USE OF AN UNAPPROVED SOURCE VIOLATION  
FOR AUGUST 2016**

Enclosed is a Citation (No. 03-11-16C-019) issued to the Evergreen Lodge Water System (hereinafter "Water System") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate (currently estimated at 153.00 per hour) for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Board has spent approximately 2.0 hour(s) on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Board in August of the fiscal year. This bill will contain fees for any enforcement time spent on the water System for the current fiscal year.

If you have any questions regarding this matter, please contact Shavonne Stallworth of my staff at 559-447-3306.

Sincerely,



Kassy D. Chauhan, P.E.  
Senior Sanitary Engineer, Merced District  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

Enclosures

Certified Mail No. 7016 1370 0000 0455 3659

cc: Tuolumne County Environmental Health Department

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

IN RE: **EVERGREEN LODGE WATER SYSTEM**  
Water System No.: 55000089

TO: Mr. Brian Anderluh, Owner  
Evergreen Lodge  
33160 Evergreen Road  
Groveland, CA 95321

CC: Tuolumne County Environmental Health Department

**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**

**August 2016  
Issued on September 7, 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 Evergreen Lodge Water System (hereinafter "Water System") located along Highway 120 east of community of Groveland, CA

1 for violation of California Health and Safety Code Section 116550(a) and California Code of  
2 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 225 persons through sixty-eight (68) service connections. In addition to the  
11 cabins, the Water System also can provide water to the restaurant kitchen, and general store.  
12 The Water System currently operates under a revised water supply permit (03-11-15P-062)  
13 issued by the Division on September 16, 2015.

14  
15 Per permit provision 1, the Water System is permitted to use Wells Nos. 1, 6, 7, 8, 9 and 10 as  
16 the only approved sources of supply. The Water System shall not add or change the source of  
17 supply as authorized by a valid permit unless the Division approves the use of the source in  
18 written form. On August 8, 2016, the Division staff conducted an inspection of the proposed Well  
19 No. 11. The Water System was directed to notify the Division of the results of the bacteriological  
20 samples collected on August 8, 2016, for approval to use the source prior to using the well in  
21 the distribution system. However, the Water System began using Well No. 11 without approval  
22 from the Division. The Division was notified of the use of Well No. 11 on August 22, 2016, when  
23 talking to the Chief Operator about the status of the bacteriological samples.

24  
25 Public notification to the consumers of the water system has not been conducted. Attachment B  
26 is a copy of a public notice that the Water System may use to notify its customers/consumers.

1 This notice fulfills the Tier 2 notification requirements and includes the mandatory language.  
2 Proof of notification is required.

3  
4 **DETERMINATION**

5 The Division has determined that the Water System failed to comply with CHSC, Section  
6 116550(a), which specifies no person operating a public water system shall modify, add to or  
7 change his or her source of supply or method of treatment of, or change his or her distribution  
8 system as authorized by a valid existing permit issued to him or her by the Division unless the  
9 person first submits an application to the Division and receives an amended permit. The Water  
10 System failed to submit an application for an amendment to the water supply permit prior to use  
11 of the unapproved source.

12  
13 The Division has determined that the Water System failed to comply with Permit No. 03-11-15P-  
14 062, Provision No. 1, which specifies that Well Nos. 1, 6, 7, 8, 9 and 10 are the only permitted  
15 active sources for the Water System. The Division must permit all other sources before they can  
16 be used in the Water System. The Water System began to use an unapproved source to supply  
17 the distribution system.

18  
19 **PUBLIC NOTIFICATION REQUIREMENTS**

20 This violation is considered uses of an unapproved source violation and requires public  
21 notification. Since the bacteriological sample results were not provided to the Division prior to  
22 approval to use of Well No. 11, public notification must be conducted because there is no basis  
23 to determine whether the source water met bacteriological standards. Public notification can be  
24 accomplished by using one of the following methods using the attached template (Attachment  
25 B). Please read this attachment and complete as needed:

- 26       • Hand deliver

- 1           • Post in restaurant, general store, and drinking fountains that all customers have access  
2           to read the notice.

3  
4 Proof of notification is required. Please use Attachment C to provide this information and submit  
5 to our office by September 30, 2016.

6  
7 **DIRECTIVES**

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

- 9  
10 1. By September 30, 2016, the Water System shall submit an incident report outlining the  
11 events surrounding the use of the unpermitted water source.  
12  
13 2. By September 30, 2016, the Water System shall submit a plan for ensuring unpermitted  
14 water sources are not used as active sources of supply in the domestic water supply  
15 system.  
16  
17 3. By September 30, 2016, the Water System must provide Tier 1 public notice as required by  
18 CCR, Title 22, Section 64463.4. Notification procedures and format are provided in  
19 Attachment B. Proof of notification shall be provided to the Division by September 30, 2016,  
20 using the form provided in Attachment C.  
21  
22 4. By September 15, 2016, the Water System shall submit a written response to the Division  
23 acknowledging that it has received this citation and will comply with all of the directives listed  
24 herein.  
25  
26  
27

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

4  
5 Nothing in this Citation relieves the Water System of its obligation to meet the requirements of  
6 the California Safe Drinking Water Act or any regulation, standard, permit or order issued  
7 thereunder.

8  
9 All submittal required by this Citation shall be submitted to the Division at the following address:

10  
11 Kassy D. Chauhan, P.E.  
12 Senior Sanitary Engineer  
13 State Water Resources Control Board  
14 Division of Drinking Water  
15 265 W. Bullard Avenue, Suite 101  
16 Fresno, CA 93704

17  
18 **PARTIES BOUND**

19 This Citation shall apply to and be binding upon the Evergreen Lodge Water System, its officers,  
20 directors, agents, employees, contractors, successors, and assignees.

21  
22 **SEVERABILITY**

23 The Directives of this Citation are severable, and the Evergreen Lodge Water System shall  
24 comply with each and every provision thereof notwithstanding the effectiveness of any  
25 provision.

26  
27 **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 or order issued or adopted thereunder including, but

1 not limited to, failure to correct a violation identified in a citation or compliance order. The  
2 California SDWA also authorizes the Board to take action to suspend or revoke a permit that  
3 has been issued to a public water system if the system has violated applicable law or  
4 regulations or has failed to comply with an order of the Board; and to petition the superior court  
5 to take various enforcement measures against a public water system that has failed to comply  
6 with an order of the Board. The Board does not waive any further enforcement action by  
7 issuance of this citation.

8  
9  
10  
11 Date

9-7-16

*Kassy D. Chauhan*

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

12  
13  
14 **Certified Mail No.: 7016 1370 0000 0455 3659**  
15 KDC/SLS

16 **Attachments:**

17 Attachment A: Applicable Authorities  
18 Attachment B: Public Notice for August 2016  
19 Attachment C: Proof of Notification Form  
20  
21  
22  
23  
24  
25  
26  
27



## ATTACHMENT A

### Applicable Statutes and Regulations for Citation No. 03-11-16C-019 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 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.

## 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.

### Evergreen Lodge Used an Unapproved Source For Drinking Water

Our water system recently violated our Water Supply Permit by using an unapproved source (Well No. 11). **Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.**

#### What should I do?

- You do **not** need to use an alternative water supply (e.g., bottled water).
- This is not an emergency. If it had been, you would have been notified immediately. **What happened? What is being done?**

Evergreen Lodge began using Well No. 11 without the approval of the Division of Drinking Water on August 11, 2016. The Division became aware of the use on August 22, 2016 and approved the use of the source at that time.

For more information, please contact Brian Anderluh at (209) 379-2606 or 33160 33160 Evergreen Road, Groveland, CA 95321.

#### Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- Residential Rental Property Owners: Must notify tenants (Customers).
- Business Property Owners: Must notify employees of businesses located on the property.

This notice is being sent to you by Evergreen Lodge Water System.

State Water System ID#: 5500089. Date distributed: \_\_\_\_\_.

**PROOF OF NOTIFICATION**

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Evergreen Lodge Water System** of the use of an unapproved source of supply in **August 2016** as directed by the Division.

Notification was made on \_\_\_\_\_ by  
(date)

**hand delivering / mailing / posting / publishing** the written notice.

*(circle all that apply)*

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
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 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 the county jail not to exceed one year, or by both the fine and imprisonment.