CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 30, 2018
Certified Mail/Return
7017 0190 0000 6412 7805

Caltrans – Maxwell Reststops
System No. 0600050
939 North Humboldt Avenue
Willows, CA 95988

Attention: Ron Smith, Supervisor

Subject: Caltrans – Maxwell Reststops - Public Water System No. 0600050 - Citation No. 21-18C-017 for Failure to Report an Annual Nitrate Sample for 2017.

The Caltrans – Maxwell Reststops is classified as a non-community water system. Per Sections 64432 and 64469, Title 22, of the California Code of Regulations (CCR), the Caltrans – Maxwell Reststops is required to collect and report an annual nitrate sample from the ground water source intakes. Our records show that the water system did not report an annual nitrate sample for Well 01 for the year of 2017.

Enclosed is Citation No. 21-18C-017 (hereinafter "Citation"), issued to the Caltrans – Maxwell Reststops (hereinafter "Caltrans – Maxwell Reststops"), public water system. Please note there are legally enforceable deadlines associated with this Citation.

The Caltrans – Maxwell Reststops will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately 1 hour on enforcement activities associated with this violation.

The Caltrans – Maxwell Reststops will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Caltrans – Maxwell Reststops for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued <u>under authority delegated to an officer or employee of the state board</u> under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please call Paul Rowe at (530) 224-4866 or me at (530) 224-4861.

R. Crenshaw

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

Citation No. 21-18C-017

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Public Water System: CALTRANS – MAXWELL RESTSTOPS

Water System No.: 0600050

To: Caltrans – Maxwell Reststops
Ron Smith, Supervisor
939 North Humboldt Avenue
Willows, CA 95988

Issued: May 30, 2018
VIA CERTIFIED MAIL

CITATION FOR NONCOMPLIANCE

With Title 22 California Code of Regulations

Sections 64432 and 64469

Annual Nitrate Reporting Violation for 2017

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe

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STD. 113 (REV. 3-95)
OSP 98 10924

Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 21-18C-017 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Caltrans – Maxwell Reststops water system (hereinafter "Caltrans – Maxwell Reststops"), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64432.1(a).

APPLICABLE AUTHORITIES

A copy of the applicable statutes and regulations are included in Attachment 'A', which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Caltrans – Maxwell Reststops (System) is classified as a non-community water system serving approximately 15,000 people, through 1 connection. The System is required to collect and report an annual nitrate sample from Well 01 in accordance with Sections 64432.1(a) and 64469 (a & c), of the CCR. To date, the Division has not received laboratory results for a nitrate sample collected in 2017 for Well 01. The last sample reported to the Division was taken in November of 2016.

DETERMINATIONS

The Division has determined that the Water System violated Sections 64432.1(a) and 64469(a & c), Title 22, of the CCR, in that the Water System failed to report an annual nitrate sample in 2017.

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DIRECTIVES

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

1. Collect and report a nitrate sample result at Well 01 within 30 days of receipt of this Citation.

2. Comply with nitrate monitoring requirements specified in Sections 64432.1(a) and 64469 (a & c), Title 22, of the CCR in all future monitoring periods.

3. The Water System shall provide a Tier 3 public notification (to be posted in conspicuous locations throughout the area served by the water system) of the failure to report nitrate in the drinking water for the year 2017 utilizing the provided document in Attachment 'B'. You must return the proof of notification in Attachment 'C' and a copy of the public notification by no later than July 1, 2018, for either notification method.

All documents required by this Citation to be submitted to the Division shall be submitted to the following address:

Reese B. Crenshaw, P. E.
Valley District Engineer
Drinking Water Field Operations
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002

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Nothing in this Citation relieves the System of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), or any regulation, permit, standard or order issued or adopted thereunder. 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.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State 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 State 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 State 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 State Board. The State Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

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

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SEVERABILITY

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

R. Crenshaw

Reese B. Crenshaw, P.E., District Engineer
Valley District
Drinking Water Field Operations Branch

May 30, 2018
Date

Attachments:

Attachment 'A' – Applicable Authorities

Attachment 'B' – Public Notification Document

Attachment 'C' – Proof of Public Notification

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ATTACHMENT 'A'

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

(a) If the Department 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 department 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 department 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.

ATTACHMENT 'A'

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

Section 64432.1, Title 22, of the CCR states in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

Section 64469 (a & c), Title 22, of the CCR states in relevant part:

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department (now Division) no later than the tenth day of the following month.

(c) Analytical results shall be reported to the Division electronically, using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2iGuidelines & Restrictions, dated April 2001 and Data Dictionary dated April 2001.

ATTACHMENT 'A'

Section 64463.7, Title 22, of the CCR States in relevant part:

<u>Tier 3 Public Notice</u>

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

1) Monitoring violations;

2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or

3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

ATTACHMENT 'B'

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.

THE CALTRANS – MAXWELL RESTSTOPS FAILED TO COLLECT AND REPORT A ROUTINE ANNUAL NITRATE SAMPLE FOR 2017

Our water system recently violated a water quality monitoring requirement. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

What should you do?

- There is nothing you need to do at this time.
- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

The Caltrans – Maxwell Reststops failed to report a routine annual nitrate sample in 2017 for the Well 01 source, as required by state and federal regulations. These regulations require that public water systems notify their customers for monitoring violations.

The Caltrans – Maxwell Reststops has collected and reported the missing nitrate sample on

_____.

For more information, please contact Ron Smith, Supervisor, at 530-934-5148.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being posted by the Caltrans – Maxwell Reststops.

State Water System ID#: _0600050___. Date distributed: _____.

ATTACHMENT 'C'

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Caltrans – Maxwell Reststops

Public Water System No. 0600050

Public notification for the 2017 annual nitrate monitoring and reporting failure was performed by the following method(s):

Check and Complete

a) _____ By posting of a Public Notification in conspicuous locations throughout the area served by the water system.

b) _____ List dates of Public Notification posting:

_____

I hereby certify that the above information is factual.

_____
Printed Name

_____
Signature

_____
Date