COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

CERTIFIED MAIL # 7011 2970 0000 0769 1859

January 26, 2017

Pilot Knob RV Resort, LLC
103 W. Tomichi Avenue
Gunnison, CO 81230

Penalty Citation for Pilot Knob RV Resort
Water System (1300559)
CITATION NO. 05-43-17C-002

The Imperial County Division of Environmental Health, Local Primacy Agency (LPA) is issuing to you the attached citation for failure to sample and submit the 2016 annual Nitrate sample for your public water system within the required timeframes, as required by Section 64432.1 of Title 22, California Code of Regulations. A sample is required to be taken annually, within 12 months of the last sample taken (December 2015). Public notification for failure to sample must be provided pursuant to Section 64463.4 within thirty (30) days.

A stipulated penalty citation amount of **Two Hundred Fifty Dollars ($250) is now due in full amount** and must be paid within fifteen (15) days of the receipt of the attached citation. In addition to the full payment amount, the citation form must be filled out, signed and returned in order to fully execute the stipulation agreement.

If you decide not to stipulate to the alleged violations, a formal citation order will be issued and may carry a penalty assessment of up to $1,000 per day for each day that a violation occurred. In addition to the imposed penalty, the water system will also be liable for the time and materials used in the preparation of the citation order, which will be billed at the Department's fully burdened rate of $137 per hour.

The LPA has the authority to issue you the attached citation pursuant to Sections 116650 and 116725(b) of the California Health and Safety Code. If you have any questions about this citation, or if you would like to meet with our office to discuss the stipulated penalty offer by the Local Primacy Agency, please contact us no later than 15 days of receipt of the citation. We may be contacted at 442-265-1888.

Sincerely,

Jorge A. Perez
Environmental Health Compliance Specialist III
Local Primacy Agency

Encl: Stipulated Penalty Citation No. 05-43-17C-002
Public Notification Sample – Nitrate Monitoring

IMPERIAL COUNTY ENVIRONMENTAL HEALTH
LOCAL PRIMACY AGENCY

CALIFORNIA SAFE DRINKING WATER ACT VIOLATION
STIPULATED PENALTY CITATION

(YOU MUST SIGN AND RETURN IF YOU ACCEPT THIS STIPULATION)

Complainant, the Imperial County Local Primacy Agency (LPA) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

LPA CITATION NUMBER: 05-43-17C-002

RESPONDENT: Pilot Knob RV Resort, LLC
103 W. Tomichi Avenue
Gunnison, CO 81230

HEALTH & SAFETY (HSC) SECTION VIOLATED: N/A
TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: §64432.1

DESCRIPTION OF VIOLATION:

The Pilot Knob RV Resort Water System failed to collect the annual Nitrate sample within the 2016 calendar year. This is a violation of §64432.1.

DATE(S) OF VIOLATION: January 1 – December 31, 2016

DIRECTIVE(S):

The Water System is hereby directed to comply with §64432.1, Title 22, CCR by sampling for Nitrates within thirty (30) days from the date of this stipulated penalty citation. Public Notification shall also be provided to the water users within thirty (30) days notifying them of the failure to monitor during 2016 pursuant to §64463.4, Title 22, CCR. The notification shall be approved by the LPA prior to issuing and posting the notice.

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: $250 **NUMBER OF COUNTS: 1**

FURTHER STATEMENT BY RESPONDENT(S)

I acknowledge that the violation(s) of the Health and Safety Code and/or Title 22, California Code of Regulations (CCR) described above and on Exhibit 1 attached (if applicable), have occurred and request that the Imperial County Local Primacy Agency resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the following page and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order payable to the Imperial County Division of Environmental Health in the amount of the penalty described above. I understand that if there are insufficient funds when the check is deposited, the LPA has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed. I further acknowledge that the enforcement fee billed at a rate of $137 per hour for preparation of this Stipulated Penalty Citation will be paid in full at the next quarterly billing cycle for this public water system.

IMPERIAL COUNTY
FEB 07 2017
ENVIRONMENTAL HEALTH

IMPERIAL COUNTY ENVIRONMENTAL HEALTH
LOCAL PRIMACY AGENCY

RESPONDENT has freely and voluntarily agreed to this Citation Stipulation (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained here, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulated Penalty Citation is the date that the Deputy Director of Environmental Health signs it.

Dated: 1/31/17 Signature: _____

Printed Name: Lance LoKen

Job Title: Owner

Name and Address of Water System: Pitol Knob water System (1300559)
3202 W. Hwy 80
Winterhaven, CA 92283

For Imperial County Environmental Health Use Only

STATEMENT BY DEPUTY DIRECTOR:

The foregoing stipulation has been adopted by the Imperial County Local Primacy Agency as its final decision and order and is effective upon execution below by the Deputy Director of the Imperial County Division of Environmental Health.

IT IS SO ORDERED:

Dated: 2/10/17

_____
Jeff Lamoure, Deputy Director
Imperial County Division of Environmental Health
Local Primacy Agency

DECLARATION OF SERVICE BY U.S. MAIL

STATE OF CALIFORNIA	]	IN THE MATTER OF:
	]	**CITATION NO. 05-43-17C-002**
COUNTY OF IMPERIAL	]	

I, the undersigned, declare:

I am an employee in the County of Imperial, State of California; I am over the age of eighteen years; I am not a party to the above-entitled matter; and my business address is the Imperial County Division of Environmental Health, 797 W. Main Street in El Centro, CA 92243.

On January 26, 2017, I served the following documents:

CITATION No. 05-43-17C-002

by placing the documents in a sealed envelope, first class postage prepaid, with certified mail, return receipt requested, and deposited the document to be delivered by U.S. mail to the following address:

Pilot Knob RV Resort, LLC
103 W. Tomichi Avenue
Gunnison, CO 81230

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Dated and executed on the 26th day of January 2017, at El Centro, California.

Jorge A. Perez
In Pro Per