CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 9, 2019 System No. 1700710

Jack Lair, Owner
Hidden Valley Food Mart
18540 Grange Road
Middletown, CA 95461

CITATION NO. 02_03_19C_018
BACTERIOLOGICAL MONITORING VIOLATION
FOR FEBRUARY 2019

Enclosed is Citation No. 02_03_19C_018 (hereinafter Citation) issued to the Hidden Valley Food Mart (hereinafter System) by the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) for the failure to conduct routine bacteriological monitoring in February 2019. Please note that there are legally enforceable deadlines associated with this Citation.

The System 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. The System will receive a bill sent from the State Water Board in August of the next fiscal year. 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 2 hours on enforcement activities associated with this violation.

Any person who is aggrieved by a citation, order, or decision issued <u>under authority delegated to an officer or employee of the State Water 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.

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 Water Board. The date of issuance is the date when the Division 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 contact Lori Hanson of my staff at (707) 576-2604.

Sincerely,

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosures

c: Lake County Environmental Health

Hidden Valley Food Mart
18696 Putah Lane
Middletown, CA 95461

1700710/Compliance4
02_03_19C_018/LSH

Citation No. 02_03_19C_018

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Hidden Valley Food Mart

Water System No: 1700710

Attention: Jack Lair, Owner
18540 Grange Road
Middletown, CA 95461

Issued: April 9, 2019

CITATION FOR NONCOMPLIANCE WITH
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND WITH
SECTION 64423, TITLE 22, OF THE CALIFORNIA CODE OF REGULATIONS
ROUTINE BACTERIOLOGICAL MONITORING
February 2019

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 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. 02_03_19C_018 (hereinafter Citation), pursuant to Section 116650 of the CHSC to the Hidden Valley Food Mart (hereinafter System) for violation of Section 116555(a)(1), CHSC, and Section 64423, Title 22, of the California Code of Regulations (CCR).

STATEMENT OF FACTS

The Hidden Valley Food Mart is classified as a community public water system, serving 2 connections with a population of approximately 25.

Pursuant to Sections 64423 and 64423.1, Title 22, of the CCR, the System is required to collect one routine bacteriological sample per month from the distribution system and report the findings to the Division no later than the 10th day of the following month. However, as of the date of this citation, the Division has not received results for a routine bacteriological sample collected from the distribution system of the Hidden Valley Food Mart during February 2019.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

DETERMINATIONS

The Division has determined that the Hidden Valley Food Mart violated Section 116555(a)(1), of the CHSC and Section 64423, Title 22, of the CCR during February 2019.

DIRECTIVES

The Hidden Valley Food Mart is hereby directed to take the following actions:

1. Comply with Section 116555(a)(1), of the CHSC and with Section 64423, Title 22, of the California Code of Regulations in all future monitoring periods.

2. On or before **April 30, 2019**, notify all persons served by the System of the monitoring violation, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. The Public Notification Template in Appendix 1 must be used to fulfill this directive for the two methods of notification. **The System shall complete the corrective actions section and contacts section of the template before notifying the customers.** The System shall post copies of the completed notice in conspicuous locations at the Hidden Valley Food Mart for public viewing. In addition, a second method of notification must be chosen (see Appendix 2 - Compliance Certification). This second method must also be completed no later than **April 30, 2019**.

3. The System shall complete Appendix 2: Compliance Certification. Submit the completed Appendix 2, together with **proof of the two methods** of public notification, to the Division no later than **May 7, 2019**.

All documents required by this Citation shall be submitted to the Division electronically to dwpdist03@waterboards.ca.gov or by mail to the following address:

State Water Resources Control Board
Division of Drinking Water - Mendocino District
50 D Street, Suite 200
Santa Rosa, CA 95404

The State Water Board reserves the right to make such modifications to this Citation, as it deems necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, 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 Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

04-08-2019

Sheri Miller, P.E.
Mendocino District Engineer
Division of Drinking Water
State Water Resources Control Board

Date

Appendices (2):

1. Public Notification Template
2. Compliance Certification Form

Certified Mail No. 7016 0910 0001 2050 1300

1700710/ComplianceFile#4/02_03_19C_018_1700710_3A/LSH

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

The Hidden Valley Food Mart Failed to Test the Drinking Water for Bacteria In February 2019

We did not test our drinking water for bacteria during February 2019. Routine sampling of the water system is required by the California Code of Regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?
You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?
We routinely monitor your drinking water for contaminants. But in February 2019, we failed take a sample of your drinking water to test it for bacteria. The Hidden Valley Food Mart failed to comply with the sampling regulations, as specified in Section 64423, Title 22 of the California Code of Regulations (CCR).

What does this mean?
The State Water Resources Control Board, Division of Drinking Water (Division) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria indicate the possibility of potential contamination and may originate from human, animal, or soil sources. We also test for *E. coli* bacteria. These bacteria can cause illness, especially in children and the elderly. If drinking water standards are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the safety of the water. In February 2019, the Hidden Valley Food Mart did not test the drinking water for these bacteria. This is a violation of the regulations, specifically Section 64423, Title 22 of the California Code of Regulations (CCR).

Has the problem been resolved? What corrective actions have been taken by Hidden Valley Food Mart to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____

(name)

_____

(address)

_____

(phone number)

PUBLIC WATER SYSTEM NO. 1700710 Date:_____

APPENDIX 2 - COMPLIANCE CERTIFICATION

Citation Number: 02_03_19C_018

Name of Water System: **Hidden Valley Food Mart**

System Number: **1700710**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violation of Title 22, California Code of Regulations. In addition, I certify that Hidden Valley Food Mart complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – First Method (REQUIRED) ☐ Complete Appendix 1, as required in **Directive 2**, on page 3 of this citation. Then post copies of the completed notice in conspicuous locations for public viewing (attach photos of posted notices, specify locations and dates of posting).	
Public Notification – Second Method	

Choose one of the following:

☐Publication in a local newspaper or newsletter (attach copy of published notice in newspaper); OR

☐Deliver completed notice to each customer of the water system using mail or direct delivery (attach copy of notice used for delivery); OR

☐Post notice on the Internet or intranet (provide website address and attach printout of notice on website)

Signature of Water System Representative | Date

THIS FORM MUST BE COMPLETED AND RETURNED WITH ATTACHMENTS TO THE DIVISION NO LATER THAN MAY 7, 2019

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 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 a fine of not more than $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.