CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

January 18, 2019
System No.: 2400172

Mr. Charlie Hogue, Building Services Manager
John Latoracca Correctional Facility
715 MARTIN LUTHER KING JR WAY, SUITE D
Merced, CA 95341

CITATION NO. 03-11-19C-005
LEAD AND COPPER MONITORING VIOLATION
FOR 2018

Enclosed is Citation No. 03-11-19C-005 (hereinafter "Citation"), issued to the John Latoracca Correctional Facility (hereinafter "System") public water system. 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. 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 preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately 2.0 hours on enforcement activities associated with this violation.

The System 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 System 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.

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 contact Lourdes Mertens of my staff at 559-447-3139 or me at 559-447-3316.

Sincerely,

Kassy D. Chauhan

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

KDC/MLM
Enclosures

Certified Mail No. 7018 0040 0000 3159 8053

cc: Merced County Environmental Health Department
Mr. Jared Steeley, Operator, 2705 Big Tree Avenue, Denair, CA 95316

Citation No. 03-11-19C-005

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: John Latoracca Correctional Facility

Water System No: 2400172

Attention: Mr. Charlie Hogue, Building Services Manager
715 MARTIN LUTHER KING JR WAY, SUITE D
Merced, CA 95341

Issued: January 18, 2019

CITATION FOR NONCOMPLIANCE

CALIFORNIA CODE OF REGULATIONS,

TITLE 22, SECTION 64675 AND 64675.5

LEAD AND COPPER MONITORING VIOLATION

2018

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. 03-11-19C-005 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the John Latoracca Correctional Facility (hereinafter "System"), for violation of California Code of Regulations (hereinafter "CCR"), Title 22, Section 64675 and 64675.5

STATEMENT OF FACTS

The System is classified as a community public water system with a population of 800, serving twelve connections. The System operates under Domestic Water Supply Permit No. 03-11-15P-094 issued by the State Water Board on December 21, 2015.

CCR, Title 22, Chapter 17.5 requires that public water systems maintain a monitoring program for lead and copper levels at the consumers' tap. The minimum number of tap sample sites required for the public water system is based on the population served and whether the public water system is on an initial, a standard or a reduced monitoring schedule. The samples shall be collected during the months of June, July, August, or September. The triennial monitoring schedule for the System was ten lead and copper samples due between June 1 and September 30, 2018.

The Lead and Copper Rule Reporting Form must also be completed and submitted to the State Water Board no later than the 10th day of the month after the end of each period during which such sampling or monitoring was conducted.

DETERMINATION

The System was required to collect a minimum of ten (10) lead and copper samples between June 1 and September 30, 2018. The System failed to collect the required

number of lead and copper analytical samples in months of June, July, August or September of 2018. Therefore, the State Water Board has determined that the System has failed to comply with CCR, Title 22, Section 64675 during 2018.

DIRECTIVES

The System is hereby directed to take the following actions:

1. The System must ensure that its lead and copper monitoring program is maintained in accordance with the Lead and Copper Rule (CCR, Title 22, Sections 64670 through 64690.80) and that the analytical results are reported to the State Water Board by the 10th day of the month after the end of each period during which such sampling or monitoring was conducted. Appendix 1: Lead and Copper Rule Reporting Form must also be completed and submitted to the State Water Board by the 10th day of the month after the end of each period during which such sampling or monitoring was conducted.

2. By **July 1, 2019**, notify all persons served by the System of the violation of CCR, Title 22, Section 64675, in conformance with Sections 64463.7 and 64465.

   Section 64463.7 allows the System to utilize the 2018 Consumer Confidence Report to meet the requirement of notification within a one-year period. In addition to the required information for the Consumer Confidence Report, the System must include the following language in the Consumer Confidence Report: *"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 2018, we*

did not complete all monitoring for lead and copper and therefore, cannot be sure of the quality of your drinking water during that time"

3. Complete Appendix 1: Compliance Certification Form. Submit it together with a copy of the 2018 Consumer Confidence Report required by Directive 2 to the State Water Board on or before **July 1, 2019.**

4. The System must collect ten (10) lead and copper samples between the months of June 1st and September 30th, 2019. Appendix 2: Lead and Copper Rule Reporting Form shall be used to submit the results of this monitoring to the State Water Board no later than **October 10, 2019**.

5. By **February 28, 2019** complete and return to the State Water Board the "Notification of Receipt" form attached to this Citation as Appendix 3. Completion of this form confirms that the System has received this Citation and understands that it contains legally enforceable directive(s) with due dates.

All submittals, required by this Citation, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

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

dwpdist11@waterboards.ca.gov

The State Water Board reserves the right to make 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.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California SDWA (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.

Kassy D. Chauhan 1-18-19

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

Date

Appendices [3]:

1. Compliance Certification Form
2. Lead and Copper Reporting Form
3. Notification of Receipt

Certified Mail No. 7018 0040 0000 3159 8053

APPENDIX 1. COMPLIANCE CERTIFICATION

Citation Number: 03-11-19C-005

Name of Water System: John Latoracca Correctional Facility

System Number: 2400172

Certification

I certify that the users of the water supplied by this water system were notified of the lead and copper monitoring violation of California Code of Regulations, Title 22, Section 64675 for the compliance period of 2018 and the required actions listed below were completed.

Required Action	Date Completed
(Citation Directive 2) Public Notification Method(s) Used: 2018 Consumer Confidence Report	
(Citation Directive 4) Collect ten Lead and Copper samples between June 1st and Sept 30th , 2019.	
(Citation Directive 4) Complete and Submit Lead and Copper Reporting Form	

_____ _____

Signature of Water System Representative Date

Attach a copy of the 2018 Consumer Confidence Report distributed to the water system's customers with a copy of the Lead and Copper Reporting Form.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN OCTOBER 10, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 2: LEAD AND COPPER REPORTING FORM

District Office – Please insert appropriate lead and copper reporting form from the State Water Resources Control Board Division of Drinking Water webpage, "Lab-To-State Portal Information," at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/lts_portal_info.html

State Water Resources Control Board

Division of Drinking Water

Lead and Copper Tap Sample Results Reporting Form

This form must be submitted by the public water system to the regulating entity (DDW District Office or County Agency) for each round of lead and copper sampling

Report Date: (mm/dd/yyyy)	
Water System Name:	
Water System Number:	
Water System Type:	◯ Community ◯ Non-Transient, Non Community
Monitoring Frequency:	◯ 6-month ◯ Annual ◯ Triennial
# of Samples Required:	
# of Samples Reported:	
	90th Percentile Level (mg/L)
Lead: *Action Level = 0.015 mg/L*	
Copper: *Action Level = 1.3 mg/L*	

				Result	
	Sample Date	**Sample Site Location/Address**	**Tier 1, 2, 3, or R**	**Lead (mg/L)**	**Copper (mg/L)**
01					
02					
03					
04					
05					
06					
07					
08					
09					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

Sampling Site Change

Each round of sampling should be conducted at the same sampling sites. If an original sampling site is not available, you should collect a tap sample from another site meeting the same Tier criteria as the original site.

You must complete/submit the ***Lead and Copper Tap Sampling Site Change*** form.

Notification of Results

As required by *40 Code of Federal Regulations Section 141.85(d)*, within 30 days of learning of the tap monitoring results, I notified the participants, by mailing or by another method approved by the State, of the lead sample results from their individual taps, provided an explanation of the health effects of lead, listed steps the consumer could take to reduce exposure to lead, provided contact information for the water utility, the maximum contaminant level goal for lead, action level for lead, and any definitions.

Notification was done on _____ (date) by

- ☐ Direct Mail
- ☐ Posting in public area (NTNC systems only)
- ☐ Other (please specify below)

_____

For general information on lead and copper tap sampling, you can refer to the ***SWRCB Lead and Copper Tap Sample Results Guidance Document***. If you have any questions or comments, please contact your regulating entity (Division of Drinking Water District or County Agency).

SIGNATURE:	**DATE:**
NAME (Print):	**TITLE:**

State Water Resources Control Board

Division of Drinking Water

Lead and Copper Tap Sampling Site Change Form

*This form is to be completed and submitted with the **Lead and Copper Tap Sample Results Reporting Form** if any sampling site(s) are changed, with exception of the first period of tap sampling*

Water System Type: ◯ Community ◯ Non-Transient, Non-Community

	Original Sampling Site	New Sampling Site
Address/Location:		
Tier Level:	◯ Tier 1 ◯ Tier 2 ◯ Tier 3 ◯ Representative	◯ Tier 1 ◯ Tier 2 ◯ Tier 3 ◯ Representative
Reason for sampling site change:		

	Original Sampling Site	New Sampling Site
Address/Location:		
Tier Level:	◯ Tier 1 ◯ Tier 2 ◯ Tier 3 ◯ Representative	◯ Tier 1 ◯ Tier 2 ◯ Tier 3 ◯ Representative
Reason for sampling site change:		

	Original Sampling Site	New Sampling Site
Address/Location:		
Tier Level:	◯ Tier 1 ◯ Tier 2 ◯ Tier 3 ◯ Representative	◯ Tier 1 ◯ Tier 2 ◯ Tier 3 ◯ Representative
Reason for sampling site change:		

SIGNATURE:	**DATE:**
NAME (Print):	**TITLE:**

Appendix 3 – Notification of Receipt

Citation Number: 03-11-19C-005

Name of Water System: John Latoracca Correctional Facility

System Number: 2400172

Certification

I certify that I am an authorized representative of the John Latoracca Correctional Facility and that Citation No. 03-11-19C-005 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the John Latoracca Correctional Facility and it is clearly understood that Citation No. 03-11-19C-005 contains legally enforceable directives with specific due dates.

_____ _____

Signature of Water System Representative Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN FEBRUARY 28, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.