COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT
Jeff Hamm *Health Agency Director*
Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

October 11, 2017

System No. 4000698

Rhonda Rodenberger
90 W Pozo Road
Santa Margarita, CA 93453

CITATION NO. 04_70_17C_026
CITATION FOR NON-COMPLIANCE
2016 ANNUAL REPORT TO THE DRINKING WATER PROGRAM
POZO SALOON WATER SYSTEM

Enclosed is Citation No. 04_70_17C_026 (hereinafter "Citation"), issued to the Pozo Saloon Water System (hereinafter "Pozo Saloon"), public water system. Please note there are legally enforceable deadlines associated with this Citation.

Failure to act may result in the Pozo Saloon being billed at the County of San Luis Obispo Health Agency Public Health Department Environmental Health Services (hereinafter "SLOEHS"), 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 SLOEHS for actual costs incurred by the SLOEHS for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the SLOEHS has spent approximately 2.5 hour(s) on enforcement activities associated with this violation.

The Pozo Saloon will receive a bill sent from the SLOEHS in January of the next calendar year. This bill will contain fees for any enforcement time spent on the Pozo Saloon for the current calendar year.

Any person who is aggrieved by a citation issued by the SLOEHS may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the SLOEHS mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received 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 Ke Ghiglia of my staff at (805) 781-5551 or me at (805) 781-5553.

Sincerely,

Leslie Terry, REHS
Supervising Environmental Health Specialist
County of San Luis Obispo
Health Agency
Public Health Department
Environmental Health Services

Enclosures

cc: Jeff Densmore, P.E.
Santa Barbara District
Division of Drinking Water
State Water Resources Control Board

Citation No. 04_70_17C_026

SAN LUIS OBISPO COUNTY

ENVIRONMENTAL HEALTH SERVICES

Name of Public Water System: Pozo Saloon Water System

Water System No: 4000698

Attention: Rhonda Rodenberger

90 W Pozo Road

Santa Margarita, CA 93453

Issued: October 11, 2017

CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE DIVISION 104, PART 12, CHAPTER 4, ARTICLE 7, SECTION 116530 FAILURE TO SUBMIT 2016 ANNUAL REPORT

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the County of San Luis Obispo Health Agency Public Health Department Environmental Health Services (hereinafter "SLOEHS"), to issue a citation to a public water system when the SLOEHS 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 SLOEHS, acting by and through its primacy delegation from the State Water Resources Control Board hereby issues Citation No. 04_70_17C_026 (hereinafter

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

"Citation"), pursuant to Section 1166330(f) and 116650 of the CHSC to the Pozo Saloon Water System (hereinafter "Pozo Saloon"), for violation of CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116530.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Pursuant to Section 116530 of the CHSC, the Pozo Saloon must submit a technical report to the SLOEHS when requested. The SLOEHS has established a requirement for public water system to annually submit a technical report specifying contact and operational information for the prior calendar year. On March 17, 2017, the State Water Board sent to all public water systems an email notification that the Annual Report for Calendar Year 2016 was due to be submitted by April 30, 2017. On April 10, 2017 the SLOEHS sent to all public water systems an email notification that the Annual Report for Calendar Year 2016 was due to be submitted by April 30, 2017. This notice also included instructions on how to submit the report electronically to the SLOEHS. The Pozo Saloon failed to submit the report by the due date. On August 17, 2017 the SLOEHS sent a written notice to the Pozo Saloon that its 2016 Annual Report was past due. As of the date of this Citation, the SLOEHS has not received the report from the Pozo Saloon.

DETERMINATION

The Pozo Saloon has failed to submit an electronic Annual Report for the Calendar year 2016. Consequently, the SLOEHS has determined that the Pozo Saloon violated CHSC, Division 104, Part 12, Chapter 4, Article 7, section 116530.

DIRECTIVES

The Pozo Saloon is hereby directed to take the following actions:

1. On or before November 13, 2017 complete an Annual Report for 2016 and submit it to the SLOEHS at http://drinc.ca.gov in accordance with the instructions provided in the notice contained in Appendix 2.

All submittals required by this Citation, with the exception of the 2016 Annual Report shall be electronically submitted to the SLOEHS at the following address.

Leslie Terry
lterry@co.slo.ca.us

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.

The SLOEHS 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 deemed effective upon issuance.

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

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the SLOEHS to: issue a citation with assessment of administrative penalties or an order 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 SLOEHS 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 SLOEHS; 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 SLOEHS. The SLOEHS does not waive any further enforcement action by issuance of this Citation.

October 11, 2017

Leslie Terry, REHS
Supervising Environmental Health Specialist
County of San Luis Obispo Health Agency
Public Health Department
Environmental Health Services

Date

Appendices

1. Applicable Authorities
2. 2016 Annual Report Notification

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 04_70_17C_026 FAILURE TO SUBMIT 2016 ANNUAL REPORT

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).

(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.

(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.

(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).

(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.

(6) Chapter 7 (commencing with Section 116975).

(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).

(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).

(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.

(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy

director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116275 states in relevant part:

(b) "Department" means the state board.

(ab) "State board" means the State Water Resources Control Board.

(ac) "Deputy director" means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

Section 116330 states in relevant part:

(f) The local primacy agency shall act for the department as the primary agency responsible for the administration and enforcement of this chapter for the specified public water systems and shall be empowered with all of the authority granted to the department by this chapter over those water systems.

Section 116530 states:

A public water system shall submit a technical report to the department as part of the permit application or when otherwise required by the department. This report may include, but not be limited to, detailed plans and specifications, water quality information, and physical descriptions of the existing or proposed system, and financial assurance information.

Section 116555 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.

(2) Will not be subject to backflow under normal operating conditions.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

(a) If the state board 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 state board 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 state board 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 and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:

(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.

From: lyris@swrcb18.waterboards.ca.gov [mailto:lyris@swrcb18.waterboards.ca.gov]
Sent: Friday, March 17, 2017 3:40 PM
To:
Subject: ANNUAL REPORT FOR CALENDAR YEAR 2016

Water Boards **This is a message from the State Water Resources Control Board.**

Hello Public Water System Representative:

It is again time to report to the State Water Resources Control Board's Division of Drinking Water (DDW), formerly the California Department of Public Health (CDPH), on the operation of your public water system during the past year (2016). This annual report is intended to provide DDW with updated information regarding your water system, including contact information, population served, number of service connections, modifications made in the previous year, etc. Your accurate and timely completion of this report is appreciated.

In addition, if you have prepared the 2016 Consumer Confidence Report (CCR), you can also upload it at this time by going to the MY CCR UPLOADS tab.

The 2016 electronic Annual Report to the Drinking Water Program (2016 eARDWP) is due to be submitted by **April 30, 2017**.

Since 2010, DDW (CDPH at the time) has instituted procedures for submittal of the annual reports in an electronic format via the eARDWP Portal website. Please note that since you previously registered for access to the eARDWP website, you do not need to register again to begin completing the 2016 eARDWP. Simply login to the eARDWP Portal using your user name (email address) and password; then go to the **MY EAR REPORTS** tab. Each previously submitted report will have a link on this page. At the bottom of the page is a link to start the 2016 eARDWP.

To access the eARDWP online page, please go to the following link for our DRINC Portal at http://drinc.ca.gov and then select the Electronic Annual Report link on the left-hand side of the page or go directly to http://drinc.ca.gov/ear/. You may find that some of the report is "pre-populated" with information from our Safe Drinking Water Information System (SDWIS) database. Please check this information to make sure it is still correct and current. To assist you in completing this year's report, you can also pre-populate each section of the report (except for the Water Supplied, Water Rates and Deliveries, Improvements, Complaints, and Conservation sections) with information from last year's report by clicking "**Prefill this Section**" on the left-hand side just above the section tabs.

Previous	Save and Exit	Next
Prefill this Section	Clear and Reset the Entire Report	Clear and Reset this Section Only

Intro | Contacts | Population | Connections | Sources | Water Supplied | Water Rates and Deliveries | Water Quality | Backflow | CCR

Certification Improvements Complaints Recycled Treatment Distribution Emergency Conservation Finalize

If you need to add another water system to your registered list: You must ensure you are registered for each water system for which you must submit a report. *To register for a new system*, you must login to the eARDWP Portal using your user name (email address) and password, then go to the **MY PROFILE** tab and add a water system from the list. Within 3 to 5 days after you have added the new water system to your list, and we have reviewed your registration, you will receive an email to allow you access to start a report for that new public water system(s). You may begin creating the 2016 eARDWP for any water systems for which you have prior approval while you are waiting for the approval for the newly added water system.

If you forgot your password:
Password: You must first login using your user name (email address). When you are at the screen requiring your password, click on the link **FORGOT PASSWORD?**. Your password will be forwarded to your email account.

Any documents that you wish to accompany the eARDWP other than an updated Water Quality Emergency Notification Plan must be submitted **to the water system's local regulatory agency**. You may submit your updated Water Quality Emergency Notification Plan via the eARDWP portal in the same manner that you submit your CCR and CCR Certification by going to the MY WQENP UPLOADS tab. For a map identifying DDW District Offices, please click HERE. For contact information of county environmental health agencies, please click HERE.

This year, we are again providing a Frequently Asked Questions (FAQ) posted on the eARDWP portal. We strongly suggest that you read the FAQ before starting a report. You do not need to be logged in to view the FAQ. If you have any questions that are not addressed in the FAQ related to the 2016 eARDWP, please contact your local regulatory agency or send an email to DRINC@waterboards.ca.gov.

You can continue to edit, or if you have not done so create, your service area boundaries and enter them in the **Drinking Water Systems Geographic Reporting Tool**, also known as the **Water Boundary Tool**. The Tool could be accessed through the DRINC Portal website or directly at http://cehtp.org/page/water/main. This web-based tool is designed to produce high resolution, digital maps of drinking water system customer service areas for the entire state of California, to assist water systems in digitizing their customer service area boundaries and identifying their neighboring systems, and to create a geographic information system (GIS) layer useful for emergency preparedness, for public health prevention and response, and for public health research.

Thank you for your cooperation in completing the Annual Report.

Division of Drinking Water

You are currently subscribed to drinkingwater_public_water_systems as:

This email is being sent to you because you were identified by your water agency as the Administrative Contact. If you are not the Administrative Contact for your water agency, please contact your local Division of Drinking Water office or county Local Primacy office.

For a map of the district offices, please go to
http://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf

APPENDIX 2 – PRIOR NOTICES / INSTRUCTIONS

From: Molly Heintz
Sent: Monday, April 10, 2017 9:25 AM
To: PH.EH.WaterSystems.Transient.Systems; PH.EH.WaterSystems.Community.Systems; PH.EH.WaterSystems.NonTransient-NonCommunity.Systems
Subject: 2016 Elctronic Annual Report (EAR) for Water Systems

Hello Public Water System Representative:

It is again time to report to the State Water Resources Control Board's Division of Drinking Water (DDW), formerly the California Department of Public Health (CDPH), on the operation of your public water system during the past year (2016). This annual report is intended to provide DDW with updated information regarding your water system, including contact information, population served, number of service connections, modifications made in the previous year, etc. Your accurate and timely completion of this report is appreciated.

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Previous

Prefill this Section

Save and Exit **Next**

Clear and Reset the Entire Report **Clear and Reset this Section Only**

Intro	Contacts	Population	Connections	Sources	Water Supplied	Water Rates and Deliveries	Water Quality	Backflow	CCR
Certification	Improvements	Complaints	Recycled	Treatment	Distribution	Emergency	Conservation	Finalize	

If you need to add another water system to your registered list: You must ensure you are registered for each water system for which you must submit a report. *To register for a new system*, you must login to the eARDWP Portal using your user name (email address) and password, then go to the **MY PROFILE** tab and add a water system from the list. Within 3 to 5 days after you have added the new water system to your list, and we have reviewed your registration, you will receive an email to allow you access to start a report for that new public water system(s). You may begin creating the 2016 eARDWP for any water systems for which you have prior approval while you are waiting for the approval for the newly added water system.

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Thank you for your cooperation in completing the Annual Report.

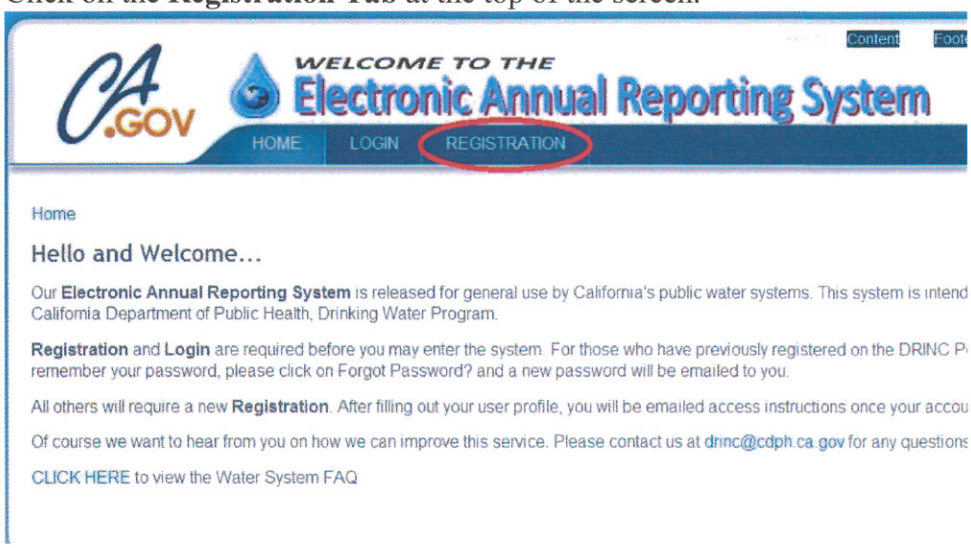
Molly Heintz
Administrative Assistant III
San Luis Obispo County Health Agency
Environmental Health Services
2156 Sierra Way Ste B, PO Box 1489
San Luis Obispo, CA 93401
(805) 781-5544
(805) 781-4211

ATTACHMENT TO EMAIL:

EAR Overview

Registration

1) Open your **web browser** (Internet Explorer, Firefox, Safari, etc.).
2) Go to www.drinc.ca.gov
3) Optional – **View FAQ**
4) Click on the **Registration Tab** at the top of the screen.



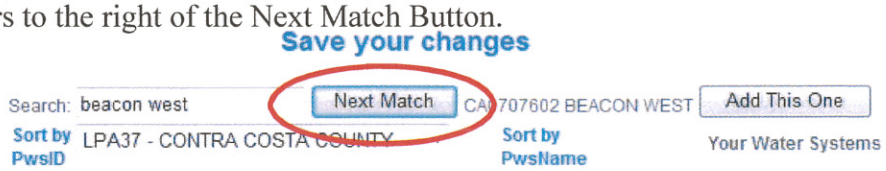
5) Complete all the **required fields** on the form.

APPENDIX 2 – PRIOR NOTICES / INSTRUCTIONS

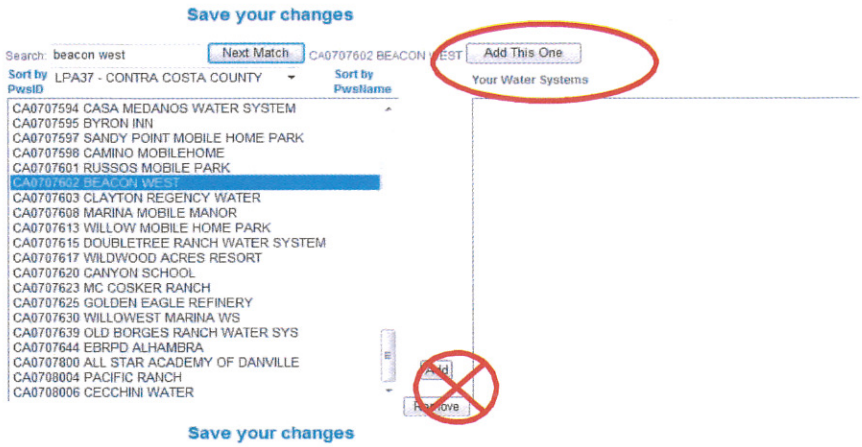
6) **Add a Public Water System** (PWS) via one of two methods:

<u>Method 1 – Conduct a Search</u>

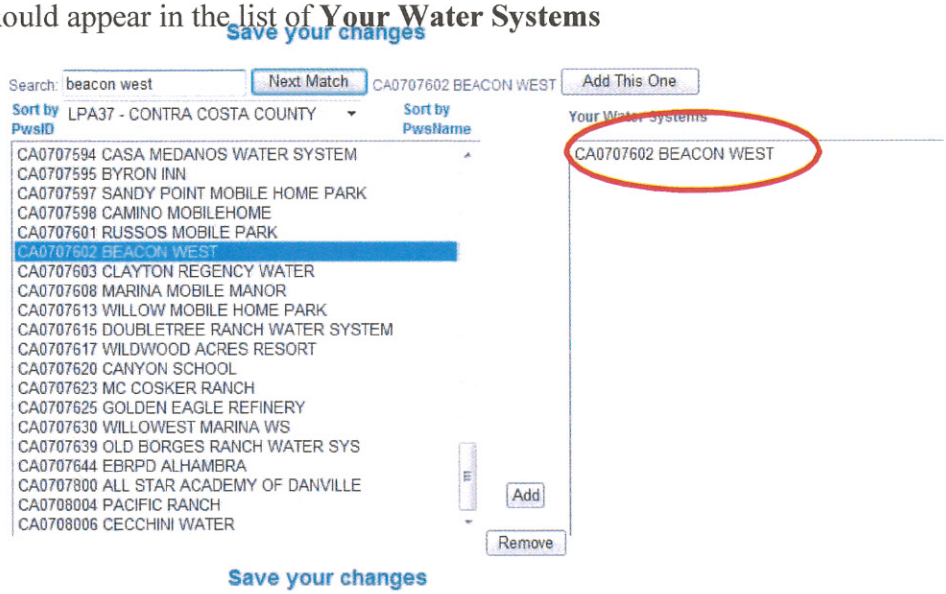
a. Type the **name** or **CA number** for the PWS. Click **Next Match** until the correct name appears to the right of the Next Match Button.



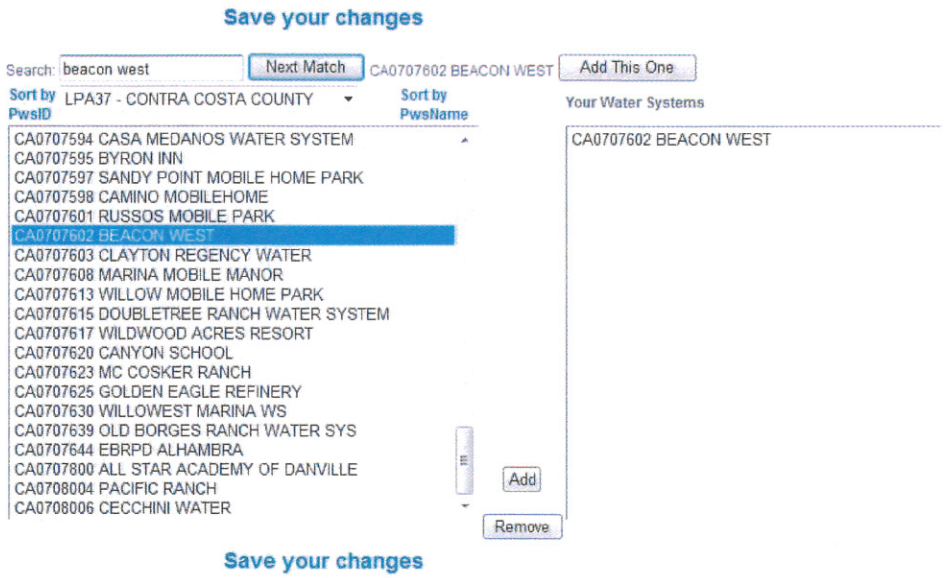
b. Once the system is listed, click "**Add This One**" (**do not** click the Add button further down on the page – See Method 2 for this button).



c. The water system should appear in the list of **Your Water Systems**

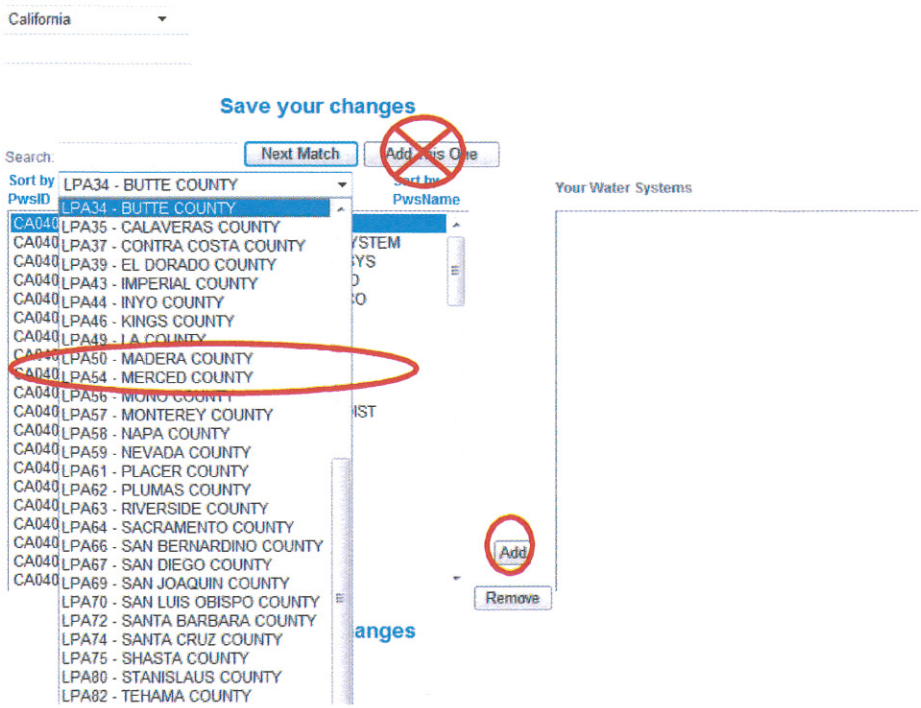


d. **Click on Save your changes**. Nothing will be saved unless you click on this link.

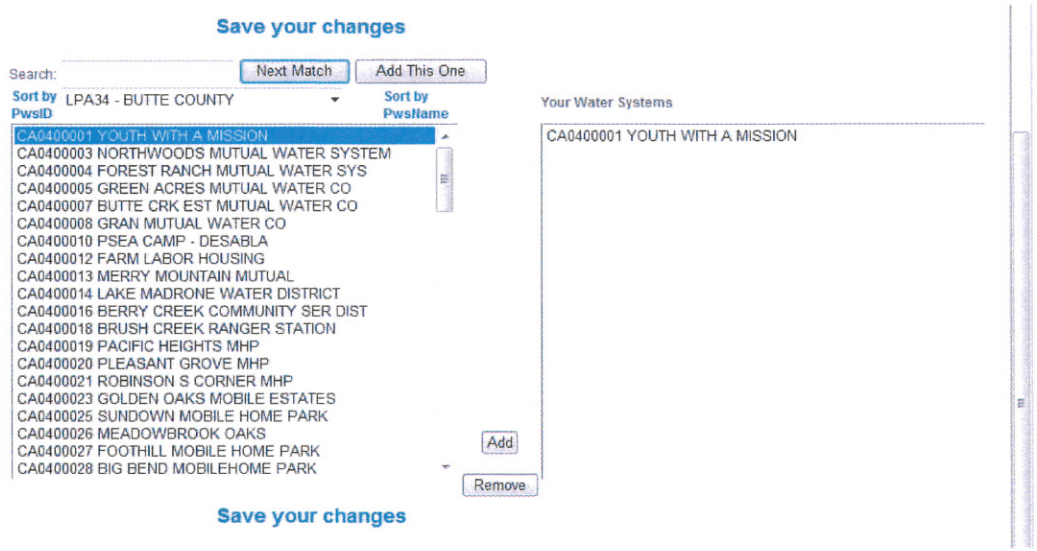


Method 2 – Select From the Dropdown Menu

a. **Select your LPA from the dropdown list**. This will refresh the subset of PWS's listed.



b. Scroll through the list and **click on the correct PWS**, the click on the **Add button** to the right of the list (**do not** click "Add This One")



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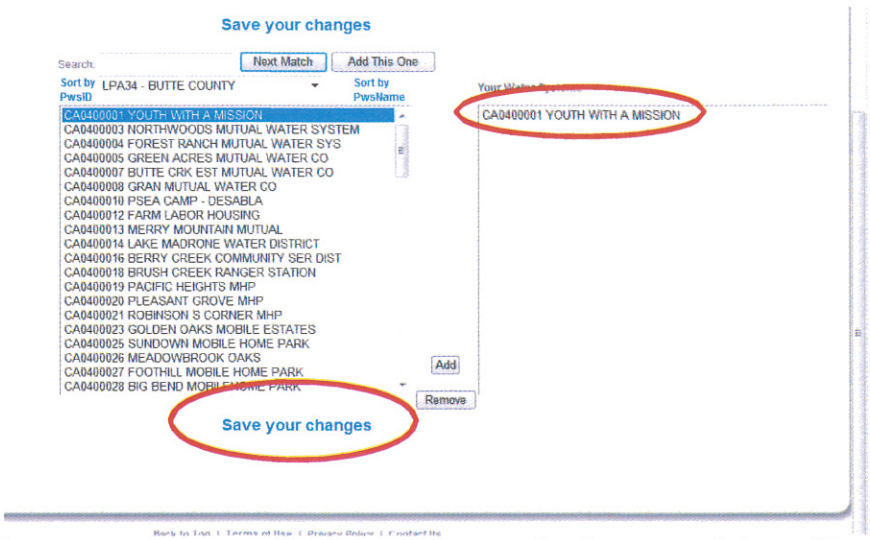
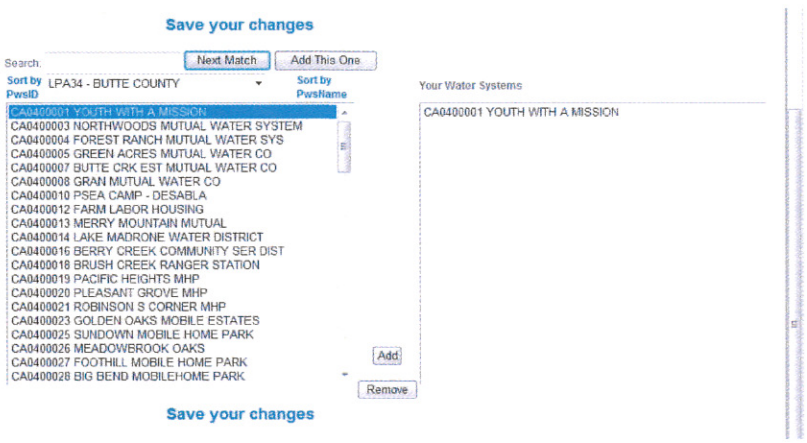
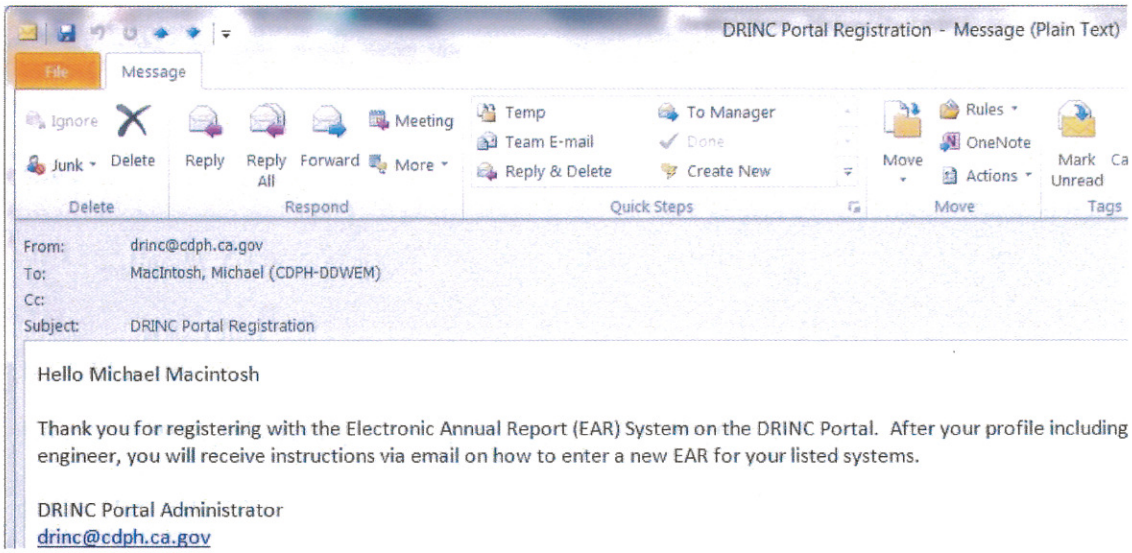


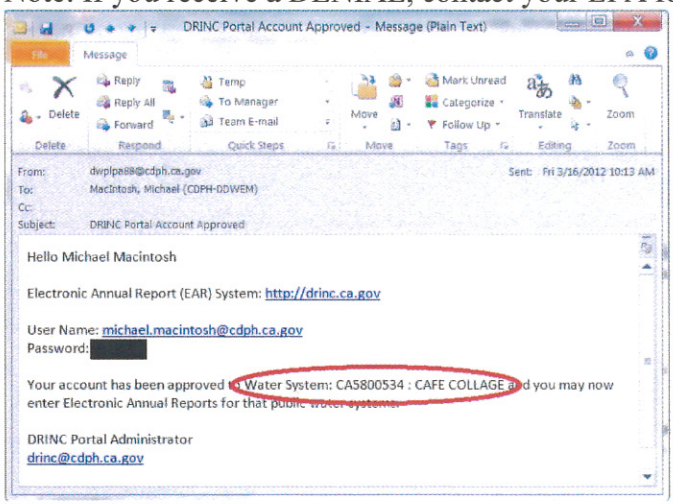
Click on Save your changes. Nothing will be saved unless you click on this link.



7) You will **receive an email** from drinc@cdph.ca.gov confirming your registration.



8) You may now explore the EAR site, but you cannot start your EAR until your LPA confirms your connection. This may take a3-5 days. **Once confirmed, you will receive the email below** (one for each water system you added).
Note: If you receive a DENIAL, contact your LPA for more information.

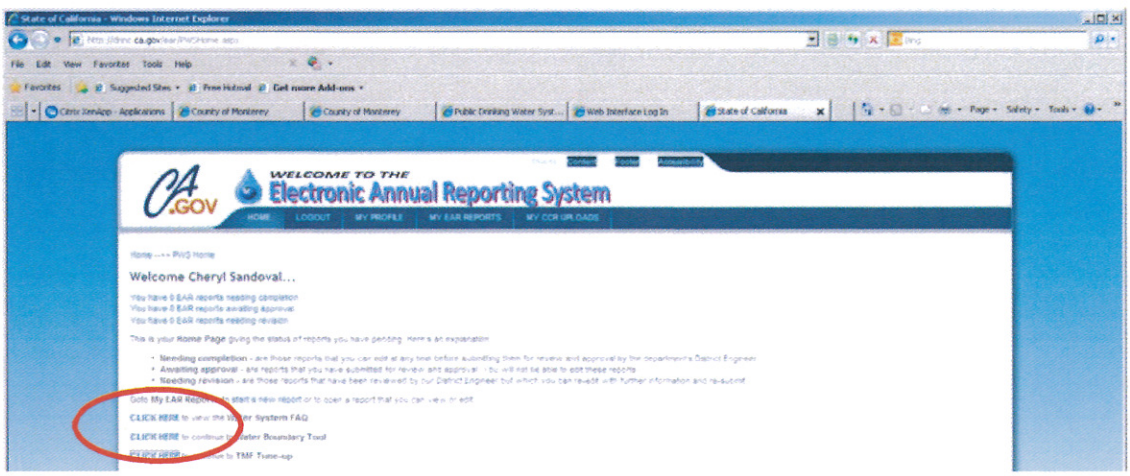


EAR Website

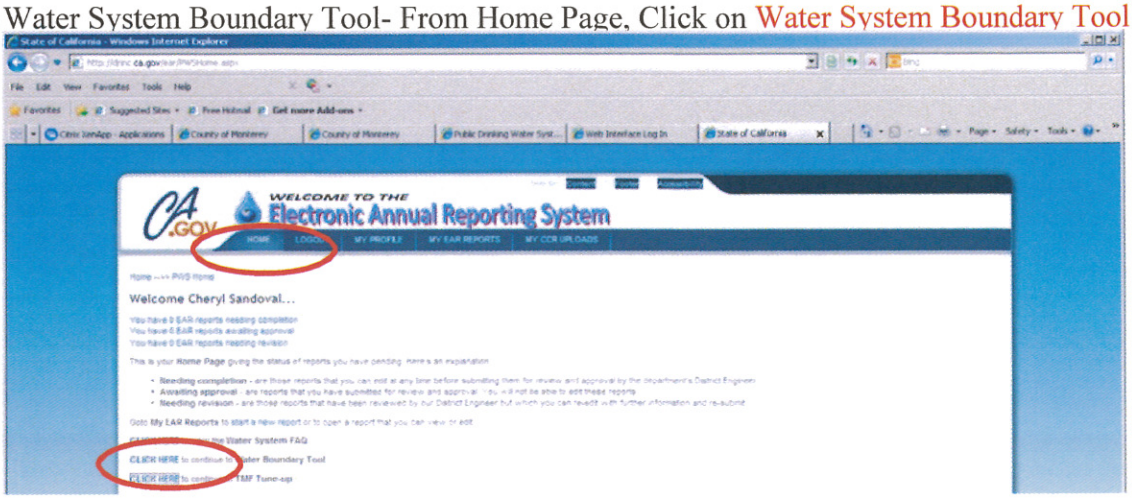
9) After you receive confirmation, login to site. Click on **Login**. Enter **User Name**

10) Enter **Password**.

11) EAR Homepage, Water System FAQ's available

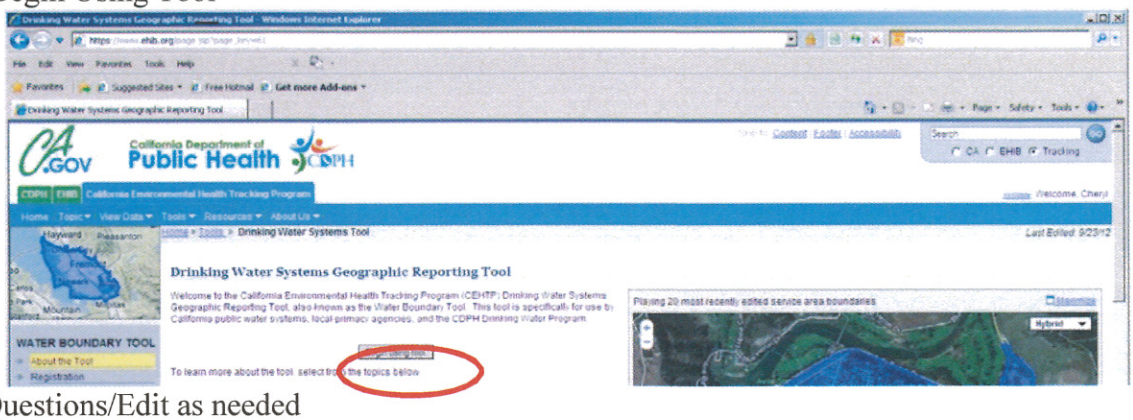


12) Water System Boundary Tool- From Home Page, Click on Water System Boundary Tool

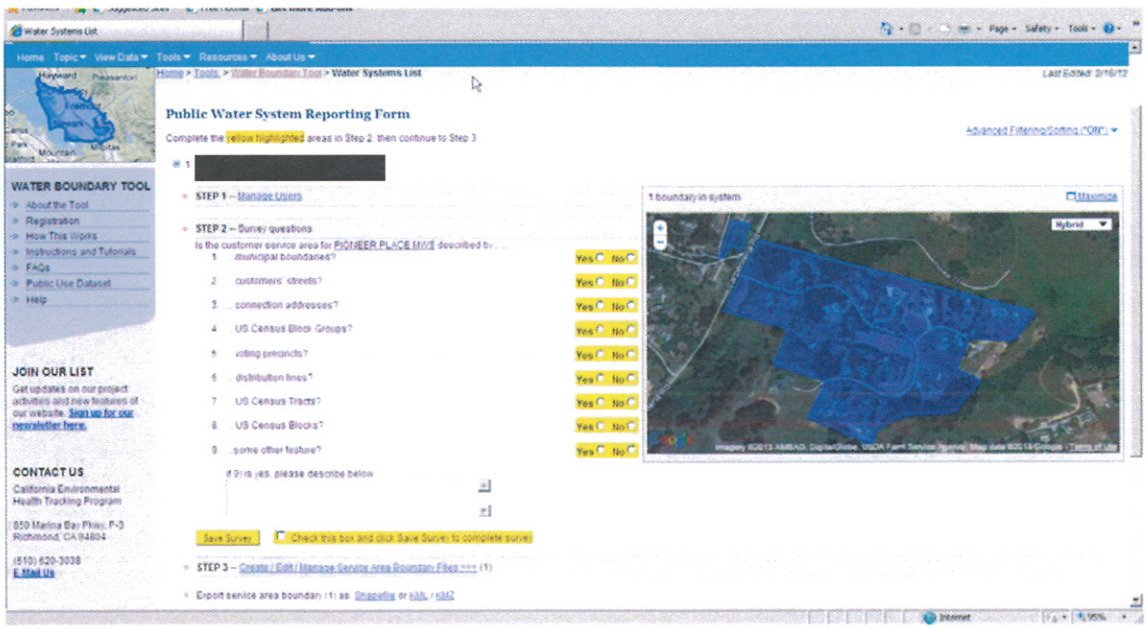


13) Click on Continue

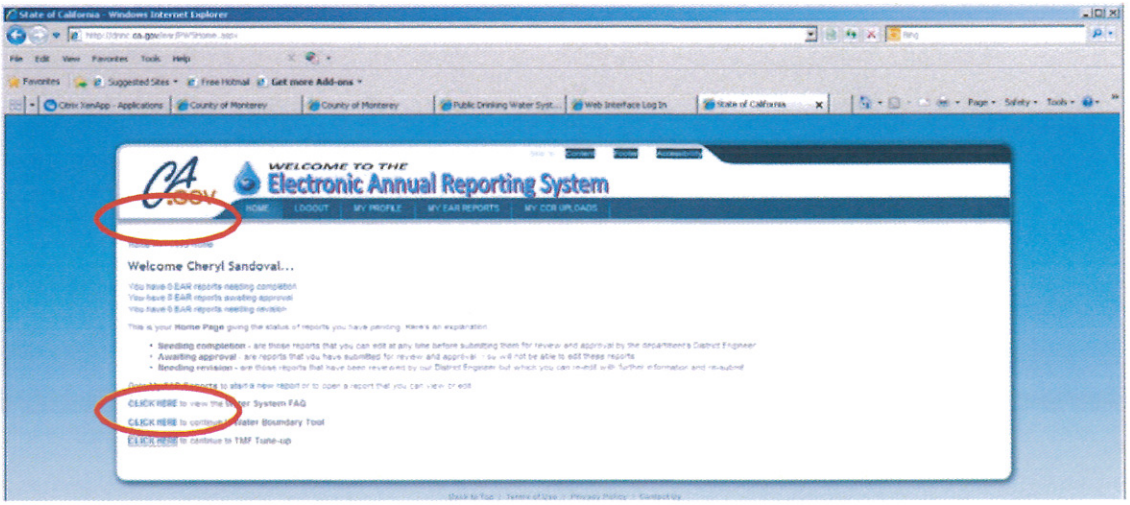
14) Click on Begin Using Tool



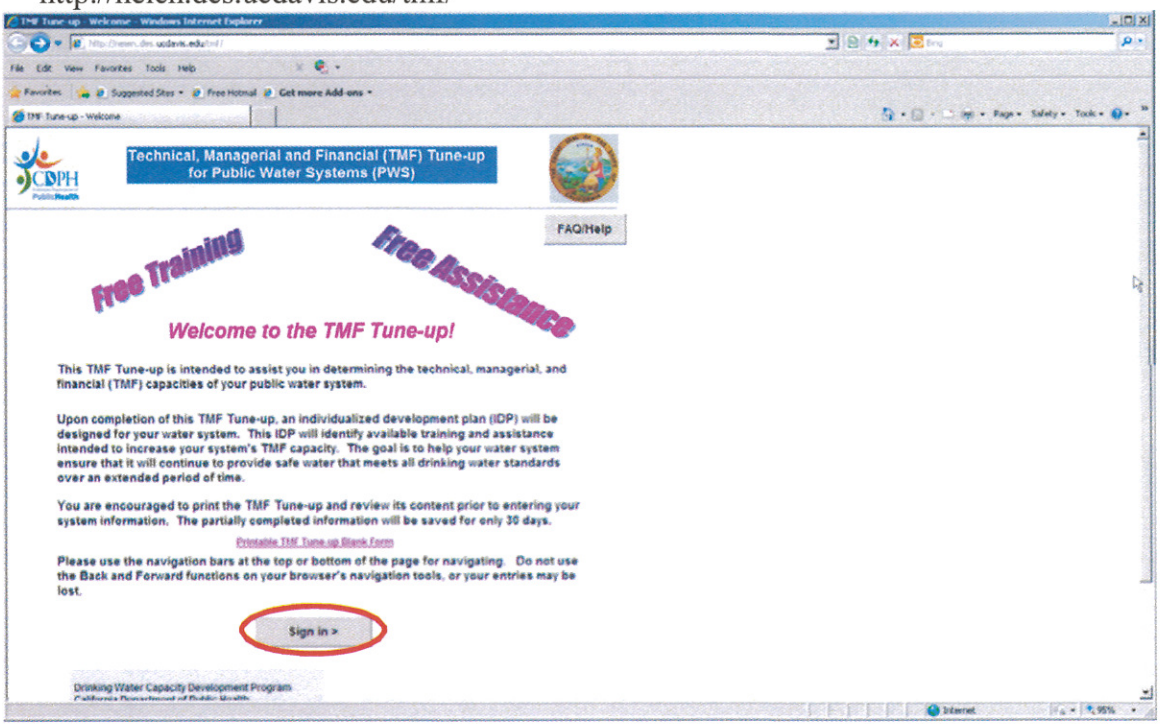
15) Answer Questions/Edit as needed

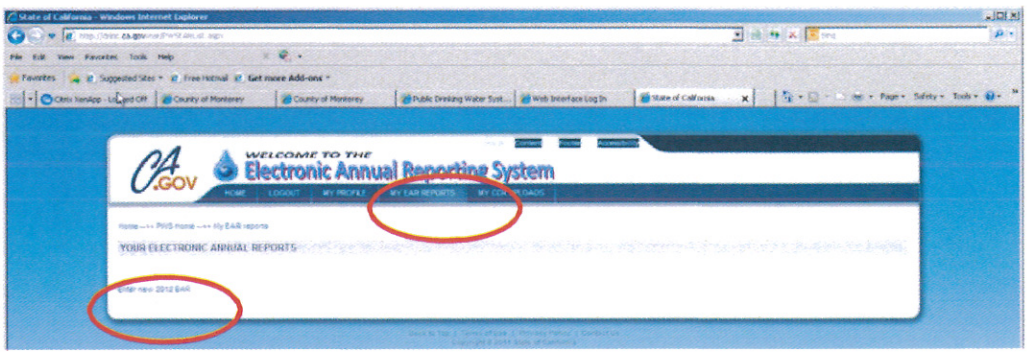


Appendix 2 – 2016 Annual Report Notification



17) TMF Tune-up- From Home Page, Click on TMF-Tune-Up, or go to TMF website: http://neien.des.ucdavis.edu/tmf/



Completing Your EAR

18) Click on My Ear Report, then Click on Enter New