Stanislaus County
Striving to be the Best

DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

FILE COPY

October 18, 2017

System No. 5000295

Seth Ehrler, Superintendent/Principal
6633 Paradise Road
Modesto, CA 95358

RE: CITATION NO. DER-17C-016
CITATION FOR NON-COMPLIANCE
2016 ANNUAL REPORT TO THE DRINKING WATER PROGRAM
SHILOH SCHOOL DISTRICT

Dear Mr. Ehrler:

Enclosed is Citation No. DER-17C-016 (hereinafter "Citation"), issued to the Shiloh School District (hereinafter "Shiloh School District"), public water system. Please note there are legally enforceable deadlines associated with this Citation.

The Shiloh School District will be billed at Stanislaus County Department of Environmental Resources, Environmental Health Division (hereinafter "Environmental Health"), 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 Environmental Health for actual costs incurred by Environmental Health for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, Environmental Health has spent approximately 2.0 hour(s) on enforcement activities associated with this violation.

The Shiloh School District will receive a bill sent from Environmental Health. This bill will contain fees for any enforcement time spent on the Shiloh School District for this Citation.

Any person who is aggrieved by a citation issued by Environmental Health 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 Environmental Health 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 Waleed Yosif at (209) 525-6703.

Sincerely,

Waleed Yosif, R.E.H.S.
Registered Environmental Health Specialist

WY:dlp

Enclosures (1)

Certified Mail No. 7014 3490 0001 6851 1594

Citation No. DER-17C-016

STANISLAUS COUNTY

DEPARTMENT OF ENVIRONMENTAL RESOURCES

DIVISION OF ENVIRONMENTAL HEALTH

Name of Public Water System: Shiloh School District

Water System No: 5000295

Attention: Seth Ehrler, Superintendent/Principal
6633 Paradise Road
Modesto, CA 95358

Issued: October 18, 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 Department of Environmental Resources, acting by and through its Division of Environmental Health (hereinafter "Environmental Health"), to issue a citation to a public water system when Environmental Health 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.

Environmental Health, acting by and through its primacy delegation from the State Water Resources Control Board hereby issues Citation No. DER-17C-016

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

(hereinafter "Citation"), pursuant to Section 116530 and 116650 of the CHSC to the Shiloh School District (hereinafter " Shiloh School District"), 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

Shiloh School District operates under Water Supply Permit issued by Environmental Health on May 13, 1993.

Pursuant to Section 116530 of the CHSC, Shiloh School District must submit a technical report to the Environmental Health when requested. The Environmental Health 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 22, 2017, Environmental Health 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 Environmental Health. The Shiloh School District failed to submit the report by the due date. On June 16, 2017, Environmental Health sent an email notice to Shiloh School District that its 2016 Annual Report was past due. As of the date of this Citation, Environmental Health has not received the report from Shiloh School District.

DETERMINATION

Shiloh School District has failed to submit an electronic Annual Report for the Calendar year 2016. Consequently, Environmental Health has determined that Shiloh School District violated CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116530.

DIRECTIVES

Shiloh School District is hereby directed to take the following actions:

1. On or before November 18, 2017 complete an Annual Report for 2016 and submit it to Environmental Health at http://drinc.ca.gov in accordance with the instructions provided in the notice contained in Appendix 2.
2. On or before October 31, 2017 complete and return to Environmental Health the "Notification of Receipt" form attached to the Citation at Appendix 3. Completion of this form confirms that Shiloh School District has received this Citation and understands that it contains legally enforceable directive(s) with due dates.

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

Waleed Yosif, R.E.H.S.
wyosif@envres.org

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 Environmental Health 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 Shiloh School District 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 Shiloh School District, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and

assignees.

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Environmental Health 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 Environmental Health 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 Environmental Health; 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 Environmental Health. The Environmental Health does not waive any further enforcement action by issuance of this Citation.

10/18/2017

Waleed Yosif, R.E.H.S.
Senior Environmental Health Specialist
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

Date

Appendices

1. Applicable Authorities
2. 2016 Annual Report Notification
3. Notification of Receipt form

Certified Mail No. 7014 3490 0001 6851 1594

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. DER-17C-016 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.

Appendix 2 – 2016 Annual Report Notification

From: RACHEL RIESS
Sent: Wednesday, March 22, 2017 11:21 AM
To: 'sehrler@shiloh.k12.ca.us'
Subject: EAR Reporting 2016

Dear Shiloh School Dist:

Your water system is required to complete electronic annual reporting (EAR) to the State Water Boards. Below is information provided by the State Water Boards on access, registration and passwords. EAR submission is due by April 30, 2017.

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.

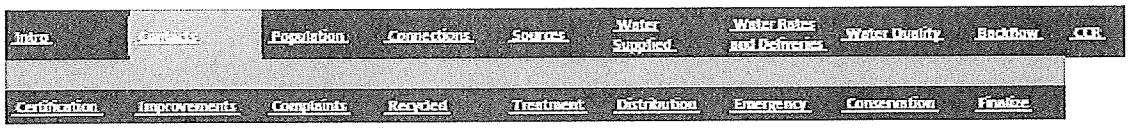
The 2016 electronic Annual Report to the Drinking Water Program (2016 eARDWP) is due to be submitted by April 30, 2017.

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 if you have 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



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 must be submitted to the water system's local regulatory agency. 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.

From: RACHEL RIESS
Sent: Friday, June 16, 2017 3:46 PM
To: 'sehrler@shiloh.k12.ca.us'
Subject: Delinquent EAR Reporting for 2016

Dear Shiloh School Dist:

The State's DRINC records indicate that your water system has not completed an electronic annual report (EAR) by the April 30, 2017 deadline. Below is information provided by the State Water Boards on access, registration, and passwords. Your EAR submission is due IMMEDIATELY.

Failure to submit an EAR may result in further legal action such as but not limited to notice of violation, citation or applicable fees/penalties.

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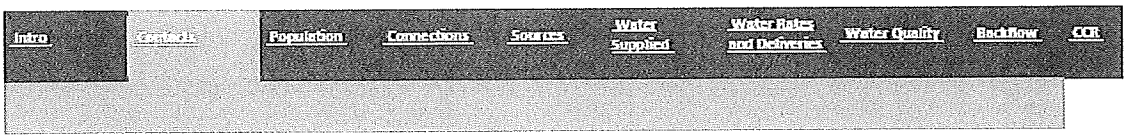
Previous	Save and Exit	Next
Prefill this Section	Clear and Reset the Entire Report	Clear and Reset this Section Only



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.

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Thank you for your cooperation in completing the Annual Report.

Appendix 3 –Notification of Receipt

Citation Number: DER-17C-016

Name of Water System: Shiloh School District

System Number: 5000295

Certification

I certify that I am an authorized representative of the Shiloh School District and that Citation Number DER-17C-016 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Shiloh School District and it is clearly understood that Citation Number DER-17C-016 contains legally enforceable directives with specific due dates.

_____ _____

Signature of Water System Representative Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES, ENVIRONMENTAL HEALTH DIVISION, NO LATER THAN October 31, 2017

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.