

State Water Resources Control Board

April 5, 2018

(Via email and Certified Mail)

CERTIFIED MAIL

NO. 7017 2680 0000 6195 9425

Mr. Ronald La Rue

**Proposed Action
Accepted**

RE: PROPOSED DISCIPLINARY ACTION

Dear Mr. La Rue:

FACTUAL BASIS FOR THE DISCIPLINARY ACTION:

1. Mr. La Rue is employed as the Utilities Manager for the City of Dunsmuir Public Water System (No. 4710002) and operates the drinking water treatment system and/or supervises Mr. Della Bona's operation of the drinking water treatment system. Mr. La Rue is a level T1 certified drinking water treatment operator, certificate 9577, which expired on February 1, 2018. Mr. La Rue is currently able to renew certificate 9577 if he completes his continuing education requirements by September 1, 2018, and requests renewal until February 1, 2019.
2. Mr. La Rue was responsible for reporting the Monthly Summary of Distribution System Bacteriological (Coliform) Monitoring results for the City of Dunsmuir Public Water System to the Division of Drinking Water (DDW) as part of his responsibilities as Utilities Manager, and within his duties as a Grade T1 certified drinking water operator for the water system.
3. The State Water Resources Control Board (State Water Board) Office of Enforcement (OE) received a referral to investigate allegations of reporting violations for bacteriological (coliform) testing results reported to DDW. OE Senior Environmental Scientist, Dylan Seidner, conducted an investigation and interviewed Mr. La Rue to investigate the allegations (see Attachment 1 – **Inspection and Interview Report – City of Dunsmuir, July 20, 2016**).
4. The City of Dunsmuir utilized Mt. Shasta Wastewater Treatment Lab (Mt. Shasta Lab) for analysis of its drinking water samples. Mr. Seidner reviewed records from the City of Dunsmuir and Mt. Shasta Lab from March 2013 to September 2015. The comparison of

these records indicate Mr. La Rue failed to report several positive bacteriological sample results to DDW (see Attachment 2 – **Signed distribution system monthly bacteriological (coliform) monitoring sheets submitted by Mr. Ronald La Rue to the Division of Drinking Water**) and Attachment 3 – **Bacteriological (coliform) laboratory sample results for the City of Dunsmuir distribution system from March 2013, June/July/Oct 2014, and Aug/Sept 2015**).

STATUTORY AUTHORITY AND LIABILITY

Health and Safety Code section 106877(b) states, in relevant part:

“The state board may suspend, revoke, or refuse to grant or renew any water distribution system operator certificate to operate a water distribution system or may place on probation or reprimand the certificate holder upon any reasonable ground, including, but not limited to, any of the following:

- (1) The use of fraud or deception in the course of operating a water distribution system;
- (2) The failure to use reasonable care of judgment in the operation of a water distribution system; and,
- (3) The inability to perform operating duties properly in a water distribution system...”

Subdivision (c) provides, in relevant part: “prior to suspension or revocation of a valid operator certificate, the state board shall provide the certificate holder with an opportunity for a hearing before the state board, in accordance with rules adopted pursuant to section 185 of the Water Code.”

FINDINGS

The Office of Enforcement investigation demonstrates that Mr. La Rue deliberately provided fraudulent coliform sampling results to DDW, failed to use reasonable care and judgement in his operation of the system, and failed to properly perform his operating duties as a T1 certified drinking water operator for the Dunsmuir public water system.

PROPOSED DISCIPLINARY ACTION

Pursuant to Health and Safety Code section 106877, subdivision (b), the State Water Board hereby **REVOKES and REFUSES TO RENEW** certificate number 9577 for Mr. Ronald La Rue.

If you disagree with the revocation or refusal to renew this certificate, you have the right to request a hearing before the State Water Board according to the procedures set forth in California Code of Regulations, title 23, division 3, chapter 1.5. To request a hearing, please respond in writing within 45 days of this notice. The letter should include:

1. The name, address, telephone number, and email address (if available) of the requestor;
2. A copy of the proposed disciplinary action letter;
3. A full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and,
4. The specific action the requestor seeks from the Executive Director.

Sincerely,



Eileen Sobeck
Executive Director

Attachments

cc: *(via email only)*

Mr. Bruce Burton
Assistant Deputy Director
Division of Drinking Water
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Mr. Joe Karkowski
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Mr. Bryan Elder
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State Water Resources Control Board

April 5, 2018

(Via email and Certified Mail)

Mr. Wayne Grigsby



CERTIFIED MAIL
7017 2680 0000 6195 8466

Mr. Wayne Grigsby



CERTIFIED MAIL
NO. 7017 2680 0000 6195 8473

**Proposed Action
Accepted**

RE: PROPOSED DISCIPLINARY ACTION

Dear Mr. Grigsby:

FACTUAL BASIS FOR PROPOSED DISCIPLINARY ACTION:

1. Mr. Grigsby was employed by the McCloud Community Services District (McCloud CSD) for purposes of operating the drinking water distribution system. Mr. Grigsby is a certified drinking water distribution system operator (level D2), with Certificate D2-33724, which expires October 1, 2019.
2. Mr. Grigsby worked for the McCloud CSD for 10 years from approximately 2005 to September of 2015, when he retired. Mr. Grigsby was responsible for reporting the water distribution system sampling results to the Division of Drinking Water (DDW) as part of his responsibilities as Public Works Supervisor, and within his duties as a D2 certified operator of the McCloud CSD public water system (water system ID 4710006).
3. The State Water Resources Control Board (State Water Board) Office of Enforcement (OE) received a referral in 2016 to investigate allegations of reporting violations for bacteriological (coliform) testing results. OE Senior Environmental Scientist, Dylan Seidner, conducted an investigation including interviews of Mr. Grigsby, among others, to investigate the allegations.¹

¹ See Attachment 1- Interview Report, Mr. Wayne Grigsby, former Public Works Supervisor for McCloud Community Services District

4. McCloud CSD utilized the Mt. Shasta Wastewater Treatment Plant lab (Mt. Shasta Lab) for analysis of its drinking water samples. Mr. Seidner reviewed records from McCloud CSD and Mt. Shasta Lab records for May and July of 2015.² The comparison of the records reveal Mr. Grigsby signed and submitted reports for McCloud CSD which failed to report two positive bacteriological (coliform) sample results.^{3,4}
5. Mt. Shasta Lab records for May and July of 2015 demonstrate that Mr. Grigsby delivered more water samples for analysis by the lab than were reported to DDW.
6. The "retake" indicator on the Mt. Shasta Lab record dated May 5, 2015, does not appear on the record McCloud CSD submitted to DDW.⁵ "Retake" indicates that the sample is from a location that previously resulted in a bacteriological (coliform) positive. Failure to indicate that the sample was a "retake" on the results submitted to DDW incorrectly characterizes the sample and implies there was no earlier positive bacteriological (coliform) results. The positive coliform results from the previous day at the same location were also omitted from McCloud CSD's May 2015 monthly report submitted to DDW.

STATUTORY AUTHORITY AND LIABILITY

Health and Safety Code section 106877(b) states, in relevant part:

"The state board may suspend, revoke, or refuse to grant or renew any water distribution system operator certificate to operate a water distribution system or may place on probation or reprimand the certificate holder upon any reasonable ground, including, but not limited to, any of the following:

- (1) The use of fraud or deception in the course of operating a water distribution system;
- (2) The failure to use reasonable care of judgment in the operation of a water distribution system; and,
- (3) The inability to perform operating duties properly in a water distribution system..."

Subdivision (c) provides, in relevant part: "prior to suspension or revocation of a valid operator certificate, the state board shall provide the certificate holder with an opportunity for a hearing before the state board, in accordance with rules adopted pursuant to section 185 of the Water Code."

FINDINGS

The Office of Enforcement investigation demonstrates that Mr. Grigsby deliberately provided fraudulent coliform sampling results to the DDW, failed to use reasonable care and judgement in his operation of the system, and failed to properly perform his operating duties as a D2 certified drinking water operator for the McCloud CSD public water system.

² See Attachment 1- Pages 8-36

³ See Attachment 1- McCloud CSD Bacteriological Sample Summary Submitted to Division of Drinking Water May 2015, pages 21-24

⁴ See Attachment 1 - Mt. Shasta Lab Bacteriological Sample Records for McCloud CSD, samples collected on May 4, 2015, at 11:15am, #140 and 11:20am, #309, pages 25-27

⁵ See Attachment 1- Invoice 551130, pages 35-36

PROPOSED DISCIPLINARY ACTION

Pursuant to Health and Safety Code section 106877 subdivision (b), the State Water Board hereby **REVOKES** certificate number 33724 for Mr. Wayne Grigsby.

If you disagree with the revocation of this certificate, you have the right to request a hearing before the State Water Board according to the procedures set forth in California Code of Regulations, title 23, division 3, chapter 1.5. To request a hearing, please respond in writing within 45 days of this notice. The correspondence should include:

1. The name, address, telephone number, and email address (if available) of the requestor;
2. A copy of the proposed disciplinary action letter;
3. A full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and,
4. The specific action the requestor seeks from the Executive Director.

Sincerely,



Eileen Sobeck
Executive Director

Attachment: Interview Report with Mr. Wayne Grigsby dated October 18, 2016

cc: *(via email only)*

Mr. Bruce Burton
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