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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Public Water System:** City of Martinez

**Water System No:** 0710006

**Attention:** Mr. Tom Campbell  
525 Henrietta Street  
Martinez, CA 94553

**Issued:** June 13, 2016

**CITATION FOR NONCOMPLIANCE**  
**Lead and Copper Rule**  
**22 CCR Sections 64675 and 64675.5**  
**2015 Compliance Period**

*California Health and Safety Code* (CHSC) §116650 authorizes the State Water Resources Control Board (State Board) to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating a requirement of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270) and any regulation, standard, permit, or order adopted or issued under the California Safe Drinking Water Act (SDWA).



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The State Board, acting by and through its Division of Drinking Water (Division) and the deputy director for the Division, issues this citation pursuant to CHSC Section 116650 to the City of Martinez for violation of CHSC Section 116555(a)(1) and California Code of Regulations (CCR), Title 22, Sections 64675 and 64675.5.

A copy of the applicable statutes and regulations are included in Appendix 1.

**STATEMENT OF FACTS**

The City of Martinez is a community public water system. The population served is 35,375, through 9,846 service connections.

The City of Martinez must conduct reduced tap sampling for lead and copper at a frequency of once every three years during the period of June through September, from a minimum of 30 residential sites (22 CCR §64675 and §64675.5). The City of Martinez last completed reduced tap sampling for lead and copper during June 2012. The Division did not receive sample results for the 2015 compliance year.

**DETERMINATIONS**

The State Board determines that the City of Martinez violated 22 CCR §64675 and §64675.5 during 2015 by failing to conduct reduced tap monitoring for lead and copper.

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**DIRECTIVES**

The State Board directs the City of Martinez to take the following actions:

1. Comply with 22 CCR §64675 and §64675.5 by conducting tap sampling immediately and providing results to the Division no later than August 1, 2016.
  
2. Provide public notice of the violations in conformance with 22 CCR §64463.4, and as follows:
  - a) Draft a Tier 2 notice to include the information required by 22 CCR §64465.
  - b) Send the completed draft notice to the Division for review.
  - c) Distribute a Division-approved notice no later than July 13, 2016.
  - d) Within 10 days of providing public notice, certify to the Division that you have provided the notice. Include a copy of the notice. You may use the form in Appendix 2 for certification to the Division.

The State Board 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 are effective upon issuance.

Nothing in this citation relieves the City of Martinez of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued or adopted under the California SDWA.

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Submit all responses required by this citation to the Division at the following address:

Stefan Cajina, P.E.  
SWRCB Division of Drinking Water  
850 Marina Bay Parkway, Bldg. P, 2<sup>nd</sup> Fl.  
Richmond CA 94804-6403

**PARTIES BOUND**

This citation applies to and is binding upon the City of Martinez, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and the City of Martinez must comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Board to: issue a citation with assessment of penalties to a public water system for violation or continued violation of requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted under the Act including, but not limited to, failure to correct a violation identified in a citation or compliance order.

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The California SDWA also authorizes the State 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 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 Board. The State Board does not waive any further enforcement action by issuance of this citation.

  
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June 13, 2016

Stefan Cajina, P.E., Chief  
North Coastal Section  
Division of Drinking Water  
State Water Resources Control Board

Date

Appendices:

- 1. Applicable Statutes and Regulations
- 2. Compliance Certification Form

Certified Mail No.: 7014 3490 0001 7031 2189



## APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR

### Violations of the Lead and Copper Rule

#### ***California Health and Safety Code***

§116555. Operational requirements.

(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.
- (4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.
- (5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

§116577. Enforcement fee.

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by public water systems under the jurisdiction of the local primacy agency, public water systems shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs" as used in this section does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if either a court or the state board determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

§116650. Citations.

(a) If the department 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 department 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 department 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.

***California Code of Regulations, Title 22***

**CHAPTER 17.5. LEAD AND COPPER**

***Article 1. General Requirements and Definitions***

§64670. General Requirements.

(a) Unless otherwise indicated, the requirements in this chapter apply to community water systems and nontransient-noncommunity water systems (hereinafter referred to as "water systems" or "systems").

(b) An action level exceedance shall not constitute a violation of this chapter.

(c) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the methods prescribed at 40 Code of Federal Regulations, Section 141.89 [Federal Register (FR) 56 (110), 26460-26564, June 7, 1991; amended July 15, 1991 (56 FR 32113), June 29, 1992 (57 FR 28786), June 30, 1994 (59 FR 33860), and January 12, 2000 (65 FR 1250)]. Field tests shall be performed by water treatment or distribution operators certified by the Department pursuant to Section 106875 of the Health and Safety Code or by personnel trained to perform these tests by the Department, a certified laboratory, or certified operator.

§64671.55. Period.

"Period", for the purpose of this chapter only, means a six-month monitoring timeframe.

§64671.75. Tap Sampling.

“Tap sampling” means sampling conducted pursuant to sections 64675 (General Requirements for Tap Sampling for Lead and Copper), 64675.5 (Tap Sampling Frequency), and 64677 (Sampling Collection Methods for Taps) at sites selected pursuant to section 64676 (Sampling Site Selection).

**Article 3. Monitoring for Lead and Copper**

§64675. General Requirements for Tap Sampling for Lead and Copper.

(a) During each period, each system shall conduct standard tap sampling by collecting one sample from the number of sites based on the number of people served specified in table 64675-A under Standard Tap Sampling.

(b) During each period, each system conducting reduced tap sampling shall collect at least one sample from the number of sites based on the number of people served specified in table 64675-A under Reduced Tap Sampling, as follows:

(1) The sites shall be representative of the sites required for standard tap sampling.

(2) The samples shall be collected during the months of June, July, August, or September, unless the Department approves an alternate set of four months based on a review of the system’s operations and lead and copper data, in which case the system shall initiate sampling during the alternate set of four months when directed in writing to do so by the Department, as follows:

(A) No later than 21 months after the previous period, if sampling annually, or

(B) No later than 45 months after the previous period, if sampling triennially.

**Table 64675-A**

**Lead and Copper Tap Sampling Sites**

System Size	Standard Tap Sampling	Reduced Tap Sampling
	(Minimum Number of Sites)	
>100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
<101	5	5

(c) Sample sites shall be selected pursuant to section 64676 (Sample Site Selection).

§64675.5. Tap Sampling Frequency.

(a) A system shall conduct standard tap sampling for two consecutive periods; thereafter, tap sampling frequency may be reduced pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) as follows:

(1) If a system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper for two consecutive periods, it may reduce the sampling to once every three years at the reduced number of sites;

(2) For systems that do not meet the criteria in paragraph (1), after two consecutive periods with no action level exceedance, the frequency may be reduced to annually at the reduced number of sites, if the system receives written approval from the Department based on its review of the system’s data. After sampling for three years (including the initial sampling year) with no action level exceedance, the frequency may be reduced to once every three years at the reduced number of sites, if the system receives written approval from the Department.

(b) If a system demonstrates for two consecutive periods that the difference between the 90th percentile tap sampling lead level and the highest source water monitoring result for each period is less than the reporting level for purposes of reporting (DLR), pursuant to subsections 64678(a), (b), and (c) or that the source water lead levels are below the method detection level of 0.001 mg/L and the 90th percentile lead level is equal to or less than the DLR for each period, the system shall conduct tap sampling once every three years.

## **CHAPTER 15. DOMESTIC WATER QUALITY AND MONITORING REGULATIONS**

### ***Article 18. Notification of Water Consumers and the State Board***

#### **§64463. General Public Notification Requirements.**

(b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board.

#### **§64463.4. Tier 2 Public Notice.**

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
  - (A) Where a Tier 1 public notice is required under section 64463.1; or
  - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

#### §64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "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 [*compliance period dates*], we [*'did not monitor or test'* or *'did not complete all monitoring or testing'*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-D. Health Effects Language  
Inorganic Contaminants.**

<b><i>Contaminant</i></b>	<b><i>Health Effects Language</i></b>
Copper	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time may experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years may suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Lead	Infants and children who drink water containing lead in excess of the action level may experience delays in their physical or mental development. Children may show slight deficits in attention span and learning abilities. Adults who drink this water over many years may develop kidney problems or high blood pressure.

§64469. Reporting Requirements.

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the State Board no later than the tenth day of the following month.

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

**APPENDIX 2. COMPLIANCE CERTIFICATION**

**Citation Number:** 02\_04\_16C\_010

**Name of Water System:** City of Martinez

**Water System Number:** 0710006

I certify that I provided notice of the lead and copper rule monitoring violation (22 CCR §64675) of 2015. I have taken the actions listed below.

<b>Required Action</b>	<b>Date Completed</b>
<i>(Citation Directive 2) Public Notification Method(s) Used:</i>	

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Water System Representative

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Date