

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

Public Water System: Self-Serve Petroleum

Water System №: 4800807

Attention: Mr. Tom Saberi, President
Self-Serve Petroleum
1045 AIRPORT BLVD
SOUTH SAN FRANCISCO CA 94080-1811

Issued: July 28, 2016

CITATION FOR NONCOMPLIANCE

Nitrate Primary Drinking Water Standard and Public Notification Rule

January through June 2016

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 (SDWA) (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270) and any regulation, standard, permit, or order adopted or issued under the Act.

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 Self-Serve Petroleum (SSP) for violation of CHSC Section 116555(a)(1) and California Code of Regulations (CCR), Title 22, Sections 64431, 64432.1, 64463.1, and 64469.

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

STATEMENT OF FACTS

Self-Serve Petroleum (SSP) is a transient noncommunity public water system. SSP must sample Well 1 for nitrate quarterly (22 CCR §64432.1) and must require the analytical laboratory to report the results electronically (22 CCR §64469). The Division did not receive nitrate sample data for the second quarter of 2016.

The nitrate maximum contaminant level (MCL) is 10 mg/L (as nitrogen). Sample data from Well 1 dated March 22, 2016 shows the nitrate concentration at 11 mg/L. Upon a single sample exceeding the nitrate MCL, SSP must collect a confirmation sample (22 CCR §64432.1). The Division did not receive confirmation sample data.

When the March 22, 2016 sample exceeded the MCL, and SSP did not collect a confirmation sample within 24 hours, SSP was required to notify water users of the violation within 24 hours (22 CCR §64432.1). SSP must provide the Division a copy of public notices for review prior to posting (22 CCR §64463). After posting a public notice, SSP must certify to the Division that it has done so and provide a copy of the posted notice (22 CCR §64469). The Division has not received notices or certification of posting from SSP for the nitrate MCL violation.

DETERMINATIONS

- SSP violated 22 CCR Sections 64432.1 and 64469 during the second calendar quarter of 2016 by failing to sample for nitrate and report nitrate sample data.
- SSP violated 22 CCR Section 64432.1 during the first calendar quarter of 2016 by failing to collect a confirmation sample for nitrate after a single sample exceeded the nitrate MCL.
- SSP violated 22 CCR Sections 64431 and 64432.1 during the first and second calendar quarters of 2016 by delivering water exceeding the primary drinking water standard for nitrate.
- SSP continues to violate 22 CCR Sections 64432.1 and 64463.1 by failing to notify water users of the nitrate MCL violation. This violation has continued since March 24, 2016.

PENALTY

Pursuant to CHSC §116650, the State Board assesses SSP the following penalties:

- \$100 for failing to sample for nitrate during each of the first and second calendar quarters of 2016. This totals \$200.
- \$100 for delivering water that exceeds the primary drinking water standard for nitrate during the first and second calendar quarters of 2016. This totals \$200.
- \$1 per day for failing to notify water users of the nitrate MCL violation since March 24, 2016. This totals \$126.

The State Board assesses SSP a penalty in the total amount of **\$526**. Pay this penalty according to Directive 4 of this citation.

DIRECTIVES

The State Board directs SSP to take the following actions:

1. Comply with 22 CCR Section 64432.1 in all future monitoring periods by sampling Well 1 quarterly for nitrate. **Collect the next sample by September 30, 2016, and require your lab to report the results to the Division by October 10, 2016.**
2. Take action to deliver water that meets the nitrate primary drinking water standard.
 - a) Develop a written plan for physically changing the SSP water system in order to meet the nitrate primary drinking water standard. **Send the plan to the Division by October 10, 2016.** The plan, and any amendment to the plan, is subject to Division approval.
 - b) The plan must select a source change or treatment with a best available technology.
 - c) The plan must include a schedule, including any appropriate milestones, for meeting the nitrate primary drinking water standard. The schedule must result in compliance with the nitrate standard no later than July 1, 2017.
 - d) Implement the Division-approved plan, adhering to the schedule in the plan.
 - e) By the tenth day of each calendar quarter (e.g., October 10, January 10, and so on), send the Division a report describing SSP's progress in implementing the Division-approved plan. If SSP anticipates that it will not meet any of the milestones in the plan, notify the Division at least 10 days before that milestone, including the reason for the delay.

3. Notify everyone served by SSP of the violations in conformance with 22 CCR §64463.1, and as follows:
 - a) Complete the Tier 1 public notice form in Attachment 2 to include the information required by 22 CCR §64465. Describe in the blank space provided on the attached Tier 1 notice form the actions you are taking to correct the violations.
 - b) Send the completed notice form to the Division for review.
 - c) **Provide the approved notice no later than July 29, 2016. Provide the notice by handing a copy to each employee at the water system and by posting the notice in conspicuous locations where visitors who use the water will see the notice.** Keep the notices in place for as long as the delivered water exceeds the nitrate MCL.
 - d) **Within 10 days of providing public notice, and by the tenth day of each calendar quarter thereafter, send the Division a written certification that you have provided the notice.** Include a copy of the notice. You may use the form in Attachment 3 to provide written certification. Continue providing written certification of public notice to the Division after each calendar quarter until the Division notifies you that your water meets the nitrate primary drinking water standard.

4. Submit to State Board by August 28, 2016 a check for the penalty of \$526. Write the citation number on the check. Make the check payable to the **State Water Resources Control Board**. Mail the check to:

SWRCB Accounting Office

ATTN: Drinking Water Program Fees

PO BOX 1888

SACRAMENTO CA 95812-1888

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 SSP of its obligation to meet the requirements of the California SDWA or any regulation, standard, permit or order issued or adopted under the Act.

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

Stefan Cajina, P.E., Chief

SWRCB Division of Drinking Water

850 Marina Bay Parkway, Bldg. P, 2nd Fl.

Richmond CA 94804-6403

PARTIES BOUND

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

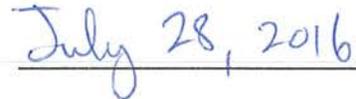
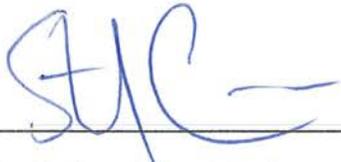
SEVERABILITY

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

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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to issue a citation with 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. 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 laws 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.



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

Date

Attachments (3):

- 1. Applicable Statutes And Regulations
- 2. Notification Template
- 3. Notification Certification Form

Certified Mail No.: 7015 1730 0000 9907 7312



ATTACHMENT 1. APPLICABLE STATUTES AND REGULATIONS FOR

Violations of the Nitrate Primary Drinking Water Standard and Public Notification 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

§64431. Maximum Contaminant Levels – Inorganic Chemicals.

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Nitrate (as nitrogen)	10.

§64432.1. Monitoring and Compliance – Nitrate and Nitrite.

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.

(C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

(2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling.

§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.

§64463.1. Tier 1 Public Notice.

(a) A water system shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

(b) As soon as possible within 24 hours after learning of any of the violations in subsection (a) or being notified by the State Board that it has determined there is a potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or (6)], the water system shall:

(1) Give public notice pursuant to this section;
(2) Initiate consultation with the State Board within the same timeframe; and
(3) Comply with any additional public notice requirements that are determined by the consultation to be necessary to protect public health.

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

(1) Radio or television;
(2) Posting in conspicuous locations throughout the area served by the water system;
(3) Hand delivery to persons served by the water system; or
(4) Other method approved by the State Board, based on the method's ability to inform water system users.

§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.**

<i>Contaminant</i>	<i>Health Effects Language</i>
Nitrate	Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant’s blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

§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.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING

Self-Serve Petroleum water has high levels of nitrate

DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA

Water sample results received March 22, 2016 showed nitrate levels of 11 milligrams per liter. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We will collect a confirmation sample to verify the nitrate concentration.

If the nitrate concentration in water is confirmed to be above the drinking water standard, we will begin treating the water to remove nitrate.

For more information, please contact:

Name: _____

Phone number: _____

Address: _____

Please share this information with all the other people who drink this water, especially those who may not have received this 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.

Notice distributed: April 13, 2016

By Self-Serve Petroleum. Public Water System No. 4800807.

INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

ADVERTENCIA SOBRE EL AGUA POTABLE

El agua de Self-Serve Petroleum tiene altos niveles de nitratos

NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES O A MUJERES EMBARAZADAS. TAMPOCO USE ÉSTA AGUA PARA PREPARAR FORMULA INFANTIL

Los resultados de las pruebas del agua recibidas el 22.3.2016 mostraron niveles de nitrato de 11 miligramos por litro. Estos niveles exceden el estándar o nivel máximo de contaminante (MCL) de 10 miligramos por litro. Los nitratos en el agua potable son una preocupación seria en bebés menores de seis meses.

¿Qué debe hacer?

- **NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES.** *Los bebés menores de 6 meses que toman agua con nitrato en exceso del nivel máximo de contaminante (MCL), se pueden enfermar seriamente y rápidamente. Y si los bebés no reciben atención médica, pueden morir debido a que los altos niveles de nitratos pueden interferir con la capacidad de la sangre de los bebés para transportar oxígeno. Los síntomas incluyen falta de aire y coloración azulada de la piel. Los síntomas en los bebés se pueden desarrollar rápidamente y la salud se deteriora en cuestión de días. Si hay síntomas de intoxicación por altos niveles de nitratos, busque atención médica de inmediato.*
- **LAS MUJERES EMBARAZADAS NO DEBEN CONSUMIR AGUA CON ALTOS NIVELES DE NITRATOS.** *Los altos niveles de nitrato también pueden afectar la capacidad de la sangre de mujeres embarazadas para transportar oxígeno.*
- No use agua de la llave para preparar jugo, agua, y formula para bebés menores de 6 meses. Use agua embotellada u otra agua baja en nitratos para los bebés menores de 6 meses hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar reposar el agua, no reduce el nivel de nitratos. Hervir el agua en exceso puede causar que los nitratos se concentren más, porque los nitratos se quedan cuando el agua se evapora.
- Si tiene otros problemas de salud por el consumo de ésta agua, usted debería consultar con su doctor.

¿Qué sucedió? ¿Qué se está haciendo al respecto?

El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agrícolas (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

Para más información, por favor contacte:

Nombre: _____

Número de teléfono: _____

Dirección: _____

Este aviso es enviado por Self-Serve Petroleum.

Núm. de Identificación del Sistema Estatal de Agua: 4800807.

Fecha de distribución: _____.

ATTACHMENT 3. COMPLIANCE CERTIFICATION

Citation Number: 02-04-16C-012

Name of Water System: Self-Serve Petroleum

Water System Number: 4800807

I certify that I notified everyone who uses water from Self-Serve Petroleum Dixon of the violation of 22 CCR §64432.1 for the compliance periods of Q1 and Q2 2016. I have taken the required actions listed below.

Required Action	Date Completed
<i>(Citation Directive 3) Public Notification Method(s) Used: _____</i>	
<i>(Citation Directive 4) Administrative penalty payment to the State Board</i>	

Water System Representative

Date