CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

January 17, 2017
Certified Mail/Return
7012 3460 0003 1112 7796

Encinal Elementary School
6484 Larkin Rd.
Live Oak, CA 95953

Attention: Michelle Smith, Principal

Subject: **Encinal Elementary School, Public Water System No. 5100172 – Citation No. 21-17C-003 for annual Consumer Confidence Report violation.**

The Encinal Elementary School (Water System) failed to provide proof to the Division of Drinking Water (Division) that the 2015 consumer confidence report was distributed to customers by July 1, 2016. Consequently, the Division hereby issues the enclosed Citation to the Water System.

Be advised that this citation imposes a civil penalty of $200.00.

Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the public water system for costs incurred for preparing and issuing a citation. Currently the hourly rate is approximately $165.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

R. Crenshaw

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

Citation No. 21-17C-003

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Public Water System: Encinal Elementary School

Water System No.: 5100172

To: Encinal Elementary School
Attn: Michelle Smith, Principal
6484 Larkin Rd.
Live Oak, CA 95953

Issued: January 17, 2017
VIA CERTIFIED MAIL

CITATION FOR NONCOMPLIANCE
With the California Health and Safety Code
Section 64483

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued thereunder.

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

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues a citation to Encinal Elementary School for failure to comply with Section 64483 of the California Code of Regulations (CCR).

APPLICABLE AUTHORITIES

See Attachment 'A' for Applicable Authorities

STATEMENT OF FACTS

The Encinal Elementary School (hereinafter, "System") is classified as a non-transient non-community water system serving approximately 60 people. The System is required to prepare and deliver an annual Consumer Confidence Report (hereinafter, "Report") to its consumers by July 1st of each year. In addition, the System is required to submit to the Division a copy of the Report and a certificate of the Report's distribution by October 1st of each year. As of the date of this citation, the Division has not received certification that the Report was prepared and delivered to its consumers.

DETERMINATIONS

The Division has determined that the System violated Section 64483, Title 22, of the CCR, in that it failed to submit certification of the Report's distribution to the Division by October 1, 2016.

ADMINISTRATIVE PENALTY

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a penalty for failure to comply with requirements of the California SDWA.

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
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For failure to submit certification of the Report's distribution to the Division by October 1, 2016, the Division hereby assesses the Water System a penalty of **$200.00.**

DIRECTIVES

The System is hereby directed to take the following action:

1. **Submit to the Division by February 17, 2017, a check for the penalty of $200.00 imposed by this Citation**. The citation number (21-17C-003) shall be written on the check. The check shall be made payable to the **California Division of Drinking Water – Safe Drinking Water Account** and mailed to the Board along with **Attachment 'B'** entitled "Notice of Citation Issuance."

2. The Water System shall provide public notification (by inclusion in the **2016 Consumer Confidence Report**) of the failure to submit certification of the Report's distribution to the Division by October 1, 2016.

3. Complete and return **Attachment 'C'** entitled "Compliance Certification" to the address listed below by **March 3, 2017**.

Reese B. Crenshaw, P. E.
Valley District Engineer
Drinking Water Field Operations
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002
(530) 224-4800

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Nothing in this Citation relieves the System of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), or any regulation, permit, standard or order issued or adopted thereunder.

The Division 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 effective upon issuance.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit 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 Board 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 Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Board. The Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

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

SEVERABILITY

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

1/17/2017

Date

Richard L. Hinrichs, P.E., Chief
Northern California Section
Division of Drinking Water
State Water Resources Control Board

Attachments:

Attachment 'A' – Applicable Authorities

Attachment 'B' – Notice of Citation Issuance

Attachment 'C' – Compliance Certification

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Attachment A

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states:

(a) If the division 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 division 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 division 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.

Section 64483, Title 22, of the CCR states in relevant part:

(a) No later than the date the water system is required to distribute the Consumer Confidence Report to its customers (July 1st), *each water system shall mail a copy of the report to the State Board, followed within 3 months* (October 1st) *by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the State Board.*

Attachment B

STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board

Notice of Citation Issuance

System Name: Encinal Elementary School

System Number: 5100172

Background Statement

During the month of January 2017, the Division of Drinking Water issued Citation Number 21-17C-003 to the Encinal Elementary School water system. The citation carried an administrative penalty in the amount of $200.00

Method of Payment

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **February 17, 2017**. The citation number shall be written on the check. The check shall be made payable to the **California Division of Drinking Water Safe Drinking Water Account** and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

Attachment C

COMPLIANCE CERTIFICATION

Citation Number: **21-17C-003**

Name of Water System: **Encinal Elementary School**

System Number: **5100172**

As required by Section 116450 of the California Health and Safety Code, I certify that the Encinal Elementary School water system complied with the directives of this citation as indicated below:

Required Action	Date Completed
Payment of $200.00 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 1	_____

_____ _____

Signature of Water System Representative Date

Attach a copy of the check for payment of the administrative penalty.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN MARCH 3, 2017

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than $25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.