

State of California—Health and Human Services Agency
Department of Health Services



DIANA M. BONTÁ, R.N., Dr. P.H.
 Director



GRAY DAVIS
 Governor

Mr. Larry Cain
 City Manager
 City of San Juan Bautista
 PO Box 1420
 San Juan Bautista, CA 95045

Post-It® Fax Note	7671	Date	9/3/02	# of pages	13
To	6675 Berkeley	From	Larry Cain		
Co./Dept.	San Francisco	Co.			
Phone #		Phone #			
Fax #	(510) 547-8208	Fax #	(831) 623-4093		

Dear Mr. Cain:

City of San Juan Bautista, System No. 3510002
Citation No. 02-05-02C-010 - Nitrate MCL Violation

Enclosed is a citation issued to City of San Juan Bautista, for failure to comply with Sections 64431(a) and 64432.1(a)(1), Title 22, California Code of Regulations, in June 2002.

The citation consists of four sections: Violation, Background, Directives, and Civil Penalty. The Violation section describes the regulations with which City of San Juan Bautista, has not complied. The Background section describes the events leading up to the issuance of the citation. The Directives section specifies what the water system needs to do to return to compliance. The Civil Penalty section describes fees to be assessed for failure to comply with the citation. No civil penalty is levied with the current citation.

If you have any questions regarding this matter, please call me at (831) 655-6933 or Jan Sweigert (831) 655-6934.

Sincerely,

Betsy S. Lichti, P.E.
 District Engineer, Monterey District
 DRINKING WATER FIELD OPERATIONS BRANCH

Certified Mail No. 7000-1530-0004-4777-4719

Enclosure

cc (w/ Citation): San Benito County Health Department



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
www.consumerenergycenter.org/flex/index.html

Northern California Drinking Water Field Operations Branch
 1 Lower Ragsdale, Building 1, Suite 120, Monterey, CA 93940-5741
 (831) 655-6939; Fax (831) 655-6944
 Internet Address: <http://www.dhs.ca.gov/ps/dcwern/>

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Citation No. 02-05-02C-010

**STATE OF CALIFORNIA
DEPARTMENT OF HEALTH SERVICES**

**RE: City of San Juan Bautista
System No: 3510002**

**To: Mr. Larry Cain, City Manager
City of San Juan Bautista
PO Box 1420
San Juan Bautista, CA 95045**

CITATION FOR NONCOMPLIANCE

**Nitrate Maximum Contaminant Level Failure
June 2002**

Chapter 4, Article 9, Section 116650, Part 1 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standards, permit or order issued thereunder.

Citation No. 02-05-02C-010

1 **Violation**

2

3 The Department hereby issues a citation to the City of San Juan Bautista for failure to
4 comply with Sections 64431(a) and 64432.1(a)(1), Title 22, California Code of Regulations.
5 Specifically, the City of San Juan Bautista (mailing address: PO Box 1420, San Juan
6 Bautista, CA 95045) in San Benito County failed to comply with the maximum contaminant
7 level (MCL) for nitrate during June 2002, and was not notified within 24 hours by the
8 laboratory which analyzed the sample.

9

10 In accordance with Section 116650 of the CHSC, the above violation is classified as a non-
11 continuing violation.

12

13 **Background**

14

15 City of San Juan Bautista Water System (City) is a community water system that provides
16 domestic water from groundwater to a population of 2,195. In the past, the City has had
17 three groundwater sources. All three wells discharge into a single transmission line which
18 supplies the distribution system, such that Well 3 is the source furthest upstream from the
19 distribution system, and Well 1 discharges into the line closest to the entry point to the
20 distribution system. The reservoir is filled from the distribution system. There is a small
21 trailer park on the transmission line downstream of the point that Well 3 discharges into the
22 line and upstream of the point that Well 2 connects to the line, and at least one other user
23 upstream of where Well 1 discharges into the line.

24

25 Until recently, Well 3 had not been used due to a history of high nitrate concentrations above
26 the MCL. Well 1 had not been used since the early 1990s because it is a shallow well, and

27

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1 did not have an annular seal. The City has used Well 2 as the only source of water for the
2 water system.

3

4 In January 2002, a new pump was installed on Well 2 to replace a malfunctioning pump. The
5 new pump had significantly less capacity than the previous pump. During the repairs to Well
6 2, Well 3 was used with the Department's permission to supply water to the City. Frequent
7 testing before and during the period of operation in January 2002 showed nitrates consistently
8 between 18 and 26 mg/L.

9

10 During the spring of 2002, the City notified the Department that they had insufficient source
11 capacity to meet high demand periods because of the undersized pump that was installed on
12 Well 2 in January 2002. At that time, the City requested permission to use Well 3 as needed to
13 avoid water outages. The Department gave verbal approval with the requirement to monitor
14 monthly for nitrate. The City also notified the Department that they were starting design and
15 construction of upgrades to Well 1, a City well that had been taken out of service in the early
16 1990s due to the lack of an annular seal.

17

18 The City reported to the Department on May 20, 2002, that a water sample taken on April 29,
19 2002, had a result of 65 mg/L. Well 3 had not been online at the time of the sampling and no
20 public notification was required. The City also reported that a sample taken on May 19, 2002
21 had a result of 29 mg/L. However, a review of nitrate data submitted electronically to the
22 Department, conducted as part of the preparation of this citation, showed that another sample
23 last spring, taken on May 10, 2002, had a result of 61 mg/L. The Department was never
24 notified of this sample result. Three additional samples collected between May 24, 2002 and
25 June 7, 2002 all showed results below 30 mg/L.

26

27



Citation No. 02-05-02C-010

1 The City notified the Department late in the afternoon on July 3 that they had been using Well
2 3 periodically to meet peak demand periods, and that a nitrate sample taken on June 25, 2002
3 had a result of 63 mg/L, which exceeded the MCL of 45 mg/L. The well had been used daily
4 between June 25, 2002 and July 3, 2002. The laboratory did not notify the City of the sample
5 results until July 3.

6
7 At the Department's direction, public notification regarding the presence of high nitrates in the
8 drinking water was initiated, with restaurants and motels notified on July 3 and residents
9 notified door-to-door on July 4. At the time the City was directed to initiate public
10 notification, it was late on July 3 and nearly all of the City employees had left for the 4th of
11 July holiday. The City had to rely on volunteer help to complete the public notification
12 process.

13
14 The City completed the upgrades and required testing of Well 1, and began using it as a source
15 on July 19. At that time, the Department gave the City permission to cancel the Notification of
16 High Nitrate in the Water that had been issued on July 3. However, the City planned to
17 upgrade the capacity of Well 2 in August 2002, and chose to keep the notification in place, in
18 case Well 3 would be needed to meet peak demands during the time Well 2 was out of service
19 for maintenance. The Well 2 maintenance was completed on August 7, and after disinfecting
20 and testing for coliform, the City returned Well 2 to service on August 13, 2002.

21
22 During the period from July 3, 2002 to July 16, 2002, when Well 3 was used routinely to meet
23 peak demands, the City routinely tested Well 3 and the reservoir to monitor the nitrate level of
24 the water being served to the customers. During that period, the water from Well 3 exceeded
25 the MCL once, on July 15, 2002, with a result of 54 mg/L. The results of monitoring the water
26 in the reservoir showed the nitrate levels in the distribution system during that period were

27

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1 below the MCL, with a range of 25 to 30 mg/L. A summary of all nitrate monitoring of Well 3
2 from December 2001 to date is enclosed.

3

4 **Directives**

5

6 City of San Juan Bautista Water System is hereby directed to take the following actions:

7

- 8 1. The City shall make an evaluation of it's ability to meet average and peak water
9 demands given current storage and source capacity. The evaluation should use
10 current pump capacities for Wells 1 and 2, and include analyses that assume (1)
11 both Wells 1 and 2 available, (2) Well 1 offline for routine or emergency
12 maintenance, and (3) Well 2 offline for routine or emergency maintenance. The
13 evaluation should also include a 5-year projection of average and peak demands.
14 The evaluation must be submitted to the Department by September 30, 2002.
- 15
- 16 2. As part of the evaluation required in Item #1, the City shall identify alternatives
17 which will be pursued in the event that, under any analysis, it is found that source
18 capacity is inadequate to meet peak water demand conditions.
- 19
- 20 *done* 3. The City shall conduct a quarterly nitrate profile test on Well 3 to determine how
21 the nitrate concentrations in the groundwater vary with length of time the well is in
22 operation. This information shall be submitted quarterly to the Department in hard
23 copy, and as a graph of concentrations versus time of pump run. The first quarterly
24 cycle test for Well 3 must be completed by September 30, 2002, and the results
25 submitted to the Department by October 10, 2002.

26

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- 1 4. The City shall submit an Operations Plan for Well 3 to the Department for review
2 and approval by September 30, 2002. The Plan shall include all operations
3 (including pumping to waste), monitoring and public notification procedures (if
4 necessary) that will be implemented prior to and during any period of time when
5 the City must bring Well 3 online as a water supply source.
- 6
- 7 5. The City must complete a new Emergency Notification Plan (ENP), that describes
8 how notification will be completed in the event of a drinking water emergency.
9 The ENP must describe how all users would be notified in a timely manner, and
10 who would perform the notification, both during regular business hours and during
11 weekends, nights, and holidays. The ENP must include a description of how
12 employees are notified and called in to assist during an emergency. The ENP must
13 be submitted to the Department by September 30, 2002. A blank ENP is enclosed
14 for your convenience.
- 15
- 16 6. The City shall conduct daily sampling for nitrate at the following locations at all
17 times that Well 3 is in operation: in the Well 3 discharge line prior to any
18 treatment, in the distribution system, and in the reservoir. The results shall be
19 faxed to the Department within 24 hours after they have been received by the water
20 system.
- 21
- 22 7. The City shall require the laboratory to notify the water system within 24 hours,
23 whenever the level of nitrate in any single sample exceeds the MCL, and the City
24 shall notify the Department within 24 hours of notification by the laboratory of a
25 sample exceeding the nitrate MCL. The City must also require the laboratory to
26 notify the Department immediately if they are unable to contact the City or its
27

Citation No. 02-05-02C-010

1 representatives within 24 hours, whenever the level of nitrate in any single sample
2 exceeds the MCL.

3
4 8. The City shall notify water users that the concentration of nitrate in the untreated
5 water violates the State MCL, using the mandatory language in both English and
6 Spanish, by hand delivery within 24 hours whenever nitrates in the drinking water
7 exceeds 45 mg/L. In addition, the City shall make every effort to ensure that all
8 students, renters, employees and customers are notified of high nitrate in the
9 drinking water whenever required notification of high nitrate is provided to
10 schools, businesses, property managers and businesses.

11
12 9. The City shall provide a Proof of Notification, which certifies how and when the
13 initial public notification of high nitrates and notification of cancellation were
14 conducted during July 2002, to the Department by September 15, 2002. A copy of
15 the cancellation notice must be attached. A copy of the initial public notification
16 provided to the water users was previously submitted to the Department on July 5,
17 2002. A Proof of Notification Form is enclosed for your use.

18
19 10. The City shall provide Proof of Notification to the Department within 14 days of
20 any notification of water users pursuant to item #10.

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23
24 All submittals required by this Citation shall be submitted to the Department at the following
25 address:
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Betsy Lichti, P.E.
District Engineer, Monterey District
Department of Health Services
Drinking Water Field Operations Branch
1 Lower Ragsdale, Building 1, Suite 120
Monterey, CA 93940

Civil Penalty

Section 116650(e)(1), H&SC, states that for a failure to comply with a primary drinking water standard, the Department can assess an amount not to exceed one thousand dollars (\$1,000) per day for each day the violation continues beyond the date specified for correction in the citation. Failure to comply with the directives of this citation, or repeat of the same violation within the next 12 months, may result in the Department imposing an administrative penalty not to exceed one thousand dollars (\$1,000) for each day of violation of any directive of this citation.

August 30, 2002

Betsy Lichti

Date

Betsy Lichti, P.E.

District Engineer, Monterey District

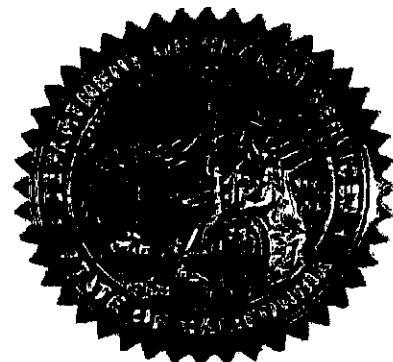
Drinking Water Field Operations Branch

Certified Mail No. 7000-1530-0004-4777-4719

Enclosures

cc: San Benito County Health Department

2002.07.23 NO3 MCL Citation-SJ Bautista.doc



Citation No. 02-05-02C-010

PROOF OF NOTIFICATION

Citation Number 02-05-02C-010

City of San Juan Bautista

System Number: 3510002

Certification

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the City of San Juan Bautista Water System of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of June 2002 and July 2002 as indicated below:

Required Action	Date Completed
1. Initial Public Notification -- Hand Delivery	
2. Cancellation Notification (please attach a written description and copy of cancellation notification)	

Signature of Water System Representative

Date

A copy of the public notification was submitted to the Department on July 5, 2002.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

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.

City of San Juan Bautista - #3510002
Well 3 Nitrate Monitoring Results Since December 2001

11/2/2001	15	mg/L
12/4/2001	26	mg/L
12/14/2001	25	mg/L
12/14/2001	22	mg/L
12/20/2001	18	mg/L
12/20/2001	22	mg/L
12/20/2001	23	mg/L
12/20/2001	23	mg/L
12/20/2001	24	mg/L
12/20/2001	24	mg/L
12/20/2001	24	mg/L
1/2/2002	18	mg/L
1/23/2002	24	mg/L
1/24/2002	23	mg/L
1/25/2002	24	mg/L
1/26/2002	31	mg/L
1/27/2002	25	mg/L
1/28/2002	25	mg/L
1/29/2002	25	mg/L
2/4/2002	25	mg/L
3/22/2002	22	mg/L
4/29/2002	65	mg/L
5/10/2002	61	mg/L
5/19/2002	29	mg/L
5/24/2002	27	mg/L
6/5/2002	23	mg/L
6/7/2002	31	mg/L
6/25/2002	63	mg/L
7/1/2002	36	mg/L
7/3/2002	28	mg/L
7/12/2002	32	mg/L
7/13/2002	42	mg/L
7/14/2002	36	mg/L
7/15/2002	54	mg/L
7/16/2002	28	mg/L
8/23/2002	60	mg/L

State Department of Health Services
 Drinking Water Field Operations Branch
 1 Lower Ragsdale, Building 1, Suite 120
 Monterey, CA 93940-5741
 (831) 655-6939 Fax: (831) 655-8944

WATER QUALITY EMERGENCY NOTIFICATION PLAN

Name of System/Utility: City of San Juan Bautista System No.: 3510002

Service Area: _____

The following persons have been designated to implement the plan upon notification by the State Department of Health Services that an imminent danger to the health of the water users exists:

	<u>Name</u>	<u>Title</u>	<u>Telephone</u>	
			<u>Day</u>	<u>Evening</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

The implementation of the plan will be carried out with the following State and County Health Department personnel:

	<u>Name</u>	<u>Title</u>	<u>Telephone</u>	
			<u>Day</u>	<u>Evening</u>
1.	Betsy Lichti	District Engineer, DHS	831-655-6933	831-595-0058
2.	Jan Sweigert	Associate Sanitary Engineer, DHS	831-655-6934	831-655-3423
3.	Robert Shingai	San Benito County Environmental Health Depart.	831-636-4035	831-665-9396

If the above personnel cannot be reached, contact:

Office of Emergency Services (24 hrs) at (800) 852-7550 or (916) 262-1621

Notification Plan

On the attached sheet, describe methods or combinations of methods to be used (door-to-door, phone, etc.) For each section of your plan, give an estimate of the time required, necessary personnel estimated coverage, etc. Consideration must be given to non-English speaking groups, persons not home during the day, and outlying water users. Please attach additional pages as needed.

WATER QUALITY EMERGENCY NOTIFICATION PLAN (See Section 116450 below):

Please describe your water system's plan for emergency notification to all water users:

Date: _____

Report prepared by:

(Signature & title)

Name of utility or water system:
