



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## State Water Resources Control Board

Division of Drinking Water

February 5, 2020

System No. 3500509

Edward Schmidt  
Board President  
Tres Pinos County Water District  
PO Box 1001  
Tres Pinos, CA 95075  
[trespinoscwd@razzolink.com](mailto:trespinoscwd@razzolink.com)

Dear Mr. Schmidt:

### **COMPLIANCE ORDER NO. 02\_05\_20R\_002 MORATORIUM ON ADDING NEW SERVICE CONNECTIONS**

Enclosed is Compliance Order No. 02\_05\_20R\_002 issued to Tres Pinos County Water District public water system.

Tres Pinos County Water District will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

Tres Pinos County Water District will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Tres Pinos County Water District for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Jonathan Weinger of my staff at (831) 655-6932 or me at (831) 655-6939.

Sincerely,



Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office  
Northern California Field Operations Branch  
Division of Drinking Water

Enclosures

Certified Mail No. 7008 1830 0004 5435 1780

cc: San Benito County Environmental Health Department

Mike Sargeant, Tres Pinos County Water District [msargeant7@hotmail.com](mailto:msargeant7@hotmail.com)

Chris Hauge, Bracewell Engineering [chris@bracewellengineering.com](mailto:chris@bracewellengineering.com)

Harry Mavrogenes, Director, San Benito County Resources Management Agency  
[HMavrogenes@cosb.us](mailto:HMavrogenes@cosb.us)

Gary Lepori, Assistant Director, San Benito County Resources Management Agency  
[GLepori@cosb.us](mailto:GLepori@cosb.us)

Bill Nicholson, Executive Officer, San Benito County LAFCO [BNicholson@cosb.us](mailto:BNicholson@cosb.us)

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

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

**Name of Public Water System:** Tres Pinos County Water District

**Water System No:** 3500509

**Attention:** Edward Schmidt, President  
Tres Pinos County Water District  
PO Box 1001  
Tres Pinos, CA 95075

**Issued:** February 5, 2020

**MORATORIUM ON ADDING NEW SERVICE CONNECTIONS DUE TO  
NONCOMPLIANCE WITH  
SOURCE AND STORAGE CAPACITY REQUIREMENTS  
CALIFORNIA CODE OF REGULATIONS  
TITLE 22, SECTION 64554(a) and**

**VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 116555(a)(3)**

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing

1 with Section 116270), or any regulation, standard, permit, or order issued or adopted  
2 thereunder.

3  
4 The State Water Board, acting by and through its Division of Drinking Water (hereinafter  
5 “Division”) and the Deputy Director for the Division, hereby issues Compliance Order No.  
6 02\_05\_20R\_002 (hereinafter “Order”) pursuant to Section 116655 of the CHSC to Tres  
7 Pinos County Water District (hereinafter “Tres Pinos CWD”) for violation of CHSC,  
8 Section 116555 (a)(3) and California Code of Regulations (hereinafter “CCR”), Title 22,  
9 Section 64554(a).

10  
11 **STATEMENT OF FACTS**

12 Tres Pinos CWD is classified as a community water system and serves a population of  
13 approximately 350 individuals through 113 service connections. Tres Pinos CWD uses  
14 one active groundwater well, identified as Well 01, with wellhead chlorination. Storage is  
15 provided by one steel gravity storage tank with a capacity of 50,000 gallons.

16  
17 The State Water Board previously issued Compliance Order No. 02\_05\_17R\_002, dated  
18 August 3, 2017, for failure to comply with source and storage capacity requirements,  
19 specifically CCR, Title 22, Section 64554(a) and (b). Compliance Order No.  
20 02\_05\_17R\_002 required Tres Pinos CWD to complete a source capacity planning study,  
21 Well 01 well capacity study, and identify and complete projects that increase the water  
22 system’s source and storage capacity to comply with CCR, Title 22, Section 64554 (a) no  
23 later than December 31, 2019. To date, Tres Pinos CWD has not completed a source  
24 capacity planning study, but has stated their intent to construct a new well and new  
25 storage tank to bring the water system to compliance with CCR, Title 22, Section 64554  
26 (a) and has provided quarterly updates. However, Tres Pinos CWD has not provided  
27 preliminary plans or shown other progress towards completion on either project to date.

**DETERMINATION**

The State Water Board has determined that Tres Pinos CWD cannot ensure that it can provide an adequate and reliable supply of water pursuant to CHSC, Section 116555 (a)(3) and cannot comply with source and storage capacity requirements specified in CCR, Title 22, Section 64554 (a).

**DIRECTIVES**

Tres Pinos County Water District is hereby directed to take the following actions:

1. Effective immediately upon its receipt of this Order, Tres Pinos CWD must not make any additional service connections to its water system, including any such service connections for which a “will serve” letter was issued at any time by Tres Pinos CWD, but for which a building permit was not issued prior to the date of this Order. As used in this Order, “will serve” letter means any form of notice, representation or agreement that Tres Pinos CWD will supply water to a property, parcel or structure. This Directive will remain in place until Tres Pinos CWD has complied with the requirements in this Compliance Order and received a determination from the State Water Board that the water system has returned to compliance.
2. On or before **March 20, 2020**, meet with the State Water Board in person at 1 Lower Ragsdale Drive, Building 1, Suite 120, Monterey, California to present an updated compliance action plan (CAP) for approval by the State Water Board. The CAP shall:
  - (a) Identify capital improvement projects that will return Tres Pinos CWD to compliance with source and storage capacity requirements

(b) Identify significant milestones required to complete the capital improvement projects and include a schedule with dates for completion of each project milestone.

(c) Show a completion date no later than **March 30, 2022**, to comply with source and storage capacity requirements specified in CCR, Title 22, Section 64554(a).

2. No later than **March 30, 2022**, complete construction on a new water source and new storage tank with capacities capable of meeting the source and storage requirements of CCR, Title 22, Section 64554 (a). Tres Pinos CWD’s existing steel storage tank is in poor overall condition and must be rehabilitated or replaced by this date.

4. On or before **July 10, 2020** and every three months thereafter, submit a progress report to the State Water Board showing actions taken during the previous calendar three months to comply with this Order. For each milestone addressed in the quarterly progress report, describe the progress made during the past three months, specify if the milestone was completed and if not completed, provide an estimated date of completion. Progress report submission due dates are as follows:

Calendar Quarter	Progress Report Due date
1 <sup>st</sup> Quarter: January 1 – March 31	April 10
2 <sup>nd</sup> Quarter: April 1 – June 30	July 10
3 <sup>rd</sup> Quarter: July 1 – September 30	October 10
4 <sup>th</sup> Quarter: October 1 – December 31	January 10

All submittals required by this Order shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals

1 corresponding to this Order shall include the following information: Water System name  
2 and number, order number and title of the document being submitted.

3  
4 Jan Sweigert, P.E.  
5 District Engineer, Monterey District Office  
6 [Dwpdist05@waterboards.ca.gov](mailto:Dwpdist05@waterboards.ca.gov)  
7

8 The State Water Board reserves the right to make such modifications to this Order as it  
9 may deem necessary to protect public health and safety. Such modifications may be  
10 issued as amendments to this Order and shall be effective upon issuance.  
11

12 Nothing in this Order relieves Tres Pinos CWD of its obligation to meet the requirements  
13 of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with  
14 Section 116270), or any regulation, standard, permit or order issued or adopted  
15 thereunder.  
16

#### 17 **PARTIES BOUND**

18 This Order shall apply to and be binding upon Tres Pinos CWD its owners, shareholders,  
19 officers, directors, agents, employees, contractors, successors, and assignees.  
20

#### 21 **SEVERABILITY**

22 The directives of this Order are severable, and Tres Pinos CWD must comply with each  
23 and every provision thereof notwithstanding the effectiveness of any provision.  
24

#### 25 **FURTHER ENFORCEMENT ACTION**

26 The California SDWA authorizes the State Water Board to: issue a citation or order with  
27 assessment of administrative penalties to a public water system for violation or continued  
28 violation of the requirements of the California SDWA or any regulation, permit, standard,  
29 citation, or order issued or adopted thereunder including, but not limited to, failure to



1 correct a violation identified in a citation or compliance order. The California SDWA also  
2 authorizes the State Water Board to take action to suspend or revoke a permit that has  
3 been issued to a public water system if the public water system has violated applicable  
4 law or regulations or has failed to comply with an order of the State Water Board, and to  
5 petition the superior court to take various enforcement measures against a public water  
6 system that has failed to comply with an order of the State Water Board. The State Water  
7 Board does not waive any further enforcement action by issuance of this Compliance  
8 Order.

9  
10 

11 \_\_\_\_\_  
12 Stefan Cajina, P.E., Chief  
13 North Coastal Section  
14 State Water Resources Control Board  
15 Division of Drinking Water

February 5, 2020

Date



16  
17  
18 Certified Mail No. 7008 1830 0004 5435 1780