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Via Certified Mailing - Return Receipt

February 23, 2011

Rod Huls, General Manager
Bodega Bay Public Utility District
265 Doran Park Road
P.O. Box 70
Bodega Bay, CA 94923

John S. Locey, P.E., President
and Registered Agent for Service
Brelje & Race Consulting Civil Engineers
475 Aviation Boulevard, Suite 120
Santa Rosa, CA 95403

Re: Notice of Violations and Intent to File Suit Under the Safe Drinking Water Act

Dear Mr. Huls and Mr. Locey:

NOTICE

The Safe Drinking Water Act (“SDWA” or “Act”) Section 300j-8(b)(1)(A) requires that sixty (60) days prior to the initiation of a civil action under SDWA § 300j-8(a)(1), 42 U.S.C. § 1449(a)(1), a citizen must give notice of the intent to sue to the alleged violator and applicable federal and state authorities, as well as in the case of a corporation, its registered agent in California.

Northern California River Watch (“River Watch”) hereby gives notice to Bodega Bay Public Utility District and Brelje & Race Consulting Civil Engineers (hereafter, collectively “BBPUD,”) that following the expiration of sixty (60) days from the date of receipt of this Notice, River Watch will be entitled to bring suit in the United States District Court against BBPUD for violations of requirements prescribed by or under the SDWA including but not limited to: noncompliance with maximum contaminant levels (“MCLs”) issued under the SDWA, including but not limited to SDWA § 300g-1, 42 U.S.C. § 1412 and the Code of Federal Regulations, as exemplified by the incidents of

non-compliance identified and outlined in this Notice; failure to properly monitor water quality delivered to end-users; and, failure to comply with the Lead and Copper Rule.

The SDWA requires that any Notice regarding an alleged violation of any requirement proscribed by or under the Act shall include sufficient information to permit the recipient to identify the following:

1. *The specific requirement alleged to have been violated.*

In addition to the narrative below, River Watch identifies the results of “All Source Chemical Monitoring” obtained from the California Department of Public Health’s Division of Drinking Water and Environmental Management identifying non-compliance with SDWA MCLs at specific BBPUD source wells in violation of the SDWA’s regulation of the maximum permissible level of a contaminant in water delivered to any user of a public water, pursuant to SDWA § 300g-1, 42 U.S.C. § 1412.

2. *The activity alleged to constitute a violation.*

River Watch has set forth narratives below describing “positive” detections above the MCL as the activity constituting SDWA violations, and describing with particularity specific incidents which are reported in a public report and other public documents in BBPUD’s possession or otherwise available to BBPUD. In a review of the records of the BBPUD, River Watch could find no evidence that BBPUD has complied with the Lead and Copper Rule or, that BBPUD has determined the quality of the water it delivers to the end-users. River Watch incorporates by reference the records cited below from which descriptions of specific incidents were obtained.

3. *The person or persons responsible for the alleged violation.*

The person or persons responsible for the alleged violations are Brelje & Race Consulting Civil Engineers as operators or partial operators of the facilities identified herein and the Bodega Bay Public Utility District as owners and partial operators of said facilities. The parties are identified individually herein and collectively as “BBPUD.” This Notice includes both named entities as well as all of their employees responsible for compliance with the SDWA and compliance with any applicable state and federal regulations and permits.

4. *The location of the alleged violation.*

The location or locations of the various violations are the locations identified in the permits of BBPUD and other documentation of its operations as well as Salmon Creek Well 01A, Salmon Creek Well 03, Bodega Dunes Well 04, Ropollo Well 03, and Ropollo Well 03A.

5. *The date or dates of violation or a reasonable range of dates during which the alleged activity occurred.*

River Watch has examined California Department of Public Health records. The range of dates covered by this Notice is from February 21, 2006 to February 21, 2011. River Watch will from time to time update this Notice to include all violations which occur after the range of dates covered by this Notice. Specific violations occurring on specific dates are listed herein. Some of the violations are continuous in nature such failure to comply with the Lead and Copper Rule or failure to monitor water quality at point of delivery; therefore, each day constitutes a violation.

6. *The full name, address, and telephone number of the person giving notice.*

The entity giving notice is Northern California River Watch, P.O. Box 817, Sebastopol, CA 95472, Telephone/Facsimile 707-824-4372, email: US@ncriverwatch.org which is referred to throughout this Notice as "River Watch." River Watch is a non-profit corporation organized under the laws of the State of California, dedicated to the protection and enhancement of the waters of the State of California including all rivers, creeks, streams and groundwater in Northern California.

River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be addressed to:

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BACKGROUND

SDWA, 42 U.S.C. §§ 300f to 300j-26, was enacted in 1974 to "assure that water supply systems serving the public meet minimum national standards for protection of public health." Safe Drinking Water Act, Legislative History, H.R. Rep. No. 93-1185 (1974), reprinted at 1974 U.S.C.C.A.N 6454. The Act authorizes the Environmental Protection Agency ("EPA") to "establish federal standards applicable to public water supplies for protection from harmful contaminants, and establish a joint federal-state system for assuring compliance with these standards and for protecting underground sources of drinking water." *Id.* at 6454-55.

Section 1412(b)(1)(A) of the SDWA requires the EPA to identify contaminants in public water supply systems that may have an adverse human health effect and for which regulation would present a “meaningful opportunity” for reduction of that health risk. 42 U.S.C. § 300g-1(b)(1)(A). For each of the contaminants identified under Section 1412(b)(1), Section 1412(b)(1)(E) requires the EPA to establish maximum containment level goals (“MCLGs”) and maximum contaminant levels (“MCLs”). 42 U.S.C. § 300g-1(b)(1)(E). A violation of the SDWA occurs when testing/monitoring indicates that the level of a contaminant in treated water is above the MCL. Private parties may bring citizens’ suits pursuant to 42 U.S.C. § 300j-8 to enforce violations of MCLs. River Watch contends that BBPUD is, among its other activities, a supplier of drinking water regulated under the SDWA and, as detailed in the most recent monitoring reports provided by the California Department of Public Health, violating the MCLs for iron and manganese. Additionally River Watch could find no record that BBPUD has ever complied with the Lead and Copper Rule or, that it has done any measurements of its water quality at the point of delivery.

VIOLATIONS

River Watch contends that between February 21, 2006 to February 21, 2011, BBPUD has violated the SDWA and the Code of Federal Regulations by failing to ensure the drinking water it supplies to its customers has met and continues to meet the standards required by law including but not limited to: MCLs for iron and manganese, compliance with the Lead and Copper Rule, and compliance with monitoring requirements obligating the supplier to confirm the compliance of the water quality at point of delivery. The violations listed below are derived from records publically available, or records in the possession and control of BBPUD.

<u>Violation Site</u>	<u>Description</u>
<u>Salmon Creek Well 01A</u>	<u>Iron</u> – MCL 300µ/l Monitoring Date - 11/05/09 Detection Level – 3,200µ/l <u>Manganese</u> – MCL 50µ/l Monitoring Date - 11/05/09 Detection Level – 590µ/l
<u>Salmon Creek Well 03</u>	<u>Iron</u> Monitoring Date – 04/26/06 Detection Level – 2,600µ/l Monitoring Date – 11/21/06 Detection Level – 2,800µ/l Monitoring Date – 12/13/06 Detection Level – 2,400µ/l

Monitoring Date – 01/11/07 Detection Level – 2,200µ/l

Monitoring Date – 03/29/07 Detection Level – 2,100µ/l

Monitoring Date – 04/18/07 Detection Level – 2,200µ/l

Monitoring Date – 12/26/07 Detection Level – 6, 800µ/l

Monitoring Date – 01/09/08 Detection Level – 2, 400µ/l

Monitoring Date – 02/20/08 Detection Level - 2,100µ/l

Monitoring Date – 04/22/09 Detection Level – 2,800µ/l

Monitoring Date – 05/07/09 Detection Level – 2,800µ/l

Monitoring Date – 11/24/09 Detection Level – 2,400µ/l

Monitoring Date – 01/27/10 Detection Level – 2,200µ/l

Monitoring Date – 02/25/10 Detection Level – 2,300µ/l

Monitoring Date – 03/31/10 Detection Level – 2,100µ/l

Monitoring Date – 05/19/10 Detection Level – 2,200µ/l

Monitoring Date – 11/17/10 Detection Level – 2,300µ/l

Monitoring Date – 12/08/10 Detection Level – 1,900µ/l

Manganese

Monitoring Date – 04/26/06 Detection Level – 390µ/l

Monitoring Date – 11/21/06 Detection Level – 230µ/l

Monitoring Date – 12/13/06 Detection Level – 380µ/l

Monitoring Date – 01/11/07 Detection Level – 330µ/l

Monitoring Date – 03/29/07 Detection Level – 320µ/l

Monitoring Date – 04/18/07 Detection Level – 250µ/l

Monitoring Date – 12/26/07 Detection Level – 540µ/l

Monitoring Date – 01/09/08 Detection Level – 500µ/l
Monitoring Date – 02/20/08 Detection Level – 370µ/l
Monitoring Date – 04/22/09 Detection Level – 480µ/l
Monitoring Date – 05/07/09 Detection Level – 480µ/l
Monitoring Date – 11/24/09 Detection Level – 450µ/l
Monitoring Date – 01/27/10 Detection Level – 390µ/l
Monitoring Date – 02/25/10 Detection Level – 350µ/l
Monitoring Date – 03/31/10 Detection Level – 350µ/l
Monitoring Date – 05/19/10 Detection Level – 370µ/l
Monitoring Date – 11/17/10 Detection Level – 360µ/l
Monitoring Date – 12/08/10 Detection Level - 330µ/l

Ropollo Well 03

Manganese

Monitoring Date – 10/10/07 Detection Level – 530µ/l

Ropollo Well 03A

Manganese

Monitoring Date – 04/08/09 Detection Level – 170µ/l

CONCLUSION

The violations set forth in this Notice effect the health and enjoyment of members of River Watch who reside and recreate in the affected community. Members of River Watch use the affected watersheds for domestic water supply and agricultural water supply. Their health, use and enjoyment of this natural resource is specifically impaired by BBPUD’s violations of the SDWA as set forth in this Notice.

River Watch believes this Notice sufficiently states grounds for filing suit. At the close of the 60-day notice period or shortly thereafter River Watch has cause to file a citizen’s suit under SDWA § 1449 against BBPUD for the violations of the SDWA identified and described in this Notice. During the 60-day notice period, River Watch is willing to discuss effective remedies for the violations identified in this Notice. However, if BBPUD wishes to pursue such discussions in the absence of litigation, it is suggested

those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when the notice period ends.

Very truly yours,


Jack Silver

JS:lhbm

cc: Administrator
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