

**State Water Resources Control Board**

Division of Drinking Water

January 3, 2017

Ms. Amy Irani, Director  
Nevada County Environmental Health Department  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

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Nevada County Community  
Development Agency

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Dear Ms. Irani:

Pursuant to Health and Safety Code, section 116271 (i), on July 1, 2014, the State Water Resources Control Board (hereinafter "State Board" or "Board") assumed the rights, obligations, liabilities and duties of the State Department of Public Health with respect to the Local Primacy Delegation Agreement (hereinafter "Agreement") entered into by the County of Nevada (hereinafter "County") and the State Department of Public Health for purposes of administering the California Safe Drinking Water Act. In accordance with section 4.01 of the Agreement, the State Board hereby amends the Agreement as further described below (hereinafter "Amendments"). Unless otherwise noted, all Amendments are effective as of **April 1, 2017**. The State Board has delegated to the Deputy Director for the Division of Drinking Water (Division) the authority to administer the local primacy delegation program for small water systems. (See State Board Resolution No. 2014-0029.)

**LPA Delegation Agreement Amendments**

**I. Renaming ARTICLE II. TERMS OF DELEGATION to "ARTICLE II. LPA PROGRAM REQUIREMENTS."**

**II. Amending Section 2.01 by:**

**A. Amending Section 2.01 (a) to read: Issuance.** The County shall cause the LPA to issue and maintain a valid drinking water permit ("Permit") for each public water system within the County's jurisdiction for which the State Board concurs that the permit may be issued as provided for in Health & Safety Code, section 116540 (b) (as amended by SB 1263 (2016)). The County shall cause the LPA to submit to the State Board a copy of each permit application for a new public water system and each technical report required by

Health & Safety Code, section 116527. The County shall prohibit the LPA from issuing a Permit to any public water system unless it has received written concurrence from the State Board to issue the Permit. The Permit must be issued in conformity with and include all terms and conditions set forth in the Safe Drinking Water Act and the Permit Manual on the Division's FTP website (<https://ftp.waterboards.ca.gov/WebInterface/login.html>), and on any successor website, (hereinafter FTP website). The State Board shall notify the County within three (3) business days of making any change to any requirement on the FTP website that is referenced in the Agreement or these Amendments with which the County is required to comply.

**B. Deleting Section 2.01 (d).**

**III. Amending Section 2.04 (e) to read:**

Monitoring and Review. Establish and maintain a system to ensure that each public water system under its jurisdiction: (A) Is in compliance with all applicable requirements of California Code of Regulations, Title 22; and (B) Submits all required water quality data electronically to the Board. The County shall be deemed to be in compliance with requirement (A) with regard to any public water system that is out of compliance so long as the County is taking appropriate and timely enforcement action as provided for in Section 2.07.

**IV. Amending Section 2.05 by deleting the existing introductory paragraph and subparagraphs (a) through (e), and adding the following subparagraphs:**

(a). The County shall cause the LPA to comply with the Board's instructions on the FTP website regarding issuance of unsafe water alerts, including, but not limited to, notifying the agencies identified in the document.

(b). The County shall cause the LPA to use: (1) SDWIS-State to report to the Division on or before 30 days after the last day of each calendar quarter each of those data elements in SDWIS-State that are being implemented by the Division; (2) SDWIS -State to report to the Division any additional data element within 90 days of being notified that the Division has implemented the additional element; and (3) any database that is a successor to SDWIS-State within 90 days of being notified that the Division has implemented the successor database as directed by the Board. The County shall cause the LPA to comply with all guidance on the Division's FTP SDWIS website (hereinafter "FTP- SDWIS website") relating to SDWIS-State data entry procedures and compliance management rules.

(c). The County shall cause the LPA to submit to the Board's Division of Information Technology an electronic PDF copy of each citation and each order issued by the LPA within 30 days of issuance and shall use the file naming convention and submission procedures that are provided on the FTP website.

(d). The County shall cause the LPA to submit to the Board an electronic copy of each pleading initiating a civil or criminal action that the County has filed or referred for filing against a public water system within 30 days of the later of the date of filing of the pleading or the date of receipt by the County of the pleading.

(e). The County shall cause the LPA to submit to the Board a written list of issued, amended, or renewed domestic water supply permits for each public water system under

the LPA regulatory jurisdiction electronically no later than 30 days after the last day of each calendar quarter. The list shall be in the format specified on the FTP website.

(f). The County shall cause the LPA to comply with all requests from the Board to issue an amended permit to public water systems regardless of whether the public water system submitted an application for an amended permit, provided that the Board has determined that the amended permit is necessary to protect public health.

(g). The County shall cause the LPA to make all reasonable effort to provide to the Board any communications it receives, including, but not limited to, reports of oral communications, relating to matters under the Board's authority that are not delegated to the LPA.

(h). The County shall cause the LPA to provide to the Board within five (5) business days all petitions for reconsideration as described in Health and Safety Code section 116701 that the LPA receives from public water systems, and shall not take any other action with regard to any petition for reconsideration.

**V. Amending Section 2.06 to read:**

Unless otherwise directed by the Board, the County shall cause the LPA to: (a) by March 1 of each calendar year, direct all public water systems under its jurisdiction to submit by April 1 of each calendar year to the DRINC website an electronic annual report (hereinafter "EAR"); (b) by June 1 of each calendar year review each EAR and, if complete, accept such EAR; (c) by June 15 of each calendar year notify each public water system that failed to submit a timely, complete EAR that the water system must submit a complete EAR by July 1; and (d) by July 15, issue a citation or compliance order to each public water system that has not submitted a complete EAR. The LPA shall comply with the FTP website's EAR guidance documents.

**VI. Amending Section 2.07 to read:**

The County shall cause the LPA to take appropriate and timely enforcement action against small public water systems in accordance with California Code of Regulations, Title 22, section 64258 and consistent with the Division's Staff Guide to Compliance and Enforcement on the Division's Enforcement webpage (<http://drinc.ca.gov/tgs/Login.aspx?ReturnUrl=Contact.aspx>).

**VII. Renaming ARTICLE III. LPA PROGRAM REQUIREMENTS to "ARTICLE III. LPA MANAGEMENT REQUIREMENTS."**

**VIII. Amending Section 3.01 to read:**

The County shall cause the LPA to submit as a part of its Annual Work Plan pursuant to section 2.02: 1) the proposed staffing level for the fiscal year; and 2) justification that will demonstrate the proposed staffing level will meet the requirements of the Agreement.

**IX. Amending Section 3.04 to read:**


The County shall cause the LPA to establish and maintain a time accounting system that provides an accurate record of all time spent by each LPA staff person in performing

public water system activities. Each entry in the time accounting system must include the following: date, staff identification, activity name/code, hours spent on activity.

The County shall notify the Division of Drinking Water no later than **10 working business days upon receipt** of this letter, stating whether the County accepts the terms and conditions of the Amendments and will implement all Amendments beginning on the effective date stated above. Failure to submit a timely notification may result in the State Board taking action to initiate a revocation of the Nevada County Local Primacy Delegation Agreement.

If you have any questions or concerns, please contact Wendy Killou at (916) 449-5158 or by email at [wendy.killou@waterboards.ca.gov](mailto:wendy.killou@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Darrin Polhemus". The signature is stylized and cursive, with a large loop at the end.

Darrin Polhemus, Deputy Director  
Division of Drinking Water

cc: Nevada County Board of Supervisors  
950 Maidu Ave.  
Nevada City, CA 95959

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