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GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

March 29, 2019

(Via email and Certified Mail)

**CERTIFIED MAIL
NO. 7018 0680 0000 1017 6922**

Mr. Raymond Mitchell
PO Box 376
1449 Springview Road
Santa Ysabel, California 92070
barbmitch@outlook.com

**SUBJECT: LETTER OF REPRIMAND: WATER DISTRIBUTION OPERATOR NO. 40900,
GRADE D1 – EXPIRED APRIL 1, 2018)**

Dear Mr. Mitchell:

FACTUAL BASIS FOR THE DISCIPLINARY ACTION

1. Mr. Raymond Mitchell (Mr. Mitchell) obtained an Interim drinking water distribution certification issued by American Water Works Association (AWWA)¹ between July 16, 2001, and January 1, 2007.
2. On April 1, 2012, Mr. Mitchell became a certified Grade 1 drinking water distribution operator (certificate No. 40900), which expired on April 1, 2018.
3. Mr. Mitchell worked in water operations for the Wynola Water District (District) Public Water System (No. 3701837) between 2002 and 2017 (approximately 15 years).
4. Mr. Mitchell had a lapse in his water distribution operator certificate from January 2, 2007, through March 31, 2012 (1,915 days). During this time, Mr. Mitchell worked as a water system distribution operator for the District. On October 15, 2011, while still uncertified, the District's Board of Directors appointed Mr. Mitchell as the "Certified Water Quality Operator" for the District.
5. Mr. Mitchell was assigned by the District Board in April 2012 as the position of Director of Water Quality, and he held that position until he resigned from the District on January 1, 2017.

¹ Interim certification from AWWA was offered to those operators that were not previously certified with the AWWA when the State took over the Distribution program in 2001. The interim certification could be renewed once in 2004 with a final expiration of January 1, 2007. This allowed the water system to be in compliance and gave their operators time to test and get fully certified.

6. The State Water Resources Control Board (State Water Board) Office of Enforcement (OE) received a complaint in the fall of 2017 from the County of San Diego regarding concerns related to the District's water distribution system operations and maintenance.
7. The OE conducted an investigation and concluded Mr. Mitchell, in addition to performing maintenance on the system, also performed water operations for the District as an uncertified operator for an extensive period. Evidence of Mr. Mitchell performing operations as an uncertified operator includes the following:
 - a. On July 22, 2009, by changing water meters (see Attachment 1 - Operations Report written by Ed Huffman, July 22, 2009 entry);
 - b. On February 1, 2012, by disinfecting a new pump (see Attachment 2 – Wynola Water District Well Maintenance Chlorination log prepared by Mr. Mitchell, February 1, 2012 entry); and,
 - c. Mr. Mitchell received payments from the District in 2011 during the lapse of time described in item 4 above when he did not hold a current operator certificate (see Attachment 3 – Form 700 Amendment for 2011 and Attachment 4 – Wynola Water District Profit and Loss July 2010 through June 2018, 2011 payments for Water Service Operations contractor).

STATUTORY AUTHORITY AND LIABILITY

Health and Safety Code section 106877(b) states, in relevant part:

“The state board may suspend, revoke, or refuse to grant or renew any water distribution system operator certificate to operate a water distribution system or may place on probation or reprimand the certificate holder upon any reasonable ground, including, but not limited to, any of the following:

... (3) The failure to use reasonable care of judgment in the operation of a water distribution system; and...”

ALLEGATION

The State Water Board has determined you violated Health and Safety Code section 106877, subdivision (b), by failing to use reasonable care and judgment in the operation of the Wynola Water District water distribution system. Specifically, the State Water Board is alleging that the failure to maintain a certification when acting as the certified operator for a water distribution system is a failure to use reasonable care. In addition, the failure to maintain a current operator certification while acting as a certified operator is a reasonable ground upon which this disciplinary action is based.

DISCIPLINARY ACTION

For reasons described above, you are hereby **REPRIMANDED**. The State Water Board Office of Operator certification will retain this Reprimand in your file, and it will be considered in the event you submit a renewal application. No action or response is required of you at this time. The Office of Operator Certification has notified us that your operator certificate expired on April 1, 2018, and it would normally be able to be renewed through April 1, 2019. If you to decide to apply to renew your distribution operator certificate before April 1, 2019, OE will recommend the Office of Operator Certification refuse the request.

Also, as a reminder, you are not allowed to work for the District or any other water system as a certified water distribution operator without a current certificate. In such case, the State Water Board reserves the right to take further enforcement action, including administrative civil liabilities.

If you have any questions regarding this matter, please contact Mr. Bryan Elder by telephone at (916) 327-8363 or by email at bryan.elder@waterboards.ca.gov.

Sincerely,



Eileen Sobeck
Executive Director

Attachment 1 – Operations Report written by Ed Huffman

Attachment 2 – Wynola Water District Well Maintenance Chlorination log

Attachment 3 – Form 700 Amendment for 2011

Attachment 4 – Wynola Water District Profit and Loss, July 2010 through June 2018

cc: See next page

cc: *(via electronic & regular U.S. Mail, w/ attachment)*

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