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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Birds Landing Hunting Preserve
2099 Collinsville Road
Birds Landing, CA 94585-9649

ATTN: Daniel Cirillo, Manager

**CITATION FOR VIOLATION OF TITLE 22, CALIFORNIA CODE OF REGULATION (CCR)
SECTION 64423 WITH TOTAL COLIFORM MONITORING AND REPORTING
FIRST AND SECOND QUARTERS OF 2015
WATER SYSTEM NO: 4800797
CITATION NO: 02_04_15C-009**

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued thereunder.

The Division of Drinking Water of the State of California Water Resources Control Board (Board) hereby issues a citation to Birds Landing Hunting Preserve (Preserve) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64423.



1
2 APPLICABLE AUTHORITIES
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4 **Section 116650 of the CHSC states in relevant part:**

- 5 (a) If the division determines that a public water system is in violation of this chapter or
6 any regulation, permit, standard, citation or order issued or adopted thereunder, the
7 division may issue a citation to the public water system. The citation shall be served
8 upon the public water system personally or by certified mail. Service shall be deemed
9 effective as of the date of personal service or the date of receipt of the certified mail, if
10 a person to whom a citation is directed refuses to accept delivery of the certified mail,
11 the date of service shall be deemed to be the date of mailing.
- 12 (b) Each citation shall be in writing and shall describe the nature of the violation or
13 violations, including a reference to the statutory provision, standard, order, citation,
14 permit, or regulation alleged to have been violated.
- 15 (c) A citation may specify a date for elimination or correction of the condition constituting
16 the violation.
- 17 (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- 18 (e) The division may assess a penalty in an amount not to exceed one thousand dollars
19 (\$1000) per day for each day that a violation occurred, and for each day that a
20 violation continues to occur. A separate penalty may be assessed for each violation.

21
22 **Section 64423 states in relevant part:**
23

- 24 (a) Each water supplier shall collect routine bacteriological water samples as follows:
25 (3) The minimum number of samples for transient-noncommunity water system using
26 groundwater and serving 1000 or fewer persons a month shall be one in each quarter
27 during which the system provides water to the public.

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STATEMENT OF FACTS

Birds Landing Hunting Preserve (Preserve) is classified as a transient-noncommunity water system with two service connections and serving a population of 50. As of the date of this Citation, the Division has not received the first two quarters of 2015 (January – March) and (April – June). Third quarter reporting results have been received for routine bacteriological sampling.

DETERMINATION

The Division has determined that the Preserve is in violation of Title 22, CCR, Section 64423 and 64423.1, Routine Sampling and Sample Analysis and Reporting of Results. Section 64423 defines a violation of the routine sampling as not collecting the minimum number of samples. Section 64423.1 defines a violation as not reporting results. The results, if any were not reported. Therefore, the Preserve violated the routine sampling and reporting requirements in Section 64423 for the first and second quarters of 2015.

DIRECTIVES

Birds Landing Hunting Preserve is hereby directed to take the following actions:

1. Comply with Sections 64423 Title 22, of the CCR in all future monitoring periods.
2. Notify all persons served by the Preserve of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR and as follows:
 - a) Completion of Attachment A to include the name, address, and telephone number of a System representative of the Preserve as a source of additional information concerning the public notice. You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided on Attachment A for this written description.

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b) Post the notice contained in Attachment A, after it has been completed in accordance with (a) above, in conspicuous locations throughout the area served by the water system. Posting must begin no later than November 9, 2015, and must continue for seven days.

3. The Preserve shall complete the attached Compliance Certification form and return it to the Division within 10 days of the public notice being given to system customers but in no case later than November 25, 2015. A copy of the notice posted within the water system and a copy published in a newspaper must be attached to the form.

The Division reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the Preserve of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Robert Brownwood, P.E. District Engineer
State Water Resources Control Board
Division of Drinking Water
850 Marina Bay Parkway, Bldg. P., 2nd Floor
Richmond, CA 94804

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PARTIES BOUND

This Citation shall apply to and be binding upon the Preserve its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the Preserve shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division to issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Division. The Division does not waive any enforcement action by issuance of this citation.

OCTOBER 13, 2015

Date

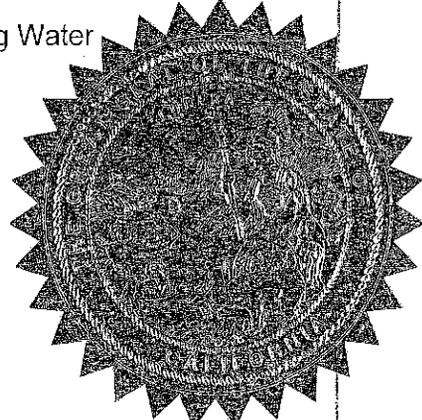
Robert C. Brown

Robert Brownwood, P.E.
San Francisco District Engineer
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. 7014 3490 0001 7031 0581

CC: Solano County Environmental Health Department

4800797/Compliance
02_04_15C_23_009



COMPLIANCE CERTIFICATION

Citation Number 02_04_15C_23_009

Name of Water System: Birds Landing Hunting Preserve

System Number: 4800797

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological sampling violations of Title 22, California Code of Regulations (CCR) for the compliance period of January – March 2015, and April – June 2015

Required Action

Date Completed

Complete Attachment A, as required in Directive 2 (a)

Public Notification – Continuous Posting for 7 days

Public Notification – Newspaper

Signature of Water System Representative

Date

Attach a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN November 25, 2015**

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.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

**Birds Landing Hunting Preserve Failed to Test for Coliform Bacteria
During the Months of January – March (1st quarter) and April – June (2nd quarter) 2015**

Our water system failed to test the drinking water for coliform bacteria during January through June 2015. Although this is not an emergency, as our customers have a right to know about this violation. – What happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened? We are required by state regulation to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test for coliform bacteria during the period of January – March (1st quarter 2015) and April – June (2nd quarter 2015), and therefore, cannot be sure of the quality of the drinking water during that time.

What does this mean?

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine sampling and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria during the months of January – March (1st quarter 2015) and April – June (2nd quarter 2015) was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do? This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

_____ *(name)*

_____ *(address)*

_____ *(phone number)*

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of this notice from **Birds Landing Hunting Preserve** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows: Mountain House Bar & Café

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).