



**APPLICABLE AUTHORITIES**

**Section 116650 of California Health and Safety Code provides:**

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Title 22, California Code of Regulations, Section 64426.1(b)(2) provides in relevant part: (b) A public water system is in violation of the total coliform MCL when any of the following occurs: (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive.

**STATEMENT OF FACTS**

1  
2 The Water System is operated under Water Supply Permit No. 0900660, issued on  
3 June 30, 2016.  
4

5 The Water System is a nontransient-noncommunity water system serving Stein's,  
6 Upper Vehicle Maintenance Shop, a new ski patrol/lift maintenance building, and the  
7 restaurant at the top of the tram (Lake View Lodge). The Water System source of  
8 supply is a 350-foot deep well that serves untreated groundwater.  
9

10 Title 22, CCR, Section 64423(a)(2) specifies the number of monthly samples required  
11 based on the known population served as shown in Table 64423-A. Heavenly Creek  
12 Station Water System is required to collect a minimum of two samples per month to  
13 determine compliance with the maximum contaminant level (MCL) for total and fecal  
14 coliform bacteria.  
15

16 A routine sample collected August 9, 2016 tested positive for total coliform bacteria,  
17 and three out of four repeat samples collected August 11, 2016 tested positive for total  
18 coliform bacteria including the well source.

19 The water operator immediately consulted with the Division for direction and prepared  
20 and posted a notice for public notification. The operator also stated that he would  
21 provide bottled water as a precautionary measure while he worked on chlorinating and  
22 flushing the water system.  
23

24 An additional repeat set of four samples was collected August 17, 2016. The well  
25 source again tested positive for total coliform bacteria, though the other three samples  
26 tested negative for bacteria. The well was disinfected again. All four repeat samples  
27 taken August 19, 2016 tested negative for bacteria.  
28

1 The operator previously completed the Level 1 assessment form January 15, 2016  
2 and believed that he needed to install dedicated sampling taps in order to prevent  
3 future positive samples. The operator also believed that the yard hydrant located at  
4 the well may be a cause of the positive samples at the well and plans to replace this  
5 unit in September 2016.

6 **DETERMINATION**  
7

8 Based on the above, the Division has determined that the Water System violated Title  
9 22 CCR Section 64426.1(b)(2) which specifies that a public water system is in violation  
10 of the total coliform MCL if more than one sample collected during any month is total  
11 coliform-positive. The results of the sample analysis for the Water System indicated  
12 that more than one sample collected during the month of August 2016 was total  
13 coliform positive.

14 **DIRECTIVES**  
15

16 The Water System is hereby directed to take the following actions:

- 17 1. Comply with Title 22 CCR Section 64426.1 in all future monitoring periods.
- 18 2. Within thirty (30) days of the issuance of this Citation, notify all persons served  
19 by the Water System of the total coliform MCL violation in conformance with  
20 Title 22 CCR Sections 64426.1(c) and 64463.4. *Completed: The water*  
21 *operator provided public notification August 12, 2016.*
- 22 3. Complete and return Attachment A "*Certification of Completion of Public*  
23 *Notification*" form to the Division within ten (10) days of completion of the public  
24 notification.
- 25 4. Within thirty (30) days of receipt of this Citation, the Water System shall  
26 schedule a Level 2 assessment to be conducted by Environmental  
27 Management. *Note: The Level 2 assessment was completed August 30, 2016.*  
28

1 5. The Water System shall inform the Division upon completion of the dedicated  
2 sample taps and removal of the yard hydrant located at the well. A non-  
3 threaded sample tap shall also be installed at the well, and small gaps at the  
4 well head shall be properly sealed. Complete the corrections by September  
5 30, 2016.

6  
7 The Division reserves the right to make such modifications to this Citation as it may  
8 deem necessary to protect public health and safety. Such modifications may be issued  
9 as amendments to this Citation, and shall be deemed effective upon issuance.

10 Nothing in this Citation relieves Water System of its obligation to meet the  
11 requirements of the California SDWA, or of any regulation, permit, standard, or order  
12 issued or adopted thereunder.

13  
14 All submittals required by this Citation shall be submitted to the Division at the  
15 following address:

16  
17 Barbara Houghton, PG, CHG, REHS  
18 Environmental Health Manager  
19 El Dorado County  
20 Community Development Agency  
21 Environmental Management Division  
22 2850 Fairlane Court, Bldg C  
23 Placerville, CA 95667  
24 (530) 621-6649

25  
26  
27  
28  
**PARTIES BOUND**

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

**SEVERABILITY**

1 The directives of this Citation are severable, and the Water System shall comply with  
2 each and every provision thereof, notwithstanding the effectiveness of any other  
3 provision.

4  
5 **FURTHER ENFORCEMENT ACTION**

6 The California SDWA authorizes the Division to: issue citation with assessment of  
7 administrative penalties to a public water system for violation or continued violation of  
8 the requirements of the California SDWA or any permit, regulation, permit or order  
9 issued or adopted thereunder including, but not limited to, failure to correct a violation  
10 identified in a citation or compliance order. The California SDWA also authorizes the  
11 Division to take action to suspend or revoke a permit that has been issued to a public  
12 water system if the system has violated applicable law or regulations or has failed to  
13 comply with an order of the Division; and to petition the Superior Court to take various  
14 enforcement measures against a public water system that has failed to comply with or  
15 violates an order of the Division. The Division does not waive any further enforcement  
16 action by issuance of this citation.  
17

18  
19  
20 8/30/2016

21 Date

21 

22 Barbara Houghton, PG, CHG, REHS  
23 Environmental Health Manager  
24 El Dorado County  
25 Community Development Agency  
26 Environmental Management Division

27 Attachments:

- 28
- A. Total Coliform Notice Template (Unresolved)
  - B. Total Coliform Notice Template (Resolved)
  - C. Certification of Completion of Public Notification

Citation No. 08-30-2016-C-002  
Issued: August 30, 2016

cc: Ali R. Rezvani, P.E.  
Sacramento District Engineer  
Division of Drinking Water  
State Water Resources Control Board

1  
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