

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **KINGS RIVER PACKING**
Water System No. 1000514

TO: Mr. David Hines
Kings River Packing
21083 E. Trimmer Springs Road
Sanger, CA 93657

**CITATION FOR NONCOMPLIANCE WITH
SECTION 116555 OF THE CALIFORNIA HEALTH AND SAFETY CODE
AND SECTION 64675 OF THE CALIFORNIA CODE OF REGULATIONS
LEAD AND COPPER MONITORING AND REPORTING**

2008 - 2012

Issued on March 7, 2013

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

VIOLATIONS

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Kings River Packing (hereinafter 'Water System'), for failure to comply with Section 116555(a) of the CHSC and DIVISION 4, Chapter 17.5, Article 3 of Title 22, California Code of Regulation (CCR). Specifically, the Water System (mailing address: 21083 Trimmer Springs Road, Sanger, CA 93657) failed to comply with the primary standard for chemical water quality during the period 2008 – 2012.

1 The Water System operates under a domestic water supply permit issued by the county of
 2 Fresno (hereinafter County) in June of 2002. Kings River Packing is a non-transient non-
 3 community water system serving a population of approximately sixty (60) persons through
 4 one (1) service connection. The Department has taken on the task of tracking compliance
 5 as of September 1, 2007, since the County relinquished regulatory authority for public
 6 drinking water systems.

7
 8 **Section 116555(a)(1) and (3) of the CHSC,**

9 Section 11655(a)(1) and (3) of the CHSC specifies "Any person who owns a public water
 10 system shall ensure that the system does all of the following:

- 11 (1) Complies with the primary and secondary drinking water standards.
 12 (2) Provides a reliable and adequate supply of pure, wholesome, healthful, and
 13 potable water."

14 **A. DISTRIBUTION SYSTEM MONITORING AND REPORTING**

15
 16 **Monitoring and reporting violation for Lead and Copper**

17 The Lead and Copper Rule requires community and non-transient non-community water
 18 systems to maintain a monitoring program for lead and copper in the distribution system by
 19 collection of samples at the customers tap. Our office has reviewed the compliance status
 20 of your water system with these monitoring and reporting requirements. The Department
 21 has found that the Water System has not maintained the required lead and copper
 22 monitoring as follows:

23
 24 **Failure to conduct annual monitoring for lead and copper**

25 Section 64675.5 allows systems that do not exceed the lead and copper action levels
 26 during each of the two consecutive six-month monitoring periods to reduce the number of
 27 samples and reduce the frequency of sampling to once per year (annual). The system was

1 given credit for completing the two six month monitoring periods in 2002 and 2004. Your
2 system completed the first annual sampling period in February of 2007 and should have
3 collected the next annual set of 5 samples during the summer of 2008. Our department
4 has not received any data to date to indicate that the 2008 monitoring was done. By not
5 conducting the scheduled lead and copper rule monitoring, your water system has failed to
6 comply with Section 64675.5.

7
8 The Department issued Enforcement Letter No. 03-23-11E-106 on July 1, 2011, to the
9 Water System, for failure to conduct annual monitoring for lead and copper.

10
11 The Department has received no response from the Water System addressing compliance
12 with Enforcement Letter No. 03-23-11E-106, nor has the Department received the results
13 of any lead and copper sampling taken in accordance with the requirements of the
14 Enforcement Letter.

15
16 **The next annual sample set is now due by June 30, 2013.** The analytical results must
17 be reported to the Department by the 10th day of the month following the month in which
18 the analyses were completed. Please complete Form 141 AR (included with Attachment
19 A) and submit it to our office with copies of the data. A summary of the data on file with our
20 Department for your system's lead and copper rule monitoring is attached as Attachment
21 B.

22
23 Monitoring may be further reduced to triennial (every three years) if the 90th percentile
24 levels for lead and copper remain below the action levels of 0.015 mg/L and 1.3 mg/L,
25 respectively, in all monitoring rounds.

1 **B. NOTIFICATION REQUIREMENTS**

2 Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever
3 a monitoring requirement specified in the Department's regulations is not performed, the
4 person operating the public water system shall notify the Department and shall give notice
5 to the users of that fact in the manner prescribed by the Department.

6
7 Public notification for failure to conduct the required chemical distribution monitoring for the
8 period 2008-2012 is required. The Water System shall utilize the Tier 3 Public Notice to
9 inform their customers of the failure to conduct the required bacteriological monitoring.
10 This notice is provided here as Attachment B and shall be given pursuant to Section
11 64463.7. The Tier 3 Public Notice shall include the mandatory standard monitoring
12 language for monitoring and reporting violations.

13
14 Section 64463.4 allows community water systems to give public notice by mail or direct
15 delivery to each customer and the use of one or more of the following methods in order to
16 reach persons not likely to be reached by mail or direct delivery: publication in a daily or
17 weekly newspaper, posting the public notice in a conspicuous public place within the water
18 system or on the internet, or by delivery to community organizations.

19
20 The Water System shall mail or directly deliver the public notice to their customers within
21 the water system. Section 116450(g) requires that upon receipt of notification from a
22 public water system, schools must notify school employees, students, and parents (if the
23 students are minors), residential rental property owners or managers (including nursing
24 homes and care facilities) must notify their tenants and business property owners,
25 managers or operators must notify employees of businesses located on the property.
26 These secondary notification requirements are included in the public notice.

27

1 Proof of notification is required. The Water System shall complete Attachment C and
2 return it to the Department by **April 15, 2013**.

3
4 **DIRECTIVES**

5 The Kings River Packing water system is hereby directed to take the following actions:

- 6 1. By **March 31, 2013**, the Water System shall provide public notification of the failure
7 to maintain the required chemical monitoring and reporting program by mail or
8 direct delivery to each customer and by an additional secondary method in order to
9 reach persons not likely to be reached by mail or direct delivery. The appropriate
10 Public Notice is provided here as Attachment C.

11
12 By **April 15, 2013**, the Water System shall provide proof of mailing or direct delivery
13 and a secondary notification method of the bacteriological monitoring and reporting
14 violation to each consumer using Attachment D to:

15 Betsy S. Lichti, Senior Sanitary Engineer
16 Department of Public Health
17 Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
18 Fresno, CA 93704

- 19 2. The Water System has failed to conduct their 2nd round of annual lead and copper
20 monitoring from the distribution. This must be completed with the collection of lead
21 and copper samples by **June 30, 2013 from five sites**. Samples shall be collected
22 in accordance with the Lead and Copper Rule Sampling Guidance provided as
23 Attachment A. The analytical results must reported to the Department by the 10th
24 day of the month following the month in which the analyses were completed. Form
25 141 AR, provided in Attachment A, shall be completed and submitted to our office
26 along with copies the data.

27

1 3. By **April 15, 2013**, the Water System shall submit a written response to the
2 Department acknowledging that it has received this citation and will comply with all
3 the directives listed herein.
4

5 **CIVIL PENALTIES**

6 Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty
7 for failure to comply with requirements of the California Safe Drinking Water Act. Failure to
8 comply with any provision of this Citation may result in the Department imposing an
9 administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of
10 violation of any provision of this Citation.
11
12
13

14 3/8/13
15 Date

Betsy Lichte
16 Betsy S. Lichte, P.E.
17 Senior Sanitary Engineer, Fresno District
18 DRINKING WATER FIELD OPERATIONS BRANCH
19
20
21
22



23 BSL/EL

24 **Attachments:**

- 25 Attachment A: Lead and Copper Rule Sampling Guidance
- 26 Attachment B: Lead and Copper Rule Tracking Report
- 27 Attachment C: Public Notice
- Attachment D: Proof of Notification

Individual System Lead and Copper Rule Tracking Report

1000514 **KINGS RIVER PACKING** Pop: 25 Eng: EL Lead Action Level: 0.015 mg/L
 Copper Action Level: 1.3 mg/L

Sample Date Begin/(End)	Monitoring Period	Sample Set ID	Number Required	Number Sampled	Lead 90th % (mg/L)	Copper 90th % (mg/L)	Action Taken	Action Type	Next Due Date	Next Due Freq	Comments
(6/18/2002)	6M15T-2002	1st 6	5	5	0.175	0.0475					Exceeds Pb
(5/25/2004)	6M15T-2004	2nd 6	5	5	0.0025	<0.05					FC entered/ CDPH updated
(2/2/2007)	YR2007	A1	5	5	0.0025	0.167			9/30/2008	A2	FC entered/ CDPH updated

Legend:

- Cit: Citation
- EL: Enforcement letter
- 1st 6: 1st initial 6-mo. round of monitoring
- 2nd 6: 2nd initial 6-mo. round of monitoring
- A1: 1st Annual monitoring
- A2: 2nd Annual monitoring
- T1: 1st Triennial (3 yr) monitoring
- T2: 2nd Triennial (3 yr) monitoring
- T3: 3rd Triennial (3 yr) monitoring