

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

IN RE: **ELM COURT**  
Water System No. 1000277

TO: Mr. Miguel Torres  
Elm Court  
c/o JD Home Rentals  
2975 E. Belmont  
Fresno, CA 93701

**CITATION FOR NONCOMPLIANCE**  
**TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION**  
**August 2013**

**TOTAL COLIFORM MONITORING AND REPORTING**  
**June and July 2013**

**Issued on October 10, 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.

**VIOLATION**

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Elm Court (hereinafter 'Water System'), for failure to comply with Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically, the Water System (mailing address: 2975 E. Belmont, Fresno, CA 93701) failed to comply with the total coliform Maximum Contaminant Level (MCL) for the month of August 2013.

1 The Water System operates under a domestic water supply permit issued by the Department  
2 in September of 2012. Elm Court is a community water system serving a population of  
3 approximately sixty-four (64) persons through fifteen (15) service connections.

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5 Section 64426.1(b)(2) specifies that a public water system collecting fewer than 40 samples  
6 per month is in violation of the total coliform MCL when more than one sample collected  
7 during any month is total coliform-positive.

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9 The Water System is required to collect a minimum of one (1) distribution system  
10 bacteriological sample per month. The bacteriological water analysis results submitted by  
11 the Water System reported the presence of total coliform bacteria in three (3) of eight (8)  
12 samples collected by the Water System in August 2013. None of the positive samples  
13 showed the presence of fecal coliform or *E. coli* bacteria. Additionally, the proper follow up  
14 to a positive total coliform sample in June 2013 was not conducted.

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25 The following table summarizes the bacteriological monitoring conducted during the  
26 months of June, July and August 2013.

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Collection Date	Number of Samples	Sample Type	Number TC positive	Number E. Coli positive
6/18/2013	1	Routine	1	0
7/16/2013	1	Routine	0	0
8/13/2013	1	Repeat	1	0
8/16/2013	5	Repeat (inc. source)	2 (distb'n only)	0
8/20/2013	2	Routine	0	0
9/16/2013	1	Routine	0	0

Due to the above-mentioned total coliform positive samples, the Water System failed the total coliform MCL for the month of August 2013. All water samples for coliform bacteria collected during 2013 are summarized in Attachment A.

The cause of the contamination is unknown since no specific source of contamination has been identified.

**The five routine samples required the month following a month with one or more total coliform-positive samples were not collected in July 2013 as a follow up to the first positive of this series which was collected on June 18, 2013. Furthermore, the five routine samples that were required to be collected in September 2013, following the positives collected in August 2013, were not collected.**

The Groundwater Rule adopted by the Department, effective August 18, 2011, requires the collection of a sample for bacteriological evaluation from wells serving the system in response to a coliform positive distribution sample. This requirement was not met following the total coliform positive sample collected on June 18, 2013, although it appears that it was met with the repeat sampling collected on August 16, 2013.

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2 **ASSOCIATED VIOLATIONS**

3 Additionally, the Water System has failed to comply with the following Section 64422 of  
4 Title 22, CCR:

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6 Section 64424(a) specifies that if a routine sample is total coliform-positive, the water  
7 supplier shall collect a repeat sample set as described in Sections 64424(a) 1 and 64424(b)  
8 within 24 hours of being notified of the positive result. The repeat samples shall all be  
9 collected within the same 24 hour period.

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11 Sections 64424(a)1 and 64424(b) specifies that for systems collecting only one sample per  
12 month, a repeat sample set shall consist of four (4) samples as follows: one (1) from the  
13 routine sample site at which the positive occurred, one (1) from the upstream repeat sample  
14 site, one (1) from the downstream repeat sample site and one (1) from the operating well or  
15 another location within the system that would best help to identify the source or area of  
16 contamination.

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18 **The Water System did not collect any repeat samples following the total coliform**  
19 **positive sample collected on June 18, 2013.**

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21 Section 64424(d) specifies that if a public water system for which fewer than five routine  
22 samples per month are collected has one or more total coliform-positive samples, the water  
23 supplier shall collect at least five routine samples the following month.

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25 **The Water System did not collect the five routine samples that were required in July**  
26 **2013 or in September 2013.**

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2 **NOTIFICATION REQUIREMENTS**

3 Section 64426.1(c) requires a public water system to notify the Department and the  
4 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)  
5 occurs. Notification to the Department shall be by the end of the business day on which the  
6 violation has been determined. If the Department is closed, notification shall be within 24  
7 hours of the determination. The Department was not notified in accordance with the above-  
8 referenced section.

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10 A Tier 2 Public Notice for violation of paragraph 64426.1(b)(2) shall be given pursuant to  
11 Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health  
12 effects language from Appendix 64465-A for a total coliform MCL failure.

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14 Section 64463.4 allows community water systems to use mail or direct delivery to each  
15 customer and the use of one or more of the following methods: publication in a daily or  
16 weekly newspaper, posting the public notice in a conspicuous public place within the water  
17 system or on the internet, or by delivery to community organizations. The appropriate Tier  
18 2 Public Notice template is provided here as Attachment B.

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

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

**DIRECTIVES**

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

1. By **October 31, 2013**, the Elm Court water system shall provide public notification of the total coliform Maximum Contaminant Level failure by mail or conduct direct delivery of the public notice provided as Attachment B to all customers served within the general service area. The Water System is additionally required to use one or more of the following notification methods: publication in a daily or weekly newspaper, posting the public notice in a conspicuous public place within the water system or on the internet, or by delivery to community organizations.

By **November 15, 2013**, the Water System shall provide proof of public notification of the total coliform MCL violation by completing C and returning it to:

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

2. The Water System shall immediately collect five routine samples at locations identified in its approved Bacteriological Sample Siting Plan.
3. The Water System shall collect repeat samples as required by Section 64424 and as discussed in this Citation whenever a routine sample is positive for total coliform bacteria.

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4. The Water System shall collect a repeat sample from each active source as required by the Groundwater Rule and as discussed in this Citation whenever a routine sample is positive for total coliform bacteria.
5. Whenever the Water System has one or more total coliform-positive samples in a given month, at least five (5) routine samples shall be collected the following month as required by Section 64424(d) and as discussed in this Citation.
6. The Water System shall require their certified operator or another trained sampler to collect all samples for bacteriological monitoring in accordance with an approved Bacteriological Sample Siting Plan.
7. The Water System shall notify the Department of any further violations of the total coliform MCL by the end of the business day on which the violation has been determined, or, if the Department is closed, within 24 hours of the determination.
8. By **November 15, 2013**, the Water System shall complete and submit the enclosed "Positive Total Coliform Investigation" form to the Department that describes the incident and all corrective actions taken, and the results of the investigation. The appropriate investigation report is provided as Attachment D.

CIVIL PENALTIES

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

10/10/13

Date

*Betsy Lichti*

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer, Fresno District  
DRINKING WATER FIELD OPERATIONS BRANCH

BSL/EL

Attachments:

- Attachment A: Bacteriological Distribution Monitoring Report for 2013
- Attachment B: Public Notice
- Attachment C: Proof of Notification
- Attachment D: Positive Total Coliform Investigation Form



# Bacteriological Distribution Monitoring Report

**1000277 Elm Court**
*Distribution System Freq: 1/M*

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/10/2013	13:30	3504 S. Elm	A	A		Routine			
2/28/2013		No Sample						MR1	5/10/13 Issued 03-23-13E-01
3/11/2013	9:14	3508 S. Elm	A	A		Routine			
4/15/2013	9:05	3504 S. Elm	A	A		Routine			
5/13/2013	10:01	3504 S. Elm	A	A		Routine			
6/18/2013	14:35	3520 S. Elm #105	P	A		Routine		MR5	
7/16/2013	14:10	3504 S. Elm	A	A		Routine			
8/13/2013	9:20	3520 S. Elm #105	P	A		Routine			
8/16/2013	9:45	3508 S. Elm Pump	A	A		Source Repeat			
8/16/2013	9:56	#105	A	A		Repeat			
8/16/2013	10:03	#103	P	A		Repeat		MCL	
8/16/2013	10:16	#103	A	A		Repeat			
8/16/2013	10:23	3504 S. Elm	P	A		Repeat			
8/20/2013	10:56	3520 S. Elm #103	A	A		Routine			
8/20/2013	11:05	3504 S. Elm	A	A		Routine			
9/16/2013	9:10	3520 S. Elm #102	A	A		Routine		MR4	

**Violation Key**

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	Cl2 not reported

**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.

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**Elm Court Had Levels of Coliform Bacteria  
Above the Drinking Water Standard**

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Our water system recently failed a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took eight samples to test for the presence of coliform bacteria in August 2013. Three of these samples showed the presence of total coliform bacteria. The standard is that no more than one sample per month may show the presence of coliform bacteria.

**What should I do?**

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

[Describe corrective action]. \_\_\_\_\_  
\_\_\_\_\_.

For more information, please contact \_\_\_\_\_ [name of contact] at \_\_\_\_\_ [phone number] or \_\_\_\_\_ [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Elm Court.

Date distributed: \_\_\_\_\_.



RON CHAPMAN, MD, MPH  
Health Officer & Director

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

ATTACHMENT C

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by Elm Court of the failure to meet the **total coliform bacteria MCL** for the month of **August 2013** as directed by the Department.

Notification was made on \_\_\_\_\_ by \_\_\_\_\_  
(date)

hand delivered and/or mailed and/or posted written notice.  
(circle all that apply)

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state 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 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Due: November 2013  
Total Coliform MCL Failure: August 2013  
System Number: 1000277  
Citation No.: 03-23-13C-045



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
<http://www.fypower.org>

Southern California Drinking Water Field Operations Branch  
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704  
(559) 447-3300; Fax (559) 447-3304  
Internet Address: <http://www.dhs.ca.gov/ps/ddwem/>

**POSITIVE TOTAL COLIFORM INVESTIGATION**  
**Simple Well with Pressure Tank Systems**

Attachment D

This form is intended to assist public water systems in completing the investigation required by the California Department of Public Health (Section 64426(b) of Title 22, California Code of Regulations) and may be modified to take into account conditions unique to the system.

**ADMINISTRATIVE INFORMATION**

<b>PWS Name:</b>	<b>PWS ID NUMBER:</b>
<b>Name</b>	<b>Address</b>
<b>Telephone #</b>	
Operator in Responsible Charge (ORC)	
Person that collected TC samples if different than ORC	
Owner	
Certified Laboratory for Microbiological Analyses	
Date Investigation Completed:	
Month(s) of Total Coliform MCL Failure:	

**INVESTIGATION DETAILS**

SOURCE	WELL (name)	WELL (name)	WELL (name)	WELL (name)	COMMENTS
1. Inspect each well head for physical defects and report					
a. Is raw water sample tap upstream from point of disinfection?					
b. Is wellhead vent pipe screened?					
c. Is wellhead seal watertight?					
d. Is well head located in pit or is any piping from the wellhead submerged?					
e. Does the ground surface slope towards well head?					
f. Is there evidence of standing water near the wellhead?					
g. Is there a check valve on the well discharge line? Is the check valve seating properly?					
h. Are there any connections to the raw water piping that could be cross connections? (describe all connections in comments)					
i. Is the wellhead secured to prevent unauthorized access?					
j. To what treatment plant (name) does this well pump?					
k. How often do you take a raw water total coliform (TC) test?					
l. Provide the date and result of the last TC test at this location					

# POSITIVE TOTAL COLIFORM INVESTIGATION

DISTRIBUTION SYSTEM	SYSTEM RESPONSES
1. What is the minimum pressure you are maintaining in the distribution system?	
2. Did pressure in the distribution system drop to less than 5 psi prior to experiencing the TCR positive finding.	
3. Has the distribution system been worked on within the last week? (service taps, hydrant flushing, main breaks, main extensions, etc.) If yes, provide details.	
4. Are there any signs of excavations near your distribution system not under the direct control of your maintenance staff?	
5. Did you inspect your distribution system to check for mainline leaks? Do you or did you have a mainline leak?	
6. If there was a mainline leak, when was it repaired?	
7. On what date was the distribution system last flushed?	
8. Is there a written flushing procedure you can provide for our review?	
9. Do you have an active cross connection control program?	
10. What is name and phone number of your Cross-Connection Control Program Coordinator?	
11. Is the review and testing of backflow prevention devices current?	
12. On what date was the last physical survey of the system done to identify cross-connections?	

SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)			
Routine Site TC+ or EC+	Upstream Site	Downstream Site	Sample 4 (specify)
1. What is the height of the sample tap above grade? (inches)			
2. Is the sample tap located in an exterior location or is it protected by an enclosure?			
3. Is the sample tap threaded, have a swing arm (kitchen sink) or aerator (sinks)?			
4. Is the sample tap in good condition, free of leaks around the stem or packing?			
5. Can the sample tap be adjusted to the point where a good laminar flow can be achieved without excessive splash?			
6. Is the sample tap and area around the sample tap clean and dry (free of animal droppings, other contaminants or spray irrigation systems)			
7. Is the area around the sample tap free of excessive vegetation or other impediments to sample collection			
8. Describe how the tap was treated in preparation for sample collection (ran water, swabbed with disinfectant, flamed, etc.)			
9. Is this sample tap designated on the sampling plan submitted with this information request?			
10. What were weather conditions at the time of positive sample (rainy, windy, sunny)?			

# POSITIVE TOTAL COLIFORM INVESTIGATION

Attachment D

Page 3 of 3

GENERAL OPERATIONS:	Response
1. Where there any power outages that affected water system facilities during the 30 days prior to the TC+ or EC + findings?	
2. Where there any main breaks, water outages, or low pressure reported in the service area where TC+ or EC+ samples were located.	
3. Does the system have backup power or elevated storage?	
4. During or soon after bacteriological quality problems, did you receive any complaints of any customers' illness suspected of being waterborne? How many?	
5. What were the symptoms of illness if you received complaints about customers being sick?	

## ADDITIONAL INFORMATION TO BE SUBMITTED WITH RESPONSES TO THE ABOVE QUESTIONS

1. **Sketch** of System showing all sources, treatment locations, storage tanks, microbiological sampling sites and general layout of the distribution system including the location of all hazardous connections such as the wastewater treatment facility.
2. A set of photographs of the well, pressure tanks, and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by our Department
3. Name, certification level and certificate number of the Operator in Responsible Charge.
4. Copy of the last cross connection survey performed that identifies the location of all unprotected cross connections.

**SUMMARY: BASED ON THE RESULTS OF YOUR INVESTIGATION AND ANY OTHER INFORMATION AT YOUR DISPOSAL, WHAT DO YOU BELIEVE TO BE THE CAUSE OF THE POSITIVE TOTAL COLIFORM SAMPLES FROM YOUR PUBLIC WATER SYSTEM?**

**CERTIFICATION: I CERTIFY THAT THE INFORMATION SUBMITTED IN RESPONSE TO THE QUESTIONS ABOVE IS ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_