

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **SHORTY'S PLACE**
Water System No. 1000410

TO: Mr. William Carl Adkins
Shorty's Place
9553 Golden State Blvd., #4 (Office)
Selma, CA 93662

**CITATION FOR NONCOMPLIANCE of
TOTAL COLIFORM MONITORING AND REPORTING**

November and December 2013; January and March 2014

Issued on April 15, 2014

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 Shorty's Place (hereinafter 'Water System'), for failure to comply with Section 116555(a) of the CHSC and DIVISION 4, Chapter 15, Article 3 of Title 22, California Code of Regulation (CCR). Specifically, the Water System (mailing address: 9553 Golden State Blvd. #4 (Office), Selma, CA 93662)



1 failed to comply with the primary standard for bacteriological water quality for the months
2 of November and December 2013 as well as January and March 2014.

3
4 The Water System operates under a domestic water supply permit issued by the county of
5 Fresno (hereinafter County) in October of 1985. Shorty's Place is a community water
6 system serving a population of approximately twenty-five (25) persons through six (6)
7 service connections. The Department has taken on the task of tracking compliance as of
8 September 1, 2007, since the County relinquished regulatory authority for public drinking
9 water systems.

10
11 **Section 116555(a)(1) and (3) of the CHSC,**

12 Section 116555(a)(1) and (3) of the CHSC specifies "Any person who owns a public water
13 system shall ensure that the system does all of the following:

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

17 Compliance with primary and secondary drinking water standards is determined from water
18 quality monitoring conducted in accordance with regulatory requirements.

19
20 A. **BACTERIOLOGICAL MONITORING AND REPORTING**

21 Section 64423(a) specifies that each water supplier shall collect routine bacteriological
22 water samples based on the known population served or the total number of service
23 connections, whichever results in the greater number of samples.

24
25 Based on a reported population of approximately twenty-four persons, the Water System is
26 required to collect and report a minimum of one (1) bacteriological water quality sample
27



1 each month. All results for bacteriological analysis of water samples collected during 2013
2 and thus far in 2014 are summarized in Attachment A.

3
4 Section 64423.1(c) specifies that the analytical results of all required samples collected for a
5 system in a calendar month shall be reported to the Department not later than the tenth day
6 of the following month. Furthermore, Section 64423.1(c)(2) requires systems serving fewer
7 than 10,000 service connections or 33,000 persons to instruct the laboratory to submit
8 copies of all required bacteriological monitoring results directly to the Department.

9
10 The Department has contacted the Water System's laboratory and has been told that, prior
11 to a sample collected in February 2014, no samples for bacteriological analysis had been
12 submitted since October 2013. Furthermore, the Water System did not submit a sample
13 collected during March of 2014.

14
15 As of the date of this citation, the Department has not received copies of any bacteriological
16 monitoring results from either the Water System or the laboratory for the months of
17 November and December of 2013 or for January and March of 2014. As such, the
18 Department is unable to confirm that the water provided to consumers was bacteriologically
19 safe during those months.

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21
22 **B. NOTIFICATION REQUIREMENTS**

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

27



1 Public notification for violation of any requirement of Section 64423 shall be in accordance
2 with Sections 64463 which outlines the prescribed methods and information to be included
3 in the public notice to the customers.
4

5 Public notification for failure to conduct the required bacteriological monitoring for the
6 months of November and December of 2013 and for January and March of 2014 is
7 required. The Water System shall utilize the Tier 2 Public Notice to inform their customers
8 of the failure to conduct the required bacteriological monitoring. This notice is provided as
9 Attachment B.
10

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

17 The Water System shall mail or directly deliver the public notice to their customers within
18 the water system. Section 116450(g) requires that upon receipt of notification from a public
19 water system, schools must notify school employees, students, and parents (if the students
20 are minors), residential rental property owners or managers (including nursing homes and
21 care facilities) must notify their tenants and business property owners, managers or
22 operators must notify employees of businesses located on the property. These secondary
23 notification requirements are included in the public notice.
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25 Proof of notification is required. The Water System shall complete Attachment C and
26 return it to the Department by **April 30, 2014**.
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DIRECTIVES

The Shorty's Place water system is hereby directed to take the following actions:

1. By **April 23, 2014**, provide public notification of the failure to maintain the required bacteriological monitoring and reporting program by mail or direct delivery to each customer and by an additional secondary method in order to reach persons not likely to be reached by mail or direct delivery.

By **April 30, 2014**, the Water System shall provide proof of mailing or direct delivery by completing Attachment 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. Pursuant to Section 64423 and as discussed in this Citation, the Water System shall initiate and maintain the required bacteriological monitoring program by collecting one (1) sample each month and shall report the results to the Department at the above address no later than the tenth day of the following month.
3. The Water System is required to follow the guidelines for bacteriological monitoring requirements (Attachment D) which outlines the monitoring to be conducted for routine and repeat bacteriological sampling.



4. The Water System shall also require their contracting laboratory to submit copies of all required *bacteriological* monitoring results directly to the Department pursuant to Section 64423.1(c)(2).
5. By **April 30, 2014**, the Water System shall submit a written response to the Department acknowledging that it has received this citation and will comply with all the directives listed herein.

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.

4/15/14
Date

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



BSL/EL

Attachments:

- Attachment A: Bacteriological Distribution Monitoring Report for 2013 and 2014
- Attachment B: Public Notice
- Attachment C: Proof of Notification
- Attachment D: Bacteriological Monitoring Requirements for Small Water Systems

Bacteriological Distribution Monitoring Report

1000410 Shorty's Place
Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
1/30/2013	9:00	PA 1000410	A	A		Routine			
2/28/2013	13:30	PA 1000410	A	A		Routine			
3/29/2013	14:45	PA1000410	A	A		Routine			
4/29/2013	11:30	1000410	A	A		Routine			
5/31/2013	15:00	PA 1000410	A	A		Routine			
7/26/2013	6:50	PA 1000410	A	A		Routine			
8/30/2013	15:00	PA 1000410	A	A		Routine			
9/27/2013	14:00	1000410	A	A		Routine			
10/29/2013	16:20	1000410	A	A		Routine			
11/30/2013		No Sample						MR1	4/7/14 Issued Cit 03-23-14C
12/31/2013		No Sample						MR1	4/7/14 Issued Cit 03-23-14C
1/31/2014		No Sample						MR1	4/7/14 Issued Cit 03-23-14C
2/28/2014	16:15	1410000	A	A		Routine			
3/31/2014		No Sample						MR1	4/7/14 Issued Cit 03-23-14C

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	CI2 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.**

**Bacteriological Monitoring & Reporting Requirements
Not Met for Shorty's Place**

Our water system failed to report as required for a drinking water monitoring standard during November and December 2013, January and March 2014, and therefore, was in violation of the regulations. Even though this failure 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 are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the months of November and December 2013, January and March of 2014, we did not receive or report results for tests for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total coliform bacteria	1 per month	_____	_____	_____

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Corrective action:

For more information, please 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 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.



RON CHAPMAN, MD, MPH
Director & State Health Officer

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 the **Shorty's Place water system** of the failure to meet the **Monitoring and Reporting Requirement for Coliform bacteria sampling for the months of November & December 2013 and January & March 2014.**

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

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 to the Department: April 30, 2014
Total Coliform M&R Violation: November & December 2013 and January & March 2014
System Number: 1000410
Enforcement Action No.: 03-23-14C-030



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/>