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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: ELM COURT WATER SYSTEM
c/o JD Home Rentals
2975 E. Belmont
Fresno, CA 93701

Water System No. 1000277

Attn: Miguel Torres

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1 (b) (2) - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL**

July 2014

CITATION NO. 03-23-14C-073

Issued on November 17, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Elm Court Water System (hereinafter, Water

30 System) (mailing address: 2975 E. Belmont, Fresno, CA 93701) for violation of California
31 Code of Regulations (CCR), Title 22, Section 64426.1 subsections (b)(2).

32 **APPLICABLE AUTHORITIES**

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

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

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

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

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

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

50 **California Code of Regulations, Title 22, Section 64426.1, subsections (a) and (b)**
51 **provide, in relevant part:**

52 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

53 (a) Results of all samples collected in a calendar month pursuant to Sections 64423,
54 64424, and 64425 that are not invalidated by the Department or the laboratory shall be
55 included in determining compliance with the total coliform MCL. Special purpose
56 samples such as those listed in §64421(b) and samples collected by the water
57 supplier during special investigations shall not be used to determine compliance with
58 the total coliform MCL.

59 (b) A public water system is in violation of the total coliform MCL when any of the
60 following occurs:

61 (1) For a public water system which collects at least 40 samples per month, more
62 than 5.0 percent of the samples collected during any month are total coliform-
63 positive; or

64 (2) For a public water system which collects fewer than 40 samples per month,
65 more than one sample collected during any month is total coliform-positive

66 **§64424 (d) Repeat Sampling**

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if a public water system for which fewer than five routine samples per month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month.

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STATEMENT OF FACTS

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The Water System is operated under Water Supply Permit No. 03-23-12P-042, issued on September 26, 2012. Elm Court Water System is a community water system serving a population of approximately sixty-four (64) persons through fifteen (15) service connections.

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The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in three (3) of nine (9) samples collected by the Water System in July 2014. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

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The following table summarizes the bacteriological monitoring conducted during the months of July, August and September of 2014.

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Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
7/15/2014	1	Routine	1	0
7/16/2014	4	Repeat (including well)	2 (distribution)	0
7/18/2014	4	Routine	0	0
8/08/2014	5	Routine	1	0
8/12/2014	4	Repeat (including well)	0	0
9/15/2014	1	Routine	0	0

87

88 Due to the above-mentioned total coliform positive samples, the Water System failed the
89 total coliform MCL for the month of July 2014. Results for water samples tested for
90 coliform bacteria during 2014 are summarized in Attachment A. The cause of
91 contamination is unknown.

92

93 The five routine distribution samples required the month following July 2014, which had
94 three total coliform-positive samples, were collected on August 8, 2014; one of those
95 distribution samples was positive for total coliform bacteria and absent for fecal coliform
96 and *E. Coli* bacteria. Only one distribution sample was collected in September 2014 and
97 was negative for total coliform bacteria.

98

99 The Groundwater Rule adopted by the Department, effective August 18, 2011, requires
100 the collection of a sample for bacteriological evaluation from wells serving the system in
101 response to a coliform positive distribution sample. This requirement was met with the
102 repeat sampling collected in July and August 2014.

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VIOLATIONS

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106 The Drinking Water Field Operations Branch of the State Water Resources Control Board
107 – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to Elm Court
108 Water System (hereinafter 'Water System'), for failure to comply with Section
109 116555(a)(1) of the CHSC and Sections 64426.1(b)(2) and 64424(d) of Title 22, California
110 Code of Regulations (CCR). Specifically, the Water System (mailing address: 2975 E.
111 Belmont, Fresno, CA 93701) failed to comply with the total coliform Maximum
112 Contaminant Level (MCL) for the month of July 2014 and, in September 2014, failed to
113 collect the required number of distribution samples following a month with a positive total
coliform result.



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NOTIFICATION REQUIREMENTS

Section 64426.1(c) requires a public water system to notify the Department and the consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) the total coliform MCL occurs. Notification to the Department shall be by the end of the business day on which the violation has been determined. If the Department is closed, notification shall be within 24 hours of the determination. The Department was notified on July 17, 2014, in accordance with the above-referenced section.

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

Section 64463.4 allows community water systems to use mail or direct delivery to each customer and the use of one or more of the following 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. The appropriate Tier 2 notification that should be posted is included as Attachment B.

The Water System shall either mail or conduct direct delivery of the public notice to all customers served within the general service area. Section 116450(g) requires that upon receipt of notification from a public water system, 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 their tenants and business property owners, managers or operators must notify employees of businesses located on the property. These secondary notification requirements are included in the public notice.

141 Proof of notification is required. The Water System shall complete Attachment C and
142 return it to the Division by **December 15, 2014**.

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DIRECTIVES

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

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147 1. By **November 30, 2014**, the Elm Court water system shall provide public
148 notification of the total coliform Maximum Contaminant Level failure for July 2014
149 by posting the notice provided as Attachment B in conspicuous locations
150 throughout the area served by the water system and by direct delivery to each
151 consumer.

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153 By **December 15, 2014**, the Water System shall provide proof of public notification
154 of the total coliform MCL violation for July 2014 by completing Attachment C and
155 returning it to:

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157 Betsy S. Lichti, Senior Sanitary Engineer
158 Division of Drinking Water
159 Drinking Water Field Operations Branch
160 265 W. Bullard Avenue, Suite 101
161 Fresno, CA 93704

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163 2. By **December 15, 2014**, the Water System shall complete and submit the
164 enclosed "Positive Total Coliform Investigation" form to the Division that describes
165 the incident and all corrective actions taken, and the results of the investigation.
166 The appropriate investigation report is provided as Attachment D.

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168 3. Whenever the Water System has one or more total coliform-positive samples in a
169 given month, at least five (5) routine samples shall be collected the following
170 month as required by Section 64424(d) and as discussed in this Citation.

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172 4. The Water System will be required to maintain an approved Cross-Connection
173 Control Program which shall include the following elements (as applied from Title
174 17, California Code of Regulations, Section 7584), and as outlined in Attachment

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E:

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a. The conducting of surveys to identify water user premises or locations
177 where cross connections are likely to occur,

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b. The provisions of backflow protection by the Water user at the user's
179 connection or within the user's premises or both,

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c. The provision of at least one person trained in cross-connection control
181 to carry out the cross-connection program,

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d. The establishment of a procedure or system for annual testing of
183 backflow preventers, and

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e. The maintenance of records of locations, tests, and repairs of backflow
185 preventers.

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**The survey and documentation of a valid Cross Connection Control
188 Program shall be submitted to the Department by December 15, 2014.**
189 You may contact the SWRCB-DDW Fresno District for guidance in identifying a
190 cross-connection specialist to conduct the survey.

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PARTIES BOUND

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This Citation shall apply to and be binding upon Elm Court Water System, its officers,
194 directors, shareholders, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

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The Directives of this Citation are severable, and Elm Court Water System shall comply
197 with each and every provision thereof, notwithstanding the effectiveness of any other
198 provision.

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FURTHER ENFORCEMENT ACTION

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The California SDWA authorizes the Division to: issue citation with assessment of
201 administrative penalties to a public water system for violation or continued violation of the

202 requirements of the California SDWA or any permit, regulation, permit or order issued or
203 adopted thereunder including, but not limited to, failure to correct a violation identified in a
204 citation or compliance order. The California SDWA also authorizes the Division to take
205 action to suspend or revoke a permit that has been issued to a public water system if the
206 system has violated applicable law or regulations or has failed to comply with an order of
207 the Division; and to petition the superior court to take various enforcement measures
208 against a public water system that has failed to comply with violates an order of the
209 Division. The Division does not waive any further enforcement action by issuance of this
210 citation.

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11/17/14

Betsy S. Lichti

Date

Betsy S. Lichti, P.E.,
District Engineer
Division of Drinking Water
State Water Resources Control Board



Attachments:

- A. Bacteriological Distribution and Source Monitoring Reports
- B. Public Notice Template
- C. Proof of Notification
- D. Positive Total Coliform Investigation Form
- E. Guidelines for Development of Cross Connection Control Program

Bacteriological Distribution Monitoring Report

1000277 Elm Court
Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
1/15/2014	14:30	3508 S. Elm #103	A	A		Routine			
2/27/2014	16:00	3508 S. E.m 102	A	A		Routine			
3/31/2014	14:15	3504 S. Elm	A	A		Routine			
4/16/2014	11:00	3520 S. Elm #102	A	A		Routine			
5/16/2014	13:00	3520 W. Elm #101	A	A		Routine			
6/11/2014	9:30	3508 S Elm, #102	A	A		Routine			
7/15/2014	14:45	3508 S. Elm, #102	P	A		Routine			
7/16/2014	13:30	3508 S. Elm - Well	A	A		Source Repeat			
7/16/2014	13:38	3508 S. Elm, #103	A	A		Repeat			
7/16/2014	13:45	3508 S. Elm, #102	P	A		Repeat			
7/16/2014	13:55	3508 S. Elm, #101	P	A		Repeat		MCL	
7/18/2014	14:10	3504 S. Elm	A	A		Routine			
7/18/2014	14:16	3508 S. Elm, #101	A	A		Routine			
7/18/2014	14:24	3508 S. Elm, #102	A	A		Routine			
7/18/2014	14:35	3508 S. Elm, #103	A	A		Routine			
8/8/2014	14:05	3520 S. Elm #102	A	A		Routine			
8/8/2014	14:06	#103	A	A		Routine			
8/8/2014	14:07	#105	A	A		Routine			
8/8/2014	14:08	#104	P	A		Torres			
8/8/2014	14:14	#105	A	A		Routine			
8/12/2014	13:50	Pump	A	A		Source Repeat			
8/12/2014	13:55	#106	A	A		Repeat			
8/12/2014	14:00	#104	A	A		Repeat			
8/12/2014	14:05	#103	A	A		Repeat			
9/15/2014	15:30	#101	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	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.

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

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 nine (9) samples to test for the presence of coliform bacteria in July 2014. Three (3) of these samples showed the presence of total coliform bacteria. The standard is that no more than 1 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: _____.

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 **Elm Court water system** of the failure to meet the **total coliform bacteria MCL** for the month of **July 2014** as directed by the Department.

Notification was made on _____ by
(date)

_____ **mailed** and/or **hand delivered** 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: December 15, 2014
Total Coliform MCL Failure: July 2014
System Number: 1000277
Citation No.: 03-23-14C-073