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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Pacific Union Elementary School
2065 E. Bowles
Fresno, CA 93725

Water System No. 1000194

Attn: Annette Machado

**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-074

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 Pacific Union Elementary School Water System (hereinafter, Water System) (mailing address: 2065 E. Bowles, Fresno, CA 93725) for

29 violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsections
30 (b)(2).

31 **APPLICABLE AUTHORITIES**

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

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

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

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

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

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

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

51 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

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

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

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

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

65 **STATEMENT OF FACTS**

66 The Water System is operated under Water Supply Permit No. 03-23-12P-013, issued
67 by the Division on June 5, 2012. Pacific Union Elementary School Water System is a non-
68 transient non-community water system serving a population of four hundred ninety (490)
69 people through (1) service connection.

70
71 The Water System is required to collect a minimum of one (1) distribution system
72 bacteriological sample per month. The bacteriological water analysis results submitted by
73 the Water System reported the presence of total coliform bacteria in three (3) of nine (9)
74 samples collected during July 2014. None of the positive samples showed the presence
75 of fecal coliform or *E. coli* bacteria.

76
77 The following table summarizes the bacteriological monitoring conducted during the
78 months of July, August and September of 2014.

79

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
7/21/2014	1	Routine	1	0
7/22/2014	4	Repeat (including well)	2 (including well)	0
7/28/2014	4	Repeat (including well)	0	0
8/13/2014	5	Routine (distribution)	0	0
9/8/2014	1	Routine	0	0

80
81 Due to the above-mentioned total coliform positive samples, the Water System failed the
82 total coliform MCL for the month of July 2014. Results for water samples tested for
83 coliform bacteria during 2014 are summarized in Attachment A. The source of

84 contamination has not been reported to the Division, however it is noted that the well
85 tested positive for total coliform during July's initial repeat sampling event.

86

87 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
88 collection of a sample for bacteriological evaluation from wells serving the system in
89 response to a coliform positive distribution sample. This requirement was met with each
90 round of repeat sampling.

91

92

VIOLATION

93 The Drinking Water Field Operations Branch of the State Water Resources Control Board
94 – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to Pacific
95 Union Elementary School Water System (hereinafter 'Water System'), for failure to comply
96 with Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California
97 Code of Regulations (CCR). Based on the Statement of Facts, the Water System has
98 failed to comply with the total coliform Maximum Contaminant Level (MCL) for the month
99 of July 2014.

100

101

NOTIFICATION REQUIREMENTS

102 Section 64426.1(c) requires a public water system to notify the Division and the
103 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) the
104 total coliform MCL occurs. Notification to the Division shall be by the end of the business
105 day on which the violation has been determined. If the Division is closed, notification shall
106 be within 24 hours of the determination. The Division was notified on July 23, 2014 in
107 accordance with the above-referenced section.

108

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

112
113 Section 64463.4 allows non-transient non-community water systems to give public notice
114 by posting the notice in conspicuous locations throughout the area served by the water
115 system and by the use of one or more of the following methods in order to reach persons
116 not likely to be reached by a public posting: publication in a local newspaper or newsletter
117 distributed to customers, e-mailing the public notice to water system customers, post the
118 public notice on the internet, or by delivery to each customer. The appropriate Tier 2
119 notification template is provided here as Attachment B. The Water System shall post the
120 public notice provided as Attachment B in conspicuous locations within the water system
121 and shall deliver the public notice directly to each student and employee.

122

123 Section 116450(g) requires that upon receipt of notification from a public water system,
124 schools must notify school employees, students, and parents (if the students are minors),
125 residential rental property owners or managers (including nursing homes and care
126 facilities) must notify their tenants and business property owners, managers or operators
127 must notify employees of businesses located on the property.

128 Proof of the required notification for the July violation is required. The Water System shall
129 complete Attachment C and return it to the Division by **December 15, 2014**.

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DIRECTIVES

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

1. By **December 1, 2014**, the Pacific Union Elementary School water system shall provide public notification of the total coliform Maximum Contaminant Level failure during July 2014 by posting the notice provided as Attachment B in conspicuous locations throughout the area served by the water system. Additionally, the Water System shall deliver the public notice directly to each student and employee.

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

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

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

PARTIES BOUND

This Citation shall apply to and be binding upon Pacific Union Elementary School Water System, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

The Directives of this Citation are severable, and Pacific Union Elementary School Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

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

11/17/14
Date

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

- Attachments:
- A. Bacteriological Distribution Report
 - B. Public Notice Template
 - C. Proof of Notification
 - D. Positive Total Coliform Investigation Form



Bacteriological Distribution Monitoring Report

1000194 Pacific Union Elementary School
Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/8/2014	10:32	Site 1 Nurse's Office	A	A		Routine			
2/5/2014	10:05	Site OHB @ R4	A	A		Routine			
3/4/2014	14:31	Site 1 Nurse's Office	A	A		Routine			
4/10/2014	12:52	Site OHB @ R4	A	A		Routine			
5/14/2014	11:05	Site 1 Nurse's Sink	A	A		Routine			
6/4/2014	12:08	Site 2 OHB	A	A		Routine			
7/21/2014	11:05	Site 1 Nurse's Sink	P	A		Routine			
7/22/2014	14:08	Well	P	A		Source Repeat			
7/22/2014	14:14	Downstream Fountain @ Rm 19	P	A		Repeat		MCL	
7/22/2014	14:20	Upstream Fountain @ Rm 11	A	A		Repeat			
7/22/2014	14:26	Site 1 Nurse's Sink	A	A		Repeat			
7/28/2014	13:30	Nurse's	A	A		Repeat			
7/28/2014	13:38	Fountain @ Rm 11	A	A		Repeat			
7/28/2014	13:48	Fountain @ Rm 19	A	A		Repeat			
7/28/2014	14:04	Well	A	A		Source Repeat			
8/13/2014	12:05	Nurse's Sink	A	A		Routine			
8/13/2014	12:09	OHB @ Rm 4	A	A		Routine			
8/13/2014	12:15	Fountain @ Rm 11	A	A		Routine			
8/13/2014	12:20	Fountain @ Rm 19	A	A		Routine			
8/13/2014	12:25	Sink in LRR	A	A		Routine			
9/8/2014	15:10	Site 1 Nurse's Sink	A	A		Routine			

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.

Pacific Union Elementary School 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 Pacific Union Elementary School

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 Pacific Union Elementary of the failure to meet the **total coliform bacteria MCL** for the month of **July 2014** as directed by the Division.

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: December 15, 2014
Total Coliform MCL Failure: July 2014
System Number: 1000194
Citation No.: 03-23-14C-074



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/>