STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: Shorty's Place

9553 S. Goldenstate, Apt #4 (Office)

Selma, CA 93662

Attn: William Carl Adkins

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64480(a) – CONSUMER CONFIDENCE REPORT (2013)

WATER SYSTEM NO. 1000410

CITATION NO. 03-23-14C-088

Issued on December 31, 2014

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation to a public water system for violation of 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 (hereinafter "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 Shorty's Place Water System (hereinafter "Water System") for violation of California Code of Regulations (CCR), Title 22, Section 64480 subsection (a).

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

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

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

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

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

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

California Code of Regulations, Title 22, Section 64480, subsection (a) provides, in relevant part:

(a) ...each community and nontransient-noncommunity (NTNC) water system shall prepare and deliver the first Consumer Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter.

California Code of Regulations, Title 22, Section 64483, subsection (c) provides, in relevant part:

(c) No later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each water system shall mail a copy of the report to the Department, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Department.

STATEMENT OF FACTS

The Water System operates under a domestic water supply permit issued by the Fresno County Department of Community Health (County) May 1996 issued to Bill Adkins. The Water System serves water to approximately forty permanent residents through seventeen

service connections. Each year, the Water System is required to provide, as a minimum, specific information on concentrations of microbiological contaminants, minerals, physical agents, inorganic chemicals, organic chemicals, and radioactivity which are present in the water supply. Regulations requiring community and nontransient noncommunity water supply systems in California to provide a Consumer Confidence Report (CCR) to customers were adopted and effective on May 26, 2001. Additionally, beginning in 2011, the Division implemented an electronic process for receiving the CCR for your water system through the DRINC portal also used for the Annual Report to the Drinking Water Program.

The Division sent a reminder letter dated September 23, 2014, to the Water System, establishing an extended deadline of October 1, 2014, for distribution of the 2013 CCR to its consumers as well as a deadline of October 1, 2014 for the electronic uploading of the CCR via the DRINC Portal and the submittal of the 2013 CCR Certification Form to the Division's Fresno District Office. **As of the date of this Citation, the Division has not received a copy of the 2013 CCR (neither in hard copy or uploaded to the DRINC portal) provided to customers or the certification form and therefore finds the Water System to be in violation of this requirement.**

DETERMINATION

The Division has determined that the Water System has failed to comply with Section 116470 of the CHSC and Section 64480(a) of Title 22, California Code of Regulations.

DIRECTIVES

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

1. **By February 15, 2015**, the Water System shall distribute a Division-approved Consumer Confidence Report to each customer reporting the water quality for the

year 2013. The Water System may use the 2013 CCR template developed by the Division for small water systems, provided here as Attachment A. Instructions for completing the CCR may also be accessed on the Division's internet website at:

http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml

2. **By March 1, 2015**, the Water System shall upload a copy of the 2013 CCR to the DRINC Portal using the procedures outlined in Attachment B. The CCR Certification Form provided as Attachment C must be submitted in hard copy with original signature to the Division's Fresno District Office at the following address:

Betsy S. Lichti, Senior Sanitary Engineer
State Water Resources Control Board
Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

3. The Water System shall distribute a CCR to each customer by July 1 of each year, reporting water quality information for the prior year. An electronic copy of each report shall be provided to the Division by uploading it to the DRINC Portal by July 1st of each year. Proof of distribution to customers using the CCR Certification form provided as Attachment C is to be submitted to the Division in hard copy with original signature no later than October 1st of each year. **The 2014 CCR shall be distributed to customers and a copy submitted to CDPH per the procedures outlined in Attachment B no later than July 1, 2015.**

PARTIES BOUND

This Citation shall apply to and be binding upon the 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 the 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 Board 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 Board 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 Board; 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 Board. The Board does not waive any further enforcement action by issuance of this citation.

12/31/14
Date

Betsy S. Lichti, Senior Sanitary Engineer
Drinking Water Field Operations Branch

Attachments:
A: 2013 Consumer Confidence Report Template
B: DRINC Portal Guidelines for CCR submission
C: Consumer Confidence Report Certification Form

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