



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

October 14, 2014
PWS No. 1000304

Gena Marr
Sierra Inn
37692 E. Kings Canyon Road
Dunlap, CA 93621

RE: Boil Water Order Effective Immediately – Citation No. 03-23-14C-067 with Administrative Penalty

Dear Ms. Marr:

The State Water Resources Control Board - Division of Drinking Water (Division) has reviewed the status of bacteriological monitoring for Sierra Inn water system and has determined that there has been a failure to report any bacteriological monitoring results to the Division for the Sierra Inn water system since April 2013. On December 20, 2013 and on March 26, 2014, the Division issued enforcement letters to you for failure to conduct bacteriological monitoring during the third and fourth quarters of 2013 as well as the first quarter of 2014. Included in the letters were the requirements for maintaining the water system's bacteriological water quality monitoring and reporting. Routine monitoring requirements for this water system are a minimum of one (1) bacteriological sample per quarter. Results of all monitoring are to be submitted to our office by the tenth day of the month following sample collection.

Enclosed is a Citation issued to Gena Marr, owner of the Sierra Inn water system (Water System). The Citation includes penalties that will continue to be assessed quarterly for failure to comply with the Citation. As of the date of this letter, the penalty is \$600.00. **Please note that the Department will consider suspending the Water System's obligation to pay the penalties if the Water System complies with the specific directives in the Citation by the specified due dates, and continues to maintain compliance through March 31, 2015.**

In the absence of coliform data, our Division has no basis to determine that the water is safe to drink. **The Sierra Inn water system is, therefore, being issued a Boil Water Order, which is effective immediately, and which is to remain in place until results of a sample collected from a tap served by the water system shows the absence of coliform bacteria.** The results of this sample shall be submitted to both the Division and to the Fresno County Environmental Health Division in support of the food permit the restaurant holds with the County.

The Sierra Inn is required to comply with all Directives specified in the Citation No. 3-23-14C-067 (attached) no later than December 31, 2014. Failure to comply with each directive by that date, including those related to payment of the administrative penalty, will result in further enforcement action.

Payment of the entire penalty amount of \$600.00 (six hundred dollars) shall be made payable to the SWRCB-Division of Drinking Water as outlined in the attached Citation.

If you require any further information or copies of any regulations applicable to public water supply systems, please contact our office at (559) 447-3300.

Sincerely,



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

BSL/el

cc: Fresno County Division of Environmental Health (with attachments)
Perin Peebles, CDPH-DWP Fee Billing Unit

Attachment A: Citation 03-23-14C-067
Attachment B: Boil Water Order
Attachment C: Proof of Posting the Boil Water Order

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Sierra Inn
37692 E. Kings Canyon Road
Dunlap, CA 93621

Water System No. 1000304

Attn: Gena Marr, Owner

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64533(a) - TOTAL COLIFORM MONITORING AND REPORTING
THIRD AND FOURTH QUARTERS 2013 AND FIRST AND SECOND QUARTERS 2014
CITATION NO. 03-23-14C-067
Issued on October 14, 2014**

Section 116650 of the California Health and Safety Code 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, 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 Sierra Inn (hereinafter, "Water System") (37692 E. Kings Canyon Road, Dunlap, CA 93621) for violation of California Code of Regulations (CCR), Title 22, Section 64523 subsection (a).

1 APPLICABLE AUTHORITIES

2 Section 116525 of California Health and Safety Code provides, in relevant part:

3
4 No person shall operate a public water system unless he or she first submits an
5 application to the Division and receives a permit. CHSC Section 116570(a) states
6 that each water system serving less than 1,000 service connections applying for a
7 domestic water supply permit pursuant to Section 116525 or 116550 shall pay a
8 permit application processing fee to the Division. Payment of the application fee
9 shall accompany the permit application.

10
11 Section 116650 of California Health and Safety Code provides:

- 12
13 (a) If the department determines that a public water system is in violation of this
14 chapter or any regulation, permit, standard, citation, or order issued or adopted
15 thereunder, the department may issue a citation to the public water system. The
16 citation shall be served upon the public water system personally or by certified
17 mail. Service shall be deemed effective as of the date of personal service or the
18 date of receipt of the certified mail. If a person to whom a citation is directed
19 refuses to accept delivery of the certified mail, the date of service shall be deemed
20 to be the date of mailing.
- 21
22 (b) Each citation shall be in writing and shall describe the nature of the violation or
23 violations, including a reference to the statutory provision, standard, order, citation,
24 permit, or regulation alleged to have been violated.
- 25
26 (c) A citation may specify a date for elimination or correction of the condition
27 constituting the violation.
- 28
29 (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- 30
31 (e) The department may assess a penalty in an amount not to exceed one thousand
32 dollars (\$1,000) per day for each day that a violation occurred, and for each day
33 that a violation continues to occur. A separate penalty may be assessed for each
34 violation.

35
36 California Code of Regulations, Title 22, Section 64423, provides, in relevant part:

37
38 Section 64423(a)(3): The minimum number of routine bacteriological samples for
39 transient non-community water systems using groundwater and serving 1000 or
40 fewer persons a month shall be one in each calendar quarter during which the
41 system provides water to the public.

42
43 Section 64423.1(c): The analytical results of all required samples collected for a
44 system in a calendar month shall be reported to the Department not later than the
45 tenth day of the following month.

46

1 Section 64423.1(c)(2): Systems serving fewer than 10,000 service connections or
2 33,000 persons to instruct the laboratory to submit copies of all required
3 bacteriological monitoring results directly to the Department.

4
5 **STATEMENT OF FACTS**

6 The Sierra Inn water system is an existing transient non-community water system in
7 Fresno County. The Division has had regulatory oversight of this water system since
8 September 2007 when the Fresno County Environmental Health Department (FCEHD)
9 gave up jurisdiction of the small water systems in Fresno County.

10
11 Division records show that the last permit was issued in May 2004 by FCEHD to Mr. Gary
12 Bulmer. The facility had subsequently changed ownership to Dale Renfro, and then was
13 returned back to the prior owners (Bob and Diane Marr). Updated permits were not
14 issued to document this transference of ownership. It is our understanding that Gena
15 Marr is now the legal owner, but we are unable to confirm that, other than a public record
16 found online showing a deed transference between Robert Marr & Diane Marr to Gena
17 Bulmer in November 2009 for the APN 16017-009. A new well was also drilled in 2007 to
18 replace a collapsed well. That new well has not received permit approval by our office.

19
20 **Failure to Obtain a Domestic Water Supply Permit**

21
22 Based on the information we have, the Water System serves approximately 25 people or
23 more for at least 60 days out of the year and provides potable water for handwashing and
24 drinking. Therefore, the Water System meets the definition of a transient non-community
25 public water system and a domestic water supply permit will need to be issued by the
26 Division.

27

1 The Division has not received the permit application or fee for a permit amendment to
2 approve the use of the new well from the Water System.

3
4 **Failure to Conduct Bacteriological Monitoring**

5
6 Title 22, CCR, Section 64423(a)(3) specifies that the minimum number of routine
7 bacteriological samples for transient non-community water systems that use groundwater
8 and serve 1,000 or fewer persons a month, shall be one bacteriological sample in each
9 calendar quarter during those periods that the system is in operation or provides water to
10 the public.

11
12 Based on an estimated population of approximately twenty five (25) persons, the Water
13 System is required to collect and report a minimum of one (1) routine bacteriological water
14 quality sample each quarter.

15
16 The Water System has had significant monitoring and reporting failures, resulting in the
17 issuance of multiple enforcement letters and citations. Due to continued failure to be
18 responsive to the requirements specified in law and in the enforcement letter and
19 citations, the Division issued a fine of \$250 via a Citation dated March 28, 2011. Ms. Marr
20 did not respond to the requirements of that Citation and has not paid the fine. Ms. Marr
21 has also failed to pay the Annual Operating Fees, enforcement fees assessed based on
22 the time the Division has spent issuing enforcement actions and various fines addressed.

23 More recently, the Division issued Enforcement Letter No. 03-23-13E-137 on December
24 20, 2013, to the Water System for failure to submit any bacteriological monitoring results
25 for the third quarter of 2013. Additionally, the Division issued Enforcement Letter No. 03-
26 23-14E-023 on March 26, 2014 for failure to submit any bacteriological monitoring results
27 for the fourth quarter of 2013 and the first quarter of 2014. For each enforcement action,

1 the water system was required to notify the water users of the failure to conduct the
2 required monitoring. The Division has not received the Proof of Notification demonstrating
3 that the public notification was conducted for either violation. Furthermore, the Division
4 has not received bacteriological monitoring results for any samples collected during the
5 second quarter of 2014. A summary of all enforcement actions issued to the Water
6 System is provided in Appendix A1. A summary of the bacteriological monitoring since
7 January 2012 is provided in Appendix A2.

8 9 DETERMINATION

10 The Division has determined that the Sierra Inn has failed to comply with Section
11 116555(a) of the CHSC and DIVISION 4, Chapter 15, Article 3 of Title 22, California Code
12 of Regulation (CCR). Specifically, the Water System failed to comply with the primary
13 standard for bacteriological water quality for the third and fourth quarters of 2013 and the
14 first and second quarters of 2014 in that the Water System has not collected or reported
15 bacteriological monitoring results nor has it provided proof that the Water System users
16 were notified of the violations.

17
18 Due to the ongoing failure to collect and report coliform results that demonstrate that the
19 water is safe to drink, the Division hereby requires the posting of a Boil Water Order until
20 such time as the water provided is demonstrated to be bacteriologically safe.

21 22 NOTIFICATION REQUIREMENTS

23 Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever
24 a monitoring requirement specified in the Division'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.



1 Public notification for violation of any requirement of Section 64423 shall be in accordance
2 with Section 64463.7(b) which outlines the prescribed methods and information to be
3 included in the public notice to the customers.

4
5 Public notification for failure to conduct the required bacteriological monitoring for the third
6 and fourth quarters of 2013 as well as the first and second quarters of 2014 is required.
7 At this time, the Division requires the Water System to utilize the "Boil Water Order" Public
8 Notice to inform their customers of the failure to conduct the required bacteriological
9 monitoring. This notice is provided as Attachment B and shall be given pursuant to
10 Section 64463.4 and 64465. The "Boil Water Order" Public Notice shall include the
11 mandatory standard monitoring language for monitoring and reporting violations.

12
13 Section 64463.4 allows non-community water systems to give public notice by posting the
14 notice in conspicuous locations throughout the area served by the water system and by
15 the use of one or more of the following methods in order to reach persons not likely to be
16 reached by a public posting: publication in a local newspaper or newsletter distributed to
17 customers, e-mailing the public notice to water system customers, post the public notice
18 on the internet, or by delivery to each customer.

19
20 Section 116450(g) requires that upon receipt of notification from a public water system,
21 schools must notify school employees, students, and parents (if the students are minors),
22 residential rental property owners or managers (including nursing homes and care
23 facilities) must notify their tenants and business property owners, managers or operators
24 must notify employees of businesses located on the property. These secondary
25 notification requirements are included in the public notice.

26

1 Proof of notification is required. The Water System shall complete Attachment C and
2 return it to the Department by November 15, 2014.

4 ADMINISTRATIVE PENALTIES

5 **PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650**

6 Sections 116650(d) and 116650 of the CHSC allow for the assessment of a civil penalty
7 for failure to comply with requirements of the California Safe Drinking Water Act. Despite
8 all efforts by the Division to work with the Water System, the Sierra Inn Water System has
9 failed to comply with the requirements for domestic water supply permitting and for
10 distribution system bacteriological monitoring and reporting. Therefore, the Division
11 hereby assesses an administrative penalty upon the Sierra Inn water system as follows:

12
13 A penalty of \$150 per quarter for each quarter that the Water System continues to violate
14 the CHSC and California Code of Regulations is hereby assessed. As of the date of
15 issuance of this Citation, the Water System will be assessed a penalty of \$600 for the four
16 quarters of violation. The administrative penalty will continue to accrue at a rate of \$150
17 per quarter for each quarter in which the water system fails to comply with all directives of
18 this Citation.

19
20 Directive No. 6 describes the requirements for the payment of the Penalty and conditions
21 for the waiver of the Penalty if compliance is achieved.

22 DIRECTIVES

23
24 Sierra Inn is hereby directed to take the following actions:

- 25 1. The Water System shall collect a **routine bacteriological sample by October 20,**
26 **2014,** and the results shall be submitted to the Division no later than November 10,

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2014. If the analytical result is negative or absent for total coliform bacteria, the system may resume its quarterly bacteriological sampling frequency.

- 2. The Water System shall immediately provide public notification (using Attachment B) of the failure to maintain the required bacteriological monitoring and reporting program and the establishment of a **Boil Water Order** by posting in conspicuous locations throughout the service area and by an additional secondary method in order to reach persons not likely to be reached by mail or direct delivery.

By October 31, 2014, the Water System shall provide proof of posting and direct delivery of the Boil Water Order notice by completing Attachment C and returning it to the Division.

- 3. By October 31, 2014, the Water System shall submit a permit amendment application and fee of \$155.00 to document the change of ownership and thereby permitting the current active well. The permitting application form is provided as Appendix F.

- 4. Pursuant to Section 64423, the Water System shall initiate and maintain a bacteriological monitoring program required by Title 22, CCR, Section 64423 by collecting one (1) sample each quarter and shall report the analytical results to the Division at the above address no later than the tenth day of the following month. The requirements are summarized in Attachment D, "Bacteriological Monitoring Requirements for Small Water Systems."

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5. The Water System shall also require their contracting laboratory to submit copies of all required *bacteriological* monitoring results directly to the Division pursuant to Section 64423.1(c)(2).

6. The Water System is directed to pay the penalty of \$600.00 (six hundred dollars) within 30 days of the receipt of this Citation. Payment shall be made by check made payable to the State Water Resources Control Board – Division of Drinking Water. Further instruction on submittal of the payment is provided in Attachment E, “Notice of Citation Issuance”. **However, if the Water System complies with Directives Nos. 1, 2, 3 and 4 by November 30, 2014, the Division will consider, at its sole discretion, suspending the penalty through March 31, 2015, and will provide written notice to the Water System of its decision. Additionally, if the Water System complies with all monitoring and reporting requirements established by the Division through March 31, 2015, it will consider, at its sole discretion, terminating the requirement to pay the penalty and will provide written notice to the Water System of its decision.**

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves Sierra Inn of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

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Betsy S. Lichti, P.E.
District Engineer
State Water Resources Control Board
Division of Drinking Water
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

PARTIES BOUND

This Citation shall apply to and be binding upon Sierra Inn, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Sierra Inn 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.

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10-14-2014

Date



Carl Carlucci, P.E., Chief
Central California Section
Division of Drinking Water
State Water Resources Control Board

Appendices:

- A1: Enforcement Action Summary
- A2: Bacteriological Distribution Monitoring Report 2012, 2013, 2014
- B: Public Notice – Boil Water Order
- C: Proof of Public Notice
- D: Bacteriological Monitoring Guidelines for Small Water Systems
- E: Fine Payment Submittal Form
- F: Permit Amendment Application

APPENDIX A1

Summary of Enforcement Actions issued to Sierra Inn: 1000304

Enforcement No.	Violation Description	Issued
03-12-08E-212	Total Coliform Monitoring & Reporting	9/3/2008
03-12-08C-063	Total Coliform Monitoring & Reporting	11/4/2008
03-23-09E-143	No 2008 Nitrate	6/15/2009
03-23-09E-233	No 2008 Annual Report to the Drinking Water Division	10/13/2009
03-23-09E-327	Total Coliform Monitoring & Reporting	12/3/2009
03-23-10E-111	Total Coliform Monitoring & Reporting	9/3/2010
03-23-10C-072	No 2008 or 2009 Annual Report to the Drinking Water Division	10/12/2010
03-23-11C-009	Total Coliform Monitoring & Reporting	1/11/2011
03-23-11C-030	Total Coliform Monitoring & Reporting	3/28/2011
03-23-11C-038	No 2010 Nitrate	4/5/2011
03-23-11E-114	No 2010 Annual Report to the Drinking Water Division	7/19/2011
03-23-11E-181	Total Coliform Monitoring & Reporting	11/8/2011
03-23-11C-084	No 2010 Annual Report to the Drinking Water Division	11/29/2011
03-23-12C-019	Total Coliform Monitoring & Reporting	2/29/2012
03-23-12C-027	No 2011 Nitrate	3/27/2012
03-23-12E-081	No 2011 Annual Report to the Drinking Water Division	7/3/2012
03-23-12C-051	No 2011 Annual Report to the Drinking Water Division	9/10/2012
03-23-13E-069	Total Coliform Monitoring & Reporting	5/23/2013
03-23-13E-086	No 2012 Annual Report to the Drinking Water Division	7/3/2013
03-23-13C-035	No 2012 Annual Report to the Drinking Water Division	8/30/2013
03-23-13E-137	Total Coliform Monitoring & Reporting	12/20/2013
03-23-14C-016	No 2013 Nitrate	3/7/2014
03-23-14E-023	Total Coliform Monitoring & Reporting	3/26/2014
03-23-14C-058	No 2013 Annual Report to the Drinking Water Division	9/4/2014
03-23-14C-067	Total Coliform Monitoring & Reporting	10/9/2014

Bacteriological Distribution Monitoring Report

1000304 Sierra Inn
Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
2/23/2012	10:00	37692 E. Kings Canyon Rd., Dunlap, CA	A		A	Routine			
7/24/2012	10:00	37692 E. Kings Canyon Rd., Dunlap	P	P		Routine			BWO Issued 7/30/12
7/31/2012	10:10	Pressure Tank	A			Repeat			
7/31/2012	10:10	Well	A			Source Repeat			
7/31/2012	10:15	3 Sink Kitchen	A	A		Repeat			
7/31/2012	10:20	Motel Room #3	A			Repeat			
8/2/2012	11:50	Well	A	A		Source Repeat			
8/2/2012	12:00	Room #1	A	A		Repeat			
8/2/2012	12:05	3 Sink Kitchen	A	A		Repeat			
8/2/2012	12:10	Pressure Tank	A	A		Repeat			
12/31/2012	9:00	Kitchen	A	A		Routine			
12/31/2012	9:00	Room 1	A	A		Routine			
3/31/2013		No quarterly sample						MR2	5/23/13 Issued 03-23-13E-069
4/2/2013	9:30	3 sink in kitchen	<1.1			Routine			
4/2/2013	9:35	room 3 motel	<1.1			Routine			
9/30/2013		No Sample						MR2	12/20/13 Issued 03-23-13E-137
12/31/2013		No Sample						MR2	3/26/14 Issued 03-23-14E-023
3/31/2014		No Sample						MR2	3/26/14 Addressed in 03-23-14E-023
6/30/2014		No Sample						MR2	10/8/14 BWO Issued with Ci 03-23-14C-067

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

October 14, 2014

BOIL WATER NOTICE

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

BOIL YOUR WATER BEFORE USING

Failure to follow this advisory could result in stomach or intestinal illness.

Due to the lack of bacteriological monitoring and violating the Total Coliform Rule, the State Water Resources Control Board in conjunction with the Fresno County Health Department, and Sierra Inn Water System are advising customers of the Sierra Inn to use boiled tap water or bottled water for drinking and cooking purposes as a safety precaution.

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. Bring all water to a boil, **let it boil for one (1) minute**, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water. This is the preferred method to assure that the water is safe to drink.

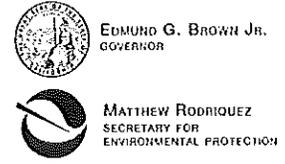
We will inform you when tests show that water is safe to drink and you no longer need to boil your water. We anticipate resolving the problem within

_____.

For more information call:

State Water Resources Control Board – Division of Drinking Water- District Office at [(559) 447-3300].

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.



State Water Resources Control Board
Division of Drinking Water

APPENDIX 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 **Sierra Inn water system** of the failure to meet the **Monitoring and Reporting Requirement for Coliform bacteria sampling for the third & fourth quarters of 2013 as well as the 1st and 2nd quarters of 2014. Additionally, I have notified all users of the Boil Water Advisory initiated on October 14, 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 Division: October 31, 2014
Total Coliform M&R Violation: 3rd & 4th Quarters 2013 and 1st & 2nd Quarters 2014
System Number: 1000304
Enforcement Action No.: 03-23-14C-067