

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **LAKESHORE RESORT WATER SYSTEM**
Water System No. 1000172

TO: Gabrielle Kant
Lakeshore Resort
P. O. Box 197
Lakeshore, CA 93634-0197

cc: Wayne Fox
Fresno County Environmental Health Division
P.O. Box 11867
Fresno, CA 93775

**CITATION FOR VIOLATION OF
CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64423 – TOTAL COLIFORM MONITORING AND REPORTING**

Second, Third and Fourth Quarters 2014

Issued on March 27, 2015

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 (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 Lakeshore Resort (hereinafter "Water System") (P.O. Box 197, Lakeshore, CA 93634) for violation of California Code of Regulations (CCR), Title 22, Section 64423.

1
2 **APPLICABLE AUTHORITIES**

3 The applicable statutes and regulations are provided in Attachment A, attached hereto and
4 incorporated by reference.

5 **STATEMENT OF FACTS**

6 The Water System operates under a domestic water supply permit issued by the Division in
7 June of 2014. The System supplies water to 28 cabins, 22 full hook-up RV spaces, a resort
8 lodge, boat rentals, a post office, and D&F Pack Station and a restaurant serving a reported
9 daily average transient population of 212 through 56 service connections. Previous records
10 indicated the Water System operated on a seasonal basis; however on September 26, 2014,
11 water system staff reported that the water system operates on a year round basis.

12
13 **History**

14 The Water System has had significant bacteriological monitoring and reporting failures,
15 resulting in the issuance of multiple enforcement actions. The following table summarizes those
16 Enforcement Actions issued by the Division to the Lakeshore Resort Water System:

17

18 Violation	Violation Period	Enforcement Action	Date Issued
19 Bacteriological monitoring & reporting	20 3 rd quarter 2007	03-12-07E-052	November 20, 2007
21 Bacteriological monitoring & reporting	22 4 th quarter 2007	03-12-08E-111	March 25, 2008
23 Bacteriological monitoring & reporting	24 June & July 2008	03-12-08E-228	September 3, 2008
25 Bacteriological monitoring & reporting	26 3 rd quarter 2008	03-12-08E-274	November 5, 2008

Bacteriological monitoring & reporting	3 rd quarter 2009	03-23-09E-322	December 1, 2009
Bacteriological monitoring & reporting	3 rd quarter 2011	03-23-11E-173	November 8, 2011
Bacteriological Monitoring & reporting	2 nd quarter 2012	03-23-13E-101	August 24, 2012
Bacteriological monitoring & reporting	2 nd & 3 rd quarters 2012	03-23-12C-065	November 14, 2012
Bacteriological monitoring & reporting	2 nd quarter 2013	03-23-13E-121	October 11, 2013
Bacteriological monitoring & reporting	2 nd quarter 2014	03-23-14E-065	October 7, 2014
Bacteriological monitoring & reporting	2 nd & 3 rd quarters 2014	03-23-14E-083	December 16, 2014
Bacteriological monitoring & reporting	2 nd , 3 rd and 4 th quarters 2014	03-23-15C-037	March 27, 2014

Failure to Conduct Bacteriological Monitoring

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

Based on an estimated population of approximately two hundred fourteen (214) persons, the Water System is required to collect and report a minimum of one (1) routine bacteriological water quality sample each quarter.

1
2 As of the date of this Citation, the Division has not received any coliform bacteria results for the
3 Water system since July 23, 2013. Since being notified that the Water System is operating on a
4 year round basis, the Division has not received bacteriological sample results for the second,
5 third or fourth quarters of 2014.
6

7 A summary of the bacteriological monitoring since 2007 provided in Attachment B.
8

9 **DETERMINATION**

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

17 **NOTIFICATION REQUIREMENTS**

18 Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever a
19 monitoring requirement specified in the Division's regulations is not performed, the person
20 operating the public water system shall notify the Division and shall give notice to the users of
21 that fact in the manner prescribed by the Division.
22

23 Public notification for failure to conduct the required bacteriological monitoring for the second,
24 third and fourth quarters of 2014 is required. This notice is provided as Attachment C and shall
25 be given pursuant to Section 64463.4 and 64465.
26

1
2 Section 64463.4 allows non-community water systems to give public notice by posting the
3 notice in conspicuous locations throughout the area served by the water system and by the use
4 of one or more of the following methods in order to reach persons not likely to be reached by a
5 public posting: publication in a local newspaper or newsletter distributed to customers, post the
6 public notice on the internet, or by delivery to each customer.

7
8 Section 116450(g) requires that upon receipt of notification from a public water system, schools
9 must notify school employees, students, and parents (if the students are minors), residential
10 rental property owners or managers (including nursing homes and care facilities) must notify
11 their tenants and business property owners, managers or operators must notify employees of
12 businesses located on the property. These secondary notification requirements are included in
13 the public notice.

14 Proof of notification is required. The Water System shall complete Attachment D and return it to
15 the Division by **April 30, 2015**.

16 **DIRECTIVES**

17 The Lakeshore Resort is hereby directed to take the following actions:

- 18
19
20 1. The Water System shall **immediately** collect a routine bacteriological sample from the
21 Lakeshore Resort Water System in accordance with an approved Bacteriological Sample
22 Siting Plan, and the results shall be submitted to the Division no later than **May 10, 2015**. If
23 the analytical result is negative or absent for total coliform bacteria, the system may resume
24 its quarterly bacteriological sampling frequency.

1
2 2. The Water System shall immediately provide public notification (using Attachment C) of the
3 failure to maintain the required bacteriological monitoring and reporting program by posting
4 in conspicuous locations throughout the service area and by an additional secondary
5 method in order to reach persons not likely to be reached by mail or direct delivery.
6

7 By May 10, 2015, the Water System shall provide proof of posting and direct delivery of the
8 notice by completing Attachment D and returning it to the Division.
9

10 3. Pursuant to Section 64423, the Water System shall initiate and maintain a bacteriological
11 monitoring program required by Title 22, CCR Section 64423 by collecting one (1) sample
12 each quarter and shall report the analytical results to the Division at the above address no
13 later than the tenth date of the following month. The requirements are summarized in
14 Attachment E, "Bacteriological Monitoring Requirements for Small Water Systems".
15

16 4. The Water System shall also require their contracting laboratory to submit copies of all
17 bacteriological monitoring results directly to the Division pursuant to Section 64423.1(c)(2).
18

19 The Division reserves the right to make such modifications to the Citation as it may deem
20 necessary to protect public health and safety. Such modifications may be issued as
21 amendments to this Citation and shall be effective upon issuance.
22

23 Nothing in this Citation relieves Lakeshore Resort of its obligation to meet the requirements of
24 the California Safe Drinking Water Act or any regulation, standard, permit or order issued
25 thereunder.
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All submittal required by this Citation shall be submitted to the Division at the following address:

Betsy Lichti, P.E.
Senior Sanitary 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 the Lakeshore Resort, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the Lakeshore Resort shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

1
2 **FURTHER ENFORCEMENT ACTION**

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

13
14
15 3/27/15
16 Date

Betsy Lichte
17 Betsy Lichte, P.E., Senior Sanitary Engineer
18 Central California Section
19 Drinking Water Field Operations
20 Division of Drinking Water
21 State Water Resources Control Board

22
23 BSL/EL

- 24 **Attachments:**
25 Attachment A: Applicable Authorities
26 Attachment B: Summary of Bacteriological Samples from September 2007 to present
27 Attachment C: Public Notice
Attachment D: Proof of Notification Form
Attachment E: Bacteriological Monitoring Requirements for Small Water Systems

Certified Mail Receipt: 7014 3490 0001 7868 8125



Attachment A

Applicable Statutes and Regulations for Citation No. 03-23-15C-037

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides in relevant part:

(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 64423, provides, in relevant part:

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

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

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

Bacteriological Distribution Monitoring Report

1000172 LAKESHORE RESORT
Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
9/30/2007		No Quarterly Sample						MR2	11/20/07 Issued EL 03-12-07E-052.
12/1/2007		No Quarterly Sample						MR2	3/25/08 issued EL, 03-12-08E-111, for 4th qtr. 07.
3/19/2008	2:00	General Store	A			Routine			
6/17/2008	7:30	Employee Kitchen	2.2		<1.1	Routine			
6/23/2008	7:30	Restroom	<1.1			Repeat		MR5	9/3/08, issued EL, 03-12-08E-228, for June and July 08.
7/1/2008								MR4	9/3/08, issued EL, 03-12-08E-228, for June and July 08.
9/30/2008		No Quarterly Sample						MR2	11/5/08, issued EL, 03-12-08E-274, for Sept. 08. 12/9/08 PN Rec'd.
10/30/2008	8:00	61953 huntington Lake Rd, Employee Kitchen	A			Routine			
3/31/2009		Closed for the Season							
6/15/2009	12:30	61953 Huntington Lake Road - Employee Kitchen	A			Routine			
9/30/2009		No Sample						MR2	12/1/09 Issued EL 03-23-09E-322
12/3/2009	8:00	61953 Huntington Lake Road, Lakeshore - Employee Kitch	A		A	Routine			
3/31/2010		Closed for the Season							
6/30/2010		Closed for the Season							
7/21/2010	8:00	61953 Huntington Lake Road, Lakeshore-Kitchen	A			Routine			
12/31/2010		Closed for the Season							
3/31/2011		Closed for the Season							
6/30/2011		Still Closed for the Season							
9/30/2011		No Sample						MR2	11/8/11 Issued EL 03-23-11E-173
10/31/2011	8:00	61953 Huntington Lake Rd	A	A		Routine			
3/31/2012		Closed for the Season							
6/30/2012		No Sample						MR2	8/24/12 issued EL 03-23-12E-101
9/30/2012		No Sample						MR2	11/14/12 Issued Cit 03-23-12C-065
12/5/2012	10:00	61953 Huntington Lake Road, Lakeshore	A	A		Routine			
3/31/2013		Closed for the Season							
6/30/2013		No Sample						MR2	10/11/13 Issued EL 03-23-13E-121
7/23/2013	8:00	Employee Kitchen	A	A		Routine			
6/30/2014		No Sample						MR2	10/07/14 Issued 03-23-14E-065
9/30/2014		No Sample						MR2	12/16/14 Issued 03-23-14E-083
12/31/2014		No Sample						MR2	

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
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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 Requirements
Not Met for Lakeshore Resort**

Our water system failed to monitor as required for a drinking water monitoring standard during the second, third and fourth quarters of 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 first, second and third quarters of 2014, we did not monitor or test 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 quarter	_____	_____	_____

- 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.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

ATTACHMENT D

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 **Lakeshore Resort water system** of the failure to meet the **Monitoring and Reporting Requirement for Coliform bacteria sampling for the second, third and fourth quarters of 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: May 15, 2015
Total Coliform M&R Violation: Second, third and fourth quarters of 2014
System Number: 1000172
Enforcement Action No.: 03-23-15C-037

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

BACTERIOLOGICAL MONITORING REQUIREMENTS
For Small Water Systems

1. Minimum Monitoring Frequency

Community Water System	1 per month
Nontransient Noncommunity	1 per month
Transient Noncommunity (groundwater)	1 per quarter
Transient Noncommunity (surface water)	1 per month

An increased monitoring frequency may be required if there is more than one pressure zone in the distribution system, if there are multiple sources or storage reservoirs, or if the daily population served is greater than 1,000. If your system is providing continuous chlorination treatment, closely review Item 6 below.

2. Routine and Repeat Sampling

All **routine samples** should be collected from the distribution system (not from the well) at locations specified in an approved Bacteriological Sample Siting Plan. If such a plan has not been prepared for your water system, contact the Division for assistance.

3. Repeat Monitoring After a Coliform-Positive Sample

Notification of a Coliform-Positive Sample - The water system shall require the laboratory to notify the system within 24 hours if any sample is coliform-positive. The water system must collect a repeat sample set within 24 hours of notification of the coliform-positive sample. **If the sample is fecal coliform- or *E. coli*-positive, the water system should contact the Division immediately.**

Repeat Sampling - *For systems collecting only one sample per month or quarter*, a repeat sample set shall consist of at least four (4) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) from the upstream repeat sample site, one (1) from the downstream repeat sample site and one (1) from each active source.

For systems collecting more than one sample per month, a repeat sample set shall consist of three (3) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) from the upstream repeat sample site, and one (1) from the downstream repeat sample site.