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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: FCPG/Kearney Park
2220 Tulare Street, 6th Floor
Fresno, CA 93721
Water System No. 1000094
Attn: David Chavez

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1 (b) (2) - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL
ASSOCIATED WITH A SIGNIFICANT RISE IN BACTERIAL COUNT**

May 2015

CITATION NO. 03-23-15C-048

Issued on July 9, 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, 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 FCPG/Kearney Park Water System (hereinafter, Water System) (mailing address: 2220 Tulare Street, Fresno, CA 93721) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsections (b)(2).

31 **APPLICABLE AUTHORITIES**

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

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, subsection (a)(2) and**
50 **Section 64426.1, subsections (a) and (b) provide, in relevant part:**

51 **§64426. Significant Rise in Bacterial Count.**

52 (a) Any of the following criteria shall indicate a possible significant rise in bacterial
53 count:

54 (2) A system has a sample which is positive for fecal coliform or E. coli;

55 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

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

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

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

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

69

70

STATEMENT OF FACTS

71 The Water System is operated under Water Supply Permit No. 03-23-08P-040, issued by
72 the Division on September 11, 2008. FCPG/Kearney Park Water System is a transient
73 non-community water system with twenty-five (25) service connections, serving a number
74 of buildings and day use areas. The park has an employee population of approximately 10
75 people, including maintenance personnel, members of the Fresno Historical Society, and
76 fire personnel. The park has a transient population of up to 500 people per week during
77 the summer months; the park also hosts special events throughout the year including an
78 annual Civil War reenactment that has had turnouts that range from 17,000 up to 30,000
79 people for the October weekend event.

80

81 The Water System is required to collect a minimum of two (2) distribution system
82 bacteriological samples per month with the exception of the month of October, in which
83 five (5) distribution system bacteriological samples are required. The bacteriological water
84 analysis results submitted by the Water System reported the presence of total coliform
85 bacteria AND *E. Coli* bacteria in five (5) of five (5) distribution samples collected on May
86 15, 2015 prompting the installation of temporary continuous chlorination.

87

88 The following table summarizes the bacteriological monitoring conducted during the
89 months of April, May and June of 2015.

90

91

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
4/09/2015	2	Routine	1	0
4/14/2015	4	Repeat (including well)	0	0
5/15/2015	5	Routine (distribution only)	5	5
5/19/2015	5	Other (including 2 well samples prior to disinfection and distribution with chlorine residual 1.97-3.7 ppm)	0	0
5/20/2015	3	Other (distribution with chlorine residual at 2.2 ppm)	0	0
5/21/2015	5	Well Cycle Test	0	0
5/28/2015	5	Well Cycle Test	0	0
6/2/2015	5	Routine (distribution only with chlorine residual from 2.17 -2.19)	0	0

92

93 Due to the above-mentioned total coliform positive samples, the Water System has failed
94 the total coliform MCL for the month of May 2015. Water System staff has not completed
95 a Positive Total Coliform Investigation. The well has not tested positive for total coliform
96 bacteria in any of the sampling events conducted in April or May of 2015. Temporary
97 continuous disinfection was installed and has remained for the months of May and June
98 2015. The Water System has not been permitted to provide ongoing continuous
99 chlorination other than short term emergency disinfection. It is believed that continuous

100 disinfection is currently being provided. The Division has required a new cross connection
101 control survey due to the existence of an older previously, and possibly currently,
102 interconnected irrigation system. A summary of all bacteriological monitoring results
103 obtained during 2015 are provided here as Attachment A.

104

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

109

110

DETERMINATION

111 The Drinking Water Field Operations Branch of the State Water Resources Control Board
112 – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to
113 FCPG/Kearney Park Water System (hereinafter 'Water System'), for failure to comply with
114 Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code
115 of Regulations (CCR). Based on the Statement of Facts, the Water System has failed to
116 comply with the total coliform Maximum Contaminant Level (MCL) for the month of May
117 2015.

118

119 Public notification to the consumers of the water system was conducted on May 18, 2015
120 using Attachment B.

121

DIRECTIVES

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

123

- 124 1. By September 1, 2015, the Water System shall have a cross connection control
125 survey (see Attachment C) conducted by a cross connection control specialist. By
126 October 1, 2015, the Water System shall submit for approval a Cross Connection

127 Control Program following the guidelines provided in Attachment C. The Water
128 System may contact the DDW Fresno District for guidance in identifying a cross-
129 connection specialist to conduct the survey.

130

131 2. By **September 1, 2015**, the Water System shall complete and submit the enclosed
132 "Positive Total Coliform Investigation" form to the Division that describes the
133 incident and all corrective actions taken, and the results of the investigation. The
134 appropriate investigation report is provided as Attachment D.

135

136 3. In the event that chlorination is still being provided after **September 1, 2015**, an
137 application (Form EH 100, Attachment E) for a permit amendment for the addition
138 of continuous chlorination treatment must be submitted to the Division. A permit
139 fee of \$258 shall be included at the time the application is submitted to the
140 Division. While the Water System is being chlorinated monthly raw water
141 bacteriological samples should be collected from the wellhead and analyzed, and
142 chlorine residuals should be monitored throughout the distribution system

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145

PARTIES BOUND

146 This Citation shall apply to and be binding upon FCPG/Kearney Park Water System, its
147 officers, directors, shareholders, agents, employees, contractors, successors, and
148 assignees.

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SEVERABILITY

151 The Directives of this Citation are severable, and FCPG/Kearney Park Water System shall
152 comply with each and every provision thereof, notwithstanding the effectiveness of any
153 other provision.

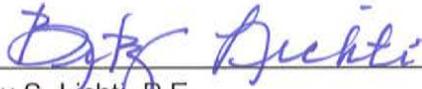
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FURTHER ENFORCEMENT ACTION

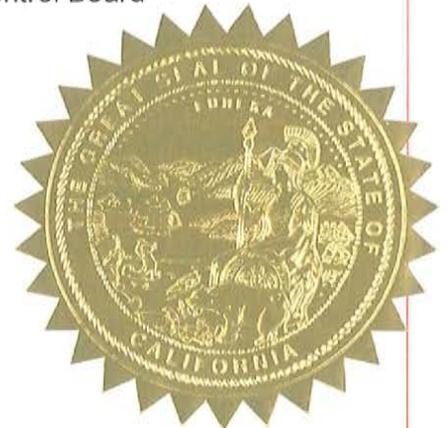
The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not 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.

7/9/15

Date



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



Attachments:

- A. Bacteriological Distribution and Source Reports
- B. Completed Public Notice
- C. Guidelines for Cross Connection Control Program
- D. Positive Total Coliform Investigation
- E. Permit Amendment Application

Bacteriological Distribution Monitoring Report

1000094 FCPG/ Kearney Park
Distribution System Freq: 2/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/8/2015	10:29	HB 1-Tea house pavillion	A	A		Routine			
1/8/2015	10:40	2 Rou Parks and grounds yard	A	A		Routine			
2/12/2015	14:09	3 Rou HB #3	A	A		Routine			
2/12/2015	14:23	4 Rou HB 4	A	A		Routine			
3/12/2015	10:14	5 Rou 5 dance floor	A	A		Routine			
3/12/2015	10:27	1 Rou HB 1 Tea house pavillion	A	A		Routine			
4/9/2015	12:35	3 Rou HB 3 Camphor Grove	P	A		Routine			
4/9/2015	12:50	2 Rou HB 2	A	A		Routine			
4/14/2015	10:00	3 Rou HB 3	A	A		Repeat			
4/14/2015	10:11	HB 1-Garfieldd corner	A	A		Repeat			
4/14/2015	10:22	3 Rep HB 5	A	A		Repeat			
4/14/2015	10:39	well	A	A		Source Repeat			
5/15/2015	13:57	HB #3 Camphor Grove	P	P		Routine			
5/15/2015	14:08	HB #4 - Garfield Corner Restroom	P	P		Routine			
5/15/2015	14:19	Tea House Pavillion	P	P		Routine			
5/15/2015	14:40	Parks & Grounds Yard near Entry - HB #2	P	P		Routine		MCL	
5/15/2015	15:00	HB #5 Dance Floor Section	P	P		Routine			
5/19/2015	9:20	Well Test #1	<1	<1		Other			
5/19/2015	12:29	Entrance Restroom near Domestic Well	A	A		Other	2.46		
5/19/2015	13:00	HB Camphor Grove Sign	A	A		Other	3.7		
5/19/2015	13:12	HB Section 4	A	A		Other	1.97		
5/19/2015	13:30	Well Test #2	<1	<1		Other			
5/20/2015	14:03	4 ROU HB #4 - Garfield Corner Restroom	A	A		Other	2.2		
5/20/2015	14:28	Sec 4	A	A		Other	2.2		
5/20/2015	14:59	Tea House	A	A		Other	2.2		
6/2/2015	10:12	3 ROU - HB#3 - Camphor Grove	A	A		Routine	2.18		
6/2/2015	10:21	4 ROU - HB #4 - Garfield Corner Restroom	A	A		Routine	2.17		
6/2/2015	10:29	5 ROU - HB #5 - Dance Floor Section	A	A		Routine	2.17		
6/2/2015	10:40	1 ROU - HB #1 Tea House Pavillion	A	A		Routine	2.19		
6/2/2015	11:29	2 ROU HB #2 - Parks & Grounds Yard near point of entry	A	A		Routine	2.19		

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

Source Bacteriological Monitoring Report

1000094 FCPG/Kearney Park

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>Sample Type</i>	<i>Test Method</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>HPC</i>	<i>Violation</i>	<i>Comments</i>
5/19/2015	9:20	Well Test #1	Well	MPN	<1	<1				
5/19/2015	13:30	Well Test #2	Well	MPN	<1	<1				
5/21/2015	8:30	well start	Well	MPN	<1.1	<1.1				
5/21/2015	8:31	test 1 min	Well	MPN	<1.1	<1.1				
5/21/2015	8:35	test 5 min	Well	MPN	<1.1	<1.1				
5/21/2015	8:45	test 15 min	Well	MPN	<1.1	<1.1				
5/21/2015	9:00	30 min	Well	MPN	<1.1	<1.1				
5/28/2015	12:50	KP well start	Well	MPN	<1.1	<1.1				
5/28/2015	12:51	well 1 min	Well	MPN	<1.1	<1.1				
5/28/2015	12:55	well 5 min	Well	MPN	<1.1	<1.1				
5/28/2015	13:05	well 15 min	Well	MPN	<1.1	<1.1				
5/28/2015	13:20	well 30 min	Well	MPN	<1.1	<1.1				

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.

DRINKING WATER WARNING

Kearney Park's water is contaminated with E. Coli bacteria

BOIL YOUR WATER BEFORE USING

E. Coli bacteria were found in the water supply on May 16, 2015. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- *Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems. The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.*
- 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.

What happened? What is being done?

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

To destroy the bacterial contamination, chlorine will be added to the water supply. We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within four days or Friday, May 22, 2015.

For more information, please contact David Chavez at (559) 600-4308 or Fresno Co. Public Works, Parks, 2220 Tulare Street, Suite 600, Fresno, Ca 93721.

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.