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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: NPS-Sheep Creek
47050 General Highway
Three Rivers, CA 93271

Water System No. 1010500

Attn: Paul Schwarz, Public Health Sanitarian

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1 (b) (2) - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL**

May 2015

CITATION NO. 03-23-15C-078

Issued on August 11, 2015

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 NPS-Sheep Creek (hereinafter, Water System) (mailing address: 47050 General Highway, Three Rivers, CA 93271) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsections (b)(2).



32 **APPLICABLE AUTHORITIES**

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

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

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

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

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

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

50 **California Code of Regulations, Title 22, Section 64426.1, subsections (a) and (b)**
51 **provide, and Section 64424 subsection (a)(1) and (d) in relevant part:**

52 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

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

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

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

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

66 **§ 64424. Repeat Sampling**

67
68 (a) If a routine sample is total coliform-positive, the water supplier shall collect a
69 repeat sample set as described in paragraph (1) within 24 hours of being notified
of the positive result. The repeat samples shall all be collected within the same 24

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hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(d) If a public water system for which fewer than five routine samples per month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation.

STATEMENT OF FACTS

The Water System is operated under Water Supply Permit No. 03-12-12P-003, issued in January 18, 2012. NPS-Sheep Creek is a transient non-community water system serving a population of approximately two-thousand nine hundred (2900) through approximately seventy-six (76) service connections. The Water System is served by two wells and a creek, which receives complete surface water treatment via a slow sand filter and disinfection. The Water System is required to collect three (3) routine bacteriological samples a month.

The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in two (2) of eleven (11) samples in May of 2015. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

The Water System collected five routine samples on May 19, 2015, one of which was positive for total coliform and absent for fecal coliform and *E. coli* bacteria. On May 21, 2015, the Water System collected two (2) repeat samples and one of the repeat samples collected was positive for total coliform and absent for fecal coliform and *E. coli* bacteria.

On May 23, 2015, the Water System collected three (3) repeat samples which showed an

104 absence in total coliform. On May 20 and May 23, 2015 the Water System collected
 105 source samples from Well 1 and Well 2 and the results were absent for total coliform.
 106 The Water System did collect five (5) routine samples in June 2015 and all were absent
 107 for total coliform.
 108 The following table summarizes the bacteriological monitoring conducted during May
 109 2015:

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
5/5/2015	2	Routine	0	0
5/19/2015	5	Routine	1	0
5/21/2015	2	Repeat	1	0
5/23/2015	3	Repeat	0	0

111
 112 Due to the above-mentioned total coliform positive samples, the Water System failed the
 113 total coliform MCL for the month of May 2015. Results for water samples tested for
 114 coliform bacteria during May 2015 are summarized in Attachment A.

115
 116 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
 117 collection of a sample for bacteriological evaluation from wells serving the system in
 118 response to a coliform positive distribution sample. **This requirement was met.**

119
 120 **VIOLATIONS**

121 The Drinking Water Field Operations Branch of the State Water Resources Control Board
 122 – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to the Water
 123 System (hereinafter 'Water System'), for failure to comply with Section 116555(a)(1) of the
 124 CHSC and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR).
 Specifically, the Water System (mailing address: 47050 General Highway, Three Rivers,

126 CA 93271) failed to comply with the total coliform Maximum Contaminant Level (MCL) for
127 the month of May 2015.

128 **ASSOCIATED VIOLATIONS**

129 Additionally, the Water System has failed to comply with the following Section of Title 22,
130 CCR:

131

132 Section 64424(a) 1 specifies that for a water supplier that normally collects more than one
133 routine sample a month, a repeat sample set shall be at least three samples for each total
134 coliform-positive sample. For a water supplier that normally collects one or fewer samples
135 per month, a repeat sample set shall be at least four samples for each total coliform-
136 positive sample.

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139 **NOTIFICATION REQUIREMENTS**

140 Section 116450 of the California Health and Safety Code (CHSC, specifies that whenever
141 a monitoring requirement specified in the Division's regulations is not performed, the
142 person operating the public water system shall notify the Division and shall give notice to
143 the users of that fact in the manner prescribed by the Division.
144

145 Public notification for failure of the Total Coliform MCL for May 2015 is required. This
146 notice is provided as Attachment C and shall be given pursuant to Section 64463.4 and
147 64465.

148

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

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Section 116450(g) requires that upon receipt of notification from a public water system, 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 their tenants and business property owners, managers or operators must notify employees of businesses located on the property. These secondary notification requirements are included in the public notice.

Proof of notification is required. The Water System shall complete Attachment D and return it to the Division by **August 31, 2015**.

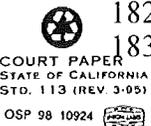
DIRECTIVES

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

1. By **August 20, 2015** the NPS-Sheep Creek Water System water system shall provide public notification of the total coliform Maximum Contaminant Level failure by mail or conduct direct delivery of the public notice to all customers served within the general service area. The Water System is additionally required to use one or more of the following notification methods: publication in a daily or weekly newspaper, posting the public notice in a conspicuous public place within the water system or on the internet, or by delivery to community organizations.

By **August 31, 2015** the Water System shall provide proof of notification of the total coliform MCL violation notification to each consumer using Attachment E, to:

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



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2. By **August 31, 2015**, 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 NPS-Sheep Creek Water System, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and NPS-Sheep Creek Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any 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.

8/11/15

Betsy Lichti

Date

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

Attachments:

- A. Bacteriological Distribution Monitoring Report
- B. Public Notice for May 2015
- C. Proof Notification for May 2015
- D. Total Coliform Investigation Form



CERTIFIED MAIL RECEIPT # 7011 2000 0000 5036 3172

Bacteriological Distribution Monitoring Report

1010500 NPS-Sheep Creek
Distribution System Freq:

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
5/5/2015	15:20	SC 1	A	A		Routine	0.86		
5/5/2015	15:30	SC 2	A	A		Routine	0.84		
5/19/2015	14:45	SC 4	A	A		Routine	0.36		
5/19/2015	14:55	SC 2	P	A		Routine	0.84		
5/19/2015	15:00	SC 1	A	A		Routine	0.47		
5/19/2015	15:30	SC 5	A	A		Routine	0.89		
5/19/2015	18:30	SC 3	A	A		Routine	0.10		
5/21/2015	12:31	Upstream-HB 71	A	A		Repeat	0.35		
5/21/2015	12:40	DownstreamHB 39	P	A		Repeat	0.86	MCL	Issued 03-23-15C-078 on 8-11-15 for May 2015 TCR MCL
5/23/2015	7:52	(1A) Upstream	A	A		Routine	0.94		
5/23/2015	7:52	Upstream	A	A		Repeat	0.94		
5/23/2015	8:15	Downstream	A	A		Repeat	0.70		

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.

**NPS-Sheep Creek Has 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 eleven (11) samples to test for the presence of coliform bacteria in May 2015. Four (4) 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 NPS-Sheep Creek.

Date distributed: _____.

PROOF OF NOTIFICATION
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **NPS-Sheep Creek** of the failure to meet the **total coliform bacteria MCL** for the month of **May 2015** as directed by the Department.

Notification was made on _____
(date)

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

- The notice was distributed by mail delivery to each customer served by the water system.
- The notice was distributed by direct delivery to each customer served by the water system. Specify direct delivery method(s) used: _____
- Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).
- Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____
- Posted the notice on the Internet at www. _____
- Other method used to notify customers. _____

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.

Certified by Name and Title: _____

Date: _____ Signature: _____

Due: August 31, 2015
Total Coliform M&R Violation: May2015
System Number: 1010500
Citation No.: 03-23-15E-078

INVESTIGATION REPORT FOR BACTERIOLOGICAL MCL FAILURE

Complete while conducting investigation.

Submit to the Fresno District Office, SWRCB - after the contamination has been abated.

System Name: _____ **System No.:** _____**Date of Report:** _____**Month(s) of Total Coliform MCL Failure:** _____**Name of Person Completing the Report:** _____ **Phone No.:** _____**Signature of Person Completing the Report:** _____

As part of the investigation report for total coliform MCL failure, the following information is submitted as requested by State Water Resources Control Board – Division of Drinking Water. **Please provide explanations, dates and any corrective actions that were taken.**

1. Current operating procedures that are or could potentially be related to the increase in bacterial count, such as main repairs or well work conducted without disinfection.

2. System pressure loss to less than 5 psi.

3. Potential cross connections.

4. Physical evidence indicating bacteriological contamination of facilities (such as openings in the well casing, storage tank or evidence of animal activity in the vicinity of the well).

5. If system is chlorinated was there any equipment failure? Did the distribution system maintain a chlorine residual? Was emergency chlorination initiated? If yes, for how long?

6. Residents' illness suspected of being waterborne.

7. Records of the investigation and any action taken.

8. Please attach a separate sheet for additional comments.

Note: A set of photographs of the well and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by the County or our Division.

Analytical results of any additional investigative samples collected (including well samples) should be attached if they have not been previously submitted to the SWRCB-DDW.