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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: FCSA #44C Riverview Estates
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Water System No. 1000555

Attn: Amina Flores

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

June 2015

CITATION NO. 03-23-15C-087

Issued on September 30, 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 FCSA #44C Riverview Estates Water System (hereinafter, Water System) (mailing address: 2220 Tulare Street, 6th Floor, Fresno, CA

29 93721) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1
30 subsections (b)(2).

31 **APPLICABLE AUTHORITIES**

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

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

51 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

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

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

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

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

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§64424 (d) Repeat Sampling

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.

STATEMENT OF FACTS

The Water System is operated under Water Supply Permit No. 03-12-08P-016, issued on July 8, 2008. FCSA #44C Riverview Estates Water System is a community water system serving a population of approximately twenty eight (28) persons through twelve (12) residential connections.

The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in three (3) of twelve (12) distribution samples collected by the Water System during June 2015. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

The following table summarizes the bacteriological monitoring conducted during the months of June and July 2015.

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
6/16/2015	1	Routine	1	0
6/17/2015	5	Repeat (including wells)	2 (distribution only)	0
6/18/2015	6	Repeat (including wells) + chlorine residuals 0.63-1.3 ppm	0	0
6/24/2015	5	Repeat (including wells)	0	0
7/16/2015	5	Routine (distribution only)	0	0

86 Due to the above-mentioned total coliform positive samples, the Water System failed the
87 total coliform MCL for the month of June 2015. Results for water samples tested for
88 coliform bacteria during 2015 are summarized in Attachment A. A "Positive Total Coliform
89 Investigation" form, included as Attachment B, was completed by the Water System
90 operator. The lack of flushing was reported as a potential cause of contamination. The
91 water system's wells have tested negative in all sampling. Disinfection of the distribution
92 system was conducted during June 2015. Continuous chlorination was discontinued on
93 June 22, 2015.

94

95 The five routine distribution samples required the month following June 2015, which had
96 three total coliform-positive samples, were collected on July 16, 2015; none of those
97 distribution samples were positive for total coliform bacteria.

98

99 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
100 collection of a sample for bacteriological evaluation from wells serving the system in
101 response to a coliform positive distribution sample. This requirement was met with the
102 repeat sampling collected during June 2015.

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VIOLATIONS

105 The Drinking Water Field Operations Branch of the State Water Resources Control Board
106 – Division of Drinking Water (hereinafter 'Division') has determined that FCSA #44C-
107 Riverview Estates Water System (hereinafter 'Water System'), has failed to comply with
108 Section 116555(a)(1) of the CHSC and Sections 64426.1(b)(2) and 64424(d) of Title 22,
109 California Code of Regulations (CCR). Specifically, the Water System failed to comply
110 with the total coliform Maximum Contaminant Level (MCL) for the month of June 2015.

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NOTIFICATION REQUIREMENTS

113
114 Section 64426.1(c) requires a public water system to notify the Division and the
115 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)
116 occurs. Notification to the Division shall be by the end of the business day on which the
117 violation has been determined. If the Division is closed, notification shall be within 24
118 hours of the determination. The Division was notified on June 18, 2015, in accordance
119 with the above-referenced section.

120
121 A Tier 2 Public Notice for violation of paragraph 64426.1(b) (2) shall be given pursuant to
122 Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health
123 effects language from Appendix 64465-A for a total coliform MCL failure.

124
125 Section 64463.4 allows community water systems to use mail or direct delivery to each
126 customer and the use of one or more of the following methods: publication in a daily or
127 weekly newspaper, posting the public notice in a conspicuous public place within the
128 water system or on the internet, or by delivery to community organizations. The
129 appropriate Tier 2 notification template is included as Attachment C.

130
131 The Water System shall either mail or conduct direct delivery of the public notice to all
132 customers served within the general service area. Section 116450(g) requires that upon
133 receipt of notification from a public water system, schools must notify school employees,
134 students, and parents (if the students are minors), residential rental property owners or
135 managers (including nursing homes and care facilities) must notify their tenants and
136 business property owners, managers or operators must notify employees of businesses
137 located on the property. These secondary notification requirements are included in the
138 public notice.

140 Proof of Notification is required. The Water System shall complete Attachment D and
141 return it to the Division by October 15, 2015.

142 **DIRECTIVES**

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

144 1. By **October 10, 2015**, the FCSA #44C- Riverview Estates water system shall
145 provide public notification of the total coliform Maximum Contaminant Level failure
146 by mail or conduct direct delivery of the public notice to all consumers served
147 within the general service area. The Water System is additionally required to use
148 one or more of the following notification methods: publication in a daily or weekly
149 newspaper, posting the public notice in a conspicuous public place within the
150 water system or on the internet, or by delivery to community organizations.

151

152 By **October 31, 2015**, the Water System shall provide proof of notification of the
153 total coliform MCL violation notification to each consumer by completing and
154 returning Attachment D to:

155

156 Betsy S. Lichti, Senior Sanitary Engineer
157 State Water Resources Control Board
158 Division of Drinking Water
159 265 W. Bullard Avenue, Suite 101
160 Fresno, CA 93704
161

161

162 **PARTIES BOUND**

163 This Citation shall apply to and be binding upon FCSA #44C – Riverview Estates Water
164 System, its officers, directors, shareholders, agents, employees, contractors, successors,
165 and assignees.

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SEVERABILITY

167 The Directives of this Citation are severable, and FCSA #44C-Riverview Estates Water
168 System shall comply with each and every provision thereof, notwithstanding the
169 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.

9/30/15

Date

Betsy Lichti

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



Attachments:

- A. Bacteriological Distribution and Source Monitoring Reports
- B. Completed Positive Total Coliform Investigation Form
- C. Public Notice Template
- D. Proof of Public Notice

Certified Mail Receipt Tracking Number: 7014 3490 0001 7868 8231

Bacteriological Distribution Monitoring Report

1000555 **FCSA #44C-Riverview Estates (Tanq** **Distribution System Freq: 1/M**

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/12/2015	9:00	3 Rou	A	A		Routine			
2/10/2015	9:00	4 Rou	A	A		Routine			
3/9/2015	9:00	5 Rou	A	A		Routine			
4/13/2015	12:40	SS 1	A	A		Routine			
5/4/2015	11:20	Rout #2	A	A		Routine			
6/16/2015	13:34	ROU #3	P	A		Routine			
6/17/2015	13:40	15236 Mesa View	A	A		Repeat			
6/17/2015	13:55	15135 Bluff View	P	A		Repeat		MCL	
6/17/2015	14:10	Sample Tap #3	P	A		Repeat			
6/17/2015	14:35	Well #3	A	A		Source Repeat			
6/17/2015	14:50	Well #2	A	A		Source Repeat			
6/18/2015	12:20	Well #3	A	A		Source Repeat			
6/18/2015	12:40	Well #2	A	A		Source Repeat			
6/18/2015	13:10	Sample Tap 3	A	A		Repeat	1.3		
6/18/2015	13:34	15216 Mesa View	A	A		Repeat	0.63		
6/18/2015	14:00	Sample Tap #1	A	A		Repeat	1.3		
6/18/2015	14:10	15135 Bluff View	A	A		Repeat	1.3		
6/24/2015	10:25	15135 Bluff View	A	A		Repeat			
6/24/2015	10:45	Sample Tap #3	A	A		Repeat			
6/24/2015	10:56	Sample Tap #1	A	A		Repeat			
6/24/2015	11:10	15216 Mesa View	A	A		Repeat			
6/24/2015	11:30	Well #2	A	A		Source Repeat			
6/24/2015	11:40	Well #3	A	A		Source Repeat			
7/16/2015	9:00	15135 Bluff View	A	A		Routine			
7/16/2015	9:10	Sample Tap 3	A	A		Routine			
7/16/2015	9:20	15236 Mesa View	A	A		Routine			
7/16/2015	9:45	Rou 3	A	A		Routine			
7/16/2015	9:55	Rou 4	A	A		Routine			

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

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.

FCSA #44C 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 ___ samples to test for the presence of coliform bacteria in February 2015. _____ of these samples showed the presence of total coliform bacteria. The standard is that no more than one 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 (reword accordingly)**
- 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 FCSA # 44C.

Date distributed: _____



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 **FCSA # 44C** of the failure to meet the **total coliform bacteria MCL** for the month of **June 2015** as directed by the Department.

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

Printed Name

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:
Total Coliform MCL Failure: June 2015
System Number: 1000555
Citation No.: 03-23-15C-087