CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: Mike Stalker, Manager
13138 S. Bethel
Kingsburg, CA 93631

IN RE: **HMC GROUP COLD STORAGE, THE**

WATER SYSTEM NO. 1000440

CITATION NO. 03-23-15C-108

FOR

VIOLATION OF HEALTH AND SAFETY CODE SECTION 116470

2014 CONSUMER CONFIDENCE REPORT

Issued December 17, 2015

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 (hereinafter "Citation") pursuant to Section116650 of the California Health and Safety Code (hereinafter "CHSC") to the HMC GROUP COLD STORAGE, THE (hereinafter 'Water System') for failure to comply with CHSC Section 116470 and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64480.

APPLICABLE AUTHORITIES

CHSC, Section 116650 provides:

(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.

CHSC, Section 116470 states in relevant part:

(a) As a condition of its operating permit, every public water system shall annually prepare a consumer confidence report and mail or deliver a copy of that report to each customer...

Title 22, CCR, Section 64480 provides:

(a) Except as provided in subsection (b), each community and nontransient-noncommunity (NTNC) water system shall prepare and deliver the first Consumer Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter. The first Consumer Confidence Report shall contain data collected during, or prior to, calendar year 2000, as prescribed by section 64481(d)(1). Each Consumer Confidence Report thereafter shall contain data collected during, or prior to, the previous calendar year.

(b) A new community or NTNC water system shall deliver its first Consumer Confidence Report by July 1 of the year after its first full calendar year in operation and subsequent reports by July 1 annually thereafter.

(c) A community or NTNC water system that sells water to another community or NTNC water system shall deliver the applicable information required in section 64481 to the purchasing system by no later than April 1 of each year or on a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

Title 22, CCR Section 64483(c) provides:

(b) No later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each water system shall mail a copy of the report to the State Board, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the State Board.

STATEMENT OF FACTS

Division is informed by the Water System, and believes that the Water System is a nontransient noncommunity water system located in Fresno County that supplies water for domestic purposes.

The Division has implemented an electronic process for receiving the Consumer Confidence Report and its CERTIFICATION form for water systems through the DRINC portal also used for the electronic *Annual Report to the Drinking Water Program*. The DRINC portal is found at http://drinc.ca.gov/ear/.

By letter dated October 15, 2015, the Division notified the Water System that a copy of the 2014 Consumer Confidence Report and/or the Certification form documenting compliance with the requirements had not been received. A deadline of October 31, 2015, was established for distribution of the 2014 Consumer Confidence Report to its consumers as well as a deadline of October 31, 2015 for the electronic uploading of the Consumer Confidence Report and the Certification form via the DRINC Portal.

As of the date of this Citation, the Division has not received uploaded copies of either the 2014 Consumer Confidence Report or the Certification form and therefore finds the Water System to be in violation of this requirement.

DIRECTIVES

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

1. **By February 1, 2016**, the Water System shall distribute a Division-approved Consumer Confidence Report to each customer reporting the water quality for the year 2014. The Water System may use the 2014 Consumer Confidence Report template developed by the Division for small water systems, provided here as Attachment A. Instructions for completing the Consumer Confidence Report may also be accessed on the Division's internet website at:

   http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml

2. **By February 15, 2016**, the Water System shall upload a copy of the 2014 Consumer Confidence Report and the completed Certification form to the DRINC Portal using the procedures outlined in Attachment B. The Certification Form is provided as Attachment C and must be completed with an original signature and scanned prior to uploading via the DRINC Portal.

3. Hereafter the Water System shall distribute a Consumer Confidence Report to each customer by July 1 of each year, reporting water quality information for the prior year. An electronic copy of each report shall be provided to the Division by uploading it to the DRINC Portal by July 1st of each year. Proof of distribution to customers using the Certification Form provided as Attachment C is to be submitted to the Division by uploading it to the DRINC Portal by October 1st of each year. **The 2015 Consumer Confidence Report shall be distributed to customers and a copy submitted to the Division per the procedures outlined in Attachment B no later than July 1, 2016.**

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, by personal delivery or by certified mail, on the Water System.

The Division reserves the right to make such modifications to this Citation and/or to issue such further citation(s) 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 Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Citation shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a 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 regulation, permit, standard, citation, 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or

regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Citation.

12/17/15

Date

Betsy S. Lichti, P.E.

Senior Sanitary Engineer

Drinking Water Field Operations Branch

Attachment A: 2014 Consumer Confidence Report Template

Attachment B: DRINC Portal Guidelines for CCR and CERTIFICATION submission

Attachment C: Consumer Confidence Report Certification Form

Certified Mail Tracking: 7014 3490 0001 7868 8323