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STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**TO:** Bear Mountain Pizza  
P.O. Box 535  
Squaw Valley, CA 93675  
Water System No. 1000528

**Attn:** Patti Grove

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

**October 2015**

**CITATION NO. 03-23-16C-002**

**Issued on February 24, 2016**

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 Bear Mountain Pizza Water System (hereinafter, Water System) (mailing address: P.O. Box 535, Squaw Valley, CA 93675) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsections (b)(2).

30 APPLICABLE AUTHORITIES

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

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

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

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

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

45 (e) The division may assess a penalty in an amount not to exceed one thousand dollars  
46 (\$1,000) per day for each day that a violation occurred, and for each day that a violation  
47 continues to occur. A separate penalty may be assessed for each violation.

48 **California Code of Regulations, Title 22, Section 64426.1, subsections (a) and (b)**  
49 **provide, in relevant part:**

50 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

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

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

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

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

67 **§64424 (d) Repeat Sampling**

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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.

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**STATEMENT OF FACTS**

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The Water System is operated under Water Supply Permit No. 03-12-08P-019, issued by the Division on June 25, 2008. Bear Mountain Pizza in a transient non-community water system. The Water System serves a non-transient population of approximately six (6) and a transient population of approximately one hundred (100) through one (1) commercial service connection on a year round operating basis.

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The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per quarter. The Water System reported the presence of total coliform bacteria in four (4) of five (5) distribution samples and in five (5) of six (6) source samples (including one well cycle test) collected during October 2015. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

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The following table summarizes the bacteriological monitoring conducted during the months of October, November, December of 2015 and January of 2016.

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
10/1/2015	1	Routine	1	0
10/5/2015	4	Repeat (including Well)	4 (including well)	0
10/12/2015	5	Well Cycle Test	4	0
10/23/2015	1	Routine Distribution (w/ 0.28 mg/L Cl <sub>2</sub> residual)	0	0

11/03/2015	5	Routine Distribution (w/ 0.23-0.53 ppm Cl2 residual)	0	0
11/19/15	5	Well Cycle Test	0	0
12/1/2015	5	Well Cycle Test	0	0
1/5/2016	1	Routine Distribution	0	0

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90 Due to the above-mentioned total coliform positive samples, the Water System failed the  
 91 total coliform MCL for the month of October 2015. Results for water samples tested for  
 92 coliform bacteria during 2015 and 2016 thus far are summarized in Attachment A. The  
 93 well has been shown to have been contaminated, as well as the distribution. It is unknown  
 94 exactly where the contamination originated. Disinfection of the well and installation of  
 95 continuous chlorination for a period of one month during November 2015 appears to have  
 96 abated the contamination.

97

98 The five routine distribution samples required the month following October 2015, which  
 99 had six total coliform-positive samples, were collected on November 3, 2015. All samples  
 100 were demonstrated to have a chlorine residual and all were negative for total coliform  
 101 bacteria.

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103 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the  
 104 collection of a sample for bacteriological evaluation from wells serving the system in  
 105 response to a coliform positive distribution sample. This requirement was met with all  
 106 repeat sampling collected during October 2015.

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**DETERMINATION**

The Drinking Water Field Operations Branch of the State Water Resources Control Board – Division of Drinking Water (hereinafter 'Division') has determined that Bear Mountain Pizza Water System (hereinafter 'Water System'), has failed to comply with Section 116555(a)(1) of the CHSC and Sections 64426.1(b)(2) and 64424(d) of Title 22, California Code of Regulations (CCR). Specifically, the Water System failed to comply with the total coliform Maximum Contaminant Level (MCL) for the month of October 2015. The Water System has abated the contamination.

**NOTIFICATION REQUIREMENTS**

Section 64426.1(c) requires a public water system to notify the Division and the consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) occurs. Notification to the Division shall be by the end of the business day on which the violation has been determined. If the Division is closed, notification shall be within 24 hours of the determination. The Division was notified on October 2, 2015, in accordance with the above-referenced section.

A Tier 2 Public Notice for violation of paragraph 64426.1(b) (2) shall be given pursuant to Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health effects language from Appendix 64465-A for a total coliform MCL failure. Section 64463.4 allows non-community water systems to give public notice by posting the notice in conspicuous locations throughout the area served by the water system and by the use of one or more of the following methods in order to reach persons not likely to be reached by a public posting: publication in a local newspaper or newsletter distributed to customers, e-mailing the public notice to water system customers, posting the public notice on the internet, or by delivery to each customer.

137 Section 116450(g) requires that upon receipt of notification from a public water system,  
138 schools must notify school employees, students, and parents (if the students are minors),  
139 residential rental property owners or managers (including nursing homes and care  
140 facilities) must notify their tenants and business property owners, managers or operators  
141 must notify employees of businesses located on the property.

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143 Notification of the public was conducted on October 8, 2015 using the notice included  
144 here as Attachment B. Proof of notification was submitted to the Division on October 15,  
145 2015 and is included here as Attachment C.

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#### **DIRECTIVES**

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149 The Bear Mountain Pizza Water System has completed the necessary public notification  
150 and investigation and no other directives are necessary at this time.

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#### **PARTIES BOUND**

152 This Citation shall apply to and be binding upon Bear Mountain Pizza Water System, its  
153 officers, directors, shareholders, agents, employees, contractors, successors, and  
154 assignees.

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#### **SEVERABILITY**

156 The Directives of this Citation are severable, and Bear Mountain Pizza Water System  
157 shall comply with each and every provision thereof, notwithstanding the effectiveness of  
158 any other provision.

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#### **FURTHER ENFORCEMENT ACTION**

160 The California SDWA authorizes the Division to: issue citation with assessment of  
161 administrative penalties to a public water system for violation or continued violation of the  
162 requirements of the California SDWA or any permit, regulation, permit or order issued or

163 adopted thereunder including, but not limited to, failure to correct a violation identified in a  
164 citation or compliance order. The California SDWA also authorizes the Division to take  
165 action to suspend or revoke a permit that has been issued to a public water system if the  
166 system has violated applicable law or regulations or has failed to comply with an order of  
167 the Division; and to petition the superior court to take various enforcement measures  
168 against a public water system that has failed to comply with violates an order of the  
169 Division. The Division does not waive any further enforcement action by issuance of this  
170 citation.

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2/24/16

Date

Betsy S. 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. Public Notice
- C. Proof of Public Notice

Certified Mail Receipt Tracking Number: 7014 3490 0001 7868 8385

# Bacteriological Distribution Monitoring Report

**1000528 BEAR MOUNTAIN PIZZA**
*Distribution System Freq: 1/Q*

Sample Date	Time	Location	T Coli	E Coll	F Coli	Type	CI2	Violation	Comment
1/7/2015	16:30	BMP sf	A	A		Routine			
3/2/2015	12:05	Site 1 OHB @ kitchen	A	A		Routine	0.1		
4/17/2015	10:35	BMP SF	A	A		Routine			
7/10/2015	10:00	BMP SF	A	A		Routine			
10/1/2015	10:20	BMP SF	P	A		Routine			
10/5/2015	8:45	Well Head	9.2	<1.1		Source Repeat			
10/5/2015	8:48	BMP Well Site HB	P	A		Repeat			
10/5/2015	8:50	BMP SF	P	A		Repeat		MCL	2/22/16 Issued 03-23-16C-002
10/5/2015	8:55	BMP Kitchen Hand Wash	P	A		Repeat			
10/23/2015	8:30	BMP HB	A	A		Routine	0.28		
11/3/2015	9:40	1 ROU	A	A		Routine	0.36		
11/3/2015	9:43	1 REP 1	A	A		Routine	0.23		
11/3/2015	9:45	HB at well	A	A		Routine	0.50		
11/3/2015	9:55	1 ROU	A	A		Routine	0.53		
11/3/2015	10:11	1 REP 1	A	A		Routine	0.51		
1/5/2016	8:35	BMP SF	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	CI2 not reported

# Source Bacteriological Monitoring Report

1000528 BEAR MOUNTAIN PIZZA

<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>
3/2/2015	12:15	Well	Well	MPN	<1.0	<1.0				
10/12/2015	16:30	BMP Well start	Well Cycle	MPN	<1.1	<1.1				
10/12/2015	16:31	Well 1 min	Well Cycle	MPN	5.1	<1.1				
10/12/2015	16:35	Well 5 min	Well Cycle	MPN	2.2	<1.1				
10/12/2015	16:45	Well 15 min	Well Cycle	MPN	23	<1.1				
10/12/2015	17:00	Well 30 min	Well Cycle	MPN	6.9	<1.1				
11/19/2015	17:30	Well 1 min	Well Cycle	MPN	<1.1	<1.1				
11/19/2015	17:30	Well Start	Well Cycle	MPN	<1.1	<1.1				
11/19/2015	17:35	Well 5 min	Well Cycle	MPN	<1.1	<1.1				
11/19/2015	17:45	Well 15 min	Well Cycle	MPN	<1.1	<1.1				
11/19/2015	18:00	Well 30 min	Well Cycle	MPN	<1.1	<1.1				
12/1/2015	8:15	Well Start	Well Cycle	MPN	<1.1	<1.1				
12/1/2015	8:16	Well 1 min	Well Cycle	MPN	<1.1	<1.1				
12/1/2015	8:20	Well 5 min	Well Cycle	MPN	<1.1	<1.1				
12/1/2015	8:30	Well 15 min	Well Cycle	MPN	<1.1	<1.1				
12/1/2015	8:45	Well 30 min	Well Cycle	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.

**Bear Mountain Pizza 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 5 samples to test for the presence of coliform bacteria in October 2015. 4 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.
- 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?**

An investigation is being conducted. Disinfection of the well and distribution is taking place.

For more information, please contact Tyler Thomas, S&S Water Service at (559) 246\*7513 or [ss.waterservice@gmail.com](mailto:ss.waterservice@gmail.com)

*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 Bear Mountain Pizza

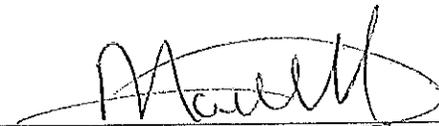
Date distributed: 10/8/2015

**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 Bear Mountain Pizza of the failure to meet the **total coliform bacteria MCL** for the month of **October 2015** as directed by the Division.

Notification was made on October 8<sup>th</sup> by \_\_\_\_\_  
(date)

mailed and/or **hand delivered** and/or posted written notice.  
(circle all that apply)

  
\_\_\_\_\_  
Signature of Water System Representative

10/08/15  
\_\_\_\_\_  
Date

RECEIVED  
OCT 15 2015  
SWRCB-DIV  
FRESNO PCB

**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: October 31, 2015  
Total Coliform MCL Failure: October 2015  
System Number: 1000528  
Citation No.: 03-23-16C-002