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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: American Union School
7950 S. Elm Avenue
Fresno, CA 93706
Water System No. 1000204
Attn: Joey Campbell

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1 (b) (2) - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL
November 2015 and January 2016
CITATION NO. 03-23-16C-004
Issued on February 29, 2016**

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 American Union School Water System (hereinafter, Water System) (mailing address: 7950 S. Elm Avenue, Fresno, CA 93706) 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:**

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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66

67 **STATEMENT OF FACTS**

68 The Water System is operated under Water Supply Permit No. 03-23-14P-002, issued
69 by the Division on January 29, 2014. American Union School Water System is a non-
70 transient non-community water system serving a population of approximately two hundred
71 fifty (250) people through four (4) service connections.

72
73 The Water System is required to collect a minimum of one (1) distribution system
74 bacteriological sample per month. The bacteriological water analysis results submitted by
75 the Water System reported the presence of total coliform bacteria in two (2) of five (5)
76 samples collected during November 2015 (one of the positive samples was Well 01) and
77 in four (4) of five (5) samples collected in January 2016. All of the positive samples
78 collected in January 2016 were distribution samples. None of the positive samples
79 showed the presence of fecal coliform or *E. coli* bacteria.

80
81 The following table summarizes the bacteriological monitoring conducted during the
82 months of November and December of 2015 and January and February of 2016.

83

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
11/12/2015	1	Routine	1	0
11/16/2015	4	Repeat (including well)	1 (well only)	0
12/4/2015	5	Routine	0	0
1/15/2016	1	Routine	1	0
1/18/2016	4	Repeat (including well)	3 (distribution only)	0
2/5/2016	6	Routine (Dist Cl ₂ resid. 0.35 – 0.40 ppm) & Well	0	0

2/16/16	1	Routine (Dist Cl ₂ residual 0.25 ppm)	0	0
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84 Due to the above-mentioned total coliform positive samples, the Water System has failed
85 the total coliform MCL for the months of November 2015 and January of 2016. The well
86 tested positive for total coliform bacteria in the sampling event conducted on November
87 16, 2015. Well disinfection was conducted in November and the process of temporary
88 continuous disinfection began in February of 2016 and remains in place now. Following
89 the installation of continuous chlorination, no positive total coliform results have been
90 observed.

91

92 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
93 collection of a sample for bacteriological evaluation from wells serving the system in
94 response to a coliform positive distribution sample. This requirement was met in both of
95 the repeat sampling events in November 2015 and in January 2016.

96

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VIOLATION

98 The Drinking Water Field Operations Branch of the State Water Resources Control Board
99 – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to American
100 Union School Water System (hereinafter 'Water System'), for failure to comply with
101 Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code
102 of Regulations (CCR). Based on the Statement of Facts, the Water System has failed to
103 comply with the total coliform Maximum Contaminant Level (MCL) for the months of
104 November 2015 and January 2016.

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109 NOTIFICATION REQUIREMENTS

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

116
117 A Tier 2 Public Notice for violation of paragraph 64426.1(b) (2) shall be given pursuant to
118 Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health
119 effects language from Appendix 64465-A for a total coliform MCL failure.

120
121 Section 64463.4 allows non-transient non-community water systems to give public notice
122 by posting the notice in conspicuous locations throughout the area served by the water
123 system and by the use of one or more of the following methods in order to reach persons
124 not likely to be reached by a public posting: publication in a local newspaper or newsletter
125 distributed to customers, e-mailing the public notice to water system customers, post the
126 public notice on the internet, or by delivery to each customer.

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

132 The public was notified on January 20, 2016 using the Public Notice provided here as
133 Attachment B. Proof of Notification is provided as Attachment C.

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DIRECTIVES

American Union School has completed the necessary public notification and satisfied all of the requirements for the installation of temporary continuous chlorination.

1. **By March 31, 2016**, in the event that continuous chlorination is still in place, the Water System shall make application to the Division for a permit to allow the continuous chlorination of the water supply. The appropriate form is provided as Attachment D. A permit fee of \$250 shall be included at the time the application is submitted to the Division.

PARTIES BOUND

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

SEVERABILITY

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

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

161 system has violated applicable law or regulations or has failed to comply with an order of
162 the Division; and to petition the superior court to take various enforcement measures
163 against a public water system that has failed to comply with violates an order of the
164 Division. The Division does not waive any further enforcement action by issuance of this
165 citation.

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169 Date

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2/29/16

Betsy S. Lichti

Betsy S. Lichti, P.E.,

District Engineer

Division of Drinking Water

State Water Resources Control Board

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Attachments:

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A. Bacteriological Distribution and Source Monitoring Reports

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B. Completed Public Notice

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C. Proof of Public Notification

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D. Permit Amendment Application

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Certified Mail Tracking Number: 7014 3490 0001 7868 8392

193



Bacteriological Distribution Monitoring Report

1000204 American Union School
Distribution System Freq: 1/M

Sample Date	Time	Location	T Coll	E Coll	F Coll	Type	Cl2	Violation	Comment
1/13/2015	12:00	Classroom 5	A	A		Routine			
2/6/2015	11:45	Classroom 1	A	A		Routine			
3/2/2015	13:45	Classroom 5	A	A		Routine			
4/9/2015	10:00	Room 5	A	A		Routine			
5/6/2015	13:45	classroom 2	A	A		Routine			
6/4/2015	12:15	Classroom #5	A	A		Routine			
7/1/2015	12:00	Classroom 15	A	A		Routine			
8/10/2015	11:00	Room #5	A	A		Routine			
9/1/2015	12:40	Classroom #2	A	A		Routine			
10/5/2015	15:00	Classroom #5	A	A		Routine			
11/12/2015	9:30	Classroom 5	P	A		Routine			
11/16/2015	10:30	Wellhead	2.0	<1.0		Source Repeat		MCL	
11/16/2015	11:15	Classroom 5	A	A		Repeat			
11/16/2015	11:25	Classroom 6	A	A		Repeat			
11/16/2015	11:30	Classroom 3	A	A		Repeat			
12/4/2015	13:50	Classroom 1	A	A		Routine			
12/4/2015	14:00	Classroom 5	A	A		Routine			
12/4/2015	14:15	Library	A	A		Routine			
12/4/2015	14:20	Classroom 13	A	A		Routine			
12/4/2015	14:30	Classroom 11	A	A		Routine			
1/15/2016	13:45	Classroom #1	P	A		Routine			
1/18/2016	12:30	Well 01	<1.0	<1.0		Source Repeat			
1/18/2016	13:30	Room 1 HB	P	A		Repeat			
1/18/2016	13:35	Room 5 HB	P	A		Repeat			
1/18/2016	13:45	Room 7 HB	P	A		Repeat		MCL	
2/5/2016	14:30	Well 01	<1.0	<1.0		Source Repeat			
2/5/2016	15:15	Classroom 1	A	A		Routine	0.40		
2/5/2016	15:25	Classroom 3	A	A		Routine			
2/5/2016	15:30	Classroom 5	A	A		Routine	0.39		
2/5/2016	15:40	Classroom 8	A	A		Routine	0.35		
2/5/2016	15:45	Classroom 15	A	A		Routine	0.39		
2/16/2016	15:50	Classroom 1	A	A		Routine	0.25		

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.

**American Union School Water System 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 a routine sample to test for the presence of coliform bacteria in January 15 2016. It came back positive. The repeat samples were taken on 01/18/2016 XX of these samples showed the presence of total coliform bacteria in the distribution system. 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?

Disinfection is in place.

For more information, please contact Deek Dill [name of contact] at (559) 708-1203 [phone number] or 4644 W. Jackson Suite 108 [mailing address].
Fresno, CA 93722

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 American Union School Water System - Date distributed: MM/DD/YY



State Water Resources Control Board
Division of Drinking Water

ATTACHMENT _____

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 American Union School of the failure to meet the total coliform bacteria MCL for the month of January 2016 as directed by the Division.

Notification was made on 1-20-16 by _____
(date)

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

[Signature]
Signature of Water System Representative

Deek Dill
Printed Name

1-20-16
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: Feb 10, 2016
Total Coliform MCL Failure: Jan 2016
System Number: 1000204
Citation No.: _____

STATE OF CALIFORNIA
APPLICATION
FOR
DOMESTIC WATER SUPPLY PERMIT AMENDMENT
FROM

Applicant: _____
 (Enter the name of legal owner, person(s) or organization)

Address: _____

System Name: _____

System Number: _____

TO: State Water Resources Control Board
 Division of Drinking Water
 Southern California Field Operations Branch
 Fresno District Office
 265 W. Bullard Avenue, Suite 101
 Fresno, California, 93704



Pursuant and subject to the requirements of the California Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 7, Section 116550, relating to changes requiring an amended permit, application is hereby made to amend an existing water supply permit to _____

(Applicant must state specifically what is being applied for - whether to construct

new works, make alterations or additions in works or sources, or change or modify treatment.)

I (We) declare under penalty of perjury that the statements on this application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.

By: _____

Signature: _____

Title: _____

Address: _____

Telephone: _____

Dated: _____