

1 STATE OF CALIFORNIA  
2 WATER RESOURCES CONTROL BOARD  
3 DIVISION OF DRINKING WATER  
4

5 **TO:** American Union School  
6 7950 S. Elm Avenue  
7 Fresno, CA 93706  
8  
9 Water System No. 1000204  
10

11 **Attn:** Joey Campbell  
12

13 **CITATION NO. 03-23-16C-029**

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

16 **March 2016**

17 **Issued on June 3, 2016**  
18

19 The State Water Resources Control Board (hereinafter "Board"), acting by and through its  
20 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division  
21 (hereinafter "Deputy Director"), hereby issues this citation (hereinafter "Citation") pursuant to  
22 Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the  
23 American Union School Water System (hereinafter, "Water System") (mailing address: 7950  
24 S. Elm Avenue, Fresno, CA 93706) for violation of California Code of Regulations (CCR),  
25 Title 22, Section 64426.1 subsections (b)(2).  
26

27 **APPLICABLE AUTHORITIES**

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

29 (a) If the Division determines that a public water system is in violation of this chapter or any  
30 regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may  
31 issue a citation to the public water system. The citation shall be served upon the public water  
32 system personally or by certified mail. Service shall be deemed effective as of the date of  
33 personal service or the date of receipt of the certified mail. If a person to whom a citation is

34 directed refuses to accept delivery of the certified mail, the date of service shall be deemed  
35 to be the date of mailing.

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

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

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

42 (e) The Division may assess a penalty in an amount not to exceed one thousand dollars  
43 (\$1,000) per day for each day that a violation occurred, and for each day that a violation  
44 continues to occur. A separate penalty may be assessed for each violation.

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

47 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

48 (a) Results of all samples collected in a calendar month pursuant to Sections 64423,  
49 64424, and 64425 that are not invalidated by the Division or the laboratory shall be  
50 included in determining compliance with the total coliform MCL. Special purpose samples  
51 such as those listed in §64421(b) and samples collected by the water supplier during  
52 special investigations shall not be used to determine compliance with the total coliform  
53 MCL.

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

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

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

61

62 **STATEMENT OF FACTS**

63 Division is informed and believes that the Water System is a non-transient non-community  
64 water system serving a school with a population of approximately two hundred fifty (250)  
65 people through four (4) service connections. The Water System is operated under Water  
66 Supply Permit No. 03-23-14P-002, issued by the Division on January 29, 2014.

67 **Violation of the Total Coliform Rule Maximum Contaminant Level**

68 The Water System is required to collect a minimum of one (1) distribution system  
69 bacteriological sample per month. The bacteriological water analysis results submitted by the  
70 Water System reported the presence of total coliform bacteria in three (3) of six (6) samples  
71 collected during March 2016 (none of the positive samples were collected from Well 01).  
72 None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

73

74 The following table summarizes the bacteriological monitoring conducted during the months  
75 of March, April and May of 2016.

76

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
3/4/2016	1	Routine	1	0
3/7/2016	5	Repeat (including well)	3 (distribution only)	0
4/11/16	2	Routine (including well) Distribution Cl <sub>2</sub> resid = 0.38	0	0
5/20/2016	1	Routine	0	0

77 Due to the above-mentioned total coliform positive samples, the Water System has failed the  
78 total coliform MCL for the month of March 2016. Temporary continuous disinfection was  
79 installed in March 2016 and remained in place throughout the first half of May 2016.

80 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the  
81 collection of a sample for bacteriological evaluation from wells serving the system in  
82 response to a coliform positive distribution sample. This requirement was met in the repeat  
83 sampling event conducted in March 2016.

84

85 **DETERMINATION**

86 Based on the above Statement of Facts, the Division has determined that the American  
87 Union School Water System has failed to comply with Section 116555(a)(1) of the CHSC and

88 Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). The Water System  
89 has failed to comply with the total coliform Maximum Contaminant Level (MCL) for the month  
90 of March 2016.

91

92 **NOTIFICATION REQUIREMENTS**

93 Title 22, CCR, Section 64426.1(c) requires a public water system to notify the Division and  
94 the consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)  
95 occurs. Notification to the Division shall be by the end of the business day on which the  
96 violation has been determined. If the Division is closed, notification shall be within 24 hours  
97 of the determination. The Division was notified in accordance with the above-referenced  
98 section regarding each violation.

99

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

103

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

110

111 The appropriate Tier 2 notification template is provided here as Attachment B. The Water  
112 System shall post the public notice provided as Attachment B in conspicuous locations within  
113 the water system and shall deliver the public notice directly to each student and employee.

113

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

119 Proof of notification is required. The Water System shall complete Attachment C and return it  
120 to the Division by **July 15, 2016**.

121

122 **DIRECTIVES**

123 The Water System is hereby directed to take the following actions:  
124

125 1. By **July 1, 2016**, the American Union School water system shall provide public  
126 notification of the total coliform Maximum Contaminant Level failure by posting of the  
127 public notice provided as Attachment B in conspicuous places throughout the general  
128 service area and by direct delivery to each student.  
129

130 By **July 15, 2016**, the Water System shall provide proof of notification of the total  
131 coliform MCL violation notification to each consumer by completing and returning  
132 Attachment D to:

133  
134 Betsy S. Lichti, Senior Sanitary Engineer  
135 State Water Resources Control Board  
136 Division of Drinking Water  
137 265 W. Bullard Avenue, Suite 101  
138 Fresno, CA 93704  
139

140 2. By **July 1, 2015**, the Water System shall complete and submit the enclosed "Positive  
141 Total Coliform Investigation" form to the Division that describes the incident and all  
142 corrective actions taken, and the results of the investigation. The appropriate  
143 investigation report is provided as Attachment D.



144 3. The Water System will be required to maintain an approved Cross-Connection Control  
145 Program which shall include the following elements (as applied from Title 17, California  
146 Code of Regulations, Section 7584), and as outlined in Attachment E:

- 147  
148 a. The conducting of surveys to identify water user premises or locations where  
149 cross connections are likely to occur,  
150  
151 b. The provisions of backflow protection by the Water user at the user's connection  
152 or within the user's premises or both,  
153  
154 c. The provision of at least one person trained in cross-connection control to carry  
155 out the cross-connection program,  
156  
157 d. The establishment of a procedure or system for annual testing of backflow  
158 preventers, and  
159  
160 e. The maintenance of records of locations, tests, and repairs of backflow  
161 preventers.  
162  
163

164 The survey and documentation of a valid Cross Connection Control Program shall be  
165 submitted to the Division by July 31, 2016. You may contact the SWRCB-DDW  
166 Fresno District for guidance in identifying a cross-connection specialist to conduct the  
167 survey.  
168

169 **PARTIES BOUND**

170 This Citation shall apply to and be binding upon American Union School Water System, its  
171 officers, directors, shareholders, agents, employees, contractors, successors, and  
172 assignees.  
173

174 **SEVERABILITY**

175 The Directives of this Citation are severable, and American Union School Water System shall  
176 comply with each and every provision thereof, notwithstanding the effectiveness of any other  
177 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.

6/3/16  
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. Public Notice Template
  - C. Proof of Public Notification Template
  - D. Positive Total Coliform Investigation
  - E. Cross Connection Control Guidelines

Certified Mail Tracking Number: 7014 3490 0001 7868 8538

# Bacteriological Distribution Monitoring Report

**1000204 American Union School**
**Distribution System Freq: 1/M**

Sample Date	Time	Location	T Coli	E Coli	F Coli	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	2/25/16 Issued 03-23-16C-004
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			
1/8/2016	15:30	Classroom 5	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	2/25/16 Issued 03-23-16C-004
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		
2/16/2016	15:50	Classroom 1	A	A		Routine	0.25		
3/4/2016	15:20	Classroom 1	P	A		Routine			
3/7/2016	12:40	Well 1	<1.0	<1.0		Source Repeat			
3/7/2016	13:40	Room 1	P	A		Repeat		MCL	
3/7/2016	13:45	Room 5	A	A		Repeat			
3/7/2016	13:50	Library	A	A		Repeat			
3/7/2016	14:10	Room 16	P	A		Repeat			
4/11/2016	9:50	Classroom #5	A	A		Routine	0.38		
4/30/2016		Only one routine sample collected						MR4	
5/20/2016	14:30	Classroom 5	A	A		Routine			No Chlorine Residual Reported- Disinfection discontinued earlier

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
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**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.

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**American Union School Has Levels of Coliform Bacteria  
Above the Drinking Water Standard**

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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 five samples to test for the presence of coliform bacteria in March 2016. Three 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?**

[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 American Union School

Date distributed: \_\_\_\_\_.



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

Division of Drinking Water

ATTACHMENT C

**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 Water System** of the failure to meet the **total coliform bacteria MCL** for the month of **March 2016** as directed by the Division.

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: March 31, 2016  
Total Coliform MCL Failure: March 2016  
System Number: 1000204  
Citation No.: 03-23-16C-029