

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

5 IN RE: BELMONT TEMPERANCE PROPERTY WATER SYSTEM
6 Water System No. 1000460

7 TO: Mr. Navjeet Chahal, Owner
8 Belmont Temperance Property Water System
9 2267 Carson Avenue
10 Clovis, CA 93611

11 Citation No. 03-23-16C-030

12 FOR VIOLATION OF
13 CALIFORNIA HEALTH AND SAFETY CODE SECTION 116555(a)(1)
14 and
15 CALIFORNIA CODE OF REGULATIONS, TITLE 22,
16 SECTION 64423 – TOTAL COLIFORM MONITORING AND REPORTING

17 For the periods: Second, Third and Fourth Quarters of 2015 and
18 First Quarter of 2016

19 Issued on June 2, 2016

20 The State Water Resources Control Board (hereinafter "Board"), acting by and through its
21 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
22 (hereinafter "Deputy Director"), hereby issues this citation (hereinafter "Citation") pursuant to
23 Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the
24 Belmont Temperance Property Water System (hereinafter "Water System") (Physical
25 Location: 6925 E. Belmont, Fresno, CA 93727) for violation of CHSC Section 116555(a)(1)
26 and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64423.

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2 **APPLICABLE AUTHORITIES**
3

4 **CHSC, Section 116555(a)(1) states in relevant part:**

5 (a) Any person who owns a public water system shall ensure that the system does all of
6 the following:

7 (1) Complies with primary and secondary drinking water standards.

8 **CHSC, Section 116650 provides:**

9 (a) If the department determines that a public water system is in violation of this chapter or
10 any regulation, permit, standard, citation, or order issued or adopted thereunder, the
11 department may issue a citation to the public water system. The citation shall be served
12 upon the public water system personally or by certified mail. Service shall be deemed
13 effective as of the date of personal service or the date of receipt of the certified mail. If a
14 person to whom a citation is directed refuses to accept delivery of the certified mail, the
15 date of service shall be deemed to be the date of mailing.

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

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

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

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

22 **CHSC, Section 116450(a) provides:**

23 (a) When any primary drinking water standard specified in the department's regulations is
24 not complied with, when a monitoring requirement specified in the department's
25 regulations is not performed, or when a water purveyor fails to comply with the
26 conditions of any variance or exemption, the person operating the public water system
27 shall notify the department and shall give notice to the users of that fact in the manner
prescribed by the department. When a variance or an exemption is granted, the person
operating the public water system shall give notice to the users of that fact.

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2 **Title 22, CCR, Section 64423(a)(3), (Routine Sampling for a transient non-community water system) provides:**

3 (a) Each water supplier shall collect routine bacteriological water samples as follows:

4 (3) The minimum number of samples for transient-noncommunity water systems using
5 groundwater and serving 1000 or fewer persons a month shall be one in each
6 calendar quarter during which the system provides water to the public.

7 **Title 22, CCR, Section 64463.4(a)(2), provides:**

8 (a) Each water system shall give public notice pursuant to this section if any of the
9 following occurs:

10 (2) All violations of the monitoring and testing procedure requirements in sections
11 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for
12 which the Department determines that a Tier 2 rather than a Tier 3 public notice is
13 required, based on potential health impacts and persistence of the violations;

14 **Title 22, CCR, Section 64469(a) and (d), (Reporting Requirements) provides:**

15 (a) Analytical results of all sample analyses completed in a calendar month shall be
16 reported to the Department no later than the tenth day of the following month.

17 (d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this
18 Chapter, except for notice given under 64463.7(d), each water system shall submit a
19 certification to the Department that it has done so, along with a representative copy of
20 each type of public notice given.

21 **STATEMENT OF FACTS**

22 Division is informed and believes that the Belmont Temperance water system (hereinafter
23 "Water System") is an existing transient non-community water system in Fresno County. The
24 System supplies water to a mini-mart, wholesale nursery, landscaping company, and a sign
25 manufacturing business which are located in one building structure serving a transient
26 population of 25 persons. It also serves a residence with two occupants. The Division has
27 had regulatory oversight of this water system since September 2007 when the Fresno
County Environmental Health Department (FCEHD) gave up jurisdiction of the small water

1
2 systems in Fresno County. A revised permit to operate was issued to the Water System in
3 June of 2015.

4
5 **Failure to Conduct Bacteriological Monitoring**

6 Title 22, CCR, Section 64423(a)(3) specifies that transient non-community water systems
7 using groundwater and serving 1000 or fewer persons a month shall be one in each
8 calendar quarter during which the system provides water to the public.

9
10 All results for bacteriological analysis of water samples collected since 2007 are
11 summarized in Attachment A.

12
13 The Division has not received bacteriological sample results for samples collected during
14 the second, third or fourth quarters of 2015 or during the first quarter of 2016.

15
16 **Failure to Comply with the Directives of Enforcement Action No. 03-23-16E-031**

17 The Division issued Enforcement Action No. 03-23-16E-031 to the Water System on March
18 10, 2016, for violation of the total coliform monitoring and reporting requirements for the
19 fourth quarter of 2015. The Water System has failed to comply with the following directives
20 listed in that letter:

21
22 *By March 15, 2016, the attached notice should be posted in conspicuous locations throughout the area served
23 by the water system for a minimum of 7 days, and by using one or more of the following methods to reach
persons not likely to be reached by a posting:*

- 24 1. *Publication in a local newspaper or newsletter distributed to customers;*
25 2. *E-mail message to employees or students;*
26 3. *Posting on the Internet or intranet; or*
27 4. *Direct delivery to each customer.*

*Proof of notification to your water system's customers is required. Please use Attachment C to provide this
information and submit to our office within 10 days of posting or distributing along with a copy of the final notice
that was posted or distributed.*

1
2 The Division has received no response from the Water System addressing compliance with
3 Enforcement Action No. 03-23-16C-031, nor has the Division received the results of any
4 bacteriological sample(s) or any Proof of Notification for the Total Coliform Monitoring and
5 Reporting violations for the second, third and fourth quarters of 2015 or for the first quarter
6 of 2016. As of the date of this Citation, the period in which no bacteriological samples have
7 been reported to the Division is twelve consecutive months. In the absence of water quality
8 sample results showing the absence of bacteria, the Division is unable to determine that the
9 water is safe to drink.
10

11 **History**

12 The Water System's previous owner reported a sale of the property occurred in May of
13 2015. All attempts to contact the current owner have been unsuccessful. The violations
14 represent significant failures to conduct the required monitoring of the Water System and the
15 necessary reporting to the Division.
16

17 **DETERMINATION**

18 Based on the above Statement of Facts, the Division has determined that the Belmont
19 Temperance Water System has failed to comply with CHSC, Section 116555(a)(1) and
20 Section 64423 (a)(1) of DIVISION 4, Chapter 15, Article 3 of Title 22, California Code of
21 Regulation (CCR). Specifically, the Water System has failed to comply with the primary
22 standard for bacteriological water quality for the second, third and fourth quarters of 2015 as
23 well as the first quarter of 2016. The Water System has not collected or reported
24 bacteriological monitoring results nor has it provided proof that the Water System users
25 were notified of the monitoring and reporting violations for those quarters.
26
27

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2 **NOTIFICATION REQUIREMENTS**

3 CHSC, Section 116450, specifies that whenever a monitoring requirement specified in the
4 Division's regulations is not performed, the person operating the public water system shall
5 notify the Division and shall give notice to the users of that fact in the manner prescribed by
6 the Division. Title 22, CCR, Section 64463.7 (a) provides that Tier 3 public notification shall
7 be given if the following occurs: Subsection (1) Monitoring violations

8
9 The Division has determined that the failure to report any bacteriological samples from the
10 second quarter of 2015 through the first quarter of 2016 represents a potential public health
11 impact.

12
13 As soon as possible within 24 hours of receipt of this Citation, the Water System shall post
14 or hand deliver the notice provided as Attachment B to persons served by the water
15 system.

16
17 Proof of notification is required. The Water System shall complete Attachment C and return
18 it to the Division by **July 15, 2016**.

19
20
21 **DIRECTIVES**

22 The Belmont Temperance Property Water System is hereby directed to take the following
23 actions:

- 24
25 1. **Immediately upon receipt of this Citation**, the Water System shall collect a routine
26 bacteriological sample from the Belmont Temperance Water System and the results
27 shall be submitted to the Division no later than **July 15, 2016**.

1
2 2. Immediately upon receipt of this Citation, the Water System shall provide public
3 notification using Attachment B due to the failure to maintain the required bacteriological
4 monitoring and reporting program. The notice shall be posted in conspicuous locations
5 throughout the area served by the water system for a minimum of 7 days, and by using
6 one or more of the following methods to reach persons not likely to be reached by a
7 posting:

- 8
9 1. Publication in a local newspaper or newsletter distributed to customers;
10 2. E-mail message to employees or students;
11 3. Posting on the Internet or intranet; or
12 4. Direct delivery to each customer.

13 By July 15, 2015, the Water System shall provide proof of direct delivery and posting of
14 the public notice by completing Attachment C and returning it to the Division.

15 3. Pursuant to Section 64423, the Water System shall initiate and maintain a
16 bacteriological monitoring program required by Title 22, CCR Section 64423 by
17 collecting one (1) sample each quarter and shall report the analytical results to the
18 Division at the above address no later than the tenth date of the following month. The
19 requirements are summarized in Attachment D, "Bacteriological Monitoring
20 Requirements for Small Water Systems".

21
22 4. The Water System shall require their contracting laboratory to submit copies of all
23 bacteriological monitoring results directly to the Division pursuant to Section
24 64423.1(c)(2).

25
26 5. The Water System is hereby directed to conduct all monitoring and reporting specified in
27 Title 22 CCR as required for a transient non-community water system.

1
2 As used in this Citation, the date of issuance shall be the date of this Citation; and the date
3 of service shall be the date of service of this Citation, by personal delivery or by certified
4 mail, on the Water System.

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6 The Division reserves the right to make such modifications to the Citation and/or to issue
7 such further citation(s) as it may deem necessary to protect public health and safety. Such
8 modifications may be issued as amendments to this Citation and shall be effective upon
9 issuance.

10
11 Nothing in this Citation relieves the Water System of its obligation to meet the requirements
12 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4),
13 (hereinafter "California SDWA"), or any regulation, standard, permit or order issued
14 thereunder.

15
16 **PARTIES BOUND**

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

19
20 **SEVERABILITY**

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

23
24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Board to: issue citation with assessment of
26 administrative penalties to a public water system for violation or continued violation of the
27 requirements of the California SDWA or any permit, regulation or order issued or adopted

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2 thereunder including, but not limited to, failure to correct a violation identified in a citation or
3 compliance order. The California SDWA also authorizes the Board to take action to
4 suspend or revoke a permit that has been issued to a public water system if the system has
5 violated applicable law or regulations or has failed to comply with an order of the Board; and
6 to petition the superior court to take various enforcement measures against a public water
7 system that has failed to comply with an order of the Board. The Board does not waive any
8 further enforcement action by issuance of this citation.
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10
11 6/2/16
12 Date

11 Betsy Lichti
12 Betsy Lichti, P.E., Senior Sanitary Engineer
13 Fresno District
14 Drinking Water Field Operations



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21 BSL/EL

- 22 **Attachments:**
23 Attachment A: Summary of Bacteriological Samples from July 2007 to present
24 Attachment B: Public Notice
25 Attachment C: Proof of Notification Form
26 Attachment D: Bacteriological Monitoring Requirements for Small Water Systems

27 *Certified Mail Tracking:* 7014 3490 0001 7868 8545

Bacteriological Distribution Monitoring Report

1000460		Belmont Temperance Property Water				Distribution System Freq: 1/Q			
Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
7/27/2007		1 sample				Routine			Per FC transfer list for qtrly sampling.
12/1/2007		No Quarterly Sample						MR2	3/25/08 issued EL, 03-12-08E-112 for 4th qtr.
3/20/2008		No Quarterly Sample						MR2	5/21/08 issued EL, 03-12-08E-150, for 1st qtr-08. Needs to sample in the distribution.
5/8/2008	11:44	Nursery Mens Restroom	A	A		Routine			
5/8/2008	11:44	Nursery Womens Restroom	A	A		Routine			
5/8/2008	11:45	North well	A	A		Routine			
5/8/2008	11:46	Southwell	A	A		Routine			
5/8/2008	12:00	Pro Screen Utility Sink	A	A		Routine			
5/8/2008	12:10	Mini Mart Kitchen Sink	A	A		Routine			
9/30/2008		No Quarterly Sample						MR2	10/27/08, issued EL, 03-12-08E-266, for 3rd qtr.. 08.
12/31/2008		No Quarterly Sample						M&R	issued EL, 03-23-09C-024
3/18/2009	8:30	Dist. Point #1	<1.1	<1.1		Routine			Results entered 4/29/09
5/18/2009	9:00	Dist Point 1	A	A		Routine			
8/13/2009	7:24	Dist Point #1	<1.1	<1.1		Routine			
11/6/2009	16:00	Test site #1	1.1	<1.1		Special			
11/6/2009	16:00	Test Site #2	<1.1	<1.1		Routine			
2/24/2010	7:20	Dist. Point 1	<1.1	<1.1		Routine			
5/12/2010	7:45	Test Site #1	<1.1	<1.1		Routine			
8/10/2010	8:00	Dist Point #1	<1.1	<1.1		Routine			
11/10/2010	8:00	Distribution Point 1	<1.1	<1.1		Routine			
2/8/2011	7:45	Distribution Point 1	<1.1	<1.1		Routine			
5/9/2011	7:48	Dist Point #1	<1.1	<1.1		Routine			
9/30/2011		No Sample						MR2	11/8/11 Issued EL 03-23-11E-177
11/9/2011	8:00	Distb'n Point #1	<1.1	<1.1		Routine			
1/12/2012	7:30	Distribution Point #1	<1.1	<1.1		Routine			
4/26/2012	11:00	Distribution Point #1	<1.1	<1.1		Routine			
7/12/2012	8:00	Distribution Point #1	<1.1	<1.1		Routine			
10/11/2012	7:50	Distribution Point 1	<1.1	<1.1		Routine			
1/16/2013	8:00	Distribution point 1	<1.1	<1.1		Routine			
4/15/2013	8:00	Distribution point 1	<1.1	<1.1		Routine			
4/15/2013	8:00	Distribution point 1	<1.1	<1.1		Routine			
7/11/2013	7:30	Distribution Point #1	<1.1	<1.1		Routine			
10/10/2013	7:15	Distribution Point #1	<1.1	<1.1		Routine			
3/20/2014	8:00	Distribution Point #1	<1.1	<1.1		Routine			
4/15/2014	7:30	Distribution Point #1	<1.1	<1.1		Routine			
7/15/2014	7:45	Distribution Point #1	<1.1	<1.1		Routine			
10/27/2014	7:55	Distribution Point #1	<1.1	<1.1		Routine			
2/17/2015	7:45	Distribution Point #1	<1.1	<1.1		Routine			
6/30/2015		No Sample						MR2	9/25/15 Issued 03-23-15E-106
9/30/2015		No Sample - Ownership in question							

<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>
12/31/2015		No Sample						MR2	3/10/16 Issued 03-23-16E-031 November - Sale reportedly occurred during May 2015
3/31/2016		No Sample						MR2	

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.

**Bacteriological Monitoring Requirements
Not Met for Belmont Temperance Property Water System**

Our water system failed to monitor as required for a drinking water monitoring standard the past year and, therefore, was in violation of the regulations. Even though this failure 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 are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the second, third and fourth quarters of 2015 as well as the first quarter of 2016, we did not monitor for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total Coliform Bacteria	Quarterly	0	Each Quarter	

- If you have 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 [insert name of contact] at [insert phone number] or [insert 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 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.

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 **Belmont Temperance Property Water System** of the failure to monitor and report total coliform bacteria for the second, third and fourth quarters of 2015 as well as for the first quarter of 2016 as directed by the Division.

Notification was made on _____
by _____
(date)

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

Signature of Water System Representative

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: July 31, 2016
Total Coliform Monitoring and Reporting Failure: 2nd, 3rd & 4th Qtrs 2015 and 1st Qtr 2016
System Number: 1000460
Citation No.: 03-23-16C-030