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**CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

IN RE: **HOLLAND HULLING COMPANY WATER SYSTEM**
Water System No. 1000317

TO: Mr. Aaron Hall, General Manager
Holland Hulling Company
23986 Whitesbridge Avenue
Kerman, CA 93630

Citation No. 03-23-16C-031

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

For the periods: Third and Fourth Quarters of 2015 and First Quarter of 2016

Issued on June 6, 2016

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 this citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Holland Hulling Company Water System (hereinafter "Water System") (Physical Location: 23986 W. Whitesbridge, Kerman, CA 93630) for violation of CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64423.

1
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.

21
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**
3 **water system) provides:**

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

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

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

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

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

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

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

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

22 **STATEMENT OF FACTS**

23 Division is informed and believes that the Holland Hulling Company water system
24 (hereinafter "Water System") is an existing transient non-community water system in Fresno
25 County. The Water System supplies water to an almond hulling operation and an office. The
26 Water System serves a transient population of 35 persons. The Water System operates
27 under domestic water supply permit No. 03-23-15P-028 issued by the Division on
September 1, 2015.

1
2 **Failure to Conduct Bacteriological Monitoring**

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

7 All results for bacteriological analysis of water samples collected since March 2015 are
8 summarized in Attachment A.
9

10 The Division has not received the required bacteriological sample results for samples
11 collected during the third and fourth quarters of 2015 or during the first quarter of 2016.
12

13 **Failure to Comply with the Directives of Enforcement Actions: No. 03-23-15E-122 and**
14 **No. 03-23-16E-036**

15 The Division issued Enforcement Action No. 03-23-15E-122 to the Water System on
16 December 29, 2015, for violation of the total coliform monitoring and reporting requirements
17 for the months of August and September 2015. One sample tested positive for total coliform
18 bacteria in August 2015 and the required repeat and follow up testing was not performed in
19 August or September. The Water System has failed to comply with the following directives
20 listed in that letter:
21

22 *By January 15, 2016, the attached notice should be posted in conspicuous locations throughout the area*
23 *served 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;*
3. Posting on the Internet or intranet; or
26 *4. Direct delivery to each customer.*

27 *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.

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4 Additionally, the Division issued Enforcement Action No. 03-23-16E-036 to the Water
5 System on March 10, 2016, for violation of the total coliform monitoring and reporting
6 requirements for the fourth quarter of 2015. The Water System has failed to comply with the
7 following directives listed in that letter:

8
9 *By March 15, 2016, the attached notice should be posted in conspicuous locations throughout the area served
10 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:*

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

13 *Proof of notification to your water system's customers is required. Please use Attachment C to provide this
14 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.*

15 The Division has received no response from the Water System addressing compliance with
16 Enforcement Action No. 03-23-15E-122 or with Enforcement Action No. 03-23-16C-036, nor
17 has the Division received the results of any bacteriological sample(s) or any Proof of
18 Notification for the Total Coliform Monitoring and Reporting violations for August and
19 September 2015 or for the fourth quarter of 2015. As of the date of this Citation, the period
20 in which no bacteriological samples have been reported to the Division is seven consecutive
21 months. In the absence of water quality sample results showing the absence of bacteria,
22 **the Division is unable to determine that the water is safe to drink.**

23
24 **History**

25 The Water System reported a positive total coliform result in a sample collected on August
26 5, 2015. No repeat samples were collected. Additionally, no follow up routine distribution
27 samples were collected during September 2015. No samples for coliform analysis have

1
2 been collected since August 2015. All attempts to contact the current owner have been
3 unsuccessful. The violations represent significant failures to conduct the required monitoring
4 of the Water System and the necessary reporting to the Division.
5

6 **DETERMINATION**

7 Based on the above Statement of Facts, the Division has determined that the Holland
8 Hulling Company Water System has failed to comply with CHSC, Section 116555(a)(1) and
9 Section 64423 (a)(1) of DIVISION 4, Chapter 15, Article 3 of Title 22, California Code of
10 Regulation (CCR). Specifically, the Water System has failed to comply with the primary
11 standard for bacteriological water quality for the third and fourth quarters of 2015 as well as
12 the first quarter of 2016. The Water System has not collected or reported bacteriological
13 monitoring results nor has it provided proof that the Water System users were notified of the
14 monitoring and reporting violations for those quarters.
15

16 **NOTIFICATION REQUIREMENTS**

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

23 The Division has determined that the failure to report the required bacteriological samples
24 from the third quarter of 2015 through the first quarter of 2016 represents a potential public
25 health impact.
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2 As soon as possible within 24 hours of receipt of this Citation, the Water System shall post
3 or hand deliver the notice provided as Attachment B to persons served by the water
4 system.

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

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10 **DIRECTIVES**

11 The Holland Hulling Company Water System is hereby directed to take the following actions:

12 1. **Immediately upon receipt of this Citation**, the Water System shall collect a routine
13 bacteriological sample from the Holland Hulling Company Water System and the results
14 shall be submitted to the Division no later than July 15, 2016.

15
16 2. **Immediately upon receipt of this Citation**, the Water System shall provide public
17 notification using Attachment B due to the failure to maintain the required bacteriological
18 monitoring and reporting program. The notice shall be posted in conspicuous locations
19 throughout the area served by the water system for a minimum of 7 days, and by using
20 one or more of the following methods to reach persons not likely to be reached by a
21 posting:

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

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

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2 3. Pursuant to Section 64423, the Water System shall initiate and maintain a
3 bacteriological monitoring program required by Title 22, CCR Section 64423 by
4 collecting one (1) sample each quarter and shall report the analytical results to the
5 Division at the above address no later than the tenth date of the following month. The
6 requirements are summarized in Attachment D, "Bacteriological Monitoring
7 Requirements for Small Water Systems".
8

9 4. The Water System shall require their contracting laboratory to submit copies of all
10 bacteriological monitoring results directly to the Division pursuant to Section
11 64423.1(c)(2).
12

13 5. The Water System is hereby directed to conduct all monitoring and reporting specified in
14 Title 22 CCR as required for a transient non-community water system.
15

16 As used in this Citation, the date of issuance shall be the date of this Citation; and the date
17 of service shall be the date of service of this Citation, by personal delivery or by certified
18 mail, on the Water System.
19

20 The Division reserves the right to make such modifications to the Citation and/or to issue
21 such further citation(s) as it may deem necessary to protect public health and safety. Such
22 modifications may be issued as amendments to this Citation and shall be effective upon
23 issuance.
24

25 Nothing in this Citation relieves the Water System of its obligation to meet the requirements
26 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4),
27

1
2 (hereinafter "California SDWA"), or any regulation, standard, permit or order issued
3 thereunder.
4

5 **PARTIES BOUND**

6 This Citation shall apply to and be binding upon the Water System, its officers, directors,
7 agents, employees, contractors, successors, and assignees.
8

9 **SEVERABILITY**

10 The Directives of this Citation are severable, and the Water System shall comply with each
11 and every provision thereof notwithstanding the effectiveness of any provision.
12

13 **FURTHER ENFORCEMENT ACTION**

14 The California SDWA authorizes the Board to: issue citation with assessment of
15 administrative penalties to a public water system for violation or continued violation of the
16 requirements of the California SDWA or any permit, regulation or order issued or adopted
17 thereunder including, but not limited to, failure to correct a violation identified in a citation or
18 compliance order. The California SDWA also authorizes the Board to take action to
19 suspend or revoke a permit that has been issued to a public water system if the system has
20 violated applicable law or regulations or has failed to comply with an order of the Board; and
21 to petition the superior court to take various enforcement measures against a public water
22 system that has failed to comply with an order of the Board. The Board does not waive any
23 further enforcement action by issuance of this citation.
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6/6/16

Date

Betsy Lichti

Betsy Lichti, P.E., Senior Sanitary Engineer
Fresno District
Drinking Water Field Operations



BSL/EL

- Attachments:**
Attachment A: Summary of Bacteriological Samples from March 2015 to present
Attachment B: Public Notice
Attachment C: Proof of Notification Form
Attachment D: Bacteriological Monitoring Requirements for Small Water Systems

Bacteriological Distribution Monitoring Report

1000317 Holland Hulling Company

Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coll	E Coli	F Coll	Type	Cl2	Violation	Comment
3/19/2015	12:00	Faucet	A	A		Routine			
8/5/2015	11:00	Faucet	P	A		Routine			
8/31/2015		No Repeat Samples						MR5	12/29/15 Issued 03-23-15E-122
9/30/2015		No Sample						MR4	12/29/15 Issued 03-23-15E-122
12/31/2015		No Sample						MR2	3/10/15 Issued 03-23-16E-036
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	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.

Bacteriological Monitoring Requirements Not Met for Holland Hulling Company 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 third and fourth quarters of 2015 as well as the first quarter of 2016, we did not monitor for total coliform bacteria as required 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	4 repeats following positive and 5 routines the month after and Quarterly	0	Following positives and quarterly	

- 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 **Holland Hulling Company Water System** of the failure to monitor and report total coliform bacteria for the 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: 3rd & 4th Qtrs 2015 and 1st Qtr 2016
System Number: 1000317
Citation No.: 03-23-16C-031