CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

July 28, 2016

Fernbridge Market
623 Fernbridge Drive
Fernbridge, CA 95540

Certified Mail
7012 3460 0003 1112 8229

Attn: Jennifer Bice, Owner

Subject: Citation No. 01_01_16C_015, Failure to Comply With Combined Filter Effluent Turbidity Performance Standards, Fernbridge Market, PWS #1200648, Fernbridge, Humboldt County

Enclosed is a citation issued to Fernbridge Market public water system for failure to comply with combined filter effluent turbidity performance standards in January, February, March, and April of 2016. The citation specifies action to be taken by Fernbridge Market to achieve compliance and avoid future civil penalties.

Section 116577 of the California Safe Drinking Water Act provides for our department to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this order. Our costs are approximately $153 per hour. At this time we have spent approximately 1 hour on enforcement activities associated with this violation. You will receive a bill for these costs from our Fee Billing Unit in Sacramento.

Please note that we understand you have already posted public notification of the referenced violations, and we have received your certification of public notification; so we acknowledge that you have complied with Directives #2 and #3 of the citation.

If you have any questions regarding this matter, please contact Ronnean Lund of my staff at (530) 224-6505 or me at (530) 224-4875.

Sincerely,

Barry Sutter, P.E.
Klamath District Engineer
Division of Drinking Water

Enclosures

cc Richard Hinrichs, Chief, DDW, Northern California Section, Redding
Humboldt County Evironmental Health

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Date: July 28, 2016

To: Fernbridge Market
623 Fernbridge Drive
Fernbridge, CA 95540

Attn: Jennifer Bice, Owner

CITATION No. 01_01_16C_015

FOR

FAILURE TO COMPLY WITH TURBIDITY PERFORMANCE STANDARDS

SURFACE WATER TREATMENT REGULATIONS

Section 64653

Title 22, California Code of Regulations

Public Water System: Fernbridge Market

Public Water System No.: 1200648

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 (hereinafter "State 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 Fernbridge Market for failure to comply with the combined filter effluent turbidity performance standards in the Surface Water Treatment Regulations, Section 64653, California Code of Regulations (CCR).

APPLICABLE AUTHORITIES

Section 64653 (Filtration), CCR states in relevant part:

(c) A supplier shall comply with the combined filter effluent turbidity performance standards in table 64653 for each treatment plant while the plant is in operation:

Table 64653

Combined Filter Effluent Turbidity Performance Standards[(a)]

If a supplier uses...	*The turbidity level of the combined filter effluent...*
(1) Conventional or direct filtration treatment and serves 10,000 or more persons	(A) Shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month; (B) Shall not exceed 1 NTU for more than one continuous hour; (C) Shall not exceed 1 NTU at four-hour intervals; and (D) Shall not exceed 1.0 NTU for more than eight consecutive hours.
(2) Conventional or direct filtration treatment and serves fewer than 10,000 persons	(A) Shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month; (B) For a supplier using a grab sample monitoring program: 1. Shall not exceed 1 NTU; and 2. Shall not exceed 1.0 NTU in more than two consecutive samples; and (C) For a supplier using a continuous monitoring program: 1. If recording results at least once every 15 minutes, shall comply with paragraph (1)(B); and 2. Shall comply with paragraphs (1)(C) and (1)(D).
(3) Diatomaceous earth filtration	(A) Shall be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month; (B) Shall not exceed 5.0 NTU;

	(C) For a supplier using a grab sample monitoring program, shall comply with paragraph (2)(B)2; and (D) For a supplier using a continuous monitoring program, shall comply with paragraph (1)(D).
(4) Slow sand filtration	(A) Shall be less than or equal to 1.0 NTU in at least 95 percent of the measurements taken each month. Filtered water from the treatment plant may exceed 1.0 NTU, provided the filter effluent prior to disinfection meets the maximum contaminant level for total coliforms as specified in 22 CCR section 64426.1; and (B) Shall not exceed 5.0 NTU.

(a) If there is only one filter at the treatment plant, the combined filter effluent turbidity performance standards shall apply to the effluent produced by the filter.

A copy of additional *Applicable Authorities* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Fernbridge Market is classified as a Transient-noncommunity water system with one connection, serving up to 85 people per day, and operating a surface water treatment system using slow sand filtration. Data contained in monthly turbidity monitoring reports submitted by Fernbridge Market shows turbidity values exceeded the combined filter effluent turbidity performance standards in January, February, March, and April of 2016.

DETERMINATION

The Division has determined that Fernbridge Market is in violation of Title 22, CCR, Section 64653, *Filtration,* in the *Surface Water Treatment Regulations,* for failure to meet the combined filter effluent turbidity performance standards in January, February, March, and April of 2016.

DIRECTIVES

Fernbridge Market is hereby directed to take the following actions:

1. Comply with Title 22, CCR, Section 64653, in all future monitoring periods.

2. On or before **August 15, 2016**, notify all persons served by Fernbridge Market of failure to meet combined filter effluent turbidity performance standards in violation of Section 64653. *Certification of Public Notice dated May 25, 2016, was received by this office certifying that the Public Notice was distributed to the water customers and posted on May 25, 2016. Therefore this directive has been fulfilled.*

All submittals required by this citation shall be submitted to the Division of Drinking Water at the following address:

Barry Sutter, P.E.
Klamath District Engineer
State Water Resources Control Board
Division of Division of Drinking Water
364 Knollcrest Drive, Suite 101
Redding, CA 96002

The Division reserves the right to make such modifications to this citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this citation and shall be effective upon issuance.

Nothing in this Citation relieves Fernbridge Market of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This citation shall apply to and be binding upon Fernbridge Market, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this citation are severable, and Fernbridge Market shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to issue a citation or compliance order 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 an order of the Division. The Division does not waive any further enforcement action by issuance of this citation or compliance order.

Barry Sutter

July 28, 2016

Barry Sutter, P.E.
Klamath District Engineer
State Water Resources Control Board
Drinking Water Field Operations Branch

Date

Appendices (1):
1. Applicable Authorities

Certified Mail No. 7012 3460 0003 1112 8229

APPENDIX 1:
APPLICABLE AUTHORITIES
For
Failure To Comply With Combined Filter Effluent Turbidity Performance Standards, SWTR

Section 116271 of the CHSC states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:
(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
(6) Chapter 7 (commencing with Section 116975).
(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500.

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116650 of the CHSC states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
(c) A citation may specify a date for elimination or correction of the condition constituting the violation.
(d) A citation may include the assessment of a penalty as specified in subdivision (e).
(e) The department may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 64653 of CCR (Filtration) states in relevant part:

(a) All approved surface water utilized by a supplier shall be treated using one of the following filtration technologies unless an alternative process has been approved by the Department pursuant to subsections (e), (f), (g) and (h):
(1) Conventional filtration treatment;
(2) Direct filtration treatment;
(3) Diatomaceous earth filtration; or
(4) Slow sand filtration.

(b) Conventional filtration treatment shall be deemed to be capable of achieving at least 99.7 percent removal of Giardia lamblia cysts, 99 percent removal of viruses, and 99 percent removal of Cryptosporidium when in compliance with operating criteria specified in section 64660 and performance standards specified in table 64653. Direct filtration treatment, diatomaceous earth filtration, and slow sand filtration shall be deemed to be capable of achieving at least 99 percent removal of Giardia lamblia cysts, 90 percent removal of viruses, and 99 percent removal of Cryptosporidium when in compliance with operating criteria specified in section 64660 and performance standards specified in table 64653.

(c) A supplier shall comply with the combined filter effluent turbidity performance standards in table 64653 for each treatment plant while the plant is in operation:

Table 64653
Combined Filter Effluent Turbidity Performance Standards(a)

If a supplier uses...	The turbidity level of the combined filter effluent...
(1) Conventional or direct filtration treatment and serves 10,000 or more persons	(A) Shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month; (B) Shall not exceed 1 NTU for more than one continuous hour; (C) Shall not exceed 1 NTU at four-hour intervals; and (D) Shall not exceed 1.0 NTU for more than eight consecutive hours.
(2) Conventional or direct filtration treatment and serves fewer than 10,000 persons	(A) Shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month; (B) For a supplier using a grab sample monitoring program: 1. Shall not exceed 1 NTU; and 2. Shall not exceed 1.0 NTU in more than two consecutive samples; and (C) For a supplier using a continuous monitoring program:

1. If recording results at least once every 15 minutes, shall comply with paragraph (1)(B); and
2. Shall comply with paragraphs (1)(C) and (1)(D).

(3) Diatomaceous earth filtration	(A) Shall be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month; (B) Shall not exceed 5.0 NTU; (C) For a supplier using a grab sample monitoring program, shall comply with paragraph (2)(B)2; and (D) For a supplier using a continuous monitoring program, shall comply with paragraph (1)(D).
(4) Slow sand filtration	(A) Shall be less than or equal to 1.0 NTU in at least 95 percent of the measurements taken each month. Filtered water from the treatment plant may exceed 1.0 NTU, provided the filter effluent prior to disinfection meets the maximum contaminant level for total coliforms as specified in 22 CCR section 64426.1; and (B) Shall not exceed 5.0 NTU.

(a) If there is only one filter at the treatment plant, the combined filter effluent turbidity performance standards shall apply to the effluent produced by the filter.

Section 64463.4 of CCR (Tier 2 Public Notice) states in relevant part:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:
- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
  - (A) Where a Tier 1 public notice is required under section 64463.1; or
  - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

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

Section 64465 of CCR (Public Notice Content and Format) states in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public 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."; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "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 your drinking water meets health standards. During [*compliance period dates*], we *['did not monitor or test'* or *'did not complete all monitoring or testing']* for *[contaminant(s)]*, and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

(1) An explanation of the reasons for the variance or exemption;
(2) The date on which the variance or exemption was issued;
(3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
(4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
(3) Not contain language that minimizes or contradicts the information being given in the public notice.

Section 64469 of CCR (Reporting Requirements) states in relevant part:

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