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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Heck Cellars Water System
15401 Bear Mountain Winery Road
DiGiorgio, CA 93203

Attn: Guy Ruhland, Winery Manager

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64675(a), 64675(b) AND 64675.5(a)
LEAD AND COPPER TAP SAMPLING
HECK CELLARS WATER SYSTEM, WATER SYSTEM NO. 1502012
CITATION NO. 03-19-15C-005**

Issued on August 12, 2015

STATEMENT OF FACTS

Heck Cellars Water System (hereinafter Water System) is classified as a non-transient noncommunity water system and serves a population of approximately 47 persons (mainly employees) through eight (8) service connections.

The Water System operates under the authority of a domestic water supply permit 03-12-99P-008 issued on August 9, 1999, by the State Department of Health Services.

1 Section 116650 of the California Health and Safety Code authorizes the issuance of a
2 citation to a public water system for violation of the California Safe Drinking Water
3 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
4 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
5 or order issued or adopted thereunder.

6
7 The State Water Resources Control Board, acting by and through its Division of
8 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
9 (hereinafter "Deputy Director"), hereby issues a citation to Heck Cellars Water System
10 (mailing address: 15401 Bear Mountain Winery Road, DiGiorgio, CA 93203) for
11 failure to comply with the lead and copper tap monitoring requirements. Specifically,
12 the Water System has violated the California Code of Regulations (CCR), Title 22,
13 Sections 64675(a), 64675(b) and Section 64675.5(a).

- 14
- 15 • The Water System conducted the first round of initial lead and copper tap
16 monitoring on April 09, 2001 at five (5) tap sampling sites. No lead and
17 copper tap monitoring has been conducted since this sampling event.
 - 18 • On September 5, 2013, the Division issued Enforcement Letter No. 03-19-13E-
19 098 (copy of the Enforcement Letter provided in **Attachment B**) to the Water
20 System for failing to complete the initial lead and copper tap sample
21 monitoring on time, and also failing to conduct two rounds of annual sampling
22 (summers of 2002, and 2003), and three rounds of triennial sampling (summers
23 of 2006, 2009, and 2012).
 - 24 • In the enforcement letter, the Water System was directed to conduct lead and
25 copper tap sampling (which consists of five lead and copper samples) for two
26 consecutive six-month periods, followed by two rounds of annual sampling,
27 followed by triennial sampling (one sampling round every three years). The

1 Water System was directed to collect the first round of monitoring during the
 2 summer months of 2014 (June- September), and report the results and 90th
 3 percentile values to the Division along with a completed Form 141-AR.

- 4 • In a Sanitary Survey letter dated January 31, 2014, for a Sanitary Survey
 5 conducted on November 19, 2013, the Water System was again directed to
 6 conduct the delinquent lead and copper tap sampling.
- 7 • **Heck Cellars Water System failed to collect two rounds of initial lead and**
 8 **copper tap sampling (2001), two rounds of annual sampling (2002 and**
 9 **2003), and three rounds of triennial sampling (2006, 2009, and 2012).**
 10 **[Sections 64675(a), 64675(b) and 64675.5(a), *Authorities*].**

11 AUTHORITIES

12 **Section 116577 of the CHSC**, states in relevant part:

13 “(a) Each public water system shall reimburse the Division for the actual costs incurred by the
 14 Division for any of the following enforcement activities related to that water system:

- 14 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 15 (2) Preparing, and issuing public notification

15 ...

16 (b) The Division shall submit an invoice for these enforcement costs to the public water system
 17 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
 18 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and
 19 the hourly cost rate of the Division. The costs set forth in the invoice shall not exceed the total actual
 20 costs to the Division of the enforcement activities specified in this section.”...

18 **Section 116650 of the California Health and Safety Code** (hereinafter CHSC), states in relevant part:

19 “(a) If the Division determines that a public water system is in violation of this chapter or any
 20 regulation, permit, standard, or order issued or adopted thereunder, the Division may issue a citation to
 21 the public water system. The citation shall be served upon the public water system personally or by
 22 registered mail.

23 (b) Each citation shall be in writing and shall describe with particularity the nature of the violation,
 24 including a reference to the statutory provision, standard, order, or regulation alleged to have been
 25 violated.

26 (c) For continuing violations, the citation shall fix the earliest feasible time for elimination or
 27 correction of the condition constituting the violation where appropriate. If the public water system fails
 to correct a violation within the time specified in the citation, the Division may assess a civil penalty as
 specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the Division may assess in the
 citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the
 violation or the failure to comply. The Division shall specify the classification in the citation and may
 assess civil penalties for each classification as follows:

- (1) For violation of a primary drinking standard, an amount not to exceed one thousand
 dollars (\$1,000) per day for each day that the violation occurred, including each day that the
 violation continues beyond the date specified for correction in the citation or order.

1 (2) For failure to comply with any citation or order issued for violation of a secondary
 2 drinking water standard that the director determines may have a direct or immediate
 relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000)
 for each day that the violation continues beyond the date specified for correction in the citation
 or order.

3 (3) For failure to comply with any citation or order issued for noncompliance with any Division
 4 regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed
 two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for
 correction in the citation.”

5 **Section 116655 of the CHSC, states in relevant part:**

6 “(a) Whenever the Division determines that any person has violated or is violating this chapter, or
 any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an
 7 order doing any of the following:

- 8 (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the Division.
- 9 (3) Directing that appropriate preventative action be taken in the case of a threatened
 violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of
 10 the following requirements:

- (2) That purification or treatment works be installed.”

11 **Article 3. Monitoring for Lead and Copper**

12 **§64675. General Requirements for Tap Sampling for Lead and Copper.**

(a) During each period, each system shall conduct standard tap sampling by collecting one sample from
 13 the number of sites based on the number of people served specified in table 64675-A under Standard
 Tap Sampling.

(b) During each period, each system conducting reduced tap sampling shall collect at least one sample
 14 from the number of sites based on the number of people served specified in table 64675-A under
 Reduced Tap Sampling, as follows:

- 15 (1) The sites shall be representative of the sites required for standard tap sampling.
- 16 (2) The samples shall be collected during the months of June, July, August, or September, unless the
 Department approves an alternate set of four months based on a review of the system’s operations and
 lead and copper data, in which case the system shall initiate sampling during the alternate set of four
 17 months when directed in writing to do so by the Department, as follows:
 (A) No later than 21 months after the previous period, if sampling annually, or
 18 (B) No later than 45 months after the previous period, if sampling triennially.

19 **Table 64675-A**
 20 **Lead and Copper Tap Sampling Sites**

System Size	Standard Tap Sampling (Minimum Number of Sites)	Reduced Tap Sampling (Minimum Number of Sites)
>100,000	100	50
10,001 – 100,000	60	30
3301 – 10,000	40	20
501 - 3300	20	10
101 - 500	10	5
<101	5	5

27

1 (c) Sample sites shall be selected pursuant to section 64676 (Sample Site Selection).

2 **§64675.5. Tap Sampling Frequency.**

3 (a) A system shall conduct standard tap sampling for two consecutive periods; thereafter, tap
4 sampling frequency may be reduced pursuant to section 64675 (General Requirements for Tap Sampling
5 for Lead and Copper) as follows:

6 (1) If a system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L
7 for copper for two consecutive periods, it may reduce the sampling to once every three years at the
8 reduced number of sites;

9 (2) For systems that do not meet the criteria in paragraph (1), after two consecutive periods
10 with no action level exceedance, the frequency may be reduced to annually at the reduced number of
11 sites, if the system receives written approval from the Division based on its review of the system's data.
12 After sampling for three years (including the initial sampling year) with no action level exceedance, the
13 frequency may be reduced to once every three years at the reduced number of sites, if the system
14 receives written approval from the Division.”

15 **DETERMINATIONS**

16 Based upon the above *Statement of Facts and Authorities*, the Division has determined
17 that the Heck Cellars Water System has violated the following:

- 18 1. CCR, Title 22, Sections 64675(a), 64675(b) and 64675.5(a); Specifically, the
19 Water System violated the lead and copper tap sampling regulations by failing
20 to conduct initial sampling, two (2) rounds of annual sampling, and three (3)
21 rounds of triennial lead and copper tap sampling.

22 The above violations are classified as non-continuing violations.

23 **DIRECTIVES**

24 Heck Cellars Water System is hereby directed to take the following actions:

- 25 1. Cease and desist from failing to comply with Section 116555(a) of the
26 California Health and Safety Code (CHSC) and Section 64675(a), 64675(b),
27 and 64675.5(a), of Title 22, California Code of Regulations.
2. By August 24, 2015, the Water System shall submit a written response to the
Division acknowledging receipt of the citation and steps it has taken or plans to
take to comply with the lead and copper tap sampling.

1 3. As part of the initial monitoring, the Water System shall collect five (5) lead
2 and copper tap samples before September 30, 2015, to be analyzed for lead and
3 copper, and complete the initial monitoring by collecting five (5) samples six
4 months from the first round of sampling. The Water System shall report the
5 results and 90th percentile values to the Division along with a completed Form
6 141-AR no later than the 10th day of the month following the sampling, using
7 the enclosed Form 141-AR (**Attachment C**).

8 4. After completing the initial monitoring, the Water System shall complete two
9 (2) rounds of annual sampling by collecting five (5) samples during the
10 summer months (June – September) of 2017 and 2018. Afterwards, triennial
11 samples shall be collected during the summer months and results reported to
12 the Division per instructions provided under Directive No. 3.

13 5. All submittals required by this Citation shall be submitted to the Division at the
14 following address:

15 Jaswinder S. Dhaliwal, P.E.
16 State Water Resources Control Board
17 Division of Drinking Water, Tehachapi District
18 4925 Commerce Drive, Suite 120
19 Bakersfield, CA 93309

20 6. The Water System shall reimburse the Division, in accordance with an invoice
21 that shall be provided to the Water System, the costs for enforcement activities,
22 and such reimbursement shall be made prior to September 1 (or by a different
23 date if specified by the Division) of the fiscal year following the fiscal year in
24 which such costs are incurred as described in CHSC Sections 116577(a)(1-2)
25 and 116577(b).

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

1
2 Nothing in this Citation relieves Heck Cellars of its obligation to meet the
3 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
4 commencing with Section 116270), or any regulation, standard, permit or order issued
5 or adopted thereunder.

6
7 **PARTIES BOUND**

8 This Citation shall apply to and be binding upon the Heck Cellars, its owners,
9 shareholders, officers, directors, agents, employees, contractors, successors, and
10 assignees.

11
12 **SEVERABILITY**

13 The Directives of this Citation are severable, and the Heck Cellars shall comply with
14 each and every provision hereof, notwithstanding the effectiveness of any other
15 provision.

16
17 **FURTHER ENFORCEMENT ACTIONS**

18 The California SDWA authorizes the Division to: issue a citation with assessment of
19 administrative penalties to a public water system for violation or continued violation
20 of the requirements of the California SDWA or any regulation, permit, standard,
21 citation, or order issued or adopted thereunder including, but not limited to, failure to
22 correct a violation identified in a citation or compliance order. The California SDWA
23 also authorizes the Division to take action to suspend or revoke a permit that has been
24 issued to a public water system if the public water system has violated applicable law
25 or regulations or has failed to comply with an order of the Division; and to petition the
26 superior court to take various enforcement measures against a public water system that
27

1 has failed to comply with an order of the Division. The Division does not waive any
2 further enforcement action by issuance of this Citation.

3
4 **CIVIL PENALTIES**

5 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
6 civil penalty for failure to comply with the requirements of the Safe Drinking Water
7 Act. Failure to comply with any provision of this Citation may result in the Division
8 imposing a penalty in an amount not to exceed one thousand dollars (\$1,000) per day
9 for each day that a violation occurred, and for each day that a violation continues to
10 occur. A separate penalty may be assessed for each violation

11
12 August 12, 2015
13 Date

12 Jaswinder Dhaliwal
13 Jaswinder S. Dhaliwal, P.E.
14 Senior Sanitary Engineer
15 Drinking Water Field Operations Branch

16 Certified Mail No. 7015 0920 0000 3175 8426

17 **ATTACHMENTS**

- 18
19 Attachment A: Heck Cellars Lead and Copper Database Report
20 Attachment B: Enforcement Letter No. 03-19-13E-098
21 Attachment C: Lead and Copper Guidance and Form 141-AR

22 CC: Kern County Environmental Health Services Department (w/o attachments)
23 Charlie Howell, Seaco Technologies, Inc., Water Quality Contact (via email)

24 JSD/dc
25
26
27

Attachment A

Individual System Lead and Copper Rule Tracking Report

1502012 HECK CELLARS WATER SYSTEM

Pop: 60

Eng: EAE

Lead Action Level: 0.015 mg/L

Copper Action Level: 1.3 mg/L

Sample Date	Monitoring Period	Sample Set ID	Number Required	Number Sampled	Lead 90th % (mg/L)	Copper 90th % (mg/L)	Action Taken	Action Type	Next Due Date	Next Due Freq	Comments
(4/9/2001)	6M1ST-2001	1st 6	5	5	0.0035	0.125			10/9/2001		
(9/5/2013)	6M2ND-2013		0	0							Enforcement letter 03-19-13E-098 issued for 12 year delinquency

Legend:

- Cit: Citation
- EL: Enforcement letter
- 1st 6: 1st initial 6-mo. round of monitoring
- 2nd 6: 2nd initial 6-mo. round of monitoring
- A1: 1st Annual monitoring
- A2: 2nd Annual monitoring
- T1: 1st Triennial (3 yr) monitoring
- T2: 2nd Triennial (3 yr) monitoring
- T3: 3rd Triennial (3 yr) monitoring

Attachment B



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

September 5, 2013
Water System #1502012

Guy Ruhland, Winery Manager
Heck Cellars
15401 Bear Mountain Winery Road
DiGiorgio, CA 93203

BY CERTIFIED MAIL

Subject: ENFORCEMENT LETTER No. 03-19-13E-098
Lead and Copper Rule Monitoring and Reporting Violation For
Heck Cellars Water System

Dear Mr. Ruhland:

The Lead and Copper Rule (LCR) requires community and non-transient non-community water systems to maintain a monitoring program for lead and copper in the distribution system by collection of samples at the customer's taps. Our office has reviewed the compliance status Heck Cellars Water System (hereinafter Water System) with these monitoring and reporting requirements. Although bottled water is being provided by the Water System, lead and copper tap monitoring is still required. The Department has determined that Heck Cellars Water System has failed to conduct the required lead and copper tap monitoring as described below:

Failure to conduct/complete initial monitoring

Section 64675.5 of Title 22, California Code of Regulations (CCR) requires water systems to monitor during two consecutive six-month periods at the number of sites required, based on standard monitoring. Heck Cellars Water System completed the first six-month monitoring on April 9, 2001. The second set of initial monitoring was due in October 2001, but was not collected. A summary of Heck Cellars Water System's lead and copper tap monitoring is attached (Attachment A). The Water System failed to complete initial monitoring on time, and also failed to conduct two rounds of annual sampling (the summers of 2002 and 2003), and three rounds of triennial sampling (the summers of 2006, 2009, and 2012).

Due to the long delinquency, the initial monitoring must begin again. Lead and copper tap sampling is now due, and must be completed by September 30, 2013. This must be conducted at five (5) sites, as outlined in the attached *Lead and Copper Rule Sampling Guidance* (Attachment B). The second round of initial monitoring must be conducted in

March of 2014. The analytical results must be reported to the Department by the 10th day of the month following the month in which the sampling was conducted. Please complete and submit, to our office, the attached Form 141-AR (**Attachment B**) with copies of the laboratory results.

If the 90th percentile lead and copper levels do not exceed the action levels of 0.005 mg/L for lead and 0.65 mg/L for copper, during either of the initial six month periods, then Heck Cellars Water System may reduce monitoring to triennial (every three years).

Public Notification Requirement

This is considered a monitoring and reporting (M&R) violation and requires Tier 3 (within one year of violation) public notification. You are required to notify the customers via the Consumer Confidence Report for 2013, in accordance with the Section 64463.7(1) of Title 22, CCR. Repeated violation will require mandatory Tier 2 (within 30 days of violation) public notification because we would have no basis to determine whether the water was safe to drink during the period the required number of samples were not collected.

Directives

1. Cease and desist from failing to comply with Section 64675.5 of Title 22, California Code of Regulations.
2. Collect the first round of initial lead and copper tap samples by September 30, 2013 and the second round of initial lead and copper tap samples in March of 2014. Please submit copies of the results, along with Form 141-AR, to this office by the 10th day of the month following sampling. Continue the future monitoring as directed.
3. By July 1, 2014, the public notification of the above mentioned M&R violation shall be delivered directly to the consumers served by Heck Cellars Water System via the Consumer Confidence Report for 2013.

Further Enforcement Actions

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; 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 orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this enforcement letter.

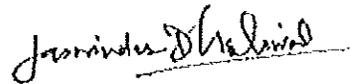
Civil Penalties

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to

comply with any provision of this Enforcement Action may result in the Department imposing an administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of violation of any provision of this Enforcement Action.

Please note that any time we have spent on this matter is considered enforcement time and your water system will be billed at the current hourly rate. If you have any questions regarding this matter, please contact our office at (661) 335-7315.

Sincerely,



Jaswinder Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Attachment A: Lead and Copper Monitoring Summary
Attachment B: Lead and Copper Sampling Guidance

cc: Kern County Environmental Health Department (w/out attachments)
Seaco Technologies, Contract sampler (via email)

JD/dc

Attachment C

Lead and Copper Rule Sampling Guidance

For Water Systems Serving Population up to 10,000

Prepared by: State Water Resources Control Board, Division of Drinking Water
Southern California Drinking Water Field Operations Branch
Tehachapi District
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309
Phone: (661) 335-7315 / FAX: (661) 335-7316

This guidance document was developed to help water systems comply with the California Lead and Copper Rule. The Lead and Copper Rule requires community and nontransient-noncommunity water systems to monitor lead and copper levels at the consumers' taps. If action levels are exceeded, installation of corrosion control treatment is required. If the action level for lead is exceeded, public notification is required.

Lead Action Level = 0.015 mg/L

Copper Action Level = 1.3 mg/L

Compliance with the lead and copper action levels is based on the 90th percentile lead and copper levels. This means that the concentration of lead and copper must be less than or equal to the action level in at least 90% of the samples collected.

To help explain how to comply with the California Lead and Copper Rule, information on the following topics is included in this document:

- Section 1 - Number of Tap Sample Sites Required
- Section 2 - When to Sample
- Section 3 - Where to Sample
- Section 4 - How to Sample
- Section 5 - How to Calculate the 90th Percentile Lead and Copper Levels
- Section 6 - What to Do if You Exceed the Lead or Copper Action Level
- Section 7 - How to Report Your Sample Results
- Section 8 - Monitoring Waivers (Applicable Only to Systems Serving 3,300 or Fewer Persons)

Attachments to this document include:

1. "Homeowner Tap Sample Collection Procedures"
2. "Lead and Copper Results Worksheet"
3. Form 141-AR "Lead and Copper Rule Sampling Report"

Section 1. Number of Tap Sample Sites Required

The number of tap sample sites required is shown in Table 1, and is based on the population served by your water system and if you are performing Standard or Reduced Monitoring.

Table 1. Minimum Number of Tap Sample Sites Required

System Population	Minimum Number of Tap Sample Sites	
	Standard Monitoring	Reduced Monitoring
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
Less than 101	5	5

Section 2. When to Sample

- **Standard Monitoring:**

Each water system must complete at least two consecutive 6-month Standard Monitoring periods with no exceedance of the lead or copper action level before the frequency of sampling can be reduced. During each 6-month Standard Monitoring period, you must collect at least one tap sample from the number of sites shown in Table 1 under Standard Monitoring.

Therefore, during your first year of sampling, collect a set of samples in the first six months and a set of samples in the second six months. Samples must be analyzed for both lead and copper.

If at any time your 90th percentile lead or copper level exceeds the action level, you must contact this office for further guidance.

- **Reduced Monitoring:**

If you have completed two consecutive 6-month Standard Monitoring periods and the 90th percentile levels do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper, you may reduce the number of tap sample sites as shown in Table 1, under Reduced Monitoring, and reduce the frequency at which you sample to once every three years.

If you have completed two consecutive 6-month Standard Monitoring periods and the 90th percentile levels are greater than 0.005 mg/L for lead and 0.65 mg/L for copper, but do not exceed the lead or copper action levels, you may reduce the number of tap sample sites as shown in Table 1, under Reduced Monitoring. You may also reduce the frequency at which you collect the samples to annual monitoring for two more years.

In the second and third years of sampling, collect one set of samples during the month of June, July, August or September. Samples must be analyzed for both lead and copper. After completing the third year of sampling, if there has been no exceedance of the lead or copper action level, collect one set of samples every three years during the month of June, July, August or September. Again, samples must be analyzed for both lead and copper.

If at any time your 90th percentile lead or copper level exceeds the action level, you must contact this office for further guidance.

Section 3. Where to Sample

- Notes:
1. If lead service lines are present in the distribution system, at least half of the samples must come from the sites served by lead service lines.
 2. Do not sample from homes or buildings that have point-of-use treatment (e.g., water softener, carbon filter system, etc.).
 3. Each round of sampling should be conducted at the same sampling sites. If an original sampling site is not available, you should collect a tap sample from another site meeting the same Tier criteria as the original site.

- **Community Water Systems:**

Lead and copper tap samples must be collected from sampling locations that meet the following criteria:

Tier 1 - Single-family structures that contain:

- a) Lead pipes or
- b) Copper pipes with lead solder installed after 1982 or
- c) Pipes served by lead service lines.

If there are not enough Tier 1 sites available, samples must meet the following criteria:

Tier 2 - Buildings and multiple-family residences that contain:

- a) Lead pipes or
- b) Copper pipes with lead solder installed after 1982 or
- c) Pipes served by lead service lines.

If there are not enough Tier 1 and Tier 2 sites available, samples must meet the following criteria:

Tier 3 - Single-family structures that contain copper pipes with lead solder installed before 1983.

If there are not enough Tier 1, Tier 2, and Tier 3 sites available, samples must be collected from representative sites (i.e., plumbing materials commonly found at other sites) throughout the distribution system.

- **Nontransient-Noncommunity Water Systems:**

Lead and copper tap samples must be collected from sampling locations that meet the following criteria:

Tier 1 - Buildings that contain:

- a) Lead pipes or
- b) Copper pipes with lead solder installed after 1982 or
- c) Pipes served by lead service lines.

If there are not enough Tier 1 sites available, samples must meet the following criteria:

Tier 2 - Buildings that contain copper pipes with lead solder installed before 1983.

If additional sites are needed to complete the sampling pool, samples must be collected from representative sites.

Section 4. How to Sample

Depending on the type of water system you operate, the following options are available for sample collection:

- a) You can collect the samples yourself using the procedures outlined below, or
- b) Residents of the water system can collect the samples for you. Letters are usually sent to find volunteers to participate in the sampling program. The attached sample collection instruction sheet must be sent to each participant. Residents collect the samples and complete the bottom portion of the instruction sheet. You collect the filled sample bottles and the completed instruction sheets from the residents. Sample bottles are then transported to the laboratory for analysis.

Sample Procedures:

- 1) Samples from residential housing are to be taken from a kitchen or bathroom cold-water faucet. Do not sample from faucets that have point-of-use treatment (e.g., water softener, carbon filter system, etc.). Samples from a non-residential building are to be collected from an interior tap from which water is typically drawn for consumption.
- 2) Each sample must be collected after the water has stood undisturbed in the pipes for at least 6 hours, but not more than 12 hours. It is best to collect the sample first thing in the morning.
- 3) Each sample must be one liter in volume and must contain the first water drawn from the faucet.
- 4) Remove the cap from the one-liter sample bottle, place the container directly below the faucet and gently open the cold-water tap. Fill the sample bottle to the line marked "1-liter or 1,000-ml" and turn off the water.

Tightly cap the sample bottle and complete the required information on the sample bottle label.
- 5) All samples must be analyzed by a laboratory certified by the State to perform drinking water lead and copper analyses.

Section 5. How to Calculate the 90th Percentile Lead and Copper Levels

Complete the attached "Lead and Copper Results Worksheet". If your 90th percentile lead level is greater than 0.015 mg/l, you have exceeded the action level. If your 90th percentile copper level is greater than 1.3 mg/l, you have exceeded the action level.

Section 6. What to Do if You Exceed the Lead or Copper Action Level

If your 90th percentile lead or copper level exceeds the action level, you must contact this office for further guidance.

Section 7. How to Report Your Sample Results

Upon completion of each sampling period, the following items must be submitted to the Tehachapi District Office, Southern California Drinking Water Field Operations Branch, State Water Resources Control Board-Division of Drinking Water:

- 1) A fully completed Form 141-AR (copy attached).
- 2) Laboratory copies of all sample results.
- 3) Completed "Lead and Copper Results Worksheet".

Section 8. Monitoring Waivers (Applicable Only to Systems Serving 3,300 or Fewer Persons)

If your water system serves 3,300 or fewer people, you may apply to the Department for a waiver to reduce the tap sampling frequency for lead and copper to once every **nine** years. If you meet the following materials and monitoring criteria for both lead and copper, a full waiver will be granted. If you meet the materials and monitoring criteria for only one of the chemicals, a partial waiver that covers only that chemical will be granted.

- **Materials Criteria:**

You must provide certification and documentation that the distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, satisfy the following:

For lead, the system must be free of plastic pipes that contain lead plasticizers or plastic service lines that contain lead plasticizers, lead service lines, lead pipes, lead-soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless you can demonstrate that such fittings and fixtures will not leach lead into the drinking water.

For copper, the system must be free of copper pipes and copper service lines.

- **Monitoring Criteria:**

You must have conducted standard tap sampling for at least one six-month period and demonstrate that the 90th percentile levels for all periods of tap sampling conducted since the water system became free of all lead-containing and/or copper-containing materials do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper. You must continue monitoring at the required frequency (Standard Monitoring or Reduced Monitoring) until a waiver is granted.

Homeowner Tap Sample Collection Procedures

These samples are being collected to determine the lead and copper levels in your tap water. This sampling effort is required by the U.S. Environmental Protection Agency and your state, and is being accomplished through the cooperation of homeowners and residents.

Tap Sample Collection Procedures:

- 1) Prior arrangements will be made to coordinate the sample collection event. Dates will be set for sample bottle delivery and pick-up by water system staff.
- 2) Samples are to be taken from a kitchen or bathroom cold-water faucet. Do not sample from faucets that have point-of-use treatment (e.g. water softener, carbon filter system, etc.).
- 3) Each sample must be collected after the water has stood undisturbed in the pipes for a minimum of 6 hours, but not more than 12 hours. Due to this requirement, it is best to collect the sample first thing in the morning.
- 4) Each sample must be one liter in volume and must contain the first water drawn from the faucet.
- 5) Remove the cap from the one-liter sample bottle, place the container directly below the faucet and gently open the cold-water tap. Fill the sample bottle to the line marked "1 liter or 1000-ml" and turn off the water.

Tightly cap the sample bottle and complete the required information on the sample bottle label. If the label has been partially completed for you, verify that the information is correct.
- 6) If any plumbing repairs or replacement has been done in the home since the previous sampling event, note this information below.
- 7) Complete the bottom portion of this instruction sheet.
- 8) Place the sample bottle and instruction sheet outside of the residence (in the same location as delivery) so they can be retrieved by water system staff.
- 9) Results of the sampling will be provided to the participants.

If you have any questions regarding these directions, call:

_____ *Contact Name*

_____ *Water System Name*

_____ *Phone Number*

To Be Completed By Resident

Sample collection address: _____

Water was last used: Time _____ Date _____

Sample was collected: Time _____ Date _____

Plumbing repairs or replacement since last sampling event? _____

I have read the above directions and have taken a sample in accordance with these directions.

_____ *Signature*

_____ *Date*

Lead and Copper Results Worksheet

System Name: _____

Sample Date(s): _____

Determine the 90th percentile lead and copper levels:

1. List all of the samples in Table 2 on the following page.
2. Circle the highest five values for both lead and copper.
3. Determine the 90th percentile lead level by following the instructions given in Table 1.

Write down the 90th percentile level for lead = _____ mg/L

If the 90th percentile lead level is greater than 0.015 mg/L, you have exceeded the action level.

4. Determine the 90th percentile copper level by following the instructions given in Table 1.

Write down the 90th percentile level for copper = _____ mg/L

If the 90th percentile copper level is greater than 1.3 mg/L, you have exceeded the action level.

Table 1 - Determining the 90th Percentile Lead or Copper Level

Number of Tap Samples Collected	How to Determine the 90 th Percentile Lead or Copper Level
5 to 7	Average the two highest sample results to get the 90 th percentile level.
8 to 12	The 90 th percentile level is the second highest sample result.
13 to 17	Average the second and third highest sample results to get the 90 th percentile level.
18 to 22	The 90 th percentile level is the third highest sample result.
38 to 42	The 90 th percentile level is the fifth highest sample result.

Table 2 - Sample Results

	Sample Address	Lead Level (mg/L)	Copper Level (mg/L)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			

LEAD AND COPPER RULE SAMPLING REPORT

System's Name: _____

Type: CWS NTNCWS

Address: _____

Size: >100,000
 50,001 to 100,000
 10,001 to 50,000
 3,301 to 10,000
 501 to 3,300
 101 to 500
 ≤ 100

Telephone Number: _____

System ID Number: _____

Contact Person: _____

Sample Date(s): _____

SAMPLE SITE IDENTIFICATION

Number of sample sites in each category:

- Single-family structures with copper pipes with lead solder installed after 1982 or lead pipes or lead service lines _____
 - Multi-family structures with copper pipes with lead solder installed after 1982 or lead pipes or lead service lines _____
 - Buildings containing copper pipes with lead solder installed after 1982 or lead pipes or lead service lines _____
 - Single family structures with copper pipes with lead solder installed before 1983 _____
- Total: _____

Number of lead service lines present in the distribution system: _____

Number of samples collected from sites served by lead service lines: _____

The following sources have been explored to determine the number of structures that have interior lead pipe or copper pipe with lead solder:

- | | |
|--|---|
| <input type="checkbox"/> Plumbing and/or building codes | <input type="checkbox"/> Interviews with building inspectors |
| <input type="checkbox"/> Plumbing and/or building permits | <input type="checkbox"/> Survey of service area plumbers about when and where lead solder was used from 1982 to present |
| <input type="checkbox"/> Contacts with the building department, municipal clerk's office, or state regulatory agencies | <input type="checkbox"/> Survey of residents |
| <input type="checkbox"/> Water quality data | <input type="checkbox"/> Interviews with local contractors & developers |

The following sources have been explored to determine the number of lead service lines in the distribution system:

- Distribution system maps and record drawings
- Capital improvement plans and/or master plans for distribution system development
- Standard operating procedures and/or operation & maintenance manuals for the types of materials used for service connections
- Utility records including meter installations, customer complaint investigations
- Water quality data
- Interviews with senior personnel
- Conduct service line sampling where lead service lines are suspected to exist
- Review of permit files
- Survey of residents
- Interviews with local pipe supplies, contractors and/or developers

