



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 23, 2014

Ms. Holly Payson
Hill Nine and Ten Water Association
9104 Diamond Dust Trail
Kelseyville, CA 95451

**CITATION NO. 02-03-14C-021 FOR PWS NO. 1700552
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION**

Enclosed is a citation issued to the Hill Nine and Ten (System), public water system number 1700552, for failing to conduct routine bacteriological monitoring in June 2014.

Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Department's hourly rate (currently estimated at \$128.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento later this year.

If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2145.

Sincerely,

A handwritten signature in cursive script that reads "Michelle F. Frederick".

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

c: Lake County Environmental Health Department

1700552/Compliance File #4
Citation 02-03-14C-021-1700552-23/LSH

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

50 D Street, Suite 200, Santa Rosa, CA 95404 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Hill Nine and Ten Water Association

Water System No: 1700552

To: Hill Nine and Ten Water Association
9104 Diamond Dust Trail
Kelseyville, CA 95451

Issued: September 23, 2014

**CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM MONITORING AND REPORTING
JUNE 2014**

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to the Hill Nine and Ten Water Association (System) for failure to comply with Sections 64423 and 64423.1, Title 22, of the California Code of Regulations (CCR).

Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any

1 regulation, standard, permit or order issued thereunder. A copy of the *Applicable*
2 *Statutes and Regulations* is located in Appendix 1, which is attached hereto and
3 incorporated by reference.

4
5 **STATEMENT OF FACTS**

6 Hill Nine and Ten Water Association is classified as a community water system
7 serving 17 connections. According to Sections 64423 and 64423.1, Title 22, of the
8 CCR, the System is required to collect one routine bacteriological sample per month
9 from the distribution system and report the findings to the Division database. As of
10 the date of this Citation, the Division has not received results for a routine
11 bacteriological sample collected from the distribution system of the Hill Nine and Ten
12 Water Association during June 2014.

13
14 **DETERMINATIONS**

15 The Division has determined that the Hill Nine and Ten Water Association water
16 system violated Sections 64423 and 64423.1, Title 22, of the CCR in June 2014.
17 Section 64423 states that water suppliers are required to collect routine
18 bacteriological samples based on the population served or the total number of
19 service connections. Section 64423.1 states that analytical results of all required
20 samples collected for a water system in a calendar month shall be reported to the
21 Division no later than the tenth day of the following month.

22 Hill Nine and Ten Water Association collected fewer than the minimum number of
23 required routine samples in June 2014 and failed to report the findings, if any, to the
24 Division by July 10, 2014. Therefore, the System violated the total coliform routine
25 monitoring and reporting regulations contained in Sections 64423 and 64423.1, Title
26 22, of the CCR.
27

1 **DIRECTIVES**

2 The Hill Nine and Ten Water Association is hereby directed to take the following
3 actions:

- 4
- 5 1. Comply with Sections 64423 and 64423.1, Title 22, of the California Code of
6 Regulations in all future monitoring periods.
- 7
- 8 2. On or before **October 23, 2014**, notify all persons served by the System of the
9 bacteriological monitoring violation in conformance with Section 64463.4 and
10 Section 64465, Title 22 of the CCR. A copy of these regulatory sections is
11 provided in Appendix 1. The Public Notification Template in Appendix 2 may be
12 used to fulfill this directive, **provided the corrective actions section and**
13 **contacts section of the template are completed prior to notification.**
- 14
- 15 3. The System shall complete Appendix 3: Compliance Certification. Submit
16 Appendix 3 together with a copy of the **two methods** of public notification to the
17 Division on or before **October 30, 2014**.

18

19 The Division reserves the right to make such modifications to this Citation, as it
20 deems necessary to protect public health and safety. Such modifications may be
21 issued as amendments to this Citation and shall be effective upon issuance.

22

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

1 All documents required by this Citation shall be submitted to the Division at the
2 following address:

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Michelle F. Frederick, P.E., District Engineer
Mendocino District
Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

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

SEVERABILITY

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

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FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division of Drinking Water to: issue additional citations with assessment of penalties if the 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 Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

Michelle F. Frederick *Sept 23, 2014*

Michelle F. Frederick, P.E.
District Engineer
Mendocino District

Date

Certified Mail No. 70123460000264594706

Appendices (3):

1. Applicable Statutes and Regulations
2. Public Notification Template
3. Compliance Certification



1700552/Compliance File #4
02-03-14C-021/LSH

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS

FOR CITATION NO. 02-03-14C-021

Note: The Department referenced below, formerly the California Department of Public Health, Drinking Water Program, now refers to the State Water Resources Control Board, Division of Drinking Water. The Drinking Water Program moved to the State Water Resources Control Board on July 1, 2014.

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.

California Code of Regulations (CCR), Section 64423 states in relevant part:

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

(1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.

California Code of Regulations (CCR), Section 64423.1 states in relevant part:

(a) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

California Code of Regulations Section 64463.4 states, in relevant part:

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

(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.

California Code of Regulations (CCR), Section 64465 states in relevant part:

(a) Each public notice given pursuant to this article 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."

(c) Each public notice given pursuant to this article 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 water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(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.

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.

Hill Nine and Ten Failed to Sample the Drinking Water for Bacteria

Our water system failed to monitor our water for bacteria in June 2014, as required by the California Code of Regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During June 2014 we did not test for coliform bacteria and therefore cannot be sure of the bacteriological quality of the drinking water during that time.

What does this mean?

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. Our failure to test our drinking water for bacteria during June 2014 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What corrective actions have been taken by the Hill Nine and Ten to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

_____ *(name)*

_____ *(address)*

_____ *(phone number)*

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of this notice from **Hill Nine and Ten** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

PUBLIC WATER SYSTEM NO. 1700552

Date: _____

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number : 02-03-14C-021

Name of Water System: Hill Nine and Ten

System Number: 1700552

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that the Hill Nine and Ten complied with the directives of this citation as indicated below:

Required Action	Date Completed
Complete Attachment A, as required in Directive 2	<input type="text"/>
Public Notification – Indicate methods below.	<input type="text"/>
<input checked="" type="checkbox"/> Mail or direct delivery to each customer (REQUIRED); <u>AND</u> choose one of the following: <input type="checkbox"/> Publication in a local newspaper (attach copy of newspaper); OR <input type="checkbox"/> Post in conspicuous places within the water system for a minimum of 7 days (attach copy of posting, state locations and dates of posting); OR <input type="checkbox"/> Posting on the Internet or intranet (provide printout of website).	

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION
NO LATER THAN October 30, 2014**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 each 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 county jail not to exceed one year, or by both the fine and imprisonment.