



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 26, 2014

Jitterbean Coffee
c/o Ms. Debra Watson
850 Mathews Road
Lakeport, CA 95453

CITATION NO. 02-03-14C-024 FOR PWS NO. 1700733 TOTAL COLIFORM BACTERIA REPEAT MONITORING VIOLATIONS

Enclosed is a citation issued to the Jitterbean Coffee (System), public water system number 1700733, for violating the total coliform repeat monitoring requirements in May 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. If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2145.

Sincerely,

A handwritten signature in blue ink 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

Ms. Miller and Mr. Rose, P.O. Box 1803, Lakeport, CA 95453

1700733/Compliance Section #6
Citation 02-03-14C-024-1700733-26/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: Jitterbean Coffee

Water System No: 1700733

To: Jitterbean Coffee
c/o Ms. Debra Watson
850 Mathews Road
Lakeport, CA 95453

Issued: September 26, 2014

**CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM REPEAT MONITORING REQUIREMENTS
May 2014**

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to Jitterbean Coffee (System) for failure to comply with Section 64424, Title 22, of the California Code of Regulations (CCR).

1 Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California
2 Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to
3 comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any
4 regulation, standard, permit or order issued thereunder. A copy of the *Applicable*
5 *Statutes and Regulations* is located in Appendix 1, which is attached hereto and
6 incorporated by reference.

7
8 **STATEMENT OF FACTS**

9 Jitterbean Coffee collected a routine bacteriological sample on May 9, 2014. This
10 sample tested positive for total coliform and negative for *E. coli*. Only one repeat
11 sample was collected on May 12, 2014. The repeat sample tested negative for total
12 coliform. Repeat sampling was not performed in accordance to the System's
13 bacteriological site sampling plan approved by the Division, nor did it meet the
14 requirements of four repeat samples for each total coliform-positive sample as
15 required in Section 64424. The System's source is temporarily approved as hauled
16 water.

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18 **DETERMINATIONS**

19 The Division has determined that Jitterbean Coffee violated Section 64424, Title 22,
20 of the CCR in May 2014. Jitterbean Coffee collected only one repeat sample in May
21 2014. Section 64424, Title 22, of the CCR requires a minimum of four samples for
22 each total coliform positive sample.

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1 **DIRECTIVES**

2 Jitterbean Coffee is hereby directed to take the following actions:

- 3
- 4 1. Comply with Section 64424, Title 22, of the California Code of Regulations in all
5 future monitoring periods.
- 6
- 7 2. On or before **October 27, 2014**, notify all persons served by the System of the
8 bacteriological monitoring violations, in conformance with Section 64463.4 and
9 Section 64465, Title 22 of the CCR. A copy of these regulatory sections is
10 provided in Appendix 1. The Public Notification Template in Appendix 2 may be
11 used to fulfill this notification directive, **provided the corrective actions section**
12 **and contacts section of the template are completed prior to notification.**
- 13
- 14 3. The System shall complete Appendix 3: Compliance Certification. Submit
15 Appendix 3 together with a copy of the **two methods** of public notification to the
16 Division on or before **October 31, 2014**.

17

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

21

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

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

3 Michelle F. Frederick, P.E., District Engineer
4 Mendocino District
5 Drinking Water Field Operations Branch
6 50 D Street, Suite 200
7 Santa Rosa, CA 95404

7 **PARTIES BOUND**

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

11 **SEVERABILITY**

12 The directives of this Citation are severable, and the System shall comply with each
13 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 26, 2014*

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

Date

Certified Mail No. 70123460000264594744

Appendices (3):

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



1700733/Compliance Section #6
02-03-14C-024-1700733-026/LSH

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS

FOR CITATION NO. 02-03-14C-024

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, Section 64424 states, in relevant part:

(a) If a routine sample is total-coliform positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. **For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.**

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:

(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.

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.

Jitterbean Coffee Failed to Complete Required Follow Up Sampling for Bacteria in May 2014

Our water system failed to perform follow up testing on our drinking water in May 2014. 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 happened?

We are required by state regulations to routinely monitor our drinking water for specific contaminants. Results of this routine monitoring are an indication of whether or not the drinking water meets health standards. In May 2014, our routine water sample tested positive for bacteria. We collected one follow-up sample that tested negative for bacteria. However, we failed to collect the total number of required follow up (or repeat) samples. Therefore, we cannot be sure of the quality of our drinking water during that time.

What does this mean?

The State Water Resources Control Board, Division of Drinking Water (Division) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and may originate from human, animal, or soil sources. Coliforms are used as an indicator that other, potentially harmful, bacteria may be present. Routine and repeat sampling is important to periodically verify the quality of the drinking water. Our failure to perform the correct number of repeat sampling for coliform bacteria during May 2014 was a violation of Section 64424, Title 22, of the California Code of Regulations.

What should I do?

You do not need to boil your water or take other corrective actions. This is not an emergency. If it had been, you would have been notified immediately.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

If you have other health concerns related to the consumption of this water, you may wish to consult your doctor.

Has the problem been resolved? What corrective actions have been taken to prevent this violation from occurring in the future?

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

Persons wishing more information should contact: _____
(name)

(address)

(phone number)

PUBLIC WATER SYSTEM NO. 1700733

Date: _____

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number : 02-03-14C-024

Name of Water System: Jitterbean Coffee

System Number: 1700733

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 Jitterbean Coffee complied with the directives of this citation as indicated below:

Required Action	Date Completed
Complete Attachment A, as required in Directive 2	
Public Notification – Indicate methods below.	

Post in conspicuous locations in the area served by the water system for a minimum of 7 days (attach copy of posting, state locations and dates of posting) (REQUIRED);

AND one of the following:

- Publication in a local newspaper or newsletter distributed to customers (attach copy of newspaper/letter);
- E-mail message to employees or students (attach copy of email);
- Posting on the Internet or intranet (provide printout of website); or
- Direct delivery to each customer (provide copy of notification).

Signature of Water System Representative

Date

You must attach a copy of the laboratory report for the triggered source sample result to this form.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION
NO LATER THAN OCTOBER 31, 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.