State Water Resources Control Board
Division of Drinking Water

June 8, 2016

Water System No. 2110501

David Brouillette
NPS PRNS – Laguna System
1 Bear Valley Road
NPS – Point Reyes National Seashore
Point Reyes Station, CA 94956

CITATION NO. 02_18_16C_022
FECAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR APRIL 2016

Enclosed is a Citation issued to the NPS PRNS – Laguna System (System) public water system.

NPS PRNS – Laguna System will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at $153.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

The System will receive a bill from the Division in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions regarding this matter, please contact Waldon Wong of my staff at (707) 576-2764 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas

Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosures

CC (w/ Enclosures): Karen McKey, NPS – Point Reyes National Seashore, Point Reyes Station, CA 94956

Citation No. 02_18_16C_022

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: NPS PRNS – Laguna System

Water System No: 2110501

To: NPS PRNS – Laguna System
1 Bear Valley Road
NPS – Point Reyes National Seashore
Point Reyes Station, CA 94956

Issued: June 8, 2016

CITATION FOR NONCOMPLIANCE

WITH FECAL COLIFORM MAXIMUM CONTAMINANT LEVEL

APRIL 2016

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the NPS PRNS – Laguna System (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64426.1.

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter

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4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder. A copy of the *Applicable Statues and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

NPS PRNS – Laguna System is classified as a transient-noncommunity water system with 9 connections serving a population of 300. The Division received laboratory results for 54 bacteriological samples collected during April 2016 from the System. All samples were analyzed for the presence of coliform bacteria and *E. coli* where 14 of the 54 samples tested positive for fecal coliform bacteria or *E. coli*.

Pursuant to Title 22, CCR, Section 64463.1, the System conducted a Tier 1 public notice to all persons served by the system of the requirement to boil their water and the *E. coli* maximum contaminant violation on April 8, 2016.

In compliance with the federal revised Total Coliform Rule, the System returned the Level 2 Assessment Form to the Division on May 23, 2016.

DETERMINATION

The Division has determined that the System is in violation of Title 22, CCR, Section 64426.1, Total Coliform Maximum Contaminant Level. Section 64426.1(b)(3) defines a violation of the fecal coliform maximum contaminant

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level as more than one sample collected during any month is total coliform-positive and any repeat sample is fecal coliform-positive or *E. coli* positive.

The System took 54 bacteriological samples where 14 tested positive for fecal coliform bacteria or *E. coli*. Therefore, the System violated the fecal coliform maximum contaminant level contained in Section 64426.1 in April 2016.

DIRECTIVES

NPS PRNS – Laguna System is hereby directed to take the following actions:

1. Comply with Section 64426.1, Title 22, CCR in all future monitoring periods.

2. Submit laboratory results of 5 routine bacteriological samples collected and analyzed in May 2016 by **July 15, 2016**.

3. On or before **July 15, 2016**, submit a copy of the notification sent to all persons served by the System of the MCL violation in conformance with Title 22, CCR, Sections 64463.1 and 64465.

4. The System shall complete Appendix 2: Compliance Certification. Submit it together with a copy of the public notification to the Division on or before **July 15, 2016**.

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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 the System 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.

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

Janice M. Thomas, P.E.
State Water Resources Control Board
Division of Drinking Water
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

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

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SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division 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.

Janice M. Thomas — June 8, 2016

Janice M. Thomas, P.E., Sonoma District Engineer — Date
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Appendices (2):

1. Applicable Statutes and Regulations
2. Compliance Certification

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Certified Mail No. 7014 1200 0001 1167 7440

2110501/Compliance
02_18_16C_022_2110501_021.docx/WWW

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 02_18_16C_022

Section 116650 of the CHSC states in relevant part:

(a) If the State Board 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 State Board 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 State Board 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 64424 states in relevant part:

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:
    (1) The State Board conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
    (2) The State Board determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with §64426.1.

California Code of Regulations (CCR), Section 64426 states in relevant part:

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:
    (1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;
    (2) A system has a sample which is positive for fecal coliform or E. coli; or
    (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in §64426.1.
(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:
    (1) Contact the State Board by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours; and

(2) Submit to the State Board information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:
   (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
   (B) Any interruptions in the treatment process;
   (C) System pressure loss to less than 5 psi;
   (D) Vandalism and/or unauthorized access to facilities;
   (E) Physical evidence indicating bacteriological contamination of facilities;
   (F) Analytical results of any additional samples collected, including source samples;
   (G) Community illness suspected of being waterborne; and
   (H) Records of the investigation and any action taken.

California Code of Regulations (CCR), Section 64426.1 states in relevant part:

(a) A public water system is in violation of the total coliform MCL {maximum contaminant level} when any of the following occurs:
   (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
   (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
   (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
   (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

California Code of Regulations (CCR), Section 64463.1 states in relevant part:

(a) A water system shall give public notice pursuant to this section and 64465 if any of the following occurs:
   (1) Violation of the total coliform MCL when:
      (A) Fecal coliform or E. coli are present in the distribution system; or
      (B) When any repeat sample tests positive for coliform and the water system fails to test for fecal coliforms or E. coli in the repeat sample.

California Code of Regulations (CCR), Section 64465 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 mailll; 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) 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.

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number 02_18_16C_022

Name of Water System: **NPS PRNS – Laguna System**

System Number: **2110501**

I certify that the users of the water supplied by this water system were notified of the bacteriological violations of Title 22, California Code of Regulations, Section 64426.1 for the compliance period of April 2016 and that the following actions, as directed in 02_18_16C_022 have been completed:

Required Action	Date Completed
(Citation Directive 2) Submit Laboratory Results of 5 Bacteriological Samples Collected and Analyzed in the Following Month	
(Citation Directive 3) Public Notification – Mail and Direct Delivery and Other Notification Methods completed	

_____ _____

Signature of Water System Representative Date

Attach a copy of the Public Notification posted in the system, by other notification method(s), and the laboratory results of the 5 water samples.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN JULY 15, 2016

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.