Citation No. 03-11-14C-012

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

IN RE: **COTTAGES AT TENAYA LODGE**
Water System No. 2203024

TO: Mr. Paul Ratchford, General Manager
Cottages at Tenaya Lodge
P.O. Box 159
Fish Camp, CA 93623

CC: Mariposa County Environmental Health Division
Mike Mellana, Director of Operations (same address)
Scott Foster, Chief Operator (same address)

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
July 2014

Issued on September 24 , 2014

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

VIOLATION

The Drinking Water Field Operations Branch of the State Water Resources Control Board-Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to the Cottages at Tenaya Lodge (hereinafter 'Cottages'), for failure to comply with Section 116555(a)(1) of

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 10 119947

the CHSC and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically, the Cottages (mailing address: P. O. Box 158, Fish Camp, CA 93623) failed to comply with the total coliform Maximum Contaminant Level (MCL) for the month of July 2014.

Section 64426.1(b)(2) specifies that a public water system collecting fewer than forty samples per month is in violation of the total coliform MCL when more than one sample collected during any month is total coliform-positive.

The Cottages is required to collect a minimum of one distribution system bacteriological samples per month. The monthly distribution system sample collected on July 21, 2014, tested positive for total coliform bacteria. The sample was negative for E.coli bacteria. As a result, four repeat distribution system samples and a source sample (Well 1) were collected on July 22, 2014. All four distribution system samples were positive for total coliform bacteria but negative for E.coli bacteria. The source sample (Well 1) was negative for total coliform bacteria. On July 23, 2014, the Cottages issued a precautionary Tier 1 Public Notice (Attachment C) to the affected customers and performed an emergency chlorination of the storage tank and distribution system. After flushing, the Cottages collected five samples from the distribution system and one sample from the storage tank on July 24, 2014. All six samples were absent for total coliform and E. coli bacteria. The Notice was rescinded on July 25, 2014. The following month, the Cottages collected 5 routine samples on August 18, 2014. All 5 samples were negative for coliform bacteria. Due to the five total coliform positive samples collected in a month, the Cottages failed the Total Coliform Rule for July 2014. A summary of the samples collected in July 2014 is included in Attachment A.

The cause of the contamination is thought to be from stagnant water in the storage tank during the hot summer months. The Cottages completed and submitted an incident report on August 11, 2014.

The above violation is classified as a non-continuing violation.

NOTIFICATION REQUIREMENTS

Section 64426.1(c) requires a public water system to notify the Division and the consumers of the water system, when a violation of Section 64426.1(b) (1) through (4) occurs. Notification to the Division shall be by the end of the business day on which the violation has been determined. If the Division is closed, notification shall be within 24 hours of the determination. The Division was notified on July 23, 2014, in accordance with the above-referenced section.

Section 64464.3(b) subsections (b)(2) (A) and (B) allow nontransient-noncommunity or transient-noncommunity water systems to use notification methods outlined in Section 64464.1(a)(2) or (3) and Section 64464.1(a)(4) & (5) (i.e., Methods 2 [daily newspaper] or 3 [weekly newspaper] and Methods 4 [mail delivery] or 5 [hand delivery]). The Division finds that the Cottages does not have the means to conduct public notification using Methods 2, 3, 4, and 5, therefore, Method 6 (Expedited Hand Delivery) or Method 7 (Continuous Posting) may be implemented. The Division hereby waives public notification by Methods 2, 3, 4, and 5, since the Cottages is unable to utilize these methods, and approves the use of Method 7 (Continuous Posting) for public notification.

On July 23, 2014, the Cottages provided the Tier 1 Public Notice to its customers. Proof of notification is required. The Cottages shall complete Attachment B and return it to the Division by **October 15, 2014.**

DIRECTIVES

The Cottages at Tenaya Lodge is hereby directed to take the following actions:

1. By **October 15, 2014**, the Cottages shall provide proof of posting the public notice in conspicuous public places within the water system of the total coliform MCL violation notification to each consumer using Attachment B.

2. The Cottages shall reimburse the Division, in accordance with an invoice that shall be provided to the Cottages, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

3. By **September 30, 2014**, the Cottages shall submit a written response to the Division acknowledging that it has received this citation and will comply with all the directives listed herein.

4. All items requested by this Citation shall be submitted to:

Kassy D. Chauhan, P.E.
Senior Sanitary Engineer – Merced District
State Water Resources Control Board
Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division 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 laws 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.

PARTIES BOUND

This citation shall apply to and be binding upon Cottages at Tenaya Lodge, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Cottages at Tenaya Lodge shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Division imposing an administrative penalty of not less than $200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Division does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

9/24/14
Date

Kassy D. Chauhan
Kassy Chauhan, P.E.
Senior Sanitary Engineer, Merced District
State Water Resources Control Board
Southern California Branch
DRINKING WATER FIELD OPERATIONS BRANCH

Attachments:

Attachment A:	Summary of Bacteriological Samples collected in July – August 2014
Attachment B:	Proof of Notification
Attachment C:	Tier 1 Method of Notification and posted Tier 1 Public Notice

CLC/mlm/2203024/Cit 03-11-14C-012-2203024-22.doc

Bacteriological Distribution Monitoring Report

2203024 Cottages at Tenaya

Distribution System Freq: 1/M

Sample Date	*Location*	*T Coli*	*E Coli*	*F Coli*	*HPC*	*Type*	*Cl2*	*Violation*	*Comment*
7/21/2014	2ROU	P	A		18	Routine			
7/22/2014	2-REP-1	210	<1.0			Repeat			
7/22/2014	2-REP-2	160	<1.0			Repeat			
7/22/2014	2-REP-3	170	<1.0			Repeat			
7/22/2014	2-ROU	140	<1.0			Repeat		MCL	
7/22/2014	Well 1	<1.0	<1.0			Source R			
7/24/2014	5 samples	<1.0	<1.0			Other			
7/24/2014	Storage tank	<1.0	<1.0			Other			
8/18/2014	5 follow up samples	A	A		<1-4	Routine			

Violation Key

MCL	Exceeds the maximum contaminant level
MR1	No monthly sample for the report month
MR2	No quarterly sample for the report month
MR3	Incorrect number of routine samples for the report month
MR4	Did not collect 5 routine samples for previous month's positive sample
MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR6	No source sample
MR7	No summary report submitted
MR8	Other comments and/or info.

Cottages at Tenaya

2203024

Source Monitoring Freq:

Sample Date	*Time*	*Source*	*T Coli*	*E Coli*	*F Coli*	*HPC*	*Turbidity*	*Violation*	*Comment*
7/11/2014		Well 1	<1.1	<1.1		6.0			
8/18/2014		Well 1	<1.1	<1.1		3.0			

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Cottages at Tenaya Lodge** of the failure to meet the **Total Coliform Rule Maximum Contaminant Level (MCL)** requirement for July 2014 as directed by the Department.

Notification was made on _____ by
(date)
hand delivering / mailing / posting / publishing the written notice.

(*circle all that apply*)

_____
Signature of Water System Representative

_____
Date

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

Due: October 15, 2014
TCR MCL Violation
System Number: 2203024
Citation No.: 03-11-14C-0012

Instructions for Tier 2 Resolved Total Coliform Notice Template

Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
Community Water System [64463.4(c)(1)]	Mail or direct delivery [(a)]	Publication in a local newspaper
		Posting [(b)] in public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system [(b)]	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting [(b)] on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) 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.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (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.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

If You Take Fewer Than 40 Samples a Month	**If You Take 40 or More Samples a Month**
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

7-23-14

UNSAFE WATER ALERT

The Cottages at Tenaya Lodge water is possibly contaminated

DO NOT DRINK YOUR WATER

Failure to follow this advisory could result in illness.

The Cottages at Tenaya Lodge has received a laboratory result that indicates the probability of bacteria in the water system. The California Department of Public Health, Mariposa County Health Department, and DNP&R Cottages at Tenaya Lodge Water System are advising residents of The Cottages at Tenaya Lodge, system # 2203024 to NOT USE THE TAP WATER FOR DRINKING AND COOKING UNTIL FURTHER NOTICE.

What should I do?

- **DO NOT DRINK YOUR TAP WATER---USE ONLY BOTTLED WATER.** Bottled water should be used for all drinking (including baby formula and juice), brushing teeth, washing dishes, making ice and food preparation **until further notice**.

- **DO NOT TRY AND TREAT THE WATER YOURSELF.** Boiling, freezing, filtering, adding chlorine or other disinfectants, or letting water stand will not make the water safe.

Potable water is available by contacting the Hotel Operator by dialing 0 on your telephone.

We will inform you when tests show that the water is safe again. We expect to resolve the problem within 48 hours.

For more information call:
Water Utility contact: Scott Foster, Chief Operator (559)760-6347. Tenaya Lodge 1122 Hwy 41, Fish Camp Ca. 93623
California Department of Public Health at: District 11 office, Lourdes Mertens, (559)447-3300
Local County Health Department: (209)966-2220

This notice is being sent to you by The Cottages at Tenaya Lodge. California Public Water System ID # 2203024 Date Distributed:7-23-2013.

Please share this information with all other people who receive this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand.