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**STATE OF CALIFORNIA**  
**DEPARTMENT OF PUBLIC HEALTH**

**IN RE:**           Box Springs Mutual Water Company  
                  21740 Dracaea Avenue  
                  Moreno Valley, CA 92553

**TO:**               Ray Fisher  
                  Board President

**CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 3310004**

**CITATION NO. 05-20-13C-004**

**Issued on May 28, 2013**

*Section 116650, Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H & S Code), authorizes the issuance of a citation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, standard, permit or order issued thereunder.*

**VIOLATION**

*The California Department of Public Health, Drinking Water Field Operations Branch (hereinafter Department), hereby issues a citation to the Box Springs Mutual Water Company (hereinafter Box Springs) (mailing address: 21740 Dracaea Avenue, Moreno Valley, California 92553) for the following violation:*

1 1. Pursuant to §64423, *Title 22 of the California Code of Regulations (CCR)* et seq.,  
2 during the week of April 28 to May 4, Box Springs failed to collect a weekly  
3 bacteriological monitoring sample. A public water system is in violation of the  
4 monitoring and reporting requirements of §64421, *Title 22 of the CCR* when the  
5 required bacteriological monitoring samples are not collected and submitted to the  
6 Department.

## 7 8 **BACKGROUND**

9 The Box Springs water system supplies water to a population of approximately 3,000.  
10 Pursuant to its *Bacteriological Sample Siting Plan (BSSP)* dated April 4, 2011, which  
11 was submitted to the Department pursuant to §64422, *Title 22 of the CCR*, Box  
12 Springs is required to collect a bacteriological monitoring sample each week of the  
13 month pursuant to its BSSP. During the week of April 28 to May 4, Box Springs failed  
14 to collect a weekly bacteriological monitoring sample and report the data in its April  
15 2013 monthly report.

16  
17 The failure to collect the weekly bacteriological monitoring samples is a *Tier 3*  
18 *violation* pursuant to §64463.7, *Title 22 of the CCR*, and requires a public notification.

## 19 20 **CHRONOLOGY OF EVENTS**

21 During the week of **April 28 to May 4**, Box Springs failed to collect a weekly  
22 bacteriological monitoring sample and report the data in its April 2013 monthly report.

23 **On Friday, May 17, 2013**, when reviewing the Box Springs April 2013 monthly  
24 monitoring report, the Department noticed that only four bacteriological monitoring  
25 samples were collected. The BSSP for Box Springs required collecting five  
26 monitoring samples for the month of April 2013.



1 **On Monday, May 20, 2013**, by telephone, *Fabian Ramirez, Treatment Operator* for  
2 Box Springs informed the Department that a distribution bacteriological monitoring  
3 samples was not collected during the week of April 28, 2013 to May 4, 2013.

4  
5 **DISCUSSION OF CONTRIBUTING PROBLEMS, SANITARY HAZARDS, AND**  
6 **PUBLIC HEALTH SAFEGUARDS**

7 Box Springs has had four reporting violations since June 2012. Three violations were  
8 for failing to collect bacteriological monitoring data, and one violation was for failing to  
9 collect a Disinfection By-Product Rule monitoring sample.

10  
11 During the week of **June 3 to June 9, 2012**, Box Springs failed to collect a weekly  
12 bacteriological monitoring sample pursuant to its BSSP. Subsequently, a *Notice of*  
13 *Violation* was issued by the Department on July 18, 2012.

14  
15 During the week of **September 2 to September 8, 2012**, and during the week of  
16 **August 5 to August 11, 2012**, Box Springs failed to collect a weekly bacteriological  
17 monitoring sample pursuant to its BSSP. Subsequently, a *Notice of Violation* was  
18 issued by the Department on October 19, 2012, for both violations.

19  
20 According to the Box Springs *Stage 2 Disinfection By-Products Rule Monitoring Plan*,  
21 dated March 13, 2012, Box Springs was required to monitor for total trihalomethane  
22 (TTHM) and five haloacetic acids (HAA5) during **August 2012** for its third quarter  
23 monitoring. Box Springs failed to monitor the TTHM and HAA5 for its third quarter  
24 monitoring. Subsequently, a *Notice of Violation* was issued by the Department on  
25 November 20, 2012.



1 **DIRECTIVES**

2 Box Springs is hereby directed to take the following actions:

3

4 1. Forthwith, Box Springs shall cease and desist from failing to comply with the  
5 primary drinking water monitoring standards and BSSP for collecting  
6 bacteriological monitoring samples.

7

8 2. Provide a Tier 3 public notice for the failure to collect the bacteriological monitoring  
9 sample during the week of April 28, 2013 to May 4, 2013. Public notification for  
10 this violation must be provided to the Box Springs consumers prior to May 28,  
11 2014. Provide our office with a draft of the *public notice* for review and approval  
12 prior to distribution. The public notice instructions and a template for a Tier 3  
13 public notice are attached.

14

15 3. Within ten days of public notification, submit to the Department a copy of the public  
16 notice and a *Proof of Notification* certification (copy attached) that Box Springs has  
17 complied with the Tier 3 public notice requirement.

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All submittals required by this Citation shall be sent to:

J. Steven Williams, P.E.  
District Engineer  
Department of Public Health  
Division of Drinking Water and Environmental Management  
1350 Front Street, Room 2050  
San Diego, CA 92101

Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not more than \$1000.00 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

May 28, 2013



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Date J. Steven Williams, P.E.  
District Engineer  
Riverside District  
Drinking Water Field Operations Branch

Attachments:

- 1. Instructions for Tier 3 Monitoring Violations Annual Notice Template
- 2. Proof of Consumer Notification form

cc: County of Riverside, Department of Environmental Health



## Instructions for Tier 3 Monitoring Violations Annual Notice Template

### Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **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.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> 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, insertion in an annual notice, or included in the Consumer Confidence Report<sup>1</sup>. 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 standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

<sup>1</sup> CCR may be used as long as public notification timing and delivery requirements are met [64463.7(d)].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs <sup>(a)</sup>	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

### **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.

### **Corrective Actions**

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

### **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)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

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.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

## 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.

### Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

*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 our 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 our drinking water during that time.*

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink 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 public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: \_\_\_\_\_, Date distributed: \_\_\_\_\_.



**Drinking Water Notification to Consumers**

**PROOF OF NOTIFICATION**

**Name of Water System:** \_\_\_\_\_

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. \_\_\_\_\_

\_\_\_\_\_

Consumers Notified \_\_\_\_\_ Yes \_\_\_\_\_ No

If not, Explain: \_\_\_\_\_

Date of Notification: \_\_\_\_\_

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

\_\_\_\_\_ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

\_\_\_\_\_ Newspaper (if the problem has been corrected). Attach a copy of Notice.

\_\_\_\_\_ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

\_\_\_\_\_ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

**I hereby declare the forgoing to be true and correct under penalty of perjury.**

Dated: \_\_\_\_\_  
Signature of Person Serving Notice

**\*\* Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of posting the notification.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 fine of not more than twenty-five thousand dollars (\$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.

