



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

February 9, 2015

David Crosley
Manager
City of Chino
PO Box 667
Chino, CA 91708

**CITATION NO. 05-13-15C-003
CITY OF CHINO (SYSTEM NO. 3610012)**

Dear Mr. Crosley:

The State Water Resource Control Board, acting by and through its Division of Drinking Water (Division), hereby issues a citation to the City of Chino (hereinafter City) for the following Lead and Copper Rule Violation:

- Failure to comply with the Lead and Copper Rule monitoring requirements per Section 64675.5, Title 22, CCR. Specifically, the City did not collect any samples in its second round of triennial (T2) lead and copper tap sampling by September 30, 2014.

If you have any questions regarding this letter, please contact Faraz Asad at (909) 383-4312 or by email at faraz.asad@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sean F. McCarthy".

Sean F. McCarthy, P.E.
Senior Sanitary Engineer
San Bernardino District
Southern California Field Operations Branch

Enclosure: Citation No. 05-13-15C-003
cc: Gil Aldaco (Chino)

ENCLOSURE

CITATION NO. 05-13-15C-003

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: City of Chino
PO Box 667
Chino, CA 91708

ATTN: David Crosley
Manager

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64675.5 - WATER SYSTEM NO. 3610012

CITATION NO. 05-13-15C-003

Issued on February 9, 2015

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the City of Chino (hereinafter City) (mailing address: PO Box 667, Chino, CA 91708) for the following violation:

1 Failure to comply with Lead and Copper Rule monitoring requirements per Section
2 64675.5, Title 22, CCR. Specifically, the City did not collect any samples in its second
3 round of triennial (T2) lead and copper tap sampling by September 30, 2014.

4
5 **HISTORY**

6
7 The City of Chino is a community water system serving 76,618 persons through 18,929
8 service connections. The Lead and Copper Rule requires water system with a
9 population greater than 50,000 to conduct lead and copper tap sampling once every
10 three years. The Division issued a citation (Citation No. 03-13-04C-003) on May 25,
11 2004 for failing to conduct any lead and copper monitoring for over 10 years and
12 directed the City to conduct lead and copper tap monitoring for two consecutive annual
13 monitoring periods. The City collected one round of lead and copper tap samples from
14 the sixty (60) sample sites during September 2004. The 90th percentile of lead and
15 copper levels were below 0.005 mg/L and 0.65 mg/L respectively. However, the City
16 failed to collect the second annual lead and copper tap sampling in 2005 as per
17 directive of Citation No. 03-13-04C-003.

18 The Division issued a citation (Citation No. 05-13-07C-034) on November 29, 2007 for
19 failure to comply with monitoring and reporting requirements as directed by Citation No.
20 03-13-04C-003 and directed the City to conduct lead and copper monitoring at sixty (60)
21 sampling sites and to submit the results to the Division by September 30, 2008.

22
23 The City collected lead and copper tap samples only from twenty (20) sample sites
24 instead of required sixty (60) sample sites during September 2008. The City also failed
25 to report the monitoring results as per citation directive. These results were not
26 provided to the Division until September 10, 2010, following multiple requests to do so.

1 The Division issued Citation No. 05-13-10C-028 dated September 16, 2010 for the
2 failure to conduct required number of samples as directed by Citation No. 05-13-07C-
3 034. In September 2011, the City collected sixty-six (66) samples for its first triennial
4 sampling period which required sixty (60) samples.

5
6 The City failed to collect lead and copper samples at sixty (60) sites for the triennial
7 period due September 30, 2014. Therefore, City of Chino is in noncompliance with the
8 Lead and Copper Rule in accordance with Section 64675.5 (a)(2) of Title 22, CCR.

9
10 **DIRECTIVES:**

11
12 The System is hereby directed to take the following action:

13
14 1. By **July 1, 2015**, the City shall notify its consumers of the failures to:

- 15 • Collect lead and copper samples in conformance with Section 64675.5(b) Title
16 22, CCR.

17
18 Pursuant to Sections 64463.7 (a) (1) and 64463.7 (b), and (c) or (d) of Title 22,
19 CCR, a Tier 3 public notice may be included in the 2014 Consumer Confidence
20 Report, due by July 1, 2015. The content of the notice including the mandatory
21 language shall be approved by the Division prior to issuance. A Tier 3 Monitoring
22 Violations Annual Notice Template is attached. **(Attachment No. 1)**

23
24 2. By **July 10, 2015**, the City shall submit a copy of the notice and a certification that all
25 the public notice requirements have been met pursuant to Section 64463.7 and
26 64465 Title 22, CCR. **(Attachment No. 2)**

1 3. By **September 30, 2015**, the City must complete lead and copper monitoring at sixty
2 (60) sample sites. The samples shall be collected during the months of June, July,
3 August or September.

4
5 4. By **October 10, 2015**, the City must submit the lead and copper monitoring results
6 to the Division accompanied by a completed Lead and Copper Form 141-AR.
7 **(Attachment No. 3)**

8
9 5. By **May 1, 2015**, the City must submit a comprehensive water quality monitoring
10 plan for all of Division's monitoring requirements.

11
12 All submittals required by this citation shall be sent to:

13 Sean F. McCarthy, P.E.
14 Senior Sanitary Engineer
15 State Water Resources Control Board
16 Division of Drinking Water
17 464 W. 4th Street, Suite 437
18 San Bernardino, CA 92401

19
20
21 **CIVIL PENALTIES**

22
23 Section 116650 (d) and (e) of the H&S Code allow for the assessment of a civil penalty
24 for failure to comply with requirements of the Safe Drinking Water Act. Failure to
25 comply with any provision in this citation will result in the Division imposing an
26

1 administrative penalty of up to \$200.00 (two hundred dollars) per day as of the date of
2 violation of any provision of this citation.

3

4

5 February 9, 2015

6 Date

Sean F. McCarthy
Sean F. McCarthy, P.E.
Senior Sanitary Engineer
San Bernardino District

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9 Attachments (3)

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ATTACHEMENT NO. 1

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 State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [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 ^(a)	Publication in a local newspaper
		Posting ^(b) 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 ^(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, insertion in an annual notice, or included in the Consumer Confidence Report¹. 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

¹ CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

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 DDW 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 DDW 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.

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: _____.

ATTACHEMENT NO. 2

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 State Water Resources Control Board, Division of Drinking Water within 10 days of receipt of giving public notice.

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.

ATTACHEMENT NO. 3

Form 141-AR

LEAD AND COPPER RULE SAMPLING REPORT

System's Name: _____

Type: CWS NTNCWS

Address: _____

Population: >100,000
 50,001 to 100,000
 10,001 to 50,000
 3,301 to 10,000
 501 to 3,300
 101 to 500
 < 101

Telephone Number: _____

System ID Number: _____

Contact Person: _____

Sample Date(s): _____

SAMPLE SITE IDENTIFICATION

Number of sample sites in each category:

- Single-family structures with copper pipes with lead solder installed after 1982; or contain lead pipes; or are served by lead service lines. (Tier 1) _____
 - Multi-family structures with copper pipes with lead solder installed after 1982; or contain lead pipes; or are served by lead service lines. (Tier 2) _____
 - Buildings containing copper pipes with lead solder installed after 1982; or contain lead pipes; or are served by lead service lines. (Tier 2) _____
 - Single family structures with copper pipes with lead solder installed before 1983. (Tier 3 – use only if insufficient number of Tier 1 and Tier 2 sampling sites) _____
 - Representative sites throughout the distribution system (sites w/ plumbing materials commonly found at other sites) (use only if insufficient number of Tier 1, 2, and 3 sites) _____
- Total: _____

Number of lead service lines present in the distribution system: _____

Number of samples collected from sites served by lead service lines: _____

The following sources have been explored to determine the number of structures that have interior lead pipe or copper pipe with lead solder:

- | | |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Plumbing and/or building codes. | <input type="checkbox"/> Interviews with building inspectors |
| <input type="checkbox"/> Plumbing and/or building permits. | <input type="checkbox"/> Survey of service area plumbers about when and where lead solder was used from 1982 to present. |
| <input type="checkbox"/> Contacts with the building department, Municipal clerk's office, or state regulatory agencies. | <input type="checkbox"/> Survey of residents. |
| <input type="checkbox"/> Water quality data. | <input type="checkbox"/> Interviews with local contractors & developers. |

The following sources have been explored to determine the number of lead service lines in the distribution system:

- Distribution system maps and record drawings.
- Capitol improvement plans and/or master plans for distribution system development.
- Standard operating procedures and/or operation & maintenance manuals for the types of materials used for service connections.
- Utility records including meter installations, customer complaint investigations .
- Water quality data.
- Interviews with senior personnel.
- Conduct service line sampling where lead service lines are suspected to exist.
- Review of permit files
- Survey of residents.
- Interviews with local pipe supplies, contractors and/or developers.

RESULTS OF SAMPLING

Results of Lead and Copper Tap Water Samples: *(Attach copy of all laboratory results to this form.)*

Number of tap samples required: _____

90th Percentile Lead level: _____ mg/L

Number of tap samples collected & submitted: _____

90th Percentile Copper level: _____ mg/L

Results of Water Quality Parameter (WQP) Samples: *(Complete only if system is required to collect WQP samples.)*

Number of WQP samples required to be collected: _____

Number of WQP samples collected & submitted: _____

Number of WQP entry point samples required to be collected: _____

Number of WQP entry point samples collected and submitted: _____

CERTIFICATION OF COLLECTION METHODS

I certify that:

- Each first draw tap sample for lead and copper is one liter in volume and has stood motionless in plumbing system of each sampling site for at least six hours.
- Each first draw sample collected from a single-family residence has been collected from the cold water kitchen tap or bathroom sink tap.
- Each first draw sample collected from a non-residential building has been collected at an interior tap from which water is typically drawn for consumption.
- Each first draw sample collected during an annual or triennial monitoring period has been collected in months of June, July, August, or September.
- Each resident who volunteered to collect tap water samples from his or her home has been properly instructed in the proper methods for collecting lead and copper samples. I do not challenge the accuracy of those sampling results.
- **Enclosed is a copy of the material distributed to residents explaining the proper collection methods, and a list of the residents who performed sampling.**

CHANGE OF SAMPLING SITES

Original site address: _____

New site address: _____

Distance between sites (approximately): _____

Targeting Criteria: New Site: Tier 1 Old Site: Tier 1
 Tier 2 Tier 2
 Tier 3 Tier 3

Reason for sample site change:

SIGNATURE:

DATE:

Print Name

Title