



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

January 23, 2015

PWS No. 4800820

Mr. Brad Crandall, Chairman
E.B. Stone & Sons, Inc.
PO BOX 550
SUISUN CITY, CA 94585-0550

Citation and Civil Penalty for Monitoring and Reporting Violations EB Stone Public Water System

Dear Mr. Crandall:

The SWRCB Division of Drinking Water issues the enclosed Citation Number 02-04-15C-002 to the EB Stone water system for failing to comply with 22 CCR §64423.1, §64424, §64430, §64432.1, and §64469. The citation includes a civil penalty, and directs EB Stone to take specific actions. Additionally, pursuant to *California Health and Safety Code* §116577, DDW will send your water system a bill for an enforcement fee for the time necessary to prepare the enclosed citation.

Please contact us if you would like assistance in understanding monitoring requirements. Your water system must collect at least one routine sample per quarter for total coliform bacteria. Instruct your laboratory to mail results directly to DDW. At the end of each month, complete a coliform summary report form and send the summary report to DDW by the 10th day of the following month.

In the case that a sample is total coliform-positive, water systems must collect repeat samples. Whenever a sample is total coliform-positive, your system is required to do all of the following:

- Have the laboratory analyze the total coliform-positive sample for *E. coli*.
- Collect four repeat samples within 24 hours of learning of the total coliform-positive sample: one from the same location as the total coliform-positive sample, two from other locations, and one from Well 01.
- If any repeat sample is total coliform-positive, notify DDW within 24 hours.
- Collect five routine samples for total coliform during the following month.

Your water system must sample quarterly for nitrate and once every three years for nitrite. Instruct your laboratory to send the data electronically to DDW.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

If we can be of assistance, or if you have any questions, please contact Mr. Eric Swing with this office at (510) 620-3604 or by email at Eric.Swing@waterboards.ca.gov.

Sincerely,



Robert Brownwood, P.E.
San Francisco District Engineer
Division of Drinking Water

Enclosures:

Citation No. 02-04-15C-002
Tier 3 Public Notice Form

cc: Solano County Environmental Health Department (w/out encl.)

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State of California
Water Resources Control Board
Division of Drinking Water

To: E.B. Stone & Sons, Inc.
PO BOX 550
SUISUN CITY, CA 94585-0550

Attn: Mr. Brad Crandall, Chairman

CITATION FOR VIOLATIONS OF
Title 22 of the California Code of Regulations Sections 64423.1, 64424, 64430,
64432.1, and 64469
Public Water System № 4800820
Citation Number 02-04-15C-002
January 23, 2015

California Health & Safety Code §116650 authorizes the State Water Resources Control Board Division of Drinking Water (DDW) to issue a citation for failure to comply with a requirement of the California Safe Drinking Water Act and any regulation, standard, permit, or order adopted under the Act.

DDW issues a citation to the EB Stone public water system for failure to comply with Title 22 of the California Code of Regulations (CCR) Sections 64423.1, 64424, 64430, 64432.1, and 64469.



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APPLICABLE AUTHORITIES

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California Health & Safety Code §116650 states in relevant part:

3 (a) If the department determines that a public water system is in violation of this
4 chapter or any regulation, permit, standard, citation, or order issued or adopted
5 thereunder, the department may issue a citation to the public water system. The
6 citation shall be served upon the public water system personally or by certified mail.
7 Service shall be deemed effective as of the date of personal service or the date of
8 receipt of the certified mail. If a person to whom a citation is directed refuses to
9 accept delivery of the certified mail, the date of service shall be deemed to be the
10 date of mailing.

11 (b) Each citation shall be in writing and shall describe the nature of the violation
12 or violations, including a reference to the statutory provision, standard, order,
13 citation, permit, or regulation alleged to have been violated.

14 (c) A citation may specify a date for elimination or correction of the condition
15 constituting the violation.

16 (d) A citation may include the assessment of a penalty as specified in subdivision
17 (e).

18 (e) The department may assess a penalty in an amount not to exceed one
19 thousand dollars (\$1,000) per day for each day that a violation occurred, and for
20 each day that a violation continues to occur. A separate penalty may be assessed
21 for each violation.

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22 CCR §64423 states in relevant part:

25 (a) Each water supplier shall collect routine bacteriological water samples as
26 follows:

27 (1) The minimum number of samples for community water systems shall be
based on the known population served or the total number of service connections,



1 whichever results in the greater number of samples, as shown in Table 64423-A. A
2 community water system using groundwater which serves 25-1000 persons may
3 request from the Department a reduction in monitoring frequency. The minimum
4 reduced frequency shall not be less than one sample per quarter.

5 (2) The minimum number of samples for nontransient-noncommunity water
6 systems shall be based on the known population served as shown in Table 64423-A
7 during those months when the system is operating. A nontransient-noncommunity
8 water system using groundwater which serves 25-1000 persons may request from
9 the Department a reduction in monitoring frequency if it has not violated the
10 requirements in this article during the past twelve months. The minimum reduced
11 frequency shall not be less than one sample per quarter.

12 (3) The minimum number of samples for transient-noncommunity water
13 systems using groundwater and serving 1000 or fewer persons a month shall be one
14 in each calendar quarter during which the system provides water to the public.

15 (4) The minimum number of samples for transient-noncommunity water
16 systems using groundwater and serving more than 1000 persons during any month
17 shall be based on the known population served as shown in Table 64423-A, except
18 that the water supplier may request from the Department a reduction in monitoring
19 for any month the system serves 1000 persons or fewer. The minimum reduced
20 frequency shall not be less than one sample in each calendar quarter during which
21 the system provides water to the public.

22
23 **22 CCR §64423.1 states in relevant part:**

24 (a) The water supplier shall designate (label) each sample as routine, repeat,
25 replacement, or "other" pursuant to §64421(b), and have each sample analyzed for
26 total coliforms. The supplier also shall require the laboratory to analyze the same
27 sample for fecal coliforms or *Escherichia coli* (*E. coli*) whenever the presence of total



1 coliforms is indicated. As a minimum, the analytical results shall be reported in terms
2 of the presence or absence of total or fecal coliforms, or *E. coli* in the sample,
3 whichever is appropriate.

4 (b) The water supplier shall require the laboratory to notify the supplier within
5 24 hours, whenever the presence of total coliforms, fecal coliforms or *E. coli* is
6 demonstrated in a sample or a sample is invalidated due to interference problems,
7 pursuant to §64425(b), and shall ensure that a contact person is available to receive
8 these analytical results 24-hours a day. The water supplier shall also require the
9 laboratory to immediately notify the Department of any positive bacteriological
10 results if the laboratory cannot make direct contact with the designated contact
11 person within 24 hours.

12 (c) Analytical results of all required samples collected for a system in a calendar
13 month shall be reported to the Department not later than the tenth day of the
14 following month, as follows:

15 (1) The water supplier shall submit a monthly summary of the bacteriological
16 monitoring results to the Department.

17 (2) For systems serving fewer than 10,000 service connections or 33,000
18 persons, the water supplier shall require the laboratory to submit copies of all
19 required bacteriological monitoring results directly to the Department.

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21 **22 CCR §64424 states in relevant part:**

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

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

6 (b) When collecting the repeat sample set, the water supplier shall collect at
7 least one repeat sample from the sampling tap where the original total coliform-
8 positive sample was taken. Other repeat samples shall be collected within five
9 service connections upstream or downstream of the original site. At least one
10 sample shall be from upstream and one from downstream unless there is no
11 upstream and/or downstream service connection.

12 (c) If one or more samples in the repeat sample set is total coliform-positive,
13 the water supplier shall collect and have analyzed an additional set of repeat
14 samples as specified in subsections (a) and (b). The supplier shall repeat this
15 process until either no coliforms are detected in one complete repeat sample set or
16 the supplier determines that the MCL for total coliforms specified in §64426.1 has
17 been exceeded and notifies the Department.

18 (d) If a public water system for which fewer than five routine samples/month are
19 collected has one or more total coliform-positive samples, the water supplier shall
20 collect at least five routine samples the following month. If the supplier stops
21 supplying water during the month after the total coliform-positive(s), at least five
22 samples shall be collected during the first month the system resumes operation. A
23 water supplier may request the Department waive the requirement to collect at least
24 five routine samples the following month, but a waiver will not be granted solely on
25 the basis that all repeat samples are total coliform-negative.
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1 **22 CCR §64430, incorporating by reference 40 Code of Federal Regulations**
2 **§141.402 states in relevant part:**

3 (a) Triggered source water monitoring —

4 (1) General requirements. A ground water system must conduct triggered
5 source water monitoring if the conditions identified in paragraphs (a)(1)(i) and
6 (a)(1)(ii) of this section exist.

7 (i) The system does not provide at least 4-log treatment of viruses (using
8 inactivation, removal, or a State-approved combination of 4-log virus inactivation and
9 removal) before or at the first customer for each ground water source; and

10 (ii) The system is notified that a sample collected under 22 California Code
11 of Regulations sections 64422 and 64423 is total coliform-positive and the sample is
12 not invalidated under 22 California Code of Regulations Section 64425.

13 (2) Sampling requirements. A ground water system must collect, within 24
14 hours of notification of the total coliform-positive sample, at least one ground water
15 source sample from each ground water source in use at the time the total coliform-
16 positive sample was collected under 22 California Code of Regulations sections
17 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

18 (i) The State may extend the 24-hour time limit on a case-by-case basis if
19 the system cannot collect the ground water source water sample within 24 hours due
20 to circumstances beyond its control. In the case of an extension, the State must
21 specify how much time the system has to collect the sample.

22 (iii) A ground water system serving 1,000 people or fewer may use a
23 repeat sample collected from a ground water source to meet both the requirements
24 of 22 California Code of Regulations section 64424 and to satisfy the monitoring
25 requirements of paragraph (a)(2) of this section for that ground water source only if
26 the State approves the use of E. coli as a fecal indicator for source water monitoring
27 under this paragraph (a). If the repeat sample collected from the ground water



1 source is *E. coli* positive, the system must comply with paragraph (a)(3) of this
2 section.

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4 **22 CCR §64432.1 states in relevant part:**

5 (a) To determine compliance with the MCL for nitrate in Table 64431-A, all public
6 water systems using groundwater and transient-noncommunity systems using
7 approved surface water shall monitor annually, and all community and nontransient-
8 noncommunity systems using approved surface water shall monitor quarterly.

9 (2) For public water systems using groundwater, the repeat monitoring
10 frequency shall be quarterly for at least one year following any one sample in which
11 the concentration is greater than or equal to 50 percent of the MCL. After four
12 consecutive quarterly samples are less than the MCL, a system may request that the
13 Department reduce monitoring frequency to annual sampling.

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15 **22 CCR §64469 states in relevant part:**

16 (a) Analytical results of all sample analyses completed in a calendar month shall
17 be reported to the Department no later than the tenth day of the following month.

18 (b) Analytical results of all sample analyses completed by water wholesalers in a
19 calendar month shall be reported to retail customers and the Department no later
20 than the tenth day of the following month.

21 (c) Analytical results shall be reported to the Department electronically using the
22 Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF]
23 Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated
24 April 2001.

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1 **STATEMENT OF FACTS**

2 EB Stone is a transient noncommunity public water system, owned by E.B. Stone &
3 Sons Inc., located at 6111 Lambie Rd in Suisun City in Solano County. The water
4 system serves a population of approximately 43 people at a private manufacturing
5 facility, also owned by E.B. Stone & Sons Inc., through one service connection.
6 Water system facilities are one groundwater well, hydropneumatic storage, and the
7 distribution system. The Drinking Water Program issued Water Supply Permit
8 Number 02-04-08P-4800820 to EB Stone on April 21, 2008. EB Stone must collect
9 one routine total coliform bacteria sample per quarter pursuant to 22 CCR §64423.

10
11 DDW received a water sample report from the Napa-Solano-Yolo-Marin County
12 Public Health Laboratory on January 5, 2015. The report shows that EB Stone
13 collected one routine sample for total coliform bacteria on December 31, 2014. The
14 sample was total coliform-positive. The report shows that the routine sample result
15 was reported to EB Stone on January 1, 2015. DDW received a second water
16 sample report from the Napa-Solano-Yolo-Marin County Public Health Laboratory on
17 January 13, 2015. The report shows that EB Stone collected one repeat sample for
18 total coliform bacteria on January 6, 2015. The report shows that the repeat sample
19 was collected at a location labeled "Other".

20
21 22 CCR §64424(a)(1) requires EB Stone to collect four repeat samples within
22 24 hours following notification of a total coliform-positive routine sample. EB Stone
23 failed to collect four repeat samples for the month of December 2014. EB Stone
24 failed to collect any repeat samples within 24 hours of notification of the positive
25 routine sample. 22 CCR §64430 requires EB Stone to collect one of the four repeat
26 samples from the groundwater source. EB Stone failed to collect a sample from the
27 groundwater source location.

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DDW did not receive bacteriological summary reports from EB Stone for the months of September 2014 and December 2014. 22 CCR §64423.1 requires EB Stone to send to DDW a summary of bacteriological samples at the end of each month samples are collected. EB Stone failed to send bacteriological summary reports to DDW for the months of September 2014 and December 2014.

DDW received a water sample report from the Napa-Solano-Yolo-Marin County Public Health Laboratory for a nitrate sample collected June 24, 2014. The sample showed a nitrate concentration of 49.0 mg/L. 22 CCR §64432.1 requires EB Stone to sample quarterly for nitrate following a sample that shows nitrate exceeding 50 percent of the nitrate maximum contaminant level. DDW did not receive nitrate data for the two calendar quarters from July 2014 through December 2014.

EB Stone failed to sample for nitrate during the two calendar quarters from July 2014 through December 2014.

DDW has not received the June 2014 nitrate data electronically. 22 CCR §64469 requires analytical results to be reported electronically to DDW. EB Stone failed to ensure the laboratory reported the June 2014 nitrate data electronically.

DETERMINATIONS

The Division Of Drinking Water Determines:

- EB Stone violated 22 CCR §64423.1 during the two months of September 2014 and December 2014 by failing to send DDW summary reports of bacteriological sampling after each month.

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- EB Stone violated 22 CCR §64424 for the month of December 2014 by failing to collect four repeat samples within 24 hours of notification that a routine sample was total coliform-positive.
- EB Stone violated 22 CCR §64430 for the month of December 2014 by failing to collect a triggered source water sample from the groundwater source within 24-hours of notification that a routine sample was total coliform-positive.
- EB Stone violated 22 CCR §64432.1 during the two calendar quarters from July 2014 through December 2014 by failing to sample for nitrate.
- EB Stone violated 22 CCR §64469 for the nitrate sample collected June 24, 2014 by failing to ensure the laboratory reported the analytical result electronically.

CIVIL PENALTY

DDW assesses EB Stone the following penalties:

- \$200 for each of the two quarters from July 2014 through December 2014 when EB Stone failed to sample for nitrate. This totals \$400.
- \$150 for failing to collect four repeat samples within 24-hours of notification that the December 2014 routine sample was total coliform-positive.

DDW assesses EB Stone a total civil penalty of \$550. EB Stone must make a payment to DDW by March 31, 2015.

DIRECTIVES

The Division of Drinking Water directs EB Stone to take the following actions:

1. Comply with 22 CCR Sections 64423.1, 64424, 64430, 64432.1, and 64469 in all future monitoring periods.
2. Collect five routine total coliform samples during February 2015.

- 1 3. Collect one of the five routine samples during February 2015 directly from
2 Well 01.
- 3 4. Sample Well 01 for nitrate by March 31, 2015.
- 4 5. Provide notice of the monitoring violations in conformance with 22 CCR
5 §64463, §64463.7, and as follows:
- 6 a) Complete the attached Tier 3 Notice form to include the information
7 required by 22 CCR §64463.7. Describe in the blank space provided
8 on the attached Tier 3 Notice form the actions the water system is
9 taking to correct the violations.
- 10 b) Send the completed notice form to DDW for review.
- 11 c) Post the notice that DDW has approved in conspicuous locations
12 throughout the area served by the water system no later than
13 December 31, 2015. Keep the notice in place for at least 7 days.
- 14 6. Submit to DDW by March 31, 2015 a check for the penalty of \$550 assessed
15 by this citation. Write the citation number on the check. Make the check
16 payable to the **State Water Resources Control Board Safe Drinking Water**
17 **Account**. Mail the check to:

18 SWRCB Accounting Office
19 ATTN: Division of Drinking Water
20 PO BOX 1888
21 SACRAMENTO, CA 95812-1888

22 DDW reserves the right to make such modifications to this citation, as it may deem
23 necessary to protect public health and safety. Such modifications may be issued as
24 amendments to this citation and shall be effective upon issuance.

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1 Nothing in this citation relieves EB Stone of its obligation to meet the requirements of
2 the California Safe Drinking Water Act or any regulation, standard, permit or order
3 issued thereunder.

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5 Submit all responses required by this citation to the DDW at the following address:

6 Robert Brownwood, P.E.
7 Division of Drinking Water
8 850 Marina Bay Parkway, Bldg. P, 2nd Fl.
9 Richmond CA 94804-6403

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PARTIES BOUND

12 This citation applies to and is binding upon EB Stone, its officers, directors, agents,
13 employees, contractors, successors, and assignees.

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SEVERABILITY

16 The directives of this citation are severable, and EB Stone must comply with each
17 and every provision thereof notwithstanding the effectiveness of any provision.

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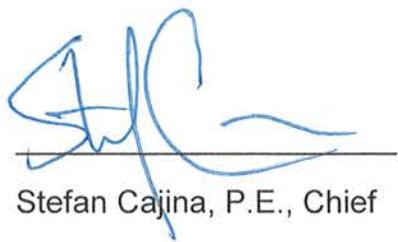
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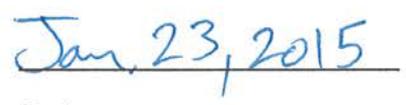
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FURTHER ENFORCEMENT ACTION

The California Safe Drinking Water Act authorizes DDW to issue additional citations with assessment of penalties if EB Stone fails 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 EB Stone has violated applicable law or regulations or has failed to comply with orders of DDW; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the DDW. DDW does not waive any further enforcement action by issuance of this citation.



Stefan Cajina, P.E., Chief
North Coastal Region
Division of Drinking Water



Date

Certified Mail No. 7007 1490 0001 6530 2092