

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Public Water System: Martin's Metal Fabrication

Water System №: 4810029

Attention: Mr. David Martin
7260 Lewis Rd
Vacaville, CA 95687-9451

Issued: August 12, 2016

CITATION FOR NONCOMPLIANCE
Total Coliform Rule and Public Notification Rule
June and July 2016

California Health and Safety Code (CHSC) §116650 authorizes the State Water Resources Control Board (State Board) to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating a requirement of the California Safe Drinking Water Act (SDWA) (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270) or any regulation, standard, permit, or order adopted or issued under the Act.

The State Board, acting by and through its Division of Drinking Water (Division) and the deputy director for the Division, issues this citation pursuant to CHSC

Section 116650 to Martin's Metal Fabrication (MMF) for violation of CHSC Section 116555(a)(1) and California Code of Regulations (CCR), Title 22, Sections 64423 and 64463.4.

A copy of the applicable statutes and regulations are included in Attachment 1.

STATEMENT OF FACTS

Martin's Metal Fabrication (MMF) is a nontransient noncommunity public water system. The population served is 30 employees.

MMF must collect one routine sample per month for total coliform bacteria (22 CCR §64423). MMF must instruct the laboratory to report sample results to the Division, and must give the Division a summary report of samples after each month (22 CCR §64426.1). The Division did not receive sample results or a summary report for June and July 2016.

DDW issued Citation No. 02_04_16C_009 to MMF in June 2016 for failing to sample for total coliform bacteria during February through May 2016. DDW issued Citation No. 02_04_16C_001 to MMF in February 2016 for failing to sample for total coliform bacteria during November and December 2015 and January 2016. DDW issued Citation No. 02_04_15C_013 to MMF in December 2015 for failing to sample for total coliform bacteria during October 2015. MMF was required to notify water users of the violations (22 CCR §64463.4). MMF must give the Division a copy of a public notice for review prior to posting (22 CCR §64463). After posting a public notice, MMF must certify to the Division that it has done so and provide a copy of the posted

notice (22 CCR §64469). The Division has not received notices or a certification of posting from MMF for the October 2015 through June 2016 monitoring violations.

DETERMINATIONS

The State Board determines that MMF:

- Violated 22 CCR §64423 during June 2016 by failing to sample for total coliform bacteria.
- Violated 22 CCR §64463.4 by failing to notify water users of failing to sample for total coliform bacteria during June 2016. This violation has continued since August 1, 2016.
- Continues to be in violation of 22 CCR §64463.4 by failing to notify water users of failures to sample for total coliform bacteria during October 2015 through May 2016. This violation has continued since December 11, 2015.

PENALTY

The State Board assesses MMF the following penalties:

- \$200 per violation for failing to sample for total coliform bacteria during June and July 2016. This totals \$400.
- \$25 per day, from June 14 through August 12, 2016, for failing to notify water users of the failure to sample for total coliform bacteria during October 2015 through June 2016. This totals \$1,500.

The State Board assesses MMF a penalty in the total amount of \$1,900. Pay this penalty according to Directive 3 of this citation.

DIRECTIVES

The State Board directs MMF to take the following actions:

1. Comply with 22 CCR §64423 in all future monitoring periods by sampling once per month for total coliform bacteria. Collect the next sample by August 31, 2016, and report sample results to the Division by September 10, 2016.
2. Provide public notice of the violations in conformance with 22 CCR §64463.4, and as follows:
 - a) Complete the Tier 2 notice form in Attachment 2 to include the information required by 22 CCR §64465. Describe in the blank space provided on the attached Tier 2 notice form the actions you are taking to correct the violations.
 - b) Send the completed notice form to the Division for review.
 - c) Post the notice that the Division has approved in conspicuous locations throughout the area served by the water system. **Post the notice no later than September 1, 2016.** Keep the notice in place for at least 7 days and until you have sampled for total coliform bacteria.
 - d) **Within 10 days of providing public notice, send the Division a certification that you have provided the notice.** Include a copy of the notice. You may complete the form in Attachment 3 as a certification.

3. By September 15, 2016, send the State Board a check for the penalty of \$1,900. Write this citation number on the check. Make the check payable to the **State Water Resources Control Board**. Mail the check to:

SWRCB Accounting Office
ATTN: Drinking Water Program Fees
PO BOX 1888
SACRAMENTO CA 95812-1888

The State Board 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 are effective upon issuance.

Nothing in this citation relieves MMF of its obligation to meet the requirements of the California SDWA or any regulation, standard, permit or order issued or adopted under the Act.

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

Stefan Cajina, P.E.
SWRCB Division of Drinking Water
850 Marina Bay Parkway, Bldg. P, 2nd Fl.
Richmond, CA 94804-6403

PARTIES BOUND

This citation applies to and is binding upon MMF, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

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

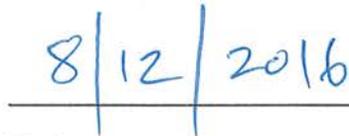
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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to issue a citation with penalties to a public water system for violation or continued violation of requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted under the Act including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.



Stefan Cajina, P.E., Chief
North Coastal Section
Division of Drinking Water
State Water Resources Control Board



Date



Attachments (3):

1. Applicable Statutes and Regulations
2. Notification Template
3. Notification Certification Form

Certified Mail No.: 7015 1730 0000 9907 7329

ATTACHMENT 1. APPLICABLE STATUTES AND REGULATIONS FOR Violations of the Total Coliform Rule

California Health and Safety Code

§116555. Operational requirements.

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.
- (4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.
- (5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

§116577. Enforcement fee.

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by public water systems under the jurisdiction of the local primacy agency, public water systems shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs" as used in this section does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if either a court or the state board determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

§116650. Citations.

(a) If the department 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 department 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 department 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, Title 22

§64401.30. Routine Sample.

“Routine sample” means a bacteriological sample the water supplier is required to collect on a regular basis, or one which the supplier is required to collect for a system not in compliance with Sections 64650 through 64666 when treated water turbidity exceeds 1 nephelometric turbidity unit (NTU), pursuant to §64423(b).

§64401.72. Tier 2 Public Notice.

“Tier 2 public notice” means a public notice issued in response to the events listed in section 64463.4(a) and in the manner specified in subsections 64463.4(b) and (c).

§64423. Routine Sampling.

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

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

Table 64423-A
Minimum Number of Routine Total Coliform Samples

| <i>Monthly Population Served</i> | <i>Service Connections</i> | <i>Minimum Number of Samples</i> |
|----------------------------------|----------------------------|----------------------------------|
| 25 to 1000 | 15 to 400 | 1 per month |

§64423.1. Sample Analysis and Reporting of Results.

(a) The water supplier shall designate (label) each sample as routine, repeat, replacement, or “other” pursuant to Section 64421(b), and have each sample analyzed for total coliforms. The supplier also shall require the laboratory to analyze the same sample for fecal coliforms or *Escherichia coli* (*E. coli*) whenever the presence of total coliforms is indicated. As a minimum, the analytical results shall be reported in terms of the presence or absence of total or fecal coliforms, or *E. coli* in the sample, whichever is appropriate.

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

(1) The water supplier shall submit a monthly summary of the bacteriological monitoring results to the State Board.

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

(d) Laboratory reports shall be retained by the water supplier for a period of at least five years and shall be made available to the State Board upon request.

§64463. General Public Notification Requirements.

(b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board.

§64463.4. Tier 2 Public Notice.

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:

(A) Mail or direct delivery 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; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

§64465. Public Notice Content and Format.

(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 mail.”; 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:

(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

(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 64465-A. Health Effects Language
Microbiological Contaminants.

| Contaminant | Health Effects Language |
|----------------|---|
| Total Coliform | Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems. |

§64469. Reporting Requirements.

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

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

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 Total Coliform Bacteria June and July 2016

Our water system failed to monitor as required for a drinking water standard during the June and July 2016 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 are doing to correct this situation.

We are required to monitor your drinking water for total coliform bacteria once per month. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the June and July 2016, we did not sample for total coliform bacteria 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.
- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

For more information, please contact:

Name: _____

Phone number: _____

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 Martin's Metal Fabrication.

State Water System ID#: 4810029.

Date distributed: _____

ATTACHMENT 3. COMPLIANCE CERTIFICATION

Citation Number: 02_04_16C_013

Name of Water System: Martin's Metal Fabrication

Water System Number: 4810029

I certify that I provided notice of the sampling violations (22 CCR §64423) of June and July 2016. I have taken the actions listed below.

| Required Action | Date Completed |
|--|-----------------------|
| <i>(Citation Directive 2) Public Notification Method(s) Used: _____</i> | |
| <i>(Citation Directive 3) Submit Administrative Penalty to the State Board</i> | |

Water System Representative

Date