State of California—Health and Human Services Agency
California Department of Public Health
DRINKING WATER FIELD OPERATIONS BRANCH
50 D STREET, SUITE 200, SANTA ROSA, CA 95404
PHONE: (707) 576-2145 / FAX: (707) 576-2722
INTERNET ADDRESS: www.cdph.ca.gov

Ron Chapman, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

August 8, 2013

Water System No. 4900924

Erika Thorkelson
Fremont Diner
2660 Fremont Drive
Sonoma, CA95476

CITATION NO. *02-18-13C-038*
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION FOR JUNE 2013

Enclosed is a Citation issued to the Fremont Diner (System) public water system.

Your System will be billed at the Department's hourly rate (currently estimated at $126.00) for the time spent on issuing this Citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento on approximately August 1, 2014. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Cindi Lee of my staff at (707) 576-2422 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

Enclosures

C Jim Tyler/Sonoma County Environmental Health Division

Citation No. 02-18-13C-038

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Fremont Diner

Water System No:4900924

To: Fremont Diner
2660 Fremont Drive
Sonoma, CA 95476

Issued: August 8, 2013

CITATION FOR NONCOMPLIANCE

With Title 22 of the California Code of Regulations Section 64423

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Fremont Diner (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64423 and 64423.1.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

(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.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

California Code of Regulations (CCR), Section 64423 states in relevant part:

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

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

California Code of Regulations, Section 64423.1 states in relevant part:

(c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

STATEMENT OF FACTS

As of the date of this Citation, the Department has not received results for a routine bacteriological sample collected from the distribution system of the Fremont Diner during second quarter (April/May/June) 2013.

DETERMINATIONS

THE DEPARTMENT HAS DETERMINED:

The System violated Title 22 of the CCR, Section 64423 and 64423.1, in that the System failed to collect a routine bacteriological sample from the

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

distribution system of the Fremont Diner during the second quarter (April/May/June) 2013.

DIRECTIVES

Fremont Diner is hereby directed to take the following actions:

1. Comply with Section 64423 and 64423.1, Title 22, of the California Code of Reuglations in all future monitoring periods.

2. Notify all persons served by the System of the monitoring and reporting violation in conformance with Section 64463.4 and 64465, Title 22 of the CCR, and as follows:

   a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice.**You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided in Attachment A for this written description.**

   b) Post the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in conspicuous

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

locations throughout the area served by the System. Posting must begin no later than **September 2, 2013** and must continue for seven days.

c) Publish the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper of general circulation in the area served by the System (or weekly newspaper if no daily paper is available) for one day. The publication in a local newspaper must be completed by **September 9, 2013**.

d) Provide public notice for this violation in accordance with Section 64465(c), Title 22 or the CCR, which requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less) that the public notice contain information in the appropriate language(s) regarding the importance of the notice, or contain a telephone number or address where such residents may contact the water system to receive a translated copy of the notice or to receive assistance in the appropriate language.

3. **This Water System shall collect one bacteriological water sample per month from the distribution system for the next three consecutive months**. Specifically, one bacteriological water sample

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

must be collected in each of the following three months: August, September and October 2013. The results of these samples must be submitted directly to this Department by the analytical laboratory, and they must be received no later than the tenth day of the month following sampling.

4. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to the system customers but in no case later than **September 23, 2013**. **A copy of the notice published in the newspaper and a copy of the notice posted in the system must be attached to the form.**

The Department 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 shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

All submittals required by this Citation shall be submitted to the Department

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

at the following address: Janice M. Thomas, P.E.
Department of Public Health
Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the 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 law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Janice M. Thomas, P.E. — August 8, 2013
Date

Sonoma District Engineer

Drinking Water Field Operations Branch

Attachments

Certified Mail No. 7012 2210 0002 1673 9841

4900924/Compliance
130808-02-18-13C-038-4900924-23/CEL

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

COMPLIANCE CERTIFICATION

Citation Number 02-18-13C-038

Name of Water System: **Fremont Diner**

System Number: **4900924**

Certification

I certify that the users of the water supplied by this water system were notified of the sampling violations of Title 22, California Code of Regulations (CCR) for the compliance period of second quarter (April/May/June) 2013.

Required Action	Date Completed
Complete Attachment A, as required in Directive 2(a)	
Public Notification – Continuous Posting for 7 Days	
Public Notification – Newspaper	

_____ _____

Signature of Water System Representative Date

Attach a copy of the notice posted and a copy published in the newspaper.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN SEPTEMBER 23, 2013

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 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 a fine of not more than $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.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

Fremont Diner Failed to Test for Coliform Bacteria in April/May/June 2013

Our water system failed to test the drinking water for coliform bacteria during the second calendar quarter (April/May/June) 2013. Although this is not an emergency, as our customers, you have a right to know about this violation – what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened? We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During April, May and June 2013, we did not test for coliform bacteria and, therefore, cannot be sure of the bacteriological quality of the drinking water during that time.

What does this mean? Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality.Our failure to test the drinking water for bacteria during June 2013 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do? This is not an emergency. If you have health concerns, you may wish to consult your doctor.General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____

(name)

_____

(address)

_____

(phone number)