CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

March 6, 2015
Certified Mail/Return
7012 3460 0003 1113 1731

Live Oak Child Care Center
1991 Archer Ave.
Live Oak, CA 95953

Attention: Barbara Brandt

Subject: Public Water System No. 5103335 – Citation No. 21-15C-019 for Lead and Copper Rule monitoring violation.

It has come to our attention that the Live Oak Child Care Center water system did not monitor and report lead and copper samples in the year 2014, according to the Lead and Copper Rule (LCR). Consequently, the Division of Drinking Water has issued the enclosed Citation for Noncompliance (Citation) with Title 22 California Code of Regulations, Sections 64675 and 64690.

It is understood that bottled water is being utilized for drinking; however there are no exceptions to the Lead and Copper Rule. We have no latitude in this matter, and therefore must issue enforcement for the lack of sampling.

Please review the enclosed Citation and note directives for corrective action and public notification.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Public Water System: Live Oak Child Care Center

Water System No.: 5103335

To: Live Oak Child Care Center
Attn: Barbara Brandt
1990 Archer Ave.
Live Oak, CA 95953

Issued: March 6, 2015
VIA CERTIFIED MAIL

CITATION NO. 21-15C-019 FOR NONCOMPLIANCE
with Title 22 California Code of Regulations
Sections 64675 and 64690

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation for failure to comply with a requirement 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.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division,

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hereby issues a citation to Live Oak Child Care Center for failure to comply with Sections 64675 and 64690, Title 22, of the California Code of Regulations (CCR).

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states:

> *(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).*

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(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.

Section 64675.5, Title 22, of the CCR states in relevant part:

(a) A system shall conduct standard tap sampling for two consecutive periods; thereafter, tap sampling frequency may be reduced pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) as follows:

(1) If a system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper for two consecutive periods, it may reduce the sampling to once every three years at the reduced number of sites.

Section 64690.1, Title 22, of the CCR states in relevant part:

Each system shall report the following within the first 10 days after the end of each period during which such sampling or monitoring was conducted:

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(a) For lead and copper tap sampling:

(1) The results of all tap samples including the location of each site and the associated tier criteria from section 64676 (Sample Site Selection);

(2) The 90th percentile lead and copper concentrations calculated pursuant to section 64678 (Determination of Exceedances of Lead and Copper Action Levels); and

(3) With the exception of the first period of tap sampling, an identification of any site that was not sampled during previous periods, along with an explanation of why the sampling site was changed;

STATEMENT OF FACTS

The Live Oak Child Care Center (Water System) is classified as a nontransient - noncommunity water system serving approximately 50 people. Because the Water System meets a reduced lead and copper sampling frequency, it is required to collect five (5) lead and copper samples every three years according to Table 64675-A and section 64675.5 of Title 22. The Water System failed to collect and report lead and copper samples at the end of the triennial period in 2014. The last samples submitted to the Division were taken in July of 2011.

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DETERMINATIONS

The Division has determined that the Water System violated Section 64675.5(a)(1) and Section 64690.1, Title 22, of the CCR, in that the Water System failed to collect and report triennial samples in 2014.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Comply with Section 64675.5, Title 22, of the CCR in all future monitoring periods.

2. **Conduct lead and copper monitoring from customer's taps in June, July, August, <u>or</u> September of 2015, and then again in June, July, August, <u>or</u> September of 2017. Thereafter, sampling may resume to triennial.** Samples shall be collected in accordance with the Lead and Copper Rule Sampling per Title 22, Section 64677. The analytical results must be reported to the Division by the 10th day of the month following the month in which the analysis was completed.

3. The Water System shall provide public notification (by inclusion in the **2014 Consumer Confidence Report**) of the failure to sample lead and copper, as required by the Lead and Copper regulations.

All documents required by this Citation to be submitted to the Division shall be submitted to the following address:

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Reese B. Crenshaw, P. E.
Valley District Engineer
Drinking Water Field Operations
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002
(530) 224-4800

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), or any regulation, permit, standard or order issued or adopted thereunder.

The Division 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.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to 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

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comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

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

SEVERABILITY

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

R. Crenshaw

Reese B. Crenshaw, P.E., District Engineer
Valley District
Drinking Water Field Operations Branch

3/5/15

Date

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