CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 11, 2016
System No.: 5403053

Mr. Nagi Saheed
NS Mini Mart
951 W. Teapot Dome Avenue
Porterville, CA 93257

RE: **Citation No. 03-24-16C-009**
Violation of Title 22, California Code of Regulations, Section 64423,
For First Quarter 2015

Dear Mr. Saheed:

Enclosed is a Citation issued to the NS Mini Mart (Water System) public water system.

The Water System will be billed at the Division's hourly rate (currently estimated at $153.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specific enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on NS Mini Mart for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact the Tulare District office at (559) 447-3300.

Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CJF/TS

cc: Tulare County Environmental Health Department

Citation No. 03-24-16C-009

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **NS MINI MART**
Water System No. 5403053

TO: Mr. Nagi Saheed
NS Mini Mart
951 W. Teapot Dome Avenue
Porterville, CA 93257

CC: Tulare County Environmental Health Services Department

CITATION FOR VIOLATION OF
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64423
First Quarter 2016

Issued on May 11, 2016

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 (hereinafter "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 NS Mini Mart (hereinafter "Water System") (951 W. Teapot Dome Avenue, Porterville, CA 93257) for violation of California Code of Regulations (CCR), Title 22, Section 64423.

APPLICABLE AUTHORITIES

The applicable statutes and regulations are provided in Appendix A, attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is a Transient non-community water system serving a population of approximately 140 persons through 2 service connections. The Bacteriological Distribution Monitoring Report for the 1st quarter of 2016 is summarized in Attachment A.

Section 64423. of Title 22, *California Code of Regulations*, specifically establishes the routine sampling frequency as follows:

(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 quarter during which the system provides water to the public.

Section 64423(a)(3) specifies that the analytical results of all required samples collected for a system in a calendar month shall be reported to the Division not later than the tenth day of the following month. Furthermore, Section 64423.1(c)(2) requires systems serving fewer than 10,000 service connections or 33,000 persons to instruct the laboratory to submit copies of all required bacteriological monitoring results directly to the Division.

The Division issued Enforcement Letter No. 03-12-15E-011 on February 1, 2016, to the Water System for failure to submit any bacteriological monitoring results for the 4th quarter of 2015.

As of the date of this Citation, the Division has not received copies of any bacteriological monitoring results from either the Water System or the laboratory for the 1st quarter of 2016. As

such, the Division is unable to confirm that the Water System collected the required number of samples, as required by Section 64423, during the 1st quarter of 2016.

The above violation is classified as a non-continuing violation.

NOTIFICATION REQUIREMENTS

Public notification for failure to conduct the required bacteriological monitoring for the 1st quarter of 2016 is required. The Water System shall utilize the Tier 2 Public Notice to inform their customers of the failure to conduct the required bacteriological monitoring. This notice is attached as Attachment B and shall be given pursuant to Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory standard monitoring language for monitoring and reporting violations.

Proof of notification is required. The Water System shall complete Attachment C and return it to the Division by June 15, 2016.

DETERMINATION

Title 22, CCR, Section 64423.1(c), Sample Analysis and Reporting of Results provides that analytical results of all required samples collected for a system in a calendar month shall be reported to the Division not later than the tenth day of the following month. This section applies to systems which sample monthly and quarterly.

The Division has determined that the Water System failed to comply with Title 22, CCR, Section 64423.1(c), Sample Analysis and Reporting of Results for the 1st quarter of 2016 due to the Division not receiving any sample results from the Water System or the laboratory.

DIRECTIVES

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

1. Comply with Title 22, CCR, Section 64423, in all future monitoring periods.

2. On or before **June 15, 2016**, notify all persons served by the Water System of the TCR M&R violation by utilizing the Tier 2 Public Notice for violations of Section 64426.1. Public notice shall be given pursuant to Sections 64463.4 [lists method, time frame and delivery] and 64465 [content & format]. The Water System shall use the public notification template appended as Attachment B to fulfill the public notification requirements. Section 64463.4 allows nontransient noncommunity water systems to give public notice by posting the notice in conspicuous locations throughout the area served by the water system and by the use of one or more of the following methods in order to reach persons not likely to be reached by a public posting: publication in a local newspaper or newsletter distributed to customers, e-mailing the public notice to water system customers, post the public notice on the internet, or by delivery to each customer. The Water System shall post the notice in conspicuous locations throughout the area served by the water system.

3. Within the provisions outlined in Directive No. 2, the Water System shall provide to the Division certification of public notification using the enclosed Proof of Notification form (Attachment C). A copy of the final notice that was posted shall also be submitted to the Division along with the proof of notification form by **June 15, 2015**.

4. The Water System shall also require their contracting laboratory to submit copies of all required bacteriological monitoring results directly to the Division pursuant to Section 64423.1(c)(2).

The Division reserves the right to make such modifications to the 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 Water System of its obligation to meet the requirements of the California Safe Drinking Water Act or any regulation, standard, permit or order issued thereunder.

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

Chad Fischer, P.E.
Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

PARTIES BOUND

This Citation shall apply to and be binding upon the NS Mini Mart, 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 provision.

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 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 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 an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

5/11/16

Date

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
DRINKING WATER FIELD OPERATIONS BRANCH

CJF/TS
Attachments:
Attachment A: Summary of Distribution Bacteriological Samples for the 1st Quarter 2016
Attachment B: Public Notice for First Quarter 2016
Attachment C: Proof of Notification Form

03-24-16c-009-5403053-23 TCRMR2 1st Qtr 2016 Cit ID

APPENDIX A

Applicable Statues and Regulations for Citation No. 03-24-16C-009

Section 116650 of the CHSC states in relevant part:

§116650. Citations

(a) If the Division 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 Division 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 Division 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 64423 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64423. Routine Sampling.

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

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

(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 Department 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.

(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 quarter during which the system provides water to the public.

(4) The minimum number of samples for transient-noncommunity water systems using groundwater and serving more than 1000 persons during any month shall be based on the known population served as shown in Table 64423-A, except that the water supplier may request from the Department a reduction in monitoring for any month the system serves 1000 persons or fewer. The minimum reduced frequency

shall not be less than one sample in each calendar quarter during which the system provides water to the public.

(5) The minimum number of samples for transient-noncommunity water systems using approved surface water shall be based on the population served as shown in Table 64423-A. A system using groundwater under the direct influence of surface water shall begin monitoring at this frequency by the end of the sixth month after the Department has designated the source to be approved surface water.

(6) A public water system shall collect samples at regular time intervals throughout the month, except that a system using groundwater which serves 4,900 persons or fewer may collect all required samples on a single day if they are taken from different sites.

(b) In addition to the minimum sampling requirements, all water suppliers using approved surface water which do not practice treatment in compliance with Sections 64650 through 64666, shall collect a minimum of one sample before or at the first service connection each day during which the turbidity level of the water delivered to the system exceeds 1 NTU. The sample shall be collected within 24 hours of the exceedance and shall be analyzed for total coliforms. If the water supplier is unable to collect and/or analyze the sample within the 24-hour time period because of extenuating circumstances beyond its control, the supplier shall notify the Department within the 24-hour time period and may request an extension. Sample results shall be included in determining compliance with the MCL for total coliforms in §64426.1.

(c) If any routine, repeat, or replacement sample is total coliform-positive, then the water supplier shall collect repeat samples in accordance with §64424 and comply with the reporting requirements specified in Sections 64426 and 64426.1.

Section 64423.1 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64423.1. Sample Analysis and Reporting of Results.

(a) The water supplier shall designate (label) each sample as routine, repeat, replacement, or —otherll pursuant to §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.

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

(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, as follows:

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

(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 Department.

(3) For systems serving more than 10,000 service connections, or 33,000 persons, the water supplier shall require the laboratory to submit copies of bacteriological

monitoring results for all positive routine samples and all repeat samples directly to the Department.

(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 Department upon request.

Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:

§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 Department 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 Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

. . . .

(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 Department's written approval based on the violation or occurrence having been resolved and the Department'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 Department'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

. . . . .

(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 Department 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 Department 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.

Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:
§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) Each public notice given pursuant to this article 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 water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
   (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
   (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(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.

Bacteriological Distribution Monitoring Report

5403053 *NS Mini Mart* *Distribution System Freq: 1/Q*

Sample Date	Location	T Coli	E Coli	F Coli	HPC	Type	Cl2	Cl2 Avg	Viol. Type	GWR Satisfied?	Comments
3/1/2016	No Sample								MR2		Citation 03-24-16C-009
12/1/2015	No Sample								MR2		EL 03-24-16E-011

Violation Key

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	Cl2 not reported

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.

Bacteriological Monitoring Requirements Not Met for NS Mini Mart

Our water system failed to monitor as required for a drinking water monitoring standard during the first quarter of 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 did to correct this situation.

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 our drinking water meets health standards. During the first quarter of 2016 we did not monitor or test 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.
- The table below lists the contaminant we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total coliform	One per quarter	None	Jan. – Mar. 2016	April – May 2016

- 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 _____ at (_____) _____ - _____or _____.

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 notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by NS Mini Mart. State Water System ID#: 5403053
Date distributed: _____.

PROOF OF NOTIFICATION

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **NS Mini Mart** of the failure to meet the **monitoring and reporting requirement for coliform bacteria monitoring for the first quarter of 2016** as directed by the Division. At least one primary distribution method is required:

Notification was made on _____.
(date)

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail delivery to each customer served by the water system.

☐ The notice was distributed by direct delivery to each customer served by the water system. Specify direct delivery method(s) used: _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____

☐ Email message to employees or students._____

☐ Other method used to notify customers. _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state 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 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: _____

Date: _____ Signature: _____

Due to the Division of Drinking Water within 10 days of notification to the public
Total Coliform Monitoring and Reporting non-compliance
Enforcement Action No.: 03-24-16C-009