Public Health Department

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buttecounty.net/publichealth

February 28, 2018

CERTIFIED MAIL

Scotty's Waterfront Gardens
Attn: John Scott
12429 River Rd.
Chico, CA 95973

RE: SCOTTY'S WATERFRONT GARDENS, PWS #04-00048
FAILURE TO PERFORM REQUIRED QUARTERLY BACTERIOLOGICAL SAMPLING

Enclosed is a citation issued to the Scotty's Trailer Park (Water System). The citation is being issued because the Water System failed to collect and report the results of the routine bacteriological samples. This office did not receive sample results of your routine bacteriological water sample(s) as specified in the CCR, Section 64421 for the third quarter (July-September) and the fourth quarter (October-December) of 2017. Please read this citation carefully and complete all directives. Public notification is required to inform consumers that the standard was not achieved during this time period.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please call me at 530.538.6773

Sincerely,

EM

Elaine McSpadden, REHS
Enclosures

BUTTE COUNTY PUBLIC HEATH

ENVIRONMENTAL HEALTH DIVISION

Public Water System: Scotty's Trailer Park

Water System No.: 04-00048

To: Scotty's Trailer Park
Attn: John Scott, Owner
12609 River Rd.
Chico, CA 95973

Issued: February, 28, 2018
VIA CERTIFIED MAIL

CITATION FOR NONCOMPLIANCE

Citation No. 01_34_18C_001_0400048_3A

With Title 22, 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 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 issued thereunder.

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OSP 98 10924

The Butte County Environmental Health (hereinafter "Division"), acting by and through its Delegation Agreement with State Water Resource Control Board, Division of Drinking Water and the Deputy Director for the Division, hereby issues a citation to Scotty's Trailer Park Water System for failure to comply with Section 64423(a), Title 22, of the California Code of Regulations (CCR).

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states:

> *(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.*

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(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, Title 22, of the CCR states:

(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 Department a reduction in monitoring frequency if it has not violated the requirements in this article during the past twelve months. The minimum

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reduced frequency shall not be less than one sample per quarter.

STATEMENT OF FACTS

The Scotty's Trailer Park Water System (hereinafter "Water System") is classified as a transient non-community water system. In accordance with Section 64423(a) of Title 22, the System is required to collect one routine bacteriological water sample each quarter. Two routine bacteriological samples were not collected during the 3rd and 4th quarters of 2017 (July- September & October-December).

DETERMINATION

The Division has determined that the Water System violated Section 64423(a), Title 22, of the CCR, in that it did not collect the required bacteriological samples in the 3rd and 4th quarters of 2017.

DIRECTIVES

The Water System is directed to take the following actions:

1. Comply with Section 64423(a), Title 22, of the CCR in all future bacteriological monitoring.

2. **Within 30 days** of the issuance of this Citation, notify all persons served by the Water System of this violation as required by Section 64463.4 and Section 64465, Title 22, of the CCR. Notification shall be completed in accordance with each of the following:

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a. Provide the notice contained in **Attachment 'A'** by posting in conspicuous locations throughout the area served by the Water System. Changes and/or modifications to **Attachment 'A'** shall not be made unless approved by the Division.

3. Complete and return **Attachment 'B'** "Certification of Completion of Public Notification" form **within 10 days** of giving public notice. A copy of the notice used to provide public notification shall be attached to the form.

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 deemed 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 of any regulation, permit, standard, or order issued or adopted thereunder.

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

Butte County Environmental Health
Attn: Elaine McSpadden
202 Mira Loma Dr.
Oroville, CA 95965
(530) 538-6773 (phone) (530) 538-5339 (fax)

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PARTIES BOUND

This Citation shall apply to and be binding upon the Water System, its officers, directors, shareholders, 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.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division 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 Division 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 Division; 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 Division. The Division does not waive any further enforcement action by issuance of this citation.

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1
2 EM
3 _____ February 28, 2018
4 Elaine McSpadden, Director Date
5 Butte County Environmental Health
6
7 Attachments:
8 A. Public Notification Form
9 B. Proof of Notification Form

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Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
Community Water System [64463.7(c)(1)]	Mail or direct delivery [(a)]	Publication in a local newspaper
		Posting [(b)] in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system [(b)]	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting [(b)] on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report[1]. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing

[1] CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

Contaminant	*Required Sampling Frequency*	*Number of Samples Taken*	*When All Samples Should Have Been Taken*	*When Samples Were or Will Be Taken*
VOCs [(a)]	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- "We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards."
- "We have since taken the required samples, as described in the last column of the table above. The sample for total coliform & E.coli have been collected. We are monitoring quarterly, as required."
- "We plan to take the required samples soon, as described in the last column of the table above."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

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 Scotty's Trailer Park

Our water system failed to monitor as required for drinking water standards during the past year 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 last 2 quarters of 2017 (July-September & October-December), we did not monitor for total coliform & E.coli 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(s) 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 E.coli	1 sample every 3 months	2 samples out of the 4 required	3rd Quarter (July-Sept) 4th Quarter (Oct-Dec) 2017	1st Quarter (Jan-March) 2018

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

The water system will start to monitor quarterly, as required.

For more information, please contact John Scott at 530-521-9428 or scottysca@aol.com.

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 Scotty's Trailer Park.

State Water System ID#: ___04-00048_____. Date distributed: ___March 2018__.

ATTACHMENT B

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to Butte County Environmental Health (202 Mira Loma Dr. Oroville, CA 95965 or fax to 530-538-5339), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and will result in a formal enforcement action with monetary penalties.

Public Water System Name Scotty's Trailer Park

Public Water System No. 04-00048

Public notification for failure to monitor bacteriological samples for the third and fourth quarters of 2017 (July-September & October-December) was performed by the following method(s):

___ The notice was mailed to customers. List the date(s) the notice was distributed:

___ The notice was posted in conspicuous places to reach non bill paying consumers. List the locations the notice was posted:

___ The notice was hand delivered to consumers/customers.

I hereby certify that the above information is factual.

Printed Name

Signature

Date