Public Health Department

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Environmental Health
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August 11, 2018

Francis Property Management
Attn: Stephanie Almond
P.O. Box 63
Chico, CA 95927

CITATION # 01_34_18C_001_0400158_3A

RE: FRANCIS PROPERTY MANAGEMENT, PWS #04-00158
FAILURE TO PERFORM REQUIRED MONTHLY BACTERIOLOGICAL SAMPLING

Butte County Environmental Health issued a Notice of Violation to Francis Property Management water system on July 25, 2018 for failure to collect and report the results of the routine bacteriological samples during the month of June of 2018.

This office has not received the results of your routine bacteriological water sample(s) as specified in the California Code of Regulations (CCR), Section 64421 for **the months of June and August of 2018.** A report of the sample results was due to this office no later than the 10th of the following month, **September 2018.**

As per the California Health and Safety Code (CD&SC) section 11650, the Butte County Division of Environmental Health hereby issues a Citation to Francis Property Management water system for failure to comply with the Bacteriological Monitoring requirements per Section 64421 (a)of the CCR.

Any further failure to collect the required samples and report the results to this Department constitutes a separate violation. **Another violation will result in enforcement fees and further enforcement actions.**

You are again ordered to collect and report your required number of bacteriological samples. You are further ordered to immediately issue a public notification to your consumers. The notice shall be issued pursuant to the CCR, Section 64463.7 for a Tier 3 Public Notice. The content and format of the notice shall be in conformance with the CCR, Section 64465. Enclosed is a template, please complete it and submit a copy of your completed notice to this office **within 30 days.** Also attached is a Certification of Completion of Public Notice. Please complete and sign Certification stating how the notice was provided to consumers.

If you have any questions or comments regarding this issue, please contact me at (530) 538-5329 or at the address listed on the top of this page.

Sincerely,

Jenifer Kovacs, EHS, Associate
Butte County Division of Environmental Health

Certified Mail No. 7011 2970 0003 9130 4311
Enclosures

Citation No. 01_34_18C_001_0400158_3A

BUTTE COUNTY PUBLIC HEATH

ENVIRONMENTAL HEALTH DIVISION

Public Water System: Francis Property Management Water System

Water System No.: 04-00158

To: Francis Property Management Water System
Attn: Stephanie Almond
P.O. Box 63
Chico, CA 95927

Issued: September 11, 2018
VIA CERTIFIED MAIL

CITATION FOR NONCOMPLIANCE
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 (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued thereunder.

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STD. 113 (REV. 3-95)
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 Francis Property Management 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 community 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 community 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.

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STATEMENT OF FACTS

Francis Property Management Water System (hereinafter "Water System") is classified as a non-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 month**. Routine bacteriological samples were not collected during the months of **June and August of 2018.**

DETERMINATION

The Division has determined that the Water System violated Section 64423(a), Title 22, of the CCR, in that it did not collect a routine sample during the months of June and August of 2018.

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:

    a. Provide the notice contained in Attachment 'A' by posting in conspicuous locations throughout the area served by the Water

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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: Amanda Aguiar
202 Mira Loma Dr.
Oroville, CA 95965
(530) 538-6773 (phone) (530) 538-5339 (fax)

PARTIES BOUND

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

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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.

9-11-2018
Date

Elaine McSpadden
Division Director
Environmental Health
Butte County Public Health

Attachments:

A. Public Notification Form
B. Proof of Notification Form

Certified Mail No. 7011 2970 0003 9130 4311

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ATTACHMENT A

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

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

required elements and leave the standard language for monitoring and testing 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.

ATTACHMENT A

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 [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]"
- "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.

ATTACHMENT A

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
Francis Property Management

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 months of March, April, and May, we did not monitor for bacteriologicals and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- Due to the unknown water quality, please boil your water for precaution and refer to the Boil Water Notification for directions.
- 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 month	0	June and August 2018	September 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?

We plan to take the required samples soon, as described in the last column of the table above.

ATTACHMENT A

For more information, please contact Stephanie Almond at 530- 892-0664 or 2961 Hwy 32 #1, Chico, CA 95973. 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 Francis Property Management.

State Water System ID#: __04-00158___. Date distributed: _____.

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 Francis Property Management

Public Water System No. 04-00158

Public notification for failure to conduct bacteriological samples for the months of **June and August** were 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