State Water Resources Control Board

January 17, 2019

System No. 1000324

Mr. Ron Kinnersley, Administrator
Manning Gardens Care Center Inc.
2113 E. Manning Ave.
Fresno, CA 93725

CITATION NO. 03-23-19C-007
CITATION FOR NON-COMPLIANCE – 2017 CONSUMER CONFIDENCE REPORT AND CERTIFICATION FORM

Enclosed is Citation No. 03-23-19C-007 (hereinafter "Citation"), issued to the Manning Gardens Care Center Inc. (hereinafter "Water System"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued <u>under authority delegated to an officer or employee of the State Water Board</u> under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact our office at 559-447-3300.

Sincerely,

José A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Enclosures

Certified Mail No. 7018 0040 0000 3159 8855

:

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Manning Gardens Care Center Inc.

Water System No: 1000324

Attention: Mr. Ron Kinnersley, Administrator
2113 E. Manning Ave.
Fresno, CA 93725

Issued: January 17, 2019

CITATION FOR NONCOMPLIANCE

CALIFORNIA CODE OF REGULATIONS, TITLE 22

SECTIONS 64480(a) AND 64483(c)

2017 CONSUMER CONFIDENCE REPORT

AND CERTIFICATION FORM

Citation No. 03-23-19C-007

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking

Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 03-23-19C-007 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Manning Gardens Care Center Inc. (hereinafter "Water System"), for violation of California Code of Regulations, Title 22, Sections 64480(a) and 64483(c).

Applicable statutes and regulations can be found at:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html

STATEMENT OF FACTS

The Water System is classified as a Community public water system with a population of 144, serving 1 connection.

CHSC, Section 116470(a) states in relevant part that as a condition of its operating permit, every public water system shall annually prepare a Consumer Confidence Report and mail or deliver a copy of that report to each customer.

California Code of Regulations, Title 22, Section 64480(a) requires that, except as provided in subsection (b), each community and nontransient-noncommunity (NTNC) water system shall prepare and deliver the first Consumer Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter.

Section 64483(c) states that no later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each water system shall

mail a copy of the report to the State Board, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the State Board.

The Consumer Confidence Report (hereinafter "CCR") is to provide, at minimum, specific information on concentrations of microbiological contaminants, minerals, physical agents, inorganic chemicals, organic chemicals, and radioactivity which are present in the water supply.

By electronic mail dated, December 20, 2018, the State Water Board issued a reminder to the Water System that a 2017 CCR had not been received by **July 1, 2018**, and requested submittal of the 2017 CCR no later than **January 1, 2019**.

As of the date of this citation, the Division has not received a Consumer Confidence Report or its Certification for the year 2017.

DETERMINATION

As of the date of this Citation, the 2017 CCR and 2017 Certification Form for the Water System have not been received by the State Water Board. Therefore, the State Water Board has determined that the Water System failed to comply with CHSC, California Code of Regulations, Title 22, Sections 64480(a) and 64483(c).

DIRECTIVES

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

1. By **February 15, 2019**, submit a draft 2017 CCR to the State Water Board for review and approval using the template provided as Appendix 1. By **February 28, 2019** complete a CCR, as required by the California Code of Regulations,

Title 22, Sections 64480 through 64483, for calendar year 2017 and mail or directly deliver one copy of the CCR to each customer.

2. By **February 28, 2019,** submit a copy of the 2017 CCR to the State Water Board at http://drinc.ca.gov/ear/

3. By **February 28, 2019,** submit a Certification Form (Appendix 2), indicating the date the report was distributed to customers at http://drinc.ca.gov/ear/

All submittals required by this Citation, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation must include the following information: Water System name and number, citation number and title of the document being submitted.

dwpdist23@waterboards.ca.gov

The State Water Board reserves the right to make 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 Water System of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

This Citation shall apply to and be binding upon the Water System, its owners, shareholders, 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 State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, 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 State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water 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 State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

1/17/19

José A. Robledo, P.E.
Senior Water Resource Control Engineer
Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Date

Appendices 2:

1. 2017 CCR Report Form
2. 2017 CCR Certification Form

Certified Mail No. 7018 0040 0000 3159 8855