February 1, 2019

System No. 1000277

MIGUEL TORRES
Elm Court
2975 E. Belmont
FRESNO, CA 93701

CITATION NO. *03-23-19C-027*
LEAD AND COPPER MONITORING VIOLATION
FOR 2017

Enclosed is Citation No. 03-23-19C-027 (hereinafter "Citation"), issued to the Elm Court (hereinafter "System") public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The Elm Court 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 Elm Court 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 Elm Court 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 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 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 the Fresno District at (559) 447-3300.

Sincerely,

Jose A. Robledo, District Engineer
Division of Drinking Water
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Enclosures

Certified Mail No. 7016 3010 0000 0446 4608

Citation No. 03-23-19C-027

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Elm Court

Water System No: 1000277

Attention: MIGUEL TORRES
2975 E. Belmont
FRESNO, CA 93701

Issued: February 1, 2019

CITATION FOR NONCOMPLIANCE

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64675 AND 64675.5

LEAD AND COPPER MONITORING VIOLATION

2017 and 2018

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-027 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Elm Court (hereinafter "System"), for violation of California Code of Regulations (hereinafter "CCR"), Title 22, Section 64675 and 64675.5

STATEMENT OF FACTS

The Elm Court is classified as a community public water system with a population of 64, serving 12 connections.

CCR, Title 22, Chapter 17.5 requires that public water systems maintain a monitoring program for lead and copper levels at the consumers' tap. The minimum number of tap sample sites required for the public water system is based on the population served and whether the public water system is on an initial, a standard or a reduced monitoring schedule. The first 6-month monitoring schedule for the Elm Court was 5 lead and copper samples due in 2017. The State Water Board has not received the analytical results to show that the 2017 lead and copper monitoring was conducted.

The Lead and Copper Rule Reporting Form must also be completed and submitted to the State Water Board no later than the 10th day of the month after the end of each period during which such sampling or monitoring was conducted. A summary of the Elm Court monitoring results on file with the State Water Board is provided in Appendix 5.

DETERMINATION

The Elm Court was required to collect a minimum of 5 lead and copper samples during 2017. The Elm Court failed to collect the required number of lead and copper analytical samples for 2017. Therefore, the State Water Board has determined that the Elm Court has failed to comply with CCR, Title 22, Section 64675 during 2017.

DIRECTIVES

The Elm Court is hereby directed to take the following actions:

1. The Elm Court must ensure that its lead and copper monitoring program is maintained in accordance with the Lead and Copper Rule (CCR, Title 22, Sections 64670 through 64690.80) and that the analytical results are reported to the State Water Board by the 10th day of the month after the end of each period during which such sampling or monitoring was conducted. Appendix 3: Lead and Copper Rule Reporting Form must also be completed and submitted to the State Water Board by the 10th day of the month after the end of each period during which such sampling or monitoring was conducted.

2. By **March 31, 2019** notify all persons served by the Elm Court of the violation of CCR, Title 22, Section 64675, in conformance with Sections 64463.4 and 64465. Appendix 1: Notification Template must be used to fulfill this Directive, unless otherwise approved by the State Water Board. and the contents of the public notice must be approved by the State Water Board prior to issuance. **The Elm Court must edit the wording of the notification template as necessary.** The notification must be completed in accordance with the following:

- By mail or direct delivery of the Public Notification to each customer served by the water system and;
- By one of the following secondary methods to reach persons not likely to be reached by mail or direct delivery;
  - By publication in a local newspaper, by delivery to community organizations or by posting in conspicuous public places served by the water system or on the internet. If the water system opts to issue the notice via internet website, the public notice must remain posted for a minimum of seven (7) consecutive days.

    The Elm Court must determine which option will be used to conduct the secondary distribution of the notice and notify the State Water Board of their decision no later than **February 28, 2019**.

3. Complete Appendix 2: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 2 to the State Water Board on or before **March 31, 2019.**

4. Include this violation in the 2019 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).

5. The Elm Court must collect 5 lead and copper samples during first 6-month no later than **June 30, 2019**. Appendix 3: Lead and Copper Rule Reporting Form shall be used to submit the results of this monitoring to the State Water Board. by the 10th day of the month after the end of the period during which such sampling or monitoring was conducted.

6. By **February 11, 2019** complete and return to the State Water Board the "Notification of Receipt" form attached to this Citation as Appendix 4. Completion of this form confirms that the Elm Court has received this Citation and understands that it contains legally enforceable directive(s) with due dates.

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 shall include the following information: Water System name and number, citation number and title of the document being submitted.

Jose A. Robledo, District Engineer
State Water Resources Control Board
Division of Drinking Water, Fresno District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704
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 Elm Court 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 Elm Court, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the Elm Court 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.

2/1/19

Jose A. Robledo, PE. District Engineer
Fresno District
State Water Resources Control Board
Division of Drinking Water

Date

Appendices:

1. Notification Template
2. Compliance Certification Form
3. Lead and Copper Reporting Form
4. Notification of Receipt
5. Lead and Copper Monitoring Results Summary

Certified Mail No. 7016 3010 0000 0446 4608

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

Lead and Copper Monitoring Requirements Not Met for Elm Court During 2017 and 2018

Our water system failed to monitor as required for drinking water standards during 2017 and, therefore was in violation of the regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the 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 2017 and 2018 we did not meet all requirements for lead and copper monitoring throughout the distribution system 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 2017 and 2018, 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
Lead and Copper				

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

For more information, please contact:

[Name of Contact] _____

[Phone Number] or _____

[Mailing Address] _____

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 Elm Court, System number 1000277.

Date distributed: _____

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number: 03-23-19C-027

Name of Water System: Elm Court

System Number: 1000277

Certification

I certify that the users of the water supplied by this water system were notified of the lead and copper monitoring violation of California Code of Regulations, Title 22, Section 64675 for the compliance period of 2017 and 2018 and the required actions listed below were completed.

Required Action	Date Completed
*(Citation Directive 1) Public Notification Method(s) Used:*_____	
(Citation Directive 1) Complete and Submit Lead and Copper Reporting Form	

_____ _____

Signature of Water System Representative Date

Attach a copy of the public notice distributed to the water system's customers with a copy of the Lead and Copper Reporting Form.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN March 31, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 3: LEAD AND COPPER REPORTING FORM

State Water Resources Control Board

Division of Drinking Water

Lead and Copper Tap Sample Results Reporting Form

This form must be submitted by the public water system to the regulating entity (DDW District Office or County Agency) for each round of lead and copper sampling

Report Date: (mm/dd/yyyy)	
Water System Name:	
Water System Number:	
Water System Type:	o Community o Non-Transient, Non Community
Monitoring Frequency:	o 6-month o Annual o Triennial
# of Samples Required:	
# of Samples Reported:	
	90th Percentile Level (mg/L)
Lead: *Action Level = 0.015 mg/L*	
Copper: *Action Level = 1.3 mg/L*	

				Result	
	Sample Date	**Sample Site Location/Address**	**Tier 1, 2, 3, or R**	**Lead (mg/L)**	**Copper (mg/L)**
01					
02					
03					
04					
05					
06					
07					
08					
09					
10					
11					
12					
13					
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15					
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17					
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20					

Sampling Site Change

Each round of sampling should be conducted at the same sampling sites. If an original sampling site is not available, you should collect a tap sample from another site meeting the same Tier criteria as the original site.

You must complete/submit the ***Lead and Copper Tap Sampling Site Change*** form.

Notification of Results

As required by *40 Code of Federal Regulations Section 141.85(d)*, within 30 days of learning of the tap monitoring results, I notified the participants, by mailing or by another method approved by the State, of the lead sample results from their individual taps, provided an explanation of the health effects of lead, listed steps the consumer could take to reduce exposure to lead, provided contact information for the water utility, the maximum contaminant level goal for lead, action level for lead, and any definitions.

Notification was done on _____ (date) by

- ☐ Direct Mail
- ☐ Posting in public area (NTNC systems only)
- ☐ Other (please specify below)
- ☐ _____

For general information on lead and copper tap sampling, you can refer to the ***SWRCB Lead and Copper Tap Sample Results Guidance Document***. If you have any questions or comments, please contact your regulating entity (Division of Drinking Water District or County Agency).

SIGNATURE:	**DATE:**
NAME (Print):	**TITLE:**

Division of Drinking Water

Lead and Copper Tap Sample Results Reporting Form

				Result	
	Sample Date	Sample Site Location/Address	Tier 1, 2, 3, or R	Lead (mg/L)	Copper (mg/L)
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22					
23					
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				Result	
	Sample Date	Sample Site Location/Address	Tier 1, 2, 3, or R	Lead (mg/L)	Copper (mg/L)
61					
62					
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66					
67					
68					
69					
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Appendix 4 Notification of Receipt

Citation Number: 03-23-19C-027

Name of Water System: Elm Court

System Number: 1000277

Certification

I certify that I am an authorized representative of the Elm Court and that Citation No. 03-23-19C-027 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Elm Court and it is clearly understood that Citation No. 03-23-19C-027 contains legally enforceable directives with specific due dates.

_____ _____

Signature of Water System Representative Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN February 11, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

Individual System Lead and Copper Rule Tracking Report

1000277 **Elm Court** Pop: **64** Eng: **EL** **Lead Action Level: 0.015 mg/L**

Copper Action Level: 1.3 mg/L

Sample Date Begin/(End)	Monitoring Period	Sample Set ID	Number Required	Number Sampled	Lead 90th % (mg/L)	Copper 90th % (mg/L)	Action Taken	Action Type	Next Due Date	Next Due Freq	Comments
(12/15/1998)	6M2ND-1998	1st 6	5	5	<0.005	0.053			6/30/1999	2nd 6	*FC entered/ CDPH updated*
(6/29/2001)	6M1ST-2001	2nd 6	5	5	<0.005	<0.05			9/30/2002	A1	*FC entered/ CDPH updated*
(4/27/2004)	3Y2002-2004	T1	5	5	<0.005	<0.05			9/30/2007	A2	*FC entered/ CDPH updated waiver of annual sample-met criteria*
(2/23/2010)	3Y2008-2010	T2	5	5	0.00096	0.022			12/31/2017	1st 6	*next due changed to match sdwis*

Legend:

Cit: Citation
EL: Enforcement letter

1st 6: 1st initial 6-mo. round of monitoring
2nd 6: 2nd initial 6-mo. round of monitoring

A1: 1st Annual monitoring
A2: 2nd Annual monitoring

T1: 1st Triennial (3 yr) monitoring
T2: 2nd Triennial (3 yr) monitoring
T3: 3rd Triennial (3 yr) monitoring

1/30/2019

APPENDIX 5