COUNTY OF MONTEREY
HEALTH DEPARTMENT
Elsa Jimenez, Director of Health

Administration
Behavioral Health

Clinic Services
Emergency Medical Services
Environmental Health/Animal Services

Public Health
Public Administrator/Public Guardian

Recipient of The California Endowment's 2017 Arnold X. Perkins Award for Outstanding Health Equity Practice

October 10, 2017

Heller Estates Water System
Attn: Margo Federkiel
P.O. Box 999
Carmel Valley, CA 93924

CITATION LETTER, CITATION #17-074
HELLER ESTATES WATER SYSTEM I. D. No. 270-1951

Repeat Bacteriological Monitoring and Reporting Violation for August 2017
Groundwater Rule Monitoring and Reporting Violation for August 2017

Dear Ms. Federkiel,

Section 116650, Chapter 4 of Part 12 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard permit, or order issued thereunder. The Monterey County Health Department, Environmental Health Bureau (hereinafter EHB) under its Delegation agreement with the State Water Resources Control Board and pursuant to Section 116650 of CHSC, hereby issues this citation to the Heller Estates Water System (hereinafter Water System) for violation of CHSC, Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Sections 64424(a)(1) and 64430.

Statement of Fact
The water system is classified as a Transient-Noncommunity water system and does not normally collect more than 1 routine bacteriological sample per month and therefore is required to collect at least four bacteriological samples, including a sample from the well, within 24 hours of being notified of a routine coliform-positive result. EHB did not receive any repeat samples during August 2017.

Determination
Title 22, CCR, Section 64421(a)(2), General Requirements states that each water supplier shall collect routine, repeat and replacement samples as required in Section 64424. Specifically, Section 64424(a), Repeat Sampling states that if a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. 64424(a)(1) states that for a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.
In addition, this Department has not received wellhead sample results after samples collected 8/16/17 were positive for total coliform bacteria which is required by the Federal Groundwater Rule. Section 64430 of the California Code of Regulations has adopted the Federal Groundwater Rule in its entirety. The purpose of the groundwater rule is to provide increased protection against microbial pathogens. For *each* distribution system *routine* total coliform positive sample, fecal

monitoring is required from all groundwater sources within 24 hours of being notified of the total coliform positive result.

a. On August 16, 2017, the Water System collected three samples that were total coliform positive. The Water System did not collect any repeat or domestic well samples.

Directives

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

1. Comply with Title 22, CCR, Section 64424(a) and 64430, in all future monitoring periods.

2. On or before **October 30, 2017,** notify all persons served by the Water System of the violation of Section 64424(a) and 64430, in conformance with Title 22, CCR, Sections 64463.4 and 64465. Copy of notification form is in Appendix 3.

   Sections 64463.4 and 64465 are included in Appendix 1: Appendix 2: Notification Template shall be used to fulfill this directive. The notice shall be distributed by mail or direct delivery to each employee and posted on a public bulletin board at the facility.

3. Complete Appendix 3: Compliance Certification Form. Submit it together with a copy of the public notification to EHB on or before **October 30, 2017.**

All submittals required by this order shall be addressed to:

Environmental Health Bureau
Drinking Water Protection Services
1270 Natividad Road
Salinas, CA 93906-3198
Sandovalcl@co.monterey.ca.us

The EHB 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 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 Board and EHB under its delegation agreement to: issue a 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 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 Board and EHB under its delegation agreement 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 EHB, 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 EHB. EHB does not waive any further enforcement action by issuance of this Citation.

If you have any questions, please contact myself at (831)755-8924 or ayalasa@co.monterey.ca.us.

Sincerely,

Sandy Ayala

Sandy Ayala, REHS
Senior Environmental Health Specialist

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 17-074

For Violations of Total Coliform Rule
Monitoring and Reporting Requirements

Section 116271 of the CHSC states in relevant part:
(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
(6) Chapter 7 (commencing with Section 116975).
(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116650 of the CHSC states in relevant part:
(a) If the department 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 department 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 department 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.

§116555. Operational requirements.

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

(2) Will not be subject to backflow under normal operating conditions.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water

(4) Employs or utilizes only water treatment operators or water treatment operators-intraining that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

Section 64421 (General Requirements)

(a) Each water supplier shall:

(1) Develop a routine sample siting plan as required in section 64422;

(2) Collect routine, repeat and replacement samples as required in Sections 64423, 64424, and 64425;

(3) Have all samples analyzed by laboratories approved to perform those analyses by the State Board and report results as required in section 64423.1;

(4) Notify the State Board when there is an increase in coliform bacteria in bacteriological samples as required in section 64426; and

(5) Comply with the Maximum Contaminant Level as required in section 64426.1.

(b) Water suppliers shall perform additional bacteriological monitoring as follows:

(1) After construction or repair of wells;

(2) After main installation or repair;

(3) After construction, repair, or maintenance of storage facilities; and

(4) After any system pressure loss to less than five psi. Samples collected shall represent the water quality in the affected portions of the system.

Section 64422 (Routine Sample Siting Plan) of CCR states in relevant part:

(a) By September 1, 1992, each water supplier shall develop and submit to the State Board a siting plan for the routine collection of samples for total coliform analysis, subject to the following:

(1) The sample sites chosen shall be representative of water throughout the distribution system including all pressure zones, and areas supplied by each water source and distribution reservoir.

(2) The water supplier may rotate sampling among the sample sites if the total number of sites needed to comply with (a)(1) above exceeds the number of samples required according to Table 64423-A. The rotation plan shall be described in the sample siting plan.

(b) If personnel other than certified operators will be performing field tests and/or collecting samples, the sample siting plan shall include a declaration that such personnel have been trained, pursuant to §64415 (b).

(c) The supplier shall submit an updated plan to the State Board at least once every ten years and at any time the plan no longer ensures representative monitoring of the system.

Section 64423 (Routine Sampling) of CCR states in relevant part:

(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 State Board 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 State Board 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 State Board 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 State Board 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 State Board 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 Section 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 Section 64424 and comply with the reporting requirements specified in Sections 64426 and 64426.1.

Table 64423-A
Minimum Number of Routine Total Coliform Samples

Monthly Population Served	*Service Connections*	*Minimum Number of Samples*
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week
59,001 to 70,000	21,101 to 25,000	18 per week
70,001 to 83,000	25,001 to 29,600	20 per week
83,001 to 96,000	29,601 to 34,300	23 per week
96,001 to 130,000	34,301 to 46,400	25 per week
130,001 to 220,000	46,401 to 78,600	30 per week
220,001 to 320,000	78,601 to 114,300	38 per week
320,001 to 450,000	114,301 to 160,700	50 per week
450,001 to 600,000	160,701 to 214,300	55 per week
600,001 to 780,000	214,301 to 278,600	60 per week
780,001 to 970,000	278,601 to 346,400	70 per week
970,001 to 1,230,000	346,401 to 439,300	75 per week
1,230,001 to 1,520,000	439,301 to 542,900	85 per week
1,520,001 to 1,850,000	542,901 to 660,700	90 per week
1,850,001 to 2,270,000	660,701 to 810,700	98 per week
2,270,001 to 3,020,000	810,701 to 1,078,600	105 per week
3,020,001 to 3,960,000	1,078,601 to 1,414,300	110 per week
3,960,001 or more	1,414,301 or more	120 per week

Section 64423.1 (Sample Analysis and Reporting of Results)
(a) The water supplier shall designate (label) each sample as routine, repeat, replacement, or "other" pursuant to Section 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 Section 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 State Board 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 State Board 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 State Board.
(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 State

Board.

(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 State Board.

(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 State Board upon request.

Section 64424 (Repeat Sampling) of the CCR states in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in Section 64426.1 has been exceeded and notifies the State Board.) If a public water system for which **fewer than five routine samples/month** are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

(1) The State Board conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.

(2) The State Board determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with Section 64426.1.

§64430. Requirements.

A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Ground Water Rule published in 71 Federal Register 65574 (November 8, 2006) and amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009), which are hereby incorporated by reference: Sections 141.21(d)(3), 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B to Subpart Q (Public Notification), and 141.400 through 141.405, except that in:

(a) sections 141.402(a)(1)(ii), (a)(2), (a)(2)(ii), (a)(4), (a)(4)(ii)(A), (a)(5)(i), and (a)(5)(ii), the phrase "§141.21(a)" is replaced by "22 California Code of Regulations sections 64422 and 64423",

(b) sections 141.402(a)(1)(ii) and 141.405(b)(4), the phrase "§141.21(c)" is replaced by "22 California Code of Regulations section 64425", and

(c) section 141.402(a)(2)(iii), the phrase "§141.21(b)" is replaced by "22 California Code of Regulations section 64424".

§141.402. Ground water source microbial monitoring and analytical methods (Federal Register)

(a) *Triggered source water monitoring —*

(1) *General requirements.* A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and

(ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.

(2) *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

Section 64463.4 (Tier 2 Public Notice) of CCR states in relevant part:

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

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

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

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(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 State Board 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 State Board 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 64463.7 (Tier 3 Public Notice)

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

(1) Monitoring violations;

(2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or

(3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

(1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

(2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each 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 State Board 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 State Board 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 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.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

(1) Is given no later than one year after the water system learns of the violation or occurrence;

(2) Includes the content specified in section 64465; and

(3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

Section 64465 (Public Notice Content and Format) of the CCR states in relevant part:

(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) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice 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 public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(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.

Appendix 64465-A. Health Effects Language - Microbiological Contaminants.

Contaminant	***Health Effects Language***
Total Coliform	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform/*E. coli*	Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
Turbidity	Turbidity has no health effects. However, high levels of turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Section 64469 (Reporting Requirements) of CCR states in relevant part:

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

APPENDIX 2. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Este informe contiene informacion muy importante sobre su agua potable.
Por favor hable con alguien que lo pueda tradúcir.

Bacteriological Monitoring Requirements
Not Met for Heller Estates Water System

Our water system recently violated a drinking water standard. 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 or are doing to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place and by giving out copies by hand or mail.

What happened?
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 August 2017, we did not complete all monitoring or testing for 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 month, 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 will be taken
Coliform	4 repeats after total coliform positive	0	4 repeats samples, including one at well should have been taken	5 samples to be collected in June

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

This notification of the public is being done in compliance with Section 64463.4, Title 22, of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____
(name)
_____
(address)
_____
(phone number)

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number **17-074**
Name of Water System: **Heller Estates Water System**
System Number: **270-1951**

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological monitoring and reporting violation of Title 22, California Code of Regulations, Section 64424 for the compliance period of August 2017 and the required actions listed below were completed.

Required Action	Date Completed
(Citation Directive 3) On or before **October 30, 2017,** notify all persons served by the Water System of the violation of Section 64424(a) and 64430, in conformance with Title 22, CCR, Sections 64463.4 and 64465.	
(Citation Directive 4) Complete the Compliance Certification Form. Submit it together with a copy of the public notification to EHB on or before **October 30, 2017.**	

Signature of Water System Representative

Date

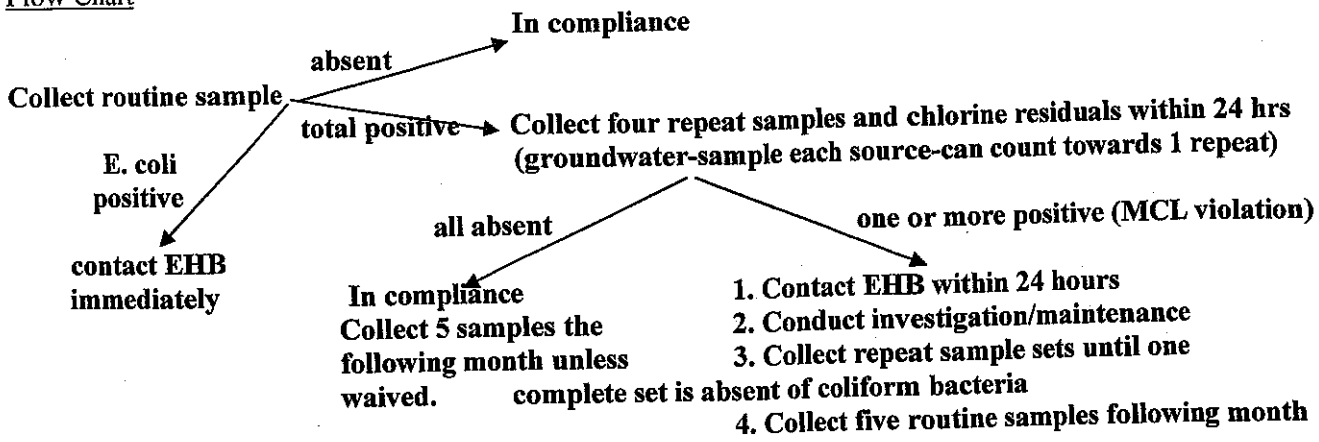
Attach a copy of the notice distributed to the system customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE MONTEREY COUNTY HEALTH DEPARTMENT BY OCTOBER 30, 2017

Disclosure: Be advised that Sections 116725 and 116730, respectively 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 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.

Monterey County Health Department, Environmental Health Bureau
Bacteriological Monitoring Requirements Guidance

Flow Chart



DETAILS (See Title 22, California Code of Regulations)

Sampling Frequency-Routine Samples (section 64423)
Community and Nontransient-Noncommunity water system - minimum of one sample per month
Transient-Noncommunity water system – groundwater-minimum of one sample per quarter, except one sample per month in which 1,000 or more persons can be served by the water system
Transient-Noncommunity water system – surface water-minimum of one sample per month
If any samples are E.coli positive, the water system must notify EHB immediately.

Repeat Sampling Requirements – Required when Routine Sample is total coliform positive
The water system must require the laboratory to notify the system within 24 hours whenever any coliforms are present in a sample. A repeat sample set must be collected by the system within 24 hours of notification. This set must consist of at least four samples for each total coliform-positive sample and be collected in accordance with an approved sample siting plan. Generally, repeat samples shall be collected from:

- the site of the original positive (required),
- the well,
- the storage tank(s),
- another point in the distribution system within 5 service connections of the original positive
- Goundwater systems must sample each source-sample may count towards 1 repeat sample
- If well is E. coli/fecal positive, contact EHB within 24 hrs for New Groundwater rule guidance

This collection scheme is designed to identify the origin of the contamination. Systems with multiple wells and tanks may sample within 5 service connections upstream and downstream of the original positive or from combined well and tank taps, if available.

The samples shall be collected prior to disinfection of the water system and the water system shall be inspected by the water system during the sampling to identify any potential causes of the original positive sample. Chlorine residual readings shall be analyzed and reported for all repeat samples.

Maximum Contaminant Level Exceedence (MCL) (64426.1)
If one or more samples in the repeat sample set are total coliform-positive, the water system has exceeded the MCL for coliform bacteria and must notify this office within 24 hours. The system must investigate the cause of the positive samples and continue to collect a set of repeat samples until one set has no

coliform positive samples. The system must also submit a report of findings including the following (64426):

- Current operating procedures that are or could potentially be related to the increase in bacterial count, such as main repairs or well work conducted without disinfection,
- System pressure loss to less than 5 psi,
- Potential cross connections,
- Physical evidence indicating bacteriological contamination of facilities (such as openings in the well casing, storage tank or evidence of animal activity in the vicinity of the well),
- Analytical results of any additional investigative samples collected, including well samples,
- residents' illness suspected of being waterborne.
- Records of the investigation and any action taken.

Follow-up Sampling
The water system must collect five routine samples the month following any total coliform sample (64424). May be waived if the Department conducts a site visit and determines why the sample(s) were positive and established that the problem has been corrected.

Additional Sampling Requirements
Samples for bacteriological testing must also be collected whenever either of the following conditions apply:
- loss of water pressure below 5 psig within the distribution system
- upon completion of construction, installation, or repair of wells, water mains, or storage facilities.

Samples are to be collected in accordance with an approved Sample Siting Plan (SSP). The sample must be tested by a laboratory certified by the State of California. The water system must direct the laboratory to submit copies of all required bacteriological monitoring directly to this office by the tenth day of the following month.

Collecting Bacteriological Water Samples

Collect samples at cold water faucets that are free of contaminating devices such as screens, aeration devices, hoses, point-of-use devices, or swiveled faucets. To prevent contamination, do not obtain samples from taps that leak around the valve stem and allow water to flow over the outside of the tap. Faucets must be high enough to put the bottle underneath without contacting the mouth of the container with the faucet.

Taking the sample:
1. Open the faucet and thoroughly flush the line for at least two to five minutes. The longer the water runs the better the chance of flushing out bacteria that may be in the building plumbing.
2. Reduce the flow until the water leaving the tap has a continuous, gentle flow without any turbulence.
3. Sterile containers provided by your laboratory must be used. Do not rinse the bottle prior to taking the sample. The powder in the bottle is sodium thiosulfate which inactivates any chlorine-based disinfectant. Be sure this substance stays in the bottle.
4. Remove the cap from the sample bottle and keep it in your hand facing down. Do not touch the inside of the cap or the bottle's inner surface as these actions can contaminate the sample.
5. Carefully place the sample bottle under the running water. Fill the bottle just to the fill-line; do not overfill the sample bottle or allow the water to splash.
6. Quickly replace the cap on the bottle and label the sample clearly. If samples cannot be delivered to the lab immediately, place samples in a cooler with cold packs. If ice is used, at no time should the sample container be immersed or submerged in the ice or melted ice water. The sample must be delivered to the laboratory within 24 hours from the time of collection.