CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

February 23, 2018

System No. 5403007

Mr. Scott Hobson, Safety Coordinator
E.M. Tharp, Inc.
15243 Road 192
Porterville, CA 93257

CITATION NO. 03-24-18C-028
COPPER MONITORING VIOLATION
FOR 2017

Enclosed is a Citation issued to the E.M. Tharp, Inc. (hereinafter "Water System") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate (currently estimated at $167) for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Board has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State 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 under authority delegated to an officer or employee of the state board 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. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. 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 Tulare District Staff at (559) 447-3300 or by email at dwpdist24@waterboards.ca.gov.

Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No.: 7016 3010 0000 0446 3793

cc: Tulare County Environmental Health Department

03_24_18C_028_5403007_51

Citation No. 03-24-18C-028

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: E.M. Tharp, Inc.

Water System No: 5403007

Attention: Mr. Scott Hobson, Safety Coordinator
15243 Road 192
Porterville, CA 93257

Issued: February 23, 2018

CITATION FOR NONCOMPLIANCE WITH

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64675

COPPER MONITORING VIOLATION

2017

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. 03-24-18C-028 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the E.M. Tharp, Inc. (hereinafter "Water System"), for violation of California Code of Regulations (hereinafter "CCR"), Title 22, Section 64675.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is classified as a nontransient noncommunity public water system with a population of 50, serving 6 connections. The Water System operates under Domestic Water Supply Permit No. 03-24-17P-044 issued by the State Water Board on August 30, 2017.

The Water System is required to maintain a monitoring program for lead and copper levels at the consumers' tap. The minimum number of tap sample sites required for the Water System is based on the population served and whether the Water System is on a standard or reduced monitoring schedule. The standard monitoring schedule for the Water System was 5 lead and copper samples due between July 1 and December 31, 2017. The State Water Board has received the analytical results to show that the July 1 to December 31 sample set was conducted. However, the sample set was analyzed for lead only and not copper.

DETERMINATION

The Water System was required to collect and report a minimum 5 lead and copper samples between July 1 to December 31, 2017. The Water System failed to report the required copper analytical results to the State Water Board. Therefore, the State Water Board has determined that the Water System has failed to comply with CCR, Title 22, Section 64675 during July 1 to December 31, 2017.

DIRECTIVES

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

1. On or before **March 31, 2018**, notify all persons served by the Water System of the violation of CCR, Title 22, Section 64675, in conformance with Sections 64463.4(b) and (c) and 64465. Copies of Sections 64463.4 and 64465 are included in Appendix 1. Appendix 2: Notification Template shall be used to fulfill this Directive, unless otherwise approved by the State Water Board. **The Water System must edit the wording of the sample notification as necessary.** The notification shall 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 shall remain posted for a minimum of seven (7) consecutive days.

2. Complete Appendix 3: 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, 2018.**

3. The Water System shall include this violation in the 2017 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).

4. On or before **March 15, 2018** 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 Water System has received this Citation and understands that it contains legally enforceable directive(s) with due dates.

All submittals, with exception to analytical results, required by this Citation shall 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.

Chad J. Fischer, P.E.

Dwpdist24@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.

2/23/18

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Date

Appendices (4):

1. Applicable Statutes and Regulations
2. Notification Template
3. Compliance Certification Form
4. Notification of Receipt

Certified Mail No. 7016 3010 0000 0446 3793

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 03-24-18C-028
Lead and Copper Monitoring Violation

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

§116270. Declaration.
The Legislature finds and declares all of the following:
(a) Every resident of California has the right to pure and safe drinking water.
(b) Feasible and affordable technologies are available and shall be used to remove toxic contaminants from public water supplies.
(c) According to the State Department of Health Services, over 95 percent of all large public water systems in California are in compliance with health-based action levels established by the department for various contaminants.
(d) It is the policy of the state to reduce to the lowest level feasible all concentrations of toxic chemicals that, when present in drinking water, may cause cancer, birth defects, and other chronic diseases.
(e) This chapter is intended to ensure that the water delivered by public water systems of this state shall at all times be pure, wholesome, and potable. This chapter provides the means to accomplish this objective.
(f) It is the intent of the Legislature to improve laws governing drinking water quality, to improve upon the minimum requirements of the federal Safe Drinking Water Act Amendments of 1996, to establish primary drinking water standards that are at least as stringent as those established under the federal Safe Drinking Water Act, and to establish a program under this chapter that is more protective of public health than the minimum federal requirements.
(g) It is the further intent of the Legislature to establish a drinking water regulatory program within the state board to provide for the orderly and efficient delivery of safe drinking water within the state and to give the establishment of drinking water standards and public health goals greater emphasis and visibility within the state.
(h) This act shall be construed to ensure consistency with the requirements for states to obtain and maintain primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act and acts amendatory thereof or supplementary thereto.

Section 116271 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 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

(1) Preparing, issuing, and monitoring compliance with, an order or a citation.
(2) Preparing and issuing public notification.
(3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625 (Revocation and suspension of permits) states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the

hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650 states in relevant part:
(a) If the state board 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 state board 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 state board 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 and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:
(a)
(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.
(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.
(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:
(A) Denial of an application for certification or accreditation under Section 100855.
(B) Issuance of an order directing compliance under Section 100875.
(C) Issuance of a citation under Section 100880.
(D) Assessment of a penalty under subdivision (e) of Section 100880.
(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

California Code of Regulations (CCR), Title 22:

Section 64463.4 (Tier 2 Public Notice) states:
(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) states:

(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) 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-D. Health Effects Language – Inorganic Contaminants states in relevant part:

Contaminant	Health Effects Language
Lead	Infants and children who drink water containing lead in excess of the action level may experience delays in their physical or mental development. Children may show slight deficits in attention span and learning abilities. Adults who drink this water over many years may develop kidney problems or high blood pressure.
Copper	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time may experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years may suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

Section 64469 (Reporting Requirements) 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.

Section 64481 (Content of the Consumer Confidence Report) states in relevant part:

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

CHAPTER 17.5. LEAD AND COPPER

Article 1. General Requirements and Definitions

§64670. General Requirements.

(a) Unless otherwise indicated, the requirements in this chapter apply to community water systems and nontransient-noncommunity water systems (hereinafter referred to as "water systems" or "systems").

(b) An action level exceedance shall not constitute a violation of this chapter.

(c) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the methods prescribed at 40 Code of Federal Regulations, Section 141.89 [Federal Register (FR) 56 (110), 26460-26564, June 7, 1991; amended July 15, 1991 (56 FR 32113), June 29, 1992 (57 FR 28786), June 30, 1994 (59 FR 33860), and January 12, 2000 (65 FR 1250)]. Field tests shall be performed by water treatment or distribution operators certified by the Department pursuant to Section 106875 of the Health and Safety Code or by personnel trained to perform these tests by the Department, a certified laboratory, or certified operator.

(d) A new water system shall initiate compliance with this chapter within six months of distributing water to consumers. An existing system that changes size pursuant to the definitions in sections 64671.30, 64671.40 and 64671.70, shall initiate compliance with the requirements of this chapter applicable to the new size within six months.

§64671.05. Action Level.

"Action level", for the purpose of this chapter only, means the concentration of lead or copper in water that is used to determine the requirements of this chapter that a system shall meet.

§64671.08. Action Level Exceedance.

"Action level exceedance", for the purpose of this chapter only, means that the level of lead or copper is greater than the respective action level, as determined pursuant to section 64678(d) through (g).

§64671.09. Corrosion Control Treatment or CCT.

"Corrosion control treatment" or "CCT" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps without causing the water system to violate any primary drinking water standards.

§64671.10. Corrosion Inhibitor.

"Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

§64671.15. Detection Limit for Purposes of Reporting or DLR.
"Detection limit for purposes of reporting" or "DLR" means the designated minimum level at or above which any analytical finding of a contaminant in drinking water resulting from monitoring required under this chapter shall be reported to the Department.

§64671.30. Large Water System.
"Large water system", for the purpose of this chapter only, means a water system that serves more than 50,000 persons.

§64671.35. Lead Service Line.
"Lead service line" means a service line made of lead that connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

§64671.40. Medium-size Water System.
"Medium-size water system", for the purpose of this chapter only, means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.

§64671.55. Period.
"Period", for the purpose of this chapter only, means a six-month monitoring timeframe.

§64671.65. Single-family Structure.
"Single-family structure" means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

§64671.70. Small Water System.
"Small water system", for the purpose of this chapter only, means a water system that serves 3,300 persons or fewer.

§64671.75. Tap Sampling.
"Tap sampling" means sampling conducted pursuant to sections 64675 (General Requirements for Tap Sampling for Lead and Copper), 64675.5 (Tap Sampling Frequency), and 64677 (Sampling Collection Methods for Taps) at sites selected pursuant to section 64676 (Sampling Site Selection).

§64671.80. Water Quality Parameter or WQP.
"Water quality parameter" or "WQP", for the purposes of this chapter, means a characteristic or constituent of water, or a water treatment chemical added to water to control corrosion.

§64671.85. WQP Monitoring.
"WQP monitoring" means sampling conducted pursuant to sections 64680 (General WQP Monitoring Requirements), 64681 (Initial WQP Monitoring), and 64682 (WQP Monitoring Requirements after CCT Installation).

Article 2. Requirements According to System Size

§64673. Small and Medium-size Water System Requirements.

(a) The requirements in this section are applicable to all small and medium-size water systems.

(b) Each small and medium-size system shall conduct standard tap sampling for lead and copper pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper). Tap sampling frequency may be reduced pursuant to section 64675.5 (Tap Sampling Frequency).

(c) A small or medium-size system with an action level exceedance shall take the following steps:

(1) Monitor WQPs beginning with the first period after the exceedance, pursuant to section 64681 (Initial WQP Monitoring).

(2) Proceed with subparagraphs (A) through (E) if a corrosion control study is required by the Department based on a review of the system's water quality, distribution system, water treatment, and system features. If such a study is required, the Department will notify the system in writing within 12 months of the action level exceedance.

(A) Complete the study, pursuant to section 64683 (Corrosion Control Study Procedure), within eighteen months of being notified of the requirement; the system will be notified of the Department's designation within six months of the study's completion;

(B) Begin installation of the CCT designated by the Department, pursuant to section 64684 (CCT Installation and Operation), within twelve months of being notified of the Department's designation;

(C) Complete CCT installation and begin operation within 24 months of the designation;

(D) Complete two periods of standard tap sampling pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) and two periods of WQP monitoring pursuant to section 64682 (WQP Monitoring After CCT Installation) within 36 months of the designation; and

(E) Monitor WQPs and operate in compliance with the WQP levels specified by the Department pursuant to section 64684 (CCT Installation and Operation), beginning no later than within 42 months of the designation.

(3) If the Department does not require a corrosion control study, the system shall submit to the Department, within six months of the action level exceedance, a written recommendation for CCT. The Department may require the system to conduct additional WQP monitoring to assist in the review of the CCT recommendation. The Department will designate CCT and notify the system in writing within the following timeframes; the system shall then comply with paragraphs (2)(B) through (E):

(A) For medium-size systems, within 12 months of the exceedance, and

(B) For small-size systems, within 18 months of the exceedance;

(4) Monitor source waters, pursuant to article 6 (Source Water Requirements for Action Level Exceedances) of this chapter;

(d) A small or medium-size system with an action level exceedance for lead shall:

(1) Complete a lead public education program, pursuant to article 7 (Public Education Program for Lead Action Level Exceedances) of this chapter; and

(2) Replace lead service lines, pursuant to article 8 (Lead Service Line Requirements for Action Level Exceedances) of this chapter.

(e) A small or medium-size system that is required to comply with subsections (c) or (d) may cease completing the steps whenever the system does not have an action level exceedance during each of two consecutive periods. If any such system thereafter has an exceedance during any period, the system shall:

(1) Resume completion of the applicable steps, beginning with the first step that was not previously completed. The Department may require a system to repeat steps previously completed if the Department determines that this is necessary to implement the requirements of this section, based on a review of the system's data and treatment status.

(2) Resume standard tap sampling pursuant to 64675 (General Requirements for Tap Sampling for Lead and Copper).

(3) Conduct WQP monitoring during the period in which the system exceeded the action level, pursuant to section 64682, (WQP Monitoring After CCT Installation) or 64684 (CCT Installation and Operation).

§64674. Large Water System Requirements.

(a) The requirements in this section are applicable to all large water systems.

(b) Each large system shall conduct standard tap sampling pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper), and monitor for WQPs pursuant to section 64681 (Initial WQP Monitoring). Tap sampling frequency may be reduced pursuant to section 64675.5 (Tap Sampling Frequency).

(c) Each large system shall complete a corrosion control study, pursuant to section 64683 (Corrosion Control Study Procedure), unless it can meet one of the following criteria:

(1) The system submits the following documentation to the Department and the Department determines in writing that the system has optimized corrosion control based on its review of the submittal:

(A) The results of all test samples collected for each of the WQPs in section 64683(a)(3) (Corrosion Control Study Procedure);

(B) A report explaining the test methods used by the water system to evaluate corrosion control treatment alternatives pursuant to section 64683 (Corrosion Control Study Procedure), the results of all tests conducted, and the basis for the system's selection of CCT;

(C) A report explaining how CCT has been installed and is being operated pursuant to section 64684 (CCT Installation and Operation); and

(D) The results of tap sampling for lead and copper for two consecutive periods after corrosion control has been installed; or

(2) The system demonstrates for two consecutive periods that the difference between the 90th percentile tap sampling lead level and the highest source water monitoring result for each period is less than the reporting level for purposes of reporting (DLR), pursuant to subsections 64678 (a), (b) and (c) (Determination of Exceedances of Lead and Copper Action Levels), or that the source water lead levels are below the method detection level of 0.001 mg/L and the 90th percentile lead level is equal to or less than the DLR for each period. In either case, the system shall also not have a copper action level exceedance. If such a system ceases to meet this criteria, it shall conduct a corrosion control study, pursuant to section 64683 (Corrosion Control Study Procedure) within eighteen months of not meeting the criteria, and proceed thereafter pursuant to subsection (e).

(d) Each large system that conducts a corrosion control study will be notified of the Department's designation for CCT within 6 months of the study's completion and shall comply with the following timeframes:

(1) Begin CCT installation within 12 months of being notified of the Department's designation for CCT.

(2) Complete CCT installation within 24 months of the Department's designation.

(3) Complete two periods of WQP monitoring and tap sampling for lead and copper within 36 months of the Department's designation.

(4) Operate in compliance with the WQP levels specified by the Department pursuant to section 64684 (CCT Installation and Operation), beginning no later than within 42 months of the Department's designation. WQP tap monitoring may be reduced as follows:

(A) Pursuant to section 64682(c) (WQP Monitoring After CCT Installation), if the system has no action level exceedance; or

(B) To once every three years at the reduced number of sites pursuant to table 64680-A, if the system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper for two consecutive periods.

(5) If source water treatment has been installed, conduct source sampling for lead and copper pursuant to section 64685 (Source Water Monitoring and Treatment Designation).

(e) A large system with an action level exceedance for lead shall:

(1) Monitor source waters, pursuant to article 6 (Source Water Requirements) of this chapter;

(2) Complete a lead public education program, pursuant to article 7 (Public Education Program for Action Level Exceedances) of this chapter; and

(3) Replace lead service lines, pursuant to article 8 (Lead Service Line Requirements) of this chapter.

(f) A large system with an action level exceedance for copper shall monitor source waters pursuant to article 6 (Source Water Requirements) of this chapter.

Article 3. Monitoring for Lead and Copper

§64675. General Requirements for Tap Sampling for Lead and Copper.

(a) During each period, each system shall conduct standard tap sampling by collecting one sample from the number of sites based on the number of people served specified in table 64675-A under Standard Tap Sampling.

(b) During each period, each system conducting reduced tap sampling shall collect at least one sample from the number of sites based on the number of people served specified in table 64675-A under Reduced Tap Sampling, as follows:

(1) The sites shall be representative of the sites required for standard tap sampling.

(2) The samples shall be collected during the months of June, July, August, or September, unless the Department approves an alternate set of four months based on a review of the system's operations and lead and copper data, in which case the system shall initiate sampling during the alternate set of four months when directed in writing to do so by the Department, as follows:

(A) No later than 21 months after the previous period, if sampling annually, or

(B) No later than 45 months after the previous period, if sampling triennially.

Table 64675-A
Lead and Copper Tap Sampling Sites

System Size	Standard Tap Sampling (Minimimum Number of Sites)	Reduced Tap Sampling (Minimimum Number of Sites)
>100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
<101	5	5

(c) Sample sites shall be selected pursuant to section 64676 (Sample Site Selection).

§64675.5. Tap Sampling Frequency.

(a) A system shall conduct standard tap sampling for two consecutive periods; thereafter, tap sampling frequency may be reduced pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) as follows:

(1) If a system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper for two consecutive periods, it may reduce the sampling to once every three years at the reduced number of sites;

(2) For systems that do not meet the criteria in paragraph (1), after two consecutive periods with no action level exceedance, the frequency may be reduced to annually at the reduced number of sites, if the system receives written approval from the Department based on its review of the system's data. After sampling for three years (including the initial sampling year) with no action level exceedance, the frequency may be reduced to once every three years at the reduced number of sites, if the system receives written approval from the Department.

(b) If a system demonstrates for two consecutive periods that the difference between the 90th percentile tap sampling lead level and the highest source water monitoring result for each period is less than the reporting level for purposes of reporting (DLR), pursuant to subsections 64678(a), (b), and (c) or that the source water lead levels are below the method detection level of 0.001 mg/L and the 90th percentile lead level is equal to or less than the DLR for each period, the system shall conduct tap sampling once every three years.

§64676. Sample Site Selection.

(a) Each system shall identify a pool of sampling sites that:

(1) Is large enough to ensure that the water system can collect the number of lead and copper tap samples required in section 64675 (General Requirements for Tap Sampling for Lead and Copper);

(2) Meets the criteria in subsections (c) or (d), as applicable; and

(3) Does not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(b) Prior to identifying sampling sites, each system shall conduct an evaluation of its distribution system to determine the construction materials (lead, copper, and galvanized steel) exposed to the water. If necessary to

ensure the sample site criteria is met, the system shall collect additional information during the course of its normal operations (e.g., checking service line materials when reading water meters, or performance maintenance activities) and from the following:

(1) All plumbing codes, permits, and records in the files of the building department(s) that indicate the plumbing materials installed within publicly and privately owned structures connected to the distribution system;

(2) All inspections and records of the distribution system that indicate the material composition of the service connections connecting a structure to the distribution system; and

(3) All existing water quality information, which includes the results of prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(c) Each community water system shall:

(1) Identify a sampling pool of "tier 1" sampling sites consisting of single-family structures except that, when multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures as "tier 1" sites in its sampling pool. The "tier 1" sampling sites shall

(A) Contain copper pipes with lead solder installed after 1982; or

(B) Contain lead pipes; or

(C) Be served by a lead service line.

(2) If there is an insufficient number of "tier 1" sites, complete its sampling pool with "tier 2" sampling sites, consisting of buildings, including multiple-family residences that:

(A) Contain copper pipes with lead solder installed after 1982; or

(B) Contain lead pipes; or

(C) Are served by a lead service line.

(3) If there is an insufficient number of "tier 1" and "tier 2" sampling sites, complete its sampling pool with "tier 3" sampling sites, consisting of single-family structures that contain copper pipes with lead solder installed before 1983. A system with an insufficient number of tier 1, 2 and 3 sites shall complete its sampling pool with representative sites (i.e., plumbing materials commonly found at other sites) throughout the distribution system.

(d) Each nontransient-noncommunity water system shall:

(1) Identify a pool of "tier 1" sampling sites consisting of buildings that:

(A) Contain copper pipes with lead solder installed after 1982; or

(B) Contain lead pipes; or

(C) Are served by a lead service line.

(2) If there is an insufficient number of "tier 1" sites that meet the criteria in paragraph (1), complete its sampling pool with sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the system shall use representative sites (i.e., plumbing materials commonly found at other sites) throughout the distribution system.

(e) Each system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A system that cannot identify a sufficient number of sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(f) A system that does not have enough taps that can provide first-draw samples shall submit written documentation to the Department identifying standing times and locations for enough non-first-draw samples to make up its sampling pool by the start of its next monitoring period.

§64677. Sample Collection Methods for Taps.

(a) All tap samples for lead and copper collected pursuant to this chapter, with the exception of lead service line samples collected under section 64689 (Lead Service Line Sampling) and samples collected under subsection (d), shall be first-draw samples, pursuant to subsection (b).

(b) A first-draw sample shall be one liter in volume and have stood motionless in the plumbing system of each site for at least six hours, but not more than twelve. Samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. Samples from a non-residential building shall be collected at an interior tap from which water is typically drawn for consumption. Samples may be collected by the system or the system may allow residents to collect tap samples after instructing the residents of the sampling procedures specified in this section. To avoid problems of residents handling nitric acid, acidification of samples may be done up to 14 days after collection. After acidification to resolubilize the metals, the sample shall stand in the original container for the time specified by the method used pursuant to section 64670(c) before it can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) A system shall collect each tap sample from the same site from which it collected a sample during the previous period. If the system cannot gain entry to a site in order to collect a tap sample, it may collect the tap sample from another site in its sampling pool as long as the new site meets the same criteria, and is as close as possible to the original site.

(d) A system that does not have enough taps to supply first-draw samples may apply to the Department in writing to substitute non-first-draw samples. Such systems shall collect as many first-draw samples as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

§64677.5. Sample Invalidation.

(a) A lead or copper sample may be invalidated by the Department if at least one of the following conditions is met and documented in writing:

(1) The laboratory establishes that improper sample analysis caused erroneous results;

(2) The Department determines that the sample was taken from a site that did not meet the site selection criteria in section 64676 (Sample Site Selection);

(3) The sample container was damaged in transit;

(4) The Department determines the sample does not meet the requirements in section 64677(Sample Collection Methods for Taps); or

(5) There is substantial reason to believe that the sample was subject to tampering.

(b) To apply for invalidation of one or more samples, a system shall report the results of all samples for the period to the Department, including written documentation to support the system's belief that one or more samples should be invalidated.

(c) A sample invalidated pursuant to subsection (a) shall not count toward determining lead or copper 90th percentile levels or toward meeting any monitoring requirements in this chapter.

(d) The system shall collect replacement samples for any invalidated samples if, after the invalidation of one or more samples, the system has too few samples to meet the monitoring requirements of this chapter. Replacement samples taken after the end of the applicable period shall not be used to meet the monitoring requirements of a subsequent period. Replacement samples shall be collected as follows:

(1) As soon as possible, but no later than 20 days after the system receives notification from the Department that it has invalidated the sample, or by the end of the applicable period, whichever occurs later; and

(2) At the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

§64678. Determination of Exceedances of Lead and Copper Action Levels.

(a) The detection limits for purposes of reporting (DLRs) for lead and copper are as follows:

Table 64678-A. DLRs for Lead and Copper

Contaminant	DLR (mg/L)
Lead	0.005
Copper	0.050

(b) For purposes of determining the difference in concentration between the source water and the 90th percentile tap results, the following shall apply:

(1) Analytical results for lead greater than or equal to 0.001 mg/L and less than 0.005 mg/L shall be as measured or 0.0025 mg/L, whichever is greater.

(2) Analytical results for copper greater than or equal to 0.001 mg/L and less than 0.050 mg/L shall be as measured or 0.025 mg/L, whichever is greater.

(3) Analytical results below 0.001 mg/L for lead and copper shall be considered zero.

(c) Analytical results below the DLRs for lead and copper specified shall be reported as zero.

(d) The lead action level is exceeded if the concentration of lead in more than 10 percent of the tap water samples collected during any period is greater than 0.015 mg/L (i.e., if the "90th percentile" lead level is greater than 0.015 mg/L).

(e) The copper action level is exceeded if the concentration of copper in more than 10 percent of the tap water samples collected during any period is greater than 1.3 mg/L (i.e., if the "90th percentile" copper level is greater than 1.3 mg/L).

(f) The 90th percentile lead and copper levels shall be computed as follows:

(1) The results of all lead or copper samples collected during a period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

(2) The number of samples taken during the period shall be multiplied by 0.9.

(3) The contaminant concentration in the numbered sample identified by the calculation in paragraph (f)(2) is the 90th percentile contaminant level.

(4) For water systems serving less than or equal to 100 people that collect 5 samples per period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(g) The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and submitted to the department for making any determinations.

§64678.5. Monitoring Waivers for Small Systems.

(a) A small water system may apply to the Department for a waiver to reduce the tap sampling frequency for lead and copper to once every nine years, and shall continue tap sampling as required by this chapter until it receives written notification from the Department that the waiver has been approved.

(b) A system that meets the following materials and monitoring criteria for both lead and copper will be granted a full waiver, while a system that meets both sets of criteria for only one of the chemicals will be granted a partial waiver that covers only that chemical.

(1) To meet the materials criteria, a system shall provide certification and documentation that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, satisfy the following:

(A) For lead, the system shall be free of the following lead-containing materials:

1. Plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers; and

2. Lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless the utility can demonstrate to the Department that such fittings and fixtures will not leach lead into the drinking water.

(B) For copper, the system shall be free of copper pipes and copper service lines.

(2) To meet the monitoring criteria, the system shall have completed at least one period of standard tap sampling and demonstrate that the 90th percentile levels for all periods of tap sampling conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, do not exceed the following:

(A) For lead, 0.005 mg/L.

(B) For copper, 0.65 mg/L.

(c) If granted a waiver, the system shall

(1) Comply with any requirements that the Department includes as conditions of the waiver, such as limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver;

(2) Conduct tap sampling at the reduced number of sites for one period every nine years for the chemical(s) for which the waiver has been granted;

(3) Provide the materials certification specified in paragraph (b)(1) for the chemical(s) for which the waiver has been granted, along with the monitoring results; and

(4) If the waiver was granted for only one chemical, continue to monitor pursuant to this chapter for the other chemical.

(d) If the system continues to satisfy the requirements of subsections (b) and (c), the waiver will be renewed automatically, unless the Department notifies the system in writing that the waiver has been revoked and why. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria in subsection (b) and (c).

(e) If a system with a waiver adds a new source of water or changes any water treatment, the Department may require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional tap sampling periods), if it deems such modifications are necessary to address treatment or source water changes at the system.

(f) If a system with a waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, it shall notify the Department in writing no later than 60 days after becoming aware of such a change.

(g) If a system with a waiver that has been collecting samples during the months of June, July, August and September receives Department approval for an alternate set of months pursuant to section 64675(b)(2) (General Requirements for Tap Sampling for Lead and Copper), it shall conduct its next tap sampling before the waiver expires.

§64679. Supplemental Monitoring.

A water system with a lead action level exceedance shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample.

Article 4. Water Quality Parameter (WQP) Monitoring

§64680. General WQP Monitoring Requirements.

(a) WQP tap monitoring shall be:

(1) Representative of water quality throughout the distribution system, by considering the number of persons served, the different sources of water and treatment methods employed, and seasonal variability;

(2) Not restricted to sites targeted for lead and copper sampling; and

(3) Include two samples for each applicable WQP during each period, from the standard number of sites, based on the number of persons served, specified in table 64680-A.

Table 64680-A
WQP Tap Monitoring Sites

System Size (Number People Served)	Standard Tap Monitoring (Minimum Number of Sites)	Reduced Tap Monitoring
>100,000	25	10
10,001 to 100,000	10	7
3,301 to 10,000	3	3
501 to 3,300	2	2
101 to 500	1	1
<101	1	1

(b) Initial WQP monitoring at the entry point(s) to the distribution system shall be two samples for each applicable WQP at each entry point from locations representative of each source after treatment. After the installation of CCT, only one sample is required at each entry point. If a system draws water from more than one source and the sources are combined before distribution, the system shall sample at each entry point during normal operating conditions.

§64681. Initial WQP Monitoring.
For initial WQP monitoring, each system shall monitor for the following WQPs, pursuant to section 64680 (General WQP Monitoring Requirements):
(a) pH;
(b)Alkalinity;
(c) Orthophosphate, when an inhibitor containing a phosphate compound is used;
(d) Silica, when an inhibitor containing a silicate compound is used;
(e) Calcium;
(f) Conductivity; and
(g) Water temperature.

§64682. WQP Monitoring After CCT Installation.
(a) Each system that installs CCT shall monitor the following WQPs, pursuant to section 64680 (General WQP Monitoring Requirements), as applicable:
(1) At taps:
(A) pH;
(B) Alkalinity;
(C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
(D) Silica, when an inhibitor containing a silicate compound is used;
(E) Calcium, when calcium carbonate stabilization is used as part of corrosion control.
(2) At each entry point to the distribution system every two weeks as a minimum:
(A) pH;
(B) When alkalinity is adjusted as part of CCT, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
(C) When a corrosion inhibitor is used as part of CCT, a reading of the dosage rate of the inhibitor used, and the concentration of the active ingredient(s).
(b) A ground water system may use entry points that are representative of water quality and treatment conditions throughout the system for the monitoring required in paragraph (a)(2) as follows:
(1) If waters from untreated and treated groundwater sources mix, the system shall monitor entry points representative of each;
(2) Prior to monitoring, the system shall submit written documentation to the Department identifying the sites and demonstrating that they are representative.

(c) Subject to the Department's written approval, a system that has no action level exceedance and meets the Department-specified WQP values or ranges may reduce tap monitoring as follows:
(1) After two consecutive periods during which it has met the WQP values or ranges, the system shall monitor each period at the reduced number of sites, pursuant to table 64680-A;
(2) After three consecutive years (including the initial sampling year) during which it has met the WQP values or ranges, the system shall monitor annually at the reduced number of sites at evenly-spaced intervals throughout the year; and
(3) After three consecutive years of annual monitoring during which the system meets the WQP values or ranges, the system shall monitor once every three years at the reduced number of sites at evenly-spaced intervals throughout the monitoring year.

Article 5. Corrosion Control

§64683. Corrosion Control Study Procedure.
(a) Each system conducting a corrosion control study shall:

(1) Evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the CCT for that system:

(A) Alkalinity and pH adjustment;

(B) Calcium hardness adjustment; and

(C) The addition of a corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration throughout the distribution system.

(2) Evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documentation of such treatments from systems of similar size, water chemistry and distribution system configuration.

(3) Measure the following WQPs in any tests conducted under this subsection before and after evaluating the corrosion control treatments listed above:

(A) Lead;

(B) Copper;

(C) pH;

(D) Alkalinity;

(E) Calcium;

(F) Conductivity;

(G) Corrosion control inhibitor active ingredient (when an inhibitor is used);

(H) Water temperature.

(4) Identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:

(A) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or

(B) Data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(5) Evaluate the effect of the chemicals used for corrosion control treatment on other water treatment processes.

(6) Recommend to the Department in writing the treatment option that the corrosion control studies indicate constitutes CCT for that system on the basis of an analysis of the data generated during each evaluation. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in paragraphs (a)(1) through (5) of this section.

(b) Based on the study conducted pursuant to subsection (a), and a system's recommended treatment alternative, the Department will either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in paragraph (a)(1) of this section, notify the system of its decision on CCT in writing and explain the basis for its determination. If the Department requests additional information to aid its review, the water system shall provide the information.

§64684. CCT Installation and Operation.

(a) Each system shall install and operate throughout its distribution system the CCT designated by the Department in subsection 64683(b) (Corrosion Control Studies) or paragraph 64673(c)(3) (Small and Medium-size Water System Requirements) and monitor WQPs pursuant to section 64682 (WQP Monitoring After CCT Installation). When the system completes its installation of CCT, it shall submit a letter to the Department certifying that it has done so.

(b) After the system installs CCT, the Department will review the treatment and pre- and post-treatment tap sampling and WQP monitoring data and specify WQPs in writing within 42 months of its CCT designation as follows:

(1) A minimum value or a range of values for pH measured at each entry point to the distribution system;

(2) A minimum pH value of 7.0 or greater, measured in all tap samples, unless the Department determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;

(3) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Department determines is necessary to maintain a passivating film on the interior walls of the pipes of the distribution system;

(4) If alkalinity is adjusted as part of CCT, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;

(5) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples; and

(6) Values for additional WQPs determined by the Department to reflect CCT for the system.

(c) After the Department specifies WQP values and ranges, each system shall monitor pursuant to section 64680 (General WQP Monitoring Requirements) and maintain WQPs as specified by the Department.

(d) A system shall be out of compliance with the WQP values and ranges specified by the Department pursuant to subsection (b) for any period during which it has excursions for more than nine days.

(1) An excursion occurs when a "daily value" at one or more sample sites for one or more WQPs in a day is below the minimum value or outside the range of Department-specified WQPs.

(2) A "daily value" for a WQP at a site is determined as follows:

(A) If sampling is more than once a day by continuous monitoring, grab sampling or both, the daily value shall be the average of all the day's results at the sampling site.

(B) If sampling is once a day, the daily value shall be the day's result.

(C) If sampling is less than once a day, the daily value shall apply to the day that the water supplier receives the result from the laboratory or the 30th day after the sample is collected, whichever comes first.

(3) When an excursion occurs, within 48 hours of being notified of the results of the initial sample(s), the system shall investigate the cause and collect a followup sample at each affected site for each WQP that did not meet the Department-specified values. The criteria in paragraphs (d)(1) and (2) shall be applied to the followup sample results to determine if another excursion has occurred.

(e) A system conducting reduced WQP tap monitoring that fails to meet the Department-specified WQPs shall resume standard WQP tap monitoring pursuant to section 64680 (General WQP Monitoring Requirements).

(f) The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and submitted to the Department for making any determinations (i.e., determining concentrations of WQPs).

(g) Upon its own initiative or in response to a request by a system, the Department may modify in writing its designation of CCT or its specified WQP values and ranges if it determines that modification is necessary to ensure that the system continues to maintain CCT. Any request shall be in writing, explain the reason for the requested modification, and include supporting documentation.

Article 6. Source Water Requirements for Action Level Exceedances

64685. Source Water Monitoring and Treatment Designation.

(a) Within six months of an action level exceedance, a system shall:

(1) Collect one lead and copper source water sample from each entry point to the distribution system that is representative of the source or combined sources and is collected after any treatment, if treatment is applied before distribution;

(2) In writing, either recommend to the Department the installation and operation of a source water treatment (ion exchange, reverse osmosis, lime softening, or coagulation/filtration) or demonstrate that source water treatment is not needed to minimize lead and copper levels at users' taps; and

(3) Submit any additional information requested by the Department to aid in its determination of whether source water treatment is necessary to minimize lead and copper levels in water delivered to users' taps.

(b) The Department will make a determination regarding source water treatment within six months after submission of monitoring results under subsection (a).

§64686. Requirements Subsequent to the Department's Designation.

(a) If the Department determines that source water treatment is required pursuant to subsection 64685(b), the system shall comply with the following within the specified timeframes that begin with the Department's determination regarding source water treatment:

(1) Install the treatment within 24 months and submit a letter to the Department certifying that installation has been completed;

(2) Collect an additional source water sample from each entry point to the distribution system during two consecutive periods within 36 months;

(3) Complete two consecutive periods of standard monitoring for lead and copper pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) within 36 months.

(b) Within 6 months after the system installs source water treatment, based on its review of the data collected pursuant to subsection (a) and the contaminant removal capability of the installed treatment when properly operated, the Department will specify maximum permissible lead and copper levels for water entering the distribution system. The water system shall comply with these maximum permissible levels.

(c) After the Department specifies maximum permissible levels or determines that source water treatment is not needed, the system shall conduct standard monitoring related to source water pursuant to table 64686-A, according to source water type. If approved by the Department based on a review of source water data, the system may reduce monitoring pursuant to table 64686-A.

Table 64686-A. Standard and Reduced Monitoring Related to Source Water

Type of monitoring	*Ground water*	*Surface water with or without groundwater*
Standard monitoring	1 sample at each entry point every 3 years, as a minimum	1 sample at each entry point every year, as a minimum
Reduced monitoring, after 3 consecutive rounds of standard monitoring in compliance with maximum permissible levels.	1 sample at each entry point every 9 years	1 sample at each entry point every 9 years

(d) If a system does not have an action level exceedance for lead and/or copper during three consecutive years for groundwater or one year for surface water with or without groundwater, the system is not required to conduct sampling related to source water for the specific chemical.

(e) If the results of sampling indicate an exceedance of the maximum permissible levels specified pursuant to subsection (b), one additional sample may be collected at the same sampling point as soon as possible within 14 days of the initial sample to confirm the result. If a confirmation sample is collected, then the average of the initial and confirmation sample results shall be used to determine compliance with the maximum permissible levels.

(f) A water system that begins using a new water source shall reinitiate standard monitoring pursuant to subsection (c) and conduct three rounds of monitoring with the new source online before reducing the monitoring frequency.

(g) Upon its own initiative or in response to a request by a system, the Department may modify its determination of the source water treatment, or maximum permissible lead and copper concentrations for treated source water. Any request shall be in writing, explain the reason for the requested modification, and include supporting documentation.

Article 7. Public Education Program for Lead Action Level Exceedances

§64687. Lead Public Education Program Content and Delivery.

(a) Each system with a lead action level exceedance shall conduct a lead public education program that includes delivery of the following public education materials pursuant to subsection (d). Within 10 days after the period during which the program was required, the system shall submit a letter to the Department demonstrating that it has delivered the public education materials as required and include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the system delivered the materials during the previous year.

(1) Except as provided in subsection (b), a community water system shall include the following text in all of the printed materials it distributes through its lead public education program:

(A) INTRODUCTION. The California Department of Health Services (DHS), the U.S. Environmental Protection Agency, and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the state and federal action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under state and federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of 15 ppb or more after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

(B) HEALTH EFFECTS OF LEAD. Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(C) LEAD IN DRINKING WATER

1. Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The U.S. Environmental Protection Agency estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

2. Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%. In California, a similar law prohibiting the use of both lead solder and lead pipe was enacted in 1985.

3. When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

(D) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

1. Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in

your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

2. If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

A. Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15 to 30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

B. Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.

C. Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

D. If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the California Department of Health Services and your local environmental health department about the violation.

E. Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line we own. If the line is only partially owned by the [insert name of the city, county, or water system that owns the line], we are required to provide the owner of the privately-owned portion of the service line with information on how to replace the privately-owned portion of the service line, and offer to replace that portion of the line at the owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, stainless steel, and plastic pipes. Partial replacement should avoid the creation of mixed piping systems and include the installation of approved dielectric couplings at all dissimilar metal interfaces.

F. Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

3. The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:

A. Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Since these treatments remove dissolved minerals, water treated by these devices will have a greater tendency to leach lead from brass faucets or fittings which the water contacts after treatment. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit. The California Department of Health Services certifies the effectiveness of home treatment devices. Only devices certified by the California Department of Health Services to remove lead should be used for this purpose.

B. Purchase bottled water for drinking and cooking.

4. You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

A. [insert the name of city or county department of public utilities] at [insert phone number] can provide you with information about your community's water supply, and a list of local laboratories that have been certified by the California Department of Health Services for testing water quality;

B. [insert the name of city or county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

C. California Department of Health Services, Childhood Lead Poisoning Prevention Branch at [insert the phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.

5. The following is a list of some state approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

(2) Except as provided in subsection (b), a nontransient-noncommunity water system shall include either the text in paragraph (a)(1) or the following text, in all of the printed materials it distributes through its lead public education program.

(A) INTRODUCTION. The California Department of Health Services, the United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(B) HEALTH EFFECTS OF LEAD. Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination - like dirt and dust - that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

1. Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

2. Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

3. When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(D) STEPS YOU CAN TAKE. Steps you can take to reduce exposure to lead in drinking water include:

1. Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one gallon of water.

2. Do not cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.

3. The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

4. You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

A. [insert the name or title of facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and

B. [insert the name or title of the State Department of Health Services] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead.

(b) Any additional information presented shall be consistent with the information in subsection (a) and be in plain language that can be understood by laypersons. A system may delete information pertaining to lead service lines, on approval by the Department, if the water system does not have any such lines. Building permit record availability and consumer access to these records may be modified, if approved by the Department.

(c) The system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

(1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for [insert free or cost per sample]. You can contact the [insert the name of the city or water system] for information on testing and on simple ways to reduce your exposure to lead in drinking water.

(2) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or water system].

(d) The system shall conduct the lead public education program as follows:

(1) In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).

(2) Within 60 days after it has a lead action level exceedance, unless it is already conducting a lead public education program, a community water system shall:

(A) Insert notices in each customer's water utility bill containing the information in paragraph (a)(1), along with the following alert on the water bill itself in large print: SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION. A community water system with a billing cycle that does not include a billing within 60 days of the exceedance, or that cannot insert information in the bill without making major changes to its billing system, may use a separate mailing as long as it is conducted within 60 days of the exceedance.

(B) Submit the information in paragraph (a)(1) to the editorial departments of the major daily and weekly newspapers circulated throughout the community.

(C) Deliver pamphlets and/or brochures that contain the public education materials in subparagraphs (a)(1)(B) and (D) to facilities and organizations, including the following:

1. Public schools and/or local school boards;
2. City or county health department;
3. Women, Infants, and Children and/or Head Start Program(s) whenever available;
4. Public and private hospitals and/or clinics;
5. Pediatricians;
6. Family planning clinics; and
7. Local welfare agencies.

(D) Submit the public service announcement in subsection (c) to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the system.

(3) A community system shall repeat the tasks in subparagraphs (d)(2)(A),(B) and (C) every 12 months, and the tasks in subparagraph (d)(2)(D) every 6 months for as long as the system has a lead action level exceedance.

(4) Within 60 days after it has a lead action level exceedance, unless it is already conducting a lead public education program, a nontransient-noncommunity system shall deliver the public education materials in paragraphs (a)(1) or (a)(2) as follows:

(A) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

(B) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the system. The Department may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(5) A nontransient-noncommunity system shall repeat the tasks in paragraph (4) at least once during each calendar year in which the system has a lead action level exceedance.

(6) A system may discontinue the lead public education program if it does not have a lead action level exceedance during the most recent period. The system shall recommence the program pursuant to this section if it subsequently has a lead action level exceedance.

(7) A community water system may apply to the Department, in writing, to use the text in paragraph (a)(2) in lieu of the text in paragraph (a)(1) and to perform the tasks listed in paragraphs (d)(4) and (c)(5) of this section in lieu of the tasks in paragraphs (d)(2) and (d)(3) of this section if:

(A) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(B) The system provides water as part of the cost of services provided and does not separately charge for water consumption.

(8) A community water system serving 3,300 or fewer people may omit the task contained in subparagraph (d)(2)(D). As long as it distributes notices containing the information contained in paragraph (a)(1) of this section to every household served by the system, such systems may further limit their public education programs as follows:

(A) Systems serving 500 or fewer people may forego the task contained in subparagraph (d)(2)(B). Such a system may limit the distribution of the public education materials required under subparagraph (d)(2)(C) to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless notified by the Department in writing that it shall make a broader distribution.

(B) If approved by the Department in writing, a system serving 501 to 3,300 people may omit the task in subparagraph (d)(2)(B) and/or limit the distribution of the public education materials required under subparagraph (d)(2)(C) to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(9) A community water system serving 3,300 or fewer people that delivers the lead public education in accordance with paragraph (d)(8)(A) of this section shall repeat these requirements at least once during each calendar year in which the system exceeds the lead action level.

Article 8. Lead Service Line Requirements for Action Level Exceedances

§64688. Lead Service Line Replacement.

(a) A system shall replace lead service lines if:

(1) It has a lead action level exceedance in tap samples after installing corrosion control and/or source water treatment (whichever sampling occurs later) and/or

(2) It is in violation for failure to install source water treatment or CCT.

(b) Within 6 months after it has a lead action level exceedance, the system shall demonstrate in writing that it has conducted a materials evaluation including that in section 64676 (Sample Site Selection) to identify the initial number of lead service lines in its distribution system, and shall submit both the demonstration and a schedule for complying with subsection (c) to the Department.

(c) Except as provided in subsection (e), a system that is required to conduct lead service line replacement shall annually replace at least 7 percent of the initial number of lead service lines in its distribution system, pursuant to the following.

(1) At the time the lead service line replacement begins, the system shall identify the initial number of lead service lines in its distribution system based on the evaluation in section 64676 (Sample Site Selection).

(2) The first year of lead service line replacement shall begin on the date the system first had a lead action level exceedance subsequent to its installation of CCT and, if required pursuant to section 64686, source water treatment.

(3) The system is not required to replace an individual lead service line if the lead concentration in each and every service line sample from that line, taken pursuant to the section 64687 (Lead Service Line Sampling), is less than or equal to 0.015 mg/L.

(4) The system shall replace that portion of the lead service line that it owns and keep ownership documentation in its files and offer to replace the building owner's portion of the line with the cost being borne by the building owner. If the building owner does not accept the offer, the system shall:

(A) At least 45 days prior to commencing the partial replacement, notify the resident(s) of all buildings served by the line that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures they may take to minimize their exposure. If the replacement is in conjunction with emergency repairs, the Department will allow a shorter notice, depending on the nature of the emergency and the timing involved. The notice shall be mailed unless an alternate method is approved by the Department, based on the feasibility of insuring that all consumers receive the notice; and

(B) Inform the resident(s) that the system will collect a first flush tap water sample within 72 hours after the partial replacement of the service line has been completed if the resident(s) so desire. If the resident(s) accept the offer, the system shall collect the sample and report the results to the resident(s) and the owner within three business days of receiving the results and to the Department.

(d) Within 12 months after the lead action level exceedance, and every 12 months thereafter, the system shall submit in writing to the Department the number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule, along with the following information to the Department:

(1) The number and location of each lead service line replaced during the previous year of the system's replacement schedule to demonstrate that it has replaced at least 7 percent of the initial lead service lines within the previous 12 months, or a greater number of lines if required by the Department; or

(2) Lead service line sampling results that demonstrate that the lead level from an individual line(s) is less than or equal to 0.015 mg/L, pursuant to section 64689 (Lead Service Line Sampling). The system shall submit the results of the lead service line sampling including the lead levels, location of each lead service line sampled, the sampling method, and the date of sampling. It shall also include the number and location of each lead service line replaced during the previous year. In such cases, the total number of lines replaced and/or that meet the criteria shall equal at least 7 percent of the initial number of lead lines identified or the percentage required by the Department.

(e) A system shall replace lead service lines at a faster rate than that required by subsection (b), taking into account the number of lead service lines in the system, if the Department determines either that this is necessary based on elevated blood lead levels in the population served, or that it is feasible to complete the lead service line replacement program in a shorter time without increasing the water rates to the customers.

(f) A system may cease replacing lead service lines when it has two consecutive periods without a lead action level exceedance. If the system has a lead action level exceedance during any subsequent period, it shall recommence replacing lead service lines.

§64689. Lead Service Line Sampling.

(a) Each lead service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours, but not more than twelve.

(b) Lead service line samples shall be collected in one of the following three ways:

(1) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water to be flushed shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(2) Tapping directly into the lead service line; or

(3) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a change in temperature that would be indicative of water that has been standing in the lead service line.

Article 9. Reporting and Recordkeeping

§64690.10. Data Reporting.

Each system shall report the following within the first 10 days after the end of each period during which such sampling or monitoring was conducted:

(a) For lead and copper tap sampling:

(1) The results of all tap samples including the location of each site and the associated tier criteria from section 64676 (Sample Site Selection);

(2) The 90th percentile lead and copper concentrations calculated pursuant to section 64678 (Determination of Exceedances of Lead and Copper Action Levels); and

(3) With the exception of the first period of tap sampling, an identification of any site that was not sampled during previous periods, along with an explanation of why the sampling site was changed;

(b) For WQP monitoring, the results of all samples collected and analyzed pursuant to article 4 (WQP Monitoring) of this chapter;

(c) For source water monitoring:

(1) The results for all samples related to source water collected and analyzed under article 6 (Source Water Requirements for Action Level Exceedances) of this chapter; and

(2) With the exception of the first round of sampling related to source water, an identification of any site that was not sampled during previous periods along with an explanation of why the sampling point was changed; and

(d) The results for any samples collected and analyzed for lead and copper or WQPs in addition to those required by this chapter.

§64690.80. Recordkeeping.

Any system subject to the requirements of this chapter shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Department determinations, and any other information required by this chapter. Each water system shall retain the records required by this section for no fewer than 12 years or two compliance cycles (as defined in Section 64400.20), whichever is longer.

APPENDIX 2. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Por favor hable con alguien que lo pueda tradúcir.

Copper Monitoring Requirements
Not Met for E.M. Tharp, Inc. During July 1 to December 31, 2017

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 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 July 1 to December 31, 2017 we did not meet all requirements for 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 July 1 to December 31, 2017, 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 were taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were taken
Copper	Every 6 months	0	July 1 to December 31, 2017	January 8, 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? _____

_____

[Describe corrective action]_____

_____

We anticipate resolving the problem within [estimated time frame]

_____

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 E.M. Tharp, Inc. in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: 5403007. Date distributed:

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number: 03-24-18C-028

Name of Water System: E.M. Tharp, Inc.

System Number: 5403007

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 July 1 to December 31, 2017 and the required actions listed below were completed.

Required Action	Date Completed
*(Citation Directive 2) Public Notification Method(s) Used:*_____	

_____ _____

Signature of Water System Representative Date

Attach a copy of the public notice distributed to the water system's customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN March 31, 2018.

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 4: NOTIFICATION OF RECEIPT

Citation Number: 03-24-18C-028

Name of Water System: E.M. Tharp, Inc.

System Number: 5403007

Certification

I certify that I am an authorized representative of the E.M. Tharp, Inc. and that Citation No. **03-24-18C-028** was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the E.M. Tharp, Inc. and it is clearly understood that Citation No. **03-24-18C-028** 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 March 15, 2018.

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.