



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

February 22, 2013
PWS No. 1000603

Gregory Bardorf
Twin Valley's Restaurant
39316 Dunlap Road
Dunlap, CA 93621

**RE: CITATION NO. 03-23-13C-011 – FAILURE TO OBTAIN A DOMESTIC WATER SUPPLY PERMIT
AND MONITORING AND REPORTING VIOLATION FOR THE 3RD & 4TH QTRS 2012**

Dear Mr. Bardorf:

Enclosed is a Citation issued to the Twin Valley's Restaurant (System) water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation.

You will receive a bill sent from our Fee Billing Unit in Sacramento by August 1, 2013. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact me at 559-447-3300 or Mariadela Hurtado at 559-447-3134.

Sincerely,

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/EL

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **TWIN VALLEY'S RESTAURANT**
Water System No. 1000603

TO: Mr. Gregory Bardorf
Twin Valley's Restaurant
39316 Dunlap Road
Dunlap, CA 93621

**CITATION FOR NONCOMPLIANCE of
TOTAL COLIFORM MONITORING AND REPORTING**

Third and Fourth Quarters 2012

Issued on February 22, 2013

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

VIOLATIONS

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Twin Valley's Restaurant (hereinafter 'Water System'), for failure to comply with Section 116555(a) of the CHSC and DIVISION 4, Chapter 15, Article 3 of Title 22, California Code of Regulation (CCR). Specifically, the Water System (mailing address: 39396 Dunlap Road, Dunlap, CA 93621) failed to comply with the primary standard for bacteriological water quality for the third and fourth quarters of 2012.

1 The Water System is operating without a domestic water supply permit. Twin Valley's
2 Restaurant is a transient non-community water system serving a transient population of
3 approximately thirty five (35) persons. The Department has taken on the task of tracking
4 compliance as of September 20, 2011, when Fresno County notified the Department that the
5 facility met the definition of a transient non-community public water system. Department
6 records show that the water system is owned by Gregory Bardorf.

7
8 **Section 116555(a)(1) and (3) of the CHSC,**

9 Section 11655(a)(1) and (3) of the CHSC specifies "Any person who owns a public water
10 system shall ensure that the system does all of the following:

- 11 (1) Complies with the primary and secondary drinking water standards.
12 (2) Provides a reliable and adequate supply of pure, wholesome, healthful, and
13 potable water."

14 Compliance with primary and secondary drinking water standards is determined from water
15 quality monitoring conducted in accordance with regulatory requirements.

16
17 **Section 116525(a) of the CHSC,**

18 Section 116525(a) of the CHSC specifies that "No person shall operate a public water
19 system unless he or she first submits an application to the department and receives a permit
20 as provided in this chapter."

21
22 **A. DOMESTIC WATER SUPPLY PERMIT REQUIREMENTS**

23 On receiving notification from the County that the Twin Valley's Restaurant met the
24 definition of a public water system, the Department sent a letter, dated September 27, 2011
25 (Attachment E), to the Water System outlining the necessary requirements for processing an
26 application for a domestic water supply permit for a transient noncommunity water system.
27 The letter established a deadline for submittal of the permit application documents of

1 October 28, 2011. Our office has not received any permit application documents or an
2 acknowledgement of the willingness of the Water System owner to comply with the
3 requirements.

4
5 **B. BACTERIOLOGICAL MONITORING AND REPORTING**

6 Section 64423.(a)(3) specifies that the minimum number of routine bacteriological samples
7 for transient non-community water systems that use groundwater and serve 1,000 or fewer
8 persons a month, shall be one bacteriological sample in each calendar quarter during those
9 periods that the system is in operation or provides water to the public.

10
11 Based on a reported population of approximately thirty five (35) persons, the Water System
12 is required to collect and report a minimum of one (1) bacteriological water quality sample
13 each quarter. The Department has not received any results for bacteriological monitoring
14 conducted by the Water System.

15
16 Section 64423.1(c) specifies that the analytical results of all required samples collected for a
17 system in a calendar month shall be reported to the Department not later than the tenth day
18 of the following month. Furthermore, Section 64423.1(c)(2) requires systems serving fewer
19 than 10,000 service connections or 33,000 persons to instruct the laboratory to submit
20 copies of all required bacteriological monitoring results directly to the Department.

21
22 The Department issued Enforcement Letter No. 03-23-12E-116 on November 13, 2012, to
23 the Water System for failure to submit any bacteriological monitoring results for the third
24 quarter of 2012.

25
26 As of the date of this citation, the Department has not received copies of any bacteriological
27 monitoring results from either the Water System or the laboratory for the third or fourth

1 quarter of 2012. As such, the Department is unable to confirm that the water provided to
2 consumers was bacteriologically safe during the third or fourth quarter of 2012.
3
4

5 **C. NOTIFICATION REQUIREMENTS**

6 Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever
7 a monitoring requirement specified in the Department's regulations is not performed, the
8 person operating the public water system shall notify the Department and shall give notice
9 to the users of that fact in the manner prescribed by the Department.
10

11 Public notification for violation of any requirement of Section 64423 shall be in accordance
12 with Sections 64463 which outlines the prescribed methods and information to be included
13 in the public notice to the customers.
14

15 Public notification for failure to conduct the required bacteriological monitoring for the
16 third and fourth quarters of 2012 is required. The Water System shall utilize the Tier 3
17 Public Notice to inform their customers of the failure to conduct the required
18 bacteriological monitoring. This notice is provided here as Attachment B and shall be
19 given pursuant to Section 64463.4. The Tier 3 Public Notice shall include the mandatory
20 standard monitoring language for monitoring and reporting violations.
21

22 Section 64463.4 allows non-community water systems to give public notice by posting the
23 notice in conspicuous locations throughout the area served by the water system and by the
24 use of one or more of the following methods in order to reach persons not likely to be
25 reached by a public posting: publication in a local newspaper or newsletter distributed to
26 customers, e-mailing the public notice to water system customers, post the public notice on
27 the internet, or by delivery to each customer.

1
2 Section 116450(g) requires that upon receipt of notification from a public water system,
3 schools must notify school employees, students, and parents (if the students are minors),
4 residential rental property owners or managers (including nursing homes and care facilities)
5 must notify their tenants and business property owners, managers or operators must notify
6 employees of businesses located on the property. These secondary notification requirements
7 are included in the public notice.

8
9 Proof of notification is required. The Water System shall complete Attachment C and
10 return it to the Department by **March 31, 2013**.

11
12 **DIRECTIVES**

13 The Twin Valley's Restaurant water system is hereby directed to take the following actions:

- 14
15 1. The Water System shall collect a **routine bacteriological sample by March 15,**
16 **2013**, and the results shall be reported to the Department at the above address no
17 later than April 10, 2013. If the analytical results are negative or absent for total
18 coliform bacteria, the system may then resume its normal bacteriological frequency.
19
20 2. By **March 15, 2013**, the Water System shall provide public notification of the
21 failure to maintain the required bacteriological monitoring and reporting program by
22 mail or direct delivery to each customer and by an additional secondary method in
23 order to reach persons not likely to be reached by mail or direct delivery.

24
25 By **March 31, 2013**, the Water System shall provide proof of notification by
26 completing Attachment C and returning it to:
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Betsy S. Lichti, Senior Sanitary Engineer
Department of Public Health
Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

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3. Pursuant to Section 64423 and as discussed in this Citation, the Water System shall initiate and maintain the required bacteriological monitoring program by collecting one (1) sample each quarter and reporting the results to the Department at the above address no later than the tenth day of the following month.
4. The Water System is required to follow the guidelines for bacteriological monitoring requirements (Attachment D) which outlines the monitoring to be conducted for routine and repeat bacteriological sampling.
5. By March 31, 2013, the Water System shall submit a permit application with a permit application fee of \$310 to become permitted as a public water system. The permit application packet may be obtained by contacting the Department's Fresno District office.

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CIVIL PENALTIES

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of violation of any provision of this Citation.

2/22/13

Date

Betsy S. Lichti

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
DRINKING WATER FIELD OPERATIONS BRANCH



BSL/el

Attachments:

- Attachment A: Bacteriological Distribution Monitoring Report for 2012
- Attachment B: Public Notice
- Attachment C: Proof of Notification
- Attachment D: Bacteriological Monitoring Requirements for Small Water Systems
- Attachment E: Permit Application Package – September 27, 2011 w/o attachments