



RON CHAPMAN, MD, MPH
Director & State Health Officer

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



EDMUND G. BROWN JR.
Governor

June 6, 2013
System No. 1000603

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

Dear Mr. Bardorf:

RE: Citation No. 03-23-13C-028 With Administrative Penalty

Enclosed is a Citation issued to Gregory Bardorf, owner of the Twin Valley's Restaurant water system (Water System). The Citation includes penalties that will continue to be assessed quarterly for failure to comply with the Citation. As of the date of this letter, the penalty is \$450.00. Please note that the Department will consider suspending the Water System's obligation to pay the penalties if the Water System complies with the specific directives in the Citation by the specified due dates, and continues to maintain compliance through December 31, 2013.

If you have any questions regarding this letter, please contact Ellen Lennon of my staff or me at (559) 447-3300.

Sincerely,

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

BSL/el

Enclosures

Cc (w/ Enclosure): Mr. Wayne Fox
Fresno County Environmental Health
P.O. Box 11867
Fresno, CA 93775



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**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

CC: Mr. Wayne Fox
Fresno County Environmental Health
P.O. Box 11867
Fresno, CA 93775

**CITATION FOR VIOLATION OF THE
CALIFORNIA HEALTH AND SAFETY CODE
AND THE CALIFORNIA CODE OF REGULATIONS
TOTAL COLIFORM MONITORING AND REPORTING REQUIREMENTS**

Issued on June 6, 2013

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

The California Department of Public Health, Division of Drinking Water and Environmental Management (hereinafter 'Department') hereby issues a Citation to Gregory Bardorf for failure of the Water System known by the name of the Twin Valley's Restaurant (hereinafter 'Water System'), located at 39316 Dunlap Road, Dunlap, CA 93621, to comply with California Health and Safety Code Section 116555(a) and 116450 and the California Code of Regulations Title 22 Sections

1 64423 (a)(3), 64463.4 (a)(2) and 64469 (a) and (d), and Directives No. 1, 2, 3 and 4
2 of Citation No. 03-23-12C-015.

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116525(a) of the Health and Safety Code provides:**

6 116525. Permits.

7 (a) No person shall operate a public water system unless he or she first submits an
8 application to the department and receives a permit as provided in this chapter. A
9 change in ownership of a public water system shall require the submission of a
new application.

10 **Section 116555(a) of the Health and Safety Code provides:**

11 116555. Operational Requirements.

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

- 14 (1) Complies with primary and secondary drinking water standards.
15 (2) Will not be subject to backflow under normal operating conditions.
16 (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and
potable water.
17 (4) Employs or utilizes only water treatment operators or water treatment
operators-in-training that have been certified by the department at the
18 appropriate grade.
19 (5) Complies with the operator certification program established pursuant to
Chapter 4 (commencing with Section 106875).

20 **Section 116650 of the Health and Safety Code provides:**

21 116650. Citations.

22 (a) If the department determines that a public water system is in violation of this
23 chapter or any regulation, permit, standard, citation, or order issued or adopted
24 thereunder, the department may issue a citation to the public water system. The
citation shall be served upon the public water system personally or by certified mail.
25 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
26 accept delivery of the certified mail, the date of service shall be deemed to be the
date of mailing.

27

1 (b) Each citation shall be in writing and shall describe the nature of the violation or
2 violations, including a reference to the statutory provision, standard, order, citation,
3 permit, or regulation alleged to have been violated.

4 (c) A citation may specify a date for elimination or correction of the condition
5 constituting the violation.

6 (d) A citation may include the assessment of a penalty as specified in
7 subdivision (e).

8 (e) The department may assess a penalty in an amount not to exceed one
9 thousand dollars (\$1,000) per day for each day that a violation occurred, and for
10 each day that a violation continues to occur. A separate penalty may be assessed
11 for each violation.

12 **Section 116450(a) of the Health and Safety Code provides:**

13 (a) When any primary drinking water standard specified in the department's
14 regulations is not complied with, when a monitoring requirement specified in the
15 department's regulations is not performed, or when a water purveyor fails to comply
16 with the conditions of any variance or exemption, the person operating the public
17 water system shall notify the department and shall give notice to the users of that
18 fact in the manner prescribed by the department. When a variance or an exemption
19 is granted, the person operating the public water system shall give notice to the
20 users of that fact.

21 **Section 64423(a)(3), Title 22, California Code of Regulations (Routine
22 Sampling for a transient-noncommunity system) provides:**

23 (a) Each water supplier shall collect routine bacteriological water samples as
24 follows:

25 (3) The minimum number of samples for transient-noncommunity water
26 systems using groundwater and serving 1000 or fewer persons a month shall
27 be one in each calendar quarter during which the system provides water to the
public.

Section 64463.4(a)(2), Title 22, California Code of Regulations provides:

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

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

**Section 64469(a) and (d), Title 22, California Code of Regulations (Reporting
Requirements) provides:**

(a) Analytical results of all sample analyses completed in a calendar month shall be
reported to the Department no later than the tenth day of the following month.

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

5 **STATEMENT OF FACTS**

6 Twin Valley's Restaurant is a transient non-community water system serving a daily
7 transient population of approximately thirty five (35) persons. The Department has
8 taken on the task of tracking compliance with the Safe Drinking Water Act statutes
9 and applicable regulations as of September 20, 2011, when the Fresno County
10 Department of Public Health, Environmental Health Division (County), notified the
11 Department that the facility met the definition of a transient non-community public
12 water system. Department records show that the water system is owned by
13 Gregory Bardorf. The Water System is operating without a domestic water supply
14 permit. On being advised by the County that the facility met the definition of a
15 public water system, the Department notified the Water System of the requirement
16 to submit an application for a domestic water supply permit and outlined water
17 quality monitoring requirements by letter dated September 27, 2011. A copy of this
18 letter is provided as Attachment F.

19 **Failure to Submit an Application for a Domestic Water Supply Permit**

20
21 The Water System was required by the letter dated September 27, 2011 to submit
22 an application for a domestic water supply permit, with fee of \$310.00. A deadline
23 of October 28, 2011 was established for submittal of the application and fee, along
24 with other required documents including, but not limited to, the following:

25 Technical, Managerial and Financial Capacity Assessment Form

26 Source Site Plan

27 Well Completion Report

1 Drinking Water Source Assessment Form

2 Bacteriological Sample Siting Plan

3 Emergency Notification Plan

4 The Department issued Citation No. 03-23-13C-011 on February 22, 2013 for
5 failure to submit the permit application and obtain a valid domestic water supply
6 permit. The permit application has not been received as of the date of issuance of
7 this citation. In the absence of a permit, the water system is being operated in
8 violation of CHSC Section 116525.

9 **Failure to Conduct Bacteriological Monitoring**

10
11 Title 22, CCR, Section 64423(a)(3) specifies that the minimum number of routine
12 bacteriological samples for transient non-community water systems that use
13 groundwater and serve 1,000 or fewer persons a month, shall be one
14 bacteriological sample in each calendar quarter during those periods that the
15 system is in operation or provides water to the public.

16 Based on a reported population of approximately sixty persons, the Water System
17 is required to collect and report a minimum of one (1) routine bacteriological water
18 quality sample each quarter.

19
20 As of the date of this Citation, the Department has not received any bacteriological
21 monitoring results. The Water System has failed to collect and report
22 bacteriological water quality samples.

23 The Department issued Enforcement Letter No. 03-23-12E-116 on November 13,
24 2012, to the Water System for failure to submit any bacteriological monitoring
25 results for the third quarter of 2012. Additionally, the Department issued Citation
26 No. 03-23-13C-011 on February 22, 2013 for failure to submit any bacteriological
27 monitoring results for the third and fourth quarters of 2012. For each enforcement

1 action, the water system was required to notify the water users of the failure to
2 conduct the required monitoring. The Department has not received the Proof of
3 Notification demonstrating that the public notification was conducted for either
4 violation.

5 **Failure to Comply with the Directives of Citation No. 03-23-13C-011**
6

7 The Water system was issued Citation No. 03-23-13C-011 on February 22, 2013,
8 for failure to conduct bacteriological monitoring and failure to submit a permit
9 application. The Water System has failed to comply with the following Directives of
10 that Citation:

- 11 1. The Water System shall collect a **routine bacteriological sample by March**
12 **15, 2013**, and the results shall be reported to the Department at the above
13 address no later than April 10, 2013. If the analytical results are negative or
14 absent for total coliform bacteria, the system may then resume its normal
15 bacteriological frequency.
16
- 17 2. By **March 15, 2013**, the Water System shall provide public notification of the
18 failure to maintain the required bacteriological monitoring and reporting
19 program by mail or direct delivery to each customer and by an additional
20 secondary method in order to reach persons not likely to be reached by mail
21 or direct delivery.

22 By **March 31, 2013**, the Water System shall provide proof of notification by
23 completing Attachment C and returning it to:
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25 Betsy S. Lichti, Senior Sanitary Engineer
26 Department of Public Health
27 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.

The Department has received no response from the Water System addressing compliance with Citation No. 03-23-13C-011, nor has the Department received the results of any bacteriological sample(s) taken in accordance with the requirements of the Citation.

DETERMINATIONS

The Department has determined that the Twin Valley Restaurant water system is in violation of Section 116525(a) of the CHSC in that a permit application has not been submitted to the Department for approval to operate a public water system.

The Department has determined that the Twin Valley's Restaurant water system is in violation of Sections 116555(a) and 116450(a) of the CHSC in that the Water System has never collected or reported bacteriological monitoring results; has not

1 provided proof that the Water System users were notified of the violations; nor has
2 it responded to or complied with Citation No. 03-23-13C-011.

3 The Department has determined that the Twin Valley's Restaurant water system is
4 in violation of Title 22, California Code of Regulations (CCR), Sections 64423(a)(3),
5 64463.4(a)(2) and 64469(a) and (d). Specifically, the Water System failed to
6 monitor and report bacteriological water quality for the third and fourth quarters of
7 2012 as well as the first quarter of 2013. Additionally, the Water System did not
8 provide public notification of the aforementioned violation.

9
10 The Department has determined that the Water System is in violation of Directives
11 No. 1, 2, 3, 4 and 5 of Citation No. 03-23-13C-011 in that the Water System failed
12 to comply with any of those Directives.

13 **ADMINISTRATIVE PENALTIES**

14 **PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650**

15 Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil
16 penalty for failure to comply with requirements of the California Safe Drinking Water
17 Act. Despite all efforts by the Department to work with the Water System, the Twin
18 Valley's Restaurant Water System has failed to comply with the requirements for
19 domestic water supply permitting and for distribution system bacteriological
20 monitoring and reporting. Therefore, the Department hereby assesses an
21 administrative upon the Twin Valley's Restaurant water system, as follows:

22
23 **A penalty of \$150 per quarter for each quarter that the Water System has**
24 **violated or continues to violate the CHSC and California Code of Regulations**
25 **is hereby assessed.** As of the date of issuance of this Citation, the Water System
26 has violated the directives of Citation No. 03-23-13C-011 for three quarters and
27 thus the amount of penalty imposed as of the date of this Citation is \$450.

1 The penalty will continue to accrue at a rate of \$150 per quarter for each additional
2 quarter in which the water system fails to comply with all directives of this Citation.
3

4 Directive No. 6 describes the requirements for the payment of the Penalty and
5 conditions for the waiver of the Penalty if compliance is achieved.
6

7 **DIRECTIVES**

8 The Twin Valley's Restaurant water system is hereby directed to take the following
9 actions:
10

- 11 1. The Water System shall collect **a routine bacteriological sample by June**
12 **30, 2013**, and the results shall be submitted to the Department at the above
13 address no later than July 10, 2013. If the analytical result is negative or
14 absent for total coliform bacteria, the system may resume its quarterly
15 bacteriological sampling frequency.
16
- 17 2. Public notification for violation of any requirement of Section 64423 shall be
18 in accordance with Sections 64463 which outlines the prescribed methods
19 and information to be included in the public notice to the customers. Public
20 notification for failure to conduct the required bacteriological monitoring for
21 the third and fourth quarters of 2012 as well as for the first quarter of 2013 is
22 required. The Water System shall utilize the Tier 3 Public Notice to inform
23 their customers of the failure to conduct the required bacteriological
24 monitoring. This notice is provided as Attachment B and shall be given
25 pursuant to Section 64463.4 and 64465.
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(a) By June 30, 2013, provide public notification of the failure to maintain the required bacteriological monitoring and reporting program by posting the public notice in conspicuous locations within the general service area for a minimum of seven (7) days and by an additional secondary method in order to reach persons not likely to be reached by posting the notice.

(b) By July 15, 2013, the Water System shall provide proof of posting and a secondary notification method of the bacteriological monitoring and reporting violation to each consumer by completing Attachment C and returning it to:

Betsy S. Lichti, Senior Sanitary Engineer
Department of Public Health
Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

3. Pursuant to Section 64423 in this Citation, the Water System shall initiate and maintain bacteriological monitoring program required by Title 22, CCR, Section 64423 by collecting one (1) sample each calendar quarter and shall report the analytical results to the Department at the above address no later than the tenth day of the following month. These requirements are summarized in Attachment D, "Bacteriological Monitoring Requirements for Small Water Systems."

4. The Water System shall also require its contracting laboratory to submit copies of all required bacteriological monitoring results directly to the Department pursuant to Section 64423.1(c)(2).

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5. By **June 30, 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.

6. The Water System is directed to pay the Penalty of \$450.00 (four hundred fifty dollars) within 30 days of receipt of this Citation. Payment shall be made by check made payable to California Department of Public Health Safe Drinking Water Account. Further instructions on submittal of the payment is provided in Attachment E, "Notice of Citation Issuance" **However, if the Water system complies with Directives Nos. 1, 2 and 5 by June 30, 2013, the Department will consider, at its sole discretion, suspending the Penalty through December 31, 2013, and will provide written notice to the Water System of its decision. Additionally, if the Water System complies with all monitoring and reporting requirements established by the Department through December 31, 2013, it will consider, at its sole discretion, terminating the requirement to pay the Penalty and will provide written notice to the Water System of its decision.**

The Department reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4

1 (California Safe Drinking Water Act), or any regulation, permit, standard or order
2 issued or adopted thereunder.

3
4 **PARTIES BOUND**

5 This Citation shall apply to and be binding upon the Water System, its officers,
6 directors, agents, employees, contractors, successors, and assignees.

7
8 **SEVERABILITY**

9 The directives of this Citation are severable, and the Water System shall comply
10 with each and every provision thereof notwithstanding the effectiveness of any
11 provision.

12
13 **FURTHER ENFORCEMENT ACTION**

14 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the
15 California Health and Safety Code authorizes the Department to: issue additional
16 citations with assessment of penalties if the Water System continues to fail to
17 correct a violation identified in a citation; take action to suspend or revoke a permit
18 that has been issued to a public water system if the system has violated applicable
19 law or regulations or has failed to comply with orders of the Department; and
20 petition the superior court to take various enforcement measures against a public
21 water system that has failed to comply with orders of the Department. The
22 Department does not waive any further enforcement action by issuance of this
23 citation.
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1 Failure to comply with the directives of this Citation, including payment of the
2 assessed Penalty, within the specified time periods, will result in further
3 enforcement action as of the date of violation of any provision of this Citation.
4

5
6 6/6/2013
7 Date

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10 Carl Carlucci, P.E., Chief
11 Central California Section
12 Drinking Water Field Operations
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19 **Attachments:**

- 20 Attachment A: Bacteriological Distribution Monitoring Report for 2012 and 2013
21 Attachment B: Public Notice
22 Attachment C: Proof of Notification form
23 Attachment D: Bacteriological Monitoring Requirements for Small Water Systems
24 Attachment E: Fine Payment Submittal Form
25 Attachment F: September 27, 2011 letter to Twin Valley's Restaurant regarding 'Permit Application Required
26 for New Public Water System in Fresno County'
27

Bacteriological Distribution Monitoring Report

1000603 Twin Valley's Restaurant
Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
9/30/2012		No Sample						MR2	11/13/12 Issued EL 03-23-12
12/31/2012		No quarterly Sample						MR2	2/21/13 Issued Cit 03-23-13
3/31/2013		No Quarterly sample						MR2	

Violation Key

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	Cl2 not reported

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.**

**Bacteriological Monitoring Requirements
Not Met for Twin Valley's Restaurant**

Our water system failed to monitor as required for a drinking water monitoring standard during the third and fourth quarters of 2012 and the first quarter of 2013, and therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this 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 the third and fourth quarters of 2012 and during the first quarter of 2013, we did not monitor or test for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total coliform bacteria	1 per quarter	_____	_____	_____

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

What happened? What is being done?

Corrective action:

For more information, please contact _____ at 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 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.



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



EDMUND G. BROWN JR.
Governor

ATTACHMENT C

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Twin Valley's Restaurant water system** of the failure to meet the **Monitoring and Reporting Requirement for Coliform bacteria sampling for the third and fourth quarters of 2012 and the first quarter of 2013.**

Notification was made on _____ by
(date)

hand delivered and/or mailed and/or posted written notice.
(circle all that apply)

Signature of Water System Representative

Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Department: June 30, 2013
Total Coliform M&R Violation: 3rd & 4th Quarters 2012 and 1st Quarter 2013
System Number: 1000603
Enforcement Action No.: 03-23-13C-028



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
<http://www.fypower.org>

Southern California Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704
(559) 447-3300; Fax (559) 447-3304
Internet Address: <http://www.dhs.ca.gov/ps/ddwem/>



RON CHAPMAN, MD, MPH
Director & State Health Officer

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



EDMUND G. BROWN JR.
Governor

BACTERIOLOGICAL MONITORING REQUIREMENTS
For Small Water Systems

1. Minimum Monitoring Frequency

Community Water System	1 per month
Nontransient Noncommunity	1 per month
Transient Noncommunity (groundwater)	1 per quarter
Transient Noncommunity (surface water)	1 per month

An increased monitoring frequency may be required if there is more than one pressure zone in the distribution system, if there are multiple sources or storage reservoirs, or if the daily population served is greater than 1,000. If your system is providing continuous chlorination treatment, closely review Item 6 below.

2. Routine and Repeat Sampling

All **routine samples** should be collected from the distribution system (not from the well) at locations specified in an approved Bacteriological Sample Siting Plan. If such a plan has not been prepared for your water system, contact the Department for assistance.

3. Repeat Monitoring After a Coliform-Positive Sample

Notification of a Coliform-Positive Sample - The water system shall require the laboratory to notify the system within 24 hours if any sample is coliform-positive. The water system must collect a repeat sample set within 24 hours of notification of the coliform-positive sample. **If the sample is fecal coliform- or *E. coli*-positive, the water system should contact the Department immediately.**

Repeat Sampling - *For systems collecting only one sample per month or quarter*, a repeat sample set shall consist of at least four (4) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) from the upstream repeat sample site, one (1) from the downstream repeat sample site and one (1) from each active source.

For systems collecting more than one sample per month, a repeat sample set shall consist of three (3) samples as follows: one (1) from the routine sample site at which the positive

Southern California Drinking Water Field Operations Branch

265 W. Bullard Avenue, Suite 101, Fresno, CA 93704

(559) 447-3300; Fax (559) 447-3304

Internet Address: <http://www.cdph.ca.gov/programservices/programs/Pages/DWP.aspx>

occurred, one (1) from the upstream repeat sample site, and one (1) from the downstream repeat sample site.

The repeat sample sites shall be located within five service connections upstream and downstream of the routine site as identified in the Bacteriological Sample Siting Plan. At least one repeat sample shall be collected from upstream and one from downstream unless there is no upstream or downstream service connection. Contact the Department as soon as the results of the repeat samples are obtained.

The following criteria should be considered when determining where to collect the fourth repeat sample:

- For systems with only one active well and do not provide continuous chlorination, the sample may be collected at the wellhead.
- For systems with more than one active well, it may not be possible to determine which well was serving the area where the positive routine sample was collected. For these systems, repeat samples should be taken at each wellhead.
- For systems providing continuous chlorination, the system should already be conducting raw-water bacteriological monitoring at a point ahead of chlorination on at least a quarterly basis. These samples should be used to determine if the source of bacteriological contamination is from the well itself. For these systems, the fourth repeat sample should be collected at a storage tank or another point in the distribution system.
- Contact the Department for assistance.

If any of the above criteria would result in a change or revision to your existing bacteriological sample-siting plan, you must first submit a revised plan to our office for review and approval before implementing any such change or revision.

Any additional samples collected from the well(s) for investigative purposes (*not part of the repeat sample set*) should be labeled as “special” samples (or “other” samples), and will not be counted towards compliance with the monthly total coliform water quality standards.

Sampling the Month Following a Coliform-Positive Sample - If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. These samples can be collected on the same day from five different routine sites or from the same routine sites at 15 minute intervals (if fewer than five sites are available). If all five samples are negative for total coliform, the water system may return to the normal sampling frequency during the next sampling period.

4. Determining Compliance with the Coliform Standard

A public water system will fail the coliform maximum contaminant level (MCL) if: For a public water which collects fewer than 40 samples per month, at least two samples collected

in the same month are coliform-positive. When this occurs, the water system representative shall contact the Department immediately (within 24-hours or the next business day if the office is closed). The water system will be required to conduct public notification and will be provided with an approved notification to be used. Public notification shall be conducted by direct mail, hand delivery or posting (where approved).

5. Monthly Reporting of Coliform Monitoring Results

The analytical results of all coliform monitoring shall be reported to the Department by the 10th day of the month following sample collection. The water system can request the laboratory to provide the results to the Department; however, the water system is ultimately responsible to ensure that the sample results were received. If the water delivered to your water system is provided with a disinfection treatment, the chlorine residual should be measured and reported at the same time and location(s) that the bacteriological sample(s) are collected. This residual must be provided to the Department on the laboratory analysis report at this time.

6. Bacteriological Monitoring of Wells (for systems chlorinating)

Water systems that are routinely chlorinating the water supply are required to sample the raw well water for coliform bacteria. Initially, a minimum of six consecutive monthly samples must be collected from the well discharge. The samples must be collected at a location ahead of chlorination. After six consecutive monthly samples do not show the presence of coliform bacteria, the water system may request a reduction in sampling to one sample per quarter. The laboratory should be instructed to determine the most probable number of coliform (MPN) for well samples. The results of all samples shall be submitted to the Department.

DRINKING WATER FIELD OPERATIONS BRANCH

**NOTICE OF CITATION ISSUANCE
CIVIL PENALTY**

BACKGROUND STATEMENT

On May __, 2013, the Drinking Water Field Operations Branch of the Division of Drinking Water and Environmental Management, issued Citation No. 03-23-13C-028 to the Twin Valley's Restaurant (System #1000603). **This Citation carries a fine of \$450.00 (four hundred fifty dollars).**

METHOD OF PAYMENT

By **July 1, 2013**, please submit a check in the amount of \$450.00 and make payable to:

DEPARTMENT OF PUBLIC HEALTH

and mail to:

**Department of Public Health
Division of Drinking Water & Environmental Management
P.O. Box 997379, MS 7406
Sacramento, CA 95899-7413
Attn: Perin Peebles**

(Please indicate the Citation Number on the Check)

(Attach Check Here)



RON CHAPMAN, MD, MPH
Director

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



EDMUND G. BROWN JR.
Governor

FILE COPY

September 27, 2011
PWS No. 1000603

Gregory Bardorf
Twin Valley's Restaurant
31671 Indian Guide Rd.
Squaw Valley, CA 93675

RE: Permit Application Required for a New Public Water System in Fresno County

Dear Mr. Bardorf:

On September 19, 2011, Fresno County Environmental Health notified the California Department of Public Health – Drinking Water Program (Department) that the Twin Valley's Restaurant water system (Water System) meets the requirements for classification as a public water system. Based on the site visit and on information provided to our office by Fresno County Environmental Health, it is believed that this water system serves greater than 25 persons for at least 60 days out of the year and provides water for handwashing and drinking. Therefore, this water system meets the definition of a *transient noncommunity* public water system and a Domestic Water Supply Permit will need to be issued by the Department. The system number noted above (**1000603**) is assigned to this water system and should be used on any future correspondence with our department. The well used for the domestic water supply has been assigned Primary Station Code **1000603-001**, which should be used by the analyzing laboratory for reporting any water quality monitoring samples.

Outlined below are the Department's requirements for processing an application for a domestic water supply permit for a new *transient noncommunity* water system using groundwater as its source of supply.

1. Permit Application

For all new water supply systems, an application must be submitted to the Department for a drinking water supply permit. The permit application that must be completed on the part of the applicant is provided in *Attachment A* (Form EH 100), which also includes the following data sheets that must be completed to provide technical information regarding your water system:

- A1 - System Information Sheet
- A2 - Administrative Programs Data Sheet
- A3 - Well Data Sheet
- A4 - Distribution Data Sheet
- A5 - Reservoir Data Sheet (for storage facilities)

- A6 - Chlorination Data Sheet
 A7 - Filter Plant Data Sheet.

Water systems serving fewer than 1,000 service connections are required to pay a permit application processing fee to the Department at the time application is made. **For new noncommunity water systems, the appropriate fee is currently \$310.00.** A check for this amount should be made payable to the California Department of Public Health.

A document titled *Introduction to Regulatory Requirements for Public Water Systems* is provided as *Attachment B* to assist you in understanding the requirements for public water systems.

2. **Technical, Managerial and Financial (TMF) Requirements for New Public Water Systems**

Enclosed is a document entitled "*TMF Assessment Form*" (*Attachment D*) that outlines the steps that must be taken to ensure the ongoing viability of public water supply systems. Please review this information closely and submit the *Mandatory* documentation pertaining to non-community water systems with the permit application. A time schedule will be included in the permit for implementation of the *Necessary* elements that have not yet been developed. ***Special conditions may be specified in the permit if the water system owner cannot show adequate compliance with the technical, managerial and financial aspects of the on-going operation of the public water system.***

3. **Requirements for Existing Wells**

Source Site Plan

A plot plan must be prepared and submitted to the Department showing the location of the existing or proposed domestic well and the locations of the following activities within 1500' of the well: any existing or proposed septic tanks, leach field systems, sewer lines and storm drains; land use around the well, including structures, roads, crops (including type of crop); and any chemical or gasoline storage facilities. *Requirements for Source Site Plans* are provided as *Attachment E*

Well Drilling Specifications

Any information that you have, related to the drilling and construction of the well, such as the Well Completion Report or Well Drillers Report, should also be forwarded to this office with the permit application.

All new wells are to be drilled and constructed as per the Department of Water Resources (DWR) California Water Well Standards, Bulletin 74-81 and its supplement, Bulletin 74-90. *Attachment F* presents typical construction features of a completed domestic water well. The California Water Well Standards Bulletin 74-90 requires a separation of domestic water supply wells from potential sources of contamination as follows:

Potential Pollution or Contamination Source	Minimum Horizontal Separation Distance Between Well and Known or Potential Source
Any sewer line (sanitary, industrial, or storm; main or lateral)	50 feet
Watertight septic tank or subsurface sewage leaching field	100 feet
Cesspool or seepage pit	150 feet
Animal or fowl enclosure	100 feet

Information obtained from the DWR California Water Well Standards
Bulletin 74-90.

The California Waterworks Standards were revised on March 9, 2008, which included the following revisions to new public water supply wells that should be adhered to as follows:

- New wells shall be constructed to conform with AWWA Standard A100-06 (Water Wells) and be plumbed and equipped with proper electrical hookups at the well site to allow for the installation of emergency disinfection equipment.
- New wells must be equipped with a non-threaded down-turned sampling tap located on the discharge line between the wellhead and check-valve (it should have no screens or aerators if used for bacteriological sampling).
- New wells must be equipped with a flow meter and flush-to-waste facilities, with the waste discharge line protected against backflow.
- The wellhead should terminate at least 18 inches above the finished grade and be protected against flooding.
- Wellhead and electrical controls should not be installed in vaults, and all equipment should be accessible for operation, maintenance and removal.

On March 9, 2008, revisions to the California Waterworks Standards became effective that require water systems to provide documentation demonstrating that a well site control zone with a 50-foot radius around the site can be established for protecting the source from vandalism, tampering, or other threats at the site by water system ownership, easement, zoning, lease, or an alternative approach approved by the Department based on its potential effectiveness in providing protection of the source from contamination.

DWR Well Completion Report

Section 13751 of Chapter 10 of Division 7 of the Water Code requires that any person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys any such well, or who deepens or re-perforates any such well shall file with the DWR a report of completion (Well Completion Report) of such well within 30 days after its construction or alteration has been completed. The report shall be made on forms furnished by DWR. A Well Completion Report is a document completed by the well driller at the time of construction. The Report includes the following information: owner, location, proposed use, equipment employed in the construction of the well, gravel pack, casing material and diameter, perforations, well seal, water levels, well tests, well log, date drilled and the name of the well driller.

A copy of the Well Completion Report must also be submitted to our office after the well has been drilled.

Drinking Water Source Assessment Requirements

As of April 1, 1999, all new sources must have an assessment completed and submitted with the permit application. This assessment must be conducted in accordance with the Department's Drinking Water Source Assessment and Protection Program (DWSAP). The assessment must include the following:

- A ***Delineation*** of protection areas/zones around the well (2 year, 5 year and 10 year time of travel).
- An ***Inventory*** of Possible Contaminating Activities (PCAs) that might lead to the release of microbiological or chemical contaminants within the identified delineated zones.
- A ***Vulnerability Assessment*** to identify the PCAs to which the source is most vulnerable.

A brief summary of the Department's DWSAP is provided in *Attachment G*. In order to begin a source water assessment for a new well, the Well Data Sheet (*Attachment A3*) and the PCA Checklist (in *Attachment G*) needs to be completed and submitted to our office. To obtain detailed information on the procedures to complete a source water assessment you may access the Department's web site at:

<http://www.cdph.ca.gov/certlic/drinkingwater/Pages/DWSAP.aspx>

4. Emergency Chlorination

All domestic water supply wells are required to have the capability to quickly install emergency disinfection. This includes the provision of the necessary plumbing (tapped port into the well discharge line down stream of the check valve) and electrical capacity at the well site to operate disinfection equipment in case of a bacteriological water quality failure as follows:

- An all-weather, 110 volt electrical receptacle, energized by the well pump operation.
- A three-quarter (3/4) inch threaded tap on the piping downstream of the well check valves for use as a chlorine injection point.
- A sample tap (non-threaded) at least three to six feet downstream of the chlorine injection point.

5. Water Quality Monitoring

Community and noncommunity water supply systems are required to conduct monitoring of the water from each source, including surface water, and from the distribution system on an ongoing basis, as outlined below. In order to maintain the required monitoring schedule, all water quality records should be obtained from the previous owners, if the permit is for a change in ownership.

All of the source monitoring and distribution system bacteriological monitoring indicated below shall be initiated during the month immediately following receipt of this letter.

The minimum monitoring required to allow our Department to approve the operation of the water supply system for domestic use would be source monitoring from the domestic water supply well as outlined in *Attachment H Source Water Quality Monitoring Schedule*. In addition, we will require bacteriological monitoring from the distribution system and the well that shows absence of total coliform bacteria.

Chemical Monitoring of the Source: Water quality monitoring is required from each source used by the system. The monitoring requirements depend on the size and type of water system (community vs. noncommunity) and possible contaminating activities near the source. For a typical groundwater source the monitoring schedule provided in *Attachment H, Source Water Quality Monitoring Schedule* (TNC1) would apply. Please note that this monitoring schedule does not apply to purchased or surface water sources.

Distribution System Bacteriological Monitoring: The bacteriological monitoring frequency is based on the population served by the system, and is one sample per quarter. **This sampling must begin immediately, since the facility is currently in operation.** Bacteriological samples must be collected from within the distribution system in accordance with an approved Bacteriological Sample Siting Plan (discussed further in Item 10). All bacteriological sample results shall be submitted to our office by the 10th day of the month following sample collection. Guidance on proper bacteriological sample collection, reporting and follow-up (*Attachment I*) is enclosed.

6. **Bacteriological Sample Siting Plan**

A Bacteriological Sample Siting Plan must be developed and submitted prior to the final permit approval. This plan is to identify locations to be used for routine and repeat sample collection in conformance with the requirements specified in Title 22, California Code of Regulations (CCR), Sections 64421 to 64430. *Attachment J, Guidelines for Completing a Bacteriological Sample Siting Plan* is provided to assist in developing a plan.

7. **Operator Certification Requirements**

Chapter 13, Title 22 of the CCR requires water systems to maintain certified water treatment operators (where treatment is provided other than chlorination) and water distribution operators of an appropriate grade. If disinfection treatment is provided, the water system will be required, at a minimum, to have on staff or under contract a **D1 certified distribution operator**. Responsibilities of the certified distribution operator are outlined in *Attachment K - Summary of Operator Certification Requirements for Public Water Systems*. **If treatment is provided, the level of treatment plant operator will be evaluated upon submittal of your permit application.** Please indicate how the water system will comply with the operator certification requirements in the *Administrative Programs Data Sheet* (Attachment A2).

A list of local certified contract operators can be obtained from our office on request. If no treatment is provided, there is no requirement to retain a certified operator.

8. **Cross-Connection Control Program**

The water system must be reviewed to assure that there are no cross-connections that may result in backflow into the drinking water system. An on-going approved Cross-Connection Control program must be implemented. An approved program must consist of the following elements:

- (a) The conducting of surveys to identify locations where cross-connections are likely to occur.
- (b) The provisions of backflow protection devices.
- (c) The provision of at least one person trained in cross connection control to carry out the program.
- (d) The establishment of an annual testing program of backflow prevention devices.
- (e) The maintenance of records of locations, tests, and repairs of backflow protection devices.

Requirement (c) may be complied with by contracting with a specialist certified through the California-Nevada Section of the American Water Works Association Or the Central Valley Chapter of the American Backflow Prevention Association. A list of certified specialists in your area may be obtained from the Department.

Attachment L is a Cross-Connection Control Survey form. Please submit a completed Cross-Connection Survey form along with the permit application.

9. **Emergency Notification Plan**

An Emergency Notification Plan must be provided to the Department prior to permit approval, specifying the responsible parties to be contacted in an emergency. The plan must also identify the method to be used to notify customers of water quality emergencies. Please use the *Attachment M* for providing us this information.

The Department will charge at the current hourly billing rate (\$126.00 per hour) for any enforcement actions that are necessary to be taken against the water system for violations of the Safe Drinking Water Act or any drinking water regulation, permit or order.

The permit application documents are due to our office within 30 days and no later than October 28, 2011. The Permit Application Fee of \$310 must be submitted with the permit application for the application submittal to be deemed complete. Once the application, along with all requested documentation, has been received, our office will begin the permitting process.

If there is an existing public water system in the area, we highly recommend that you consider consolidation with that system in lieu of being permitted as a public water system due to ongoing requirements that need to be fulfilled to operate a public water system.

Please note that under the California Health and Safety Code Section 116730, it is a misdemeanor to operate a public water system without a permit issued by the Department. We encourage you to submit the permit application to avoid any legal action.

If you require any further information or copies of any regulations applicable to public water supply systems, please contact our office at (559) 447-3300.

Sincerely,



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

BSL/PD

cc: Fresno County Division of Environmental Health (w/o attachments)

Attachments

- Attachment A - Permit Application Form EH100
 - A1 - System Information Sheet
 - A2 - Administrative Programs Data Sheet
 - A3 - Well Data Sheet
 - A4 - Distribution Data Sheet
 - A5 - Reservoir Data Sheet (for storage facilities)
 - A6 - Chlorination Data Sheet
- Attachment B - Introduction to regulatory requirements for Public Water Systems
- Attachment C - California Water Works Memorandum
- Attachment D - TMF Capacity Assessment Form for New Non-community Public Water Systems
- Attachment E - Source Site Plan Requirements
- Attachment F - DWR Water Well Standards
- Attachment G - Drinking Water Source Assessment Program Guidance
- Attachment H - Water Quality Monitoring Schedule for New Wells (TNC1)
- Attachment I - Bacteriological Monitoring Requirements for Small Water Systems
- Attachment J - Guidelines for Completing a Bacteriological Sample Siting Plan
- Attachment K - Operator Certification Requirements for Public Water Systems
- Attachment L - Cross-Connection Control Survey Form
- Attachment M - Emergency Notification Plan

