

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: RIVERBEND MOBILE HOME & RV PARK
Water System No. 1000426

TO: Mr. Robert Merchant
California Commercial Investments, Inc.
654 N. Yosemite Avenue
Oakdale, CA 95361

CITATION FOR NONCOMPLIANCE WITH
SECTION 116555 OF THE CALIFORNIA HEALTH AND SAFETY CODE
AND SECTION 64675 OF THE CALIFORNIA CODE OF REGULATIONS
LEAD AND COPPER MONITORING AND REPORTING

1997 - 2013

Issued on February 6, 2014

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 Riverbend Mobile Home & RV Park (hereinafter 'Water System'), for failure to comply with Section 116555(a) of the CHSC and DIVISION 4, Chapter 17.5, Article 3 of Title 22, California Code of Regulation (CCR). Specifically, the Water System (mailing address: 654 N. Yosemite Avenue, Oakdale, CA 95361) failed to comply with the primary standard for chemical water quality during the period 1997 – 2013.



1 The Water System operates under a domestic water supply permit issued by the
2 Department in July of 2012. Riverbend Mobile Home & RV Park is a community water
3 system serving a population of approximately two hundred (200) persons through forty-six
4 (46) service connections.

5
6 **Section 116555(a)(1) and (3) of the CHSC,**

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

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

12
13 **A. DISTRIBUTION SYSTEM MONITORING AND REPORTING**

14
15 **Monitoring and reporting violation for Lead and Copper**

16 The Lead and Copper Rule requires community and non-transient non-community water
17 systems to maintain a monitoring program for lead and copper in the distribution system by
18 collection of samples at the customers tap. Our office has reviewed the compliance status
19 of your water system with these monitoring and reporting requirements. The Department
20 has found that the Water System has not maintained the required lead and copper
21 monitoring as follows:

22
23 **Failure to conduct initial monitoring for Lead and Copper**

24 Following the adoption of the 1991 Lead and Copper Rule, public water systems were
25 required to monitor and report lead and copper concentrations in their distribution systems
26 by January 1, 1997. Section 64675.5 of the Title 22 California Code of Regulations
27 requires systems to monitor during two consecutive six month periods at the number of
sites required based on standard monitoring. Our records show that this water system has



1 not begun the initial required monitoring. This monitoring shall be conducted by **March 15,**
2 **2014**, at ten sites, as outlined in the attached *Lead and Copper Rule Sampling Guidance*
3 (Attachment A).
4

5 If the 90th percentile lead and copper levels do not exceed the action levels of 0.015 mg/L
6 and 1.3 mg/L during either of the initial six month periods, then the system may reduce
7 monitoring to annual sampling for two years during the summer months of 2015 and 2016,
8 to be collected at a minimum of 10 sites. Monitoring may then be further reduced to
9 triennial (every three years) if the 90th percentile levels remain below the action levels in all
10 monitoring rounds.
11

12 The Department issued Enforcement Letter No. 03-23-09E-049 on May 1, 2009, to the
13 Water System, for failure to conduct the initial monitoring for lead and copper.
14

15 The Department has received no response from the Water System addressing compliance
16 with Enforcement Letter No. 03-23-09E-049, nor has the Department received the results
17 of any lead and copper sampling taken in accordance with the requirements of the
18 Enforcement Letter.
19

20 **B. NOTIFICATION REQUIREMENTS**

21 Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever
22 a monitoring requirement specified in the Department's regulations is not performed, the
23 person operating the public water system shall notify the Department and shall give notice
24 to the users of that fact in the manner prescribed by the Department.
25

26 Public notification for failure to conduct the required chemical distribution monitoring for the
27 period 1991-2013 is required. The Water System shall utilize the Tier 3 Public Notice to



1 inform their customers of the failure to conduct the required bacteriological monitoring.
2 This notice is provided here as Attachment B and shall be given pursuant to Section
3 64463.7. The Tier 3 Public Notice shall include the mandatory standard monitoring
4 language for monitoring and reporting violations.
5

6 Section 64463.4 allows community water systems to give public notice by mail or direct
7 delivery to each customer and the use of one or more of the following methods in order to
8 reach persons not likely to be reached by mail or direct delivery: publication in a daily or
9 weekly newspaper, posting the public notice in a conspicuous public place within the water
10 system or on the internet, or by delivery to community organizations.
11

12 The Water System shall mail or directly deliver the public notice to their customers within
13 the water system. Section 116450(g) requires that upon receipt of notification from a
14 public water system, schools must notify school employees, students, and parents (if the
15 students are minors), residential rental property owners or managers (including nursing
16 homes and care facilities) must notify their tenants and business property owners,
17 managers or operators must notify employees of businesses located on the property.
18 These secondary notification requirements are included in the public notice.
19

20 Proof of notification is required. The Water System shall complete Attachment C and
21 return it to the Department by **February 28, 2014**.
22

23 **DIRECTIVES**

24 The Riverbend Mobile Home & RV Park water system is hereby directed to take the
25 following actions:

- 26 1. By **February 20, 2014**, the Water System shall provide public notification of the
27 failure to maintain the required chemical monitoring and reporting program by mail



1 or direct delivery to each customer and by an additional secondary method in order
2 to reach persons not likely to be reached by mail or direct delivery. The appropriate
3 Public Notice is provided here as Attachment B.
4

5 By **February 28, 2014**, the Water System shall provide proof of mailing or direct
6 delivery and a secondary notification method of the bacteriological monitoring and
7 reporting violation to each consumer using Attachment C to:

8 Betsy S. Lichti, Senior Sanitary Engineer
9 Department of Public Health
10 Drinking Water Field Operations Branch
11 265 W. Bullard Avenue, Suite 101
12 Fresno, CA 93704

- 13 2. The Water System has failed to conduct their initial lead and copper monitoring
14 from the distribution. This must be completed with the collection of lead and copper
15 samples by **March 15, 2014 from ten sites**. Samples shall be collected in
16 accordance with the Lead and Copper Rule Sampling Guidance provided as
17 Attachment A. The analytical results must be reported to the Department by the 10th
18 day of the month following the month in which the analyses were completed. Form
19 141 AR, provided in Attachment A, shall be completed and submitted to our office
20 along with copies the data.
- 21 3. By **February 28, 2014**, the Water System shall submit a written response to the
22 Department acknowledging that it has received this citation and will comply with all
23 the directives listed herein.
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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.

2/6/14
Date

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



BSL/EL

Attachments:

- Attachment A: Lead and Copper Rule Sampling Guidance
- Attachment B: Public Notice
- Attachment C: Proof of Notification

Lead and Copper Rule Sampling Guidance

For Small Water Systems (serving 3,300 persons or fewer)

Prepared by: California Department of Public Health
Southern California Drinking Water Field Operations Branch
Fresno District
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704
Phone: (559) 447-3300

This guidance document was developed to help small water systems comply with the California Lead and Copper Rule. The Lead and Copper Rule requires community and nontransient-noncommunity water systems to monitor lead and copper levels at the consumers' taps. If action levels are exceeded, installation of corrosion control treatment is required. If the action level for lead is exceeded, public notification is required.

Lead Action Level = 0.015 mg/L

Copper Action Level = 1.3 mg/L

Compliance with the lead and copper action levels is based on the 90th percentile lead and copper levels. This means that the concentration of lead and copper must be less than or equal to the action level in at least 90% of the samples collected.

To help explain how to comply with the California Lead and Copper Rule, information on the following topics is included in this document:

- Section 1 - Number of Tap Sample Sites Required
- Section 2 - When to Sample
- Section 3 - Where to Sample
- Section 4 - How to Sample
- Section 5 - How to Calculate the 90th Percentile Lead and Copper Levels
- Section 6 - What to Do if You Exceed the Lead or Copper Action Level
- Section 7 - How to Report Your Sample Results
- Section 8 - Monitoring Waivers

Attachments to this document include:

1. "Homeowner Tap Sample Collection Procedures"
2. "Lead and Copper Results Worksheet"
3. Form 141-AR "Lead and Copper Rule Sampling Report"

Section 1. Number of Tap Sample Sites Required

The number of tap sample sites required is shown in Table 1, and is based on the population served by your water system and if you are performing Standard or Reduced Monitoring.

Table 1. Minimum Number of Tap Sample Sites Required

System Population	Minimum Number of Tap Sample Sites	
	Standard Monitoring	Reduced Monitoring
501 to 3,300	20	10
101 to 500	10	5
Less than 101	5	5

Section 2. When to Sample

- Standard Monitoring:

Each water system must complete at least two consecutive 6-month Standard Monitoring periods with no exceedance of the lead or copper action level before the frequency of sampling can be reduced. During each 6-month Standard Monitoring period, you must collect at least one tap sample from the number of sites shown in Table 1 under Standard Monitoring.

Therefore, during your first year of sampling, collect a set of samples in the first six months and a set of samples in the second six months. Samples must be analyzed for both lead and copper.

If at any time your 90th percentile lead or copper level exceeds the action level, you must contact this office for further guidance.

- Reduced Monitoring:

If you have completed two consecutive 6-month Standard Monitoring periods and the 90th percentile levels do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper, you may reduce the number of tap sample sites as shown in Table 1, under Reduced Monitoring, and reduce the frequency at which you sample to once every three years.

If you have completed two consecutive 6-month Standard Monitoring periods and the 90th percentile levels are greater than 0.005 mg/L for lead and 0.65 mg/L for copper, but do not exceed the lead or copper action levels, you may reduce the number of tap sample sites as shown in Table 1, under Reduced Monitoring. You may also reduce the frequency at which you collect the samples to annual monitoring for two more years.

In the second and third years of sampling, collect one set of samples during the month of June, July, August or September. Samples must be analyzed for both lead and copper. After completing the third year of sampling, if there has been no exceedance of the lead or copper action level, collect one set of samples every three years during the month of June, July, August or September. Again, samples must be analyzed for both lead and copper.

If at any time your 90th percentile lead or copper level exceeds the action level, you must contact this office for further guidance.

Section 3. Where to Sample

- Notes:
1. If lead service lines are present in the distribution system, at least half of the samples must come from the sites served by lead service lines.
 2. Do not sample from homes or buildings that have point-of-use treatment (e.g., water softener, carbon filter system, etc.).
 3. Each round of sampling should be conducted at the same sampling sites. If an original sampling site is not available, you should collect a tap sample from another site meeting the same Tier criteria as the original site.

- Community Water Systems:

Lead and copper tap samples must be collected from sampling locations that meet the following criteria:

Tier 1 - Single-family structures that contain:

- a) Lead pipes or
- b) Copper pipes with lead solder installed after 1982 or
- c) Pipes served by lead service lines.

If there are not enough Tier 1 sites available, samples must meet the following criteria:

Tier 2 - Buildings and multiple-family residences that contain:

- a) Lead pipes or
- b) Copper pipes with lead solder installed after 1982 or
- c) Pipes served by lead service lines.

If there are not enough Tier 1 and Tier 2 sites available, samples must meet the following criteria:

Tier 3 - Single-family structures that contain copper pipes with lead solder installed before 1983.

If there are not enough Tier 1, Tier 2, and Tier 3 sites available, samples must be collected from representative sites (i.e., plumbing materials commonly found at other sites) throughout the distribution system.

- Nontransient-Noncommunity Water Systems:

Lead and copper tap samples must be collected from sampling locations that meet the following criteria:

Tier 1 - Buildings that contain:

- a) Lead pipes or
- b) Copper pipes with lead solder installed after 1982 or
- c) Pipes served by lead service lines.

If there are not enough Tier 1 sites available, samples must meet the following criteria:

Tier 2 - Buildings that contain copper pipes with lead solder installed before 1983.

If additional sites are needed to complete the sampling pool, samples must be collected from representative sites.

Section 4. How to Sample

Depending on the type of water system you operate, the following options are available for sample collection:

- a) You can collect the samples yourself using the procedures outlined below, or
- b) Residents of the water system can collect the samples for you. Letters are usually sent to find volunteers to participate in the sampling program. The attached sample collection instruction sheet must be sent to each participant. Residents collect the samples and complete the bottom portion of the instruction sheet. You collect the filled sample bottles and the completed instruction sheets from the residents. Sample bottles are then transported to the laboratory for analysis.

Sample Procedures:

- 1) Samples from residential housing are to be taken from a kitchen or bathroom cold-water faucet. Do not sample from faucets that have point-of-use treatment (e.g., water softener, carbon filter system, etc.). Samples from a non-residential building are to be collected from an interior tap from which water is typically drawn for consumption.
- 2) Each sample must be collected after the water has stood undisturbed in the pipes for at least 6 hours, but not more than 12 hours. It is best to collect the sample first thing in the morning.
- 3) Each sample must be one liter in volume and must contain the first water drawn from the faucet.
- 4) Remove the cap from the one-liter sample bottle, place the container directly below the faucet and gently open the cold-water tap. Fill the sample bottle to the line marked "1-liter or 1,000-ml" and turn off the water.

Tightly cap the sample bottle and complete the required information on the sample bottle label.
- 5) All samples must be analyzed by a laboratory certified by the State to perform drinking water lead and copper analyses.

Section 5. How to Calculate the 90th Percentile Lead and Copper Levels

Complete the attached "Lead and Copper Results Worksheet". If your 90th percentile lead level is greater than 0.015 mg/l, you have exceeded the action level. If your 90th percentile copper level is greater than 1.3 mg/l, you have exceeded the action level.

Section 6. What to Do if You Exceed the Lead or Copper Action Level

If your 90th percentile lead or copper level exceeds the action level, you must contact this office for further guidance.

Section 7. How to Report Your Sample Results

Upon completion of each sampling period, the following items must be submitted to the Visalia District Office, Southern California Drinking Water Field Operations Branch, Department of Public Health:

- 1) A fully completed Form 141-AR (copy attached).
- 2) Laboratory copies of all sample results.
- 3) Completed "Lead and Copper Results Worksheet".

Section 8. Monitoring Waivers

You may apply to the Department for a waiver to reduce the tap sampling frequency for lead and copper to once every **nine** years. If you meet the following materials and monitoring criteria for both lead and copper, a full waiver will be granted. If you meet the materials and monitoring criteria for only one of the chemicals, a partial waiver that covers only that chemical will be granted.

- **Materials Criteria:**

You must provide certification and documentation that the 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:

For lead, the system must be free of plastic pipes that contain lead plasticizers or plastic service lines that contain lead plasticizers, lead service lines, lead pipes, lead-soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless you can demonstrate that such fittings and fixtures will not leach lead into the drinking water.

For copper, the system must be free of copper pipes and copper service lines.

- **Monitoring Criteria:**

You must have conducted standard tap sampling for at least one six-month period and demonstrate that the 90th percentile levels for all periods of tap sampling conducted since the water system became free of all lead-containing and/or copper-containing materials do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper. You must continue monitoring at the required frequency (Standard Monitoring or Reduced Monitoring) until a waiver is granted.

Homeowner Tap Sample Collection Procedures

These samples are being collected to determine the lead and copper levels in your tap water. This sampling effort is required by the U.S. Environmental Protection Agency and your state, and is being accomplished through the cooperation of homeowners and residents.

Tap Sample Collection Procedures:

- 1) Prior arrangements will be made to coordinate the sample collection event. Dates will be set for sample bottle delivery and pick-up by water system staff.
- 2) Samples are to be taken from a kitchen or bathroom cold-water faucet. Do not sample from faucets which have point-of-use treatment (e.g. water softener, carbon filter system, etc.).
- 3) Each sample must be collected after the water has stood undisturbed in the pipes for a minimum of 6 hours. Due to this requirement, either early mornings or evenings upon returning home are the best sampling times.
- 4) Each sample must be one liter in volume and must contain the first water drawn from the faucet.
- 5) Remove the cap from the one-liter sample bottle, place the container directly below the faucet and gently open the cold-water tap. Fill the sample bottle to the line marked "1 liter or 1000-ml" and turn off the water.

Tightly cap the sample bottle and complete the required information on the sample bottle label. If the label has been partially completed for you, verify that the information is correct.

- 6) If any plumbing repairs or replacement has been done in the home since the previous sampling event, note this information below.
- 7) Complete the bottom portion of this instruction sheet.
- 8) Place the sample bottle and instruction sheet outside of the residence (in the same location as delivery) so they can be retrieved by water system staff.
- 9) Results of the sampling will be provided to the participants.

If you have any questions regarding these directions, call:

_____ *Contact Name*

_____ *Water System Name*

_____ *Phone Number*

To Be Completed By Resident

Sample collection address: _____

Water was last used: Time _____ Date _____

Sample was collected: Time _____ Date _____

Plumbing repairs or replacement since last sampling event? _____

I have read the above directions and have taken a sample in accordance with these directions.

_____ *Signature*

_____ *Date*

Lead and Copper Results Worksheet

System Name: _____

Sample Date(s): _____

Determine the 90th percentile lead and copper levels:

1. List all of the samples in Table 1 below.
2. Circle the highest three values for both lead and copper.
3. Determine the 90th percentile lead level by following the instructions given in Table 2.

Write down the 90th percentile level for lead = _____ mg/L

If the 90th percentile lead level is greater than 0.015 mg/L, you have exceeded the action level.

4. Determine the 90th percentile copper level by following the instructions given in Table 2.

Write down the 90th percentile level for copper = _____ mg/L

If the 90th percentile copper level is greater than 1.3 mg/L, you have exceeded the action level.

Table 1 - Sample Results

	Sample Address	Lead Level (mg/L)	Copper Level (mg/L)
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Table 2 - Determining the 90th Percentile Lead or Copper Level

Number of Tap Samples Collected	How to Determine the 90 th Percentile Lead or Copper Level
5 to 7	Average the two highest sample results to get the 90 th percentile level.
8 to 12	The 90 th percentile level is the second highest sample result.
13 to 17	Average the second and third highest sample results to get the 90 th percentile level.
18 to 22	The 90 th percentile level is the third highest sample result.

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.

Lead and Copper Rule Monitoring Requirements Not Met for Riverbend Mobile Home & RV Park

Our water system has failed to monitor as required for a drinking water monitoring standard 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. We did not test for Lead and Copper 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 contaminants 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 took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Lead and Copper	Six Month			

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

What happened? What is being done?

The required lead and copper testing was not conducted as noted above. We have scheduled to complete this testing in _____.

For more information, please contact _____ at [] or [].

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.*

This notice is being sent to you by New Horizons Mobile RV Park

State Water System ID#: 1000426

Date distributed: _____

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 **Riverbend Mobile Home & RV Park** of the failure to meet the **monitoring and reporting requirement for lead and copper** as directed by the Department.

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: February 28, 2014
Lead and Copper M&R Violation Period: 1991-2013
System Number: 1000426
Enforcement Action Number:03-23-14C-008