Citation No. 03-12-14C-002

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **BISHOP ACRES MUTUAL WATER COMPANY**
Water System No. 1500434

TO: Ms. Katie Deason, Board Memeber
Bishop Acres Mutual Water Company
P.O. Box 80392
Bakersfield, CA 93380

CC: McMor Chlorination, Inc.
Kern County Evnironmental Health Department

CITATION FOR NONCOMPLIANCE of LEAD AND COPPER MONITORING AND REPORTING VIOLATION

For Calendar Years 2005 - 2013

Issued on January 15, 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.

VIOLATION

The Drinking Water Field Operations Branch of the Department of Public Health (hereinafter 'Department') hereby issues a Citation to Bishop Acres Mutual Water

Company (hereinafter 'Water Company'), 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 Company (mailing address: P.O. Box 80392, Bakersfield, CA 93380) failed to comply with the lead and copper monitoring requirements for the calendar years 2005 to 2013.

The Water Company operates under a domestic Water Supply Permit issued by the Department in September of 1993. Bishop Acres Mutual Water Company is a community water system serving a population of approximately eighty-one (81) persons through thirty-one (31) service connections.

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

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

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

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

The Water Company has failed to maintain the lead and copper monitoring requirements in accordance with Section 64675. which specifies the general requirements for tap sampling for lead and copper. In the absence of this monitoring the Department is unable to determine compliance with the action levels for lead and copper.

Monitoring and reporting violation for Lead and Copper

The Lead and Copper Rule requires community and non-transient non-community water systems to maintain a monitoring program for lead and copper in the distribution system by the collection of samples at the customers tap. Our office has reviewed the compliance

status of your water system with these monitoring and reporting requirements. The Department has found that the Water Company has not maintained the required lead and copper monitoring as follows:

Failure to conduct annual monitoring for lead and copper

Section 64675.5 allows systems that do not exceed the lead and copper action levels during each of the two consecutive six-month monitoring periods to reduce the number of samples and reduce the frequency of sampling to once per year (annual). The Water Company completed two six month monitoring periods in 2000 and 2004 and should have collected the next set of samples in 2005.

Enforcment letter 03-12-13E-010 was issued to the Water Company in Febuary 2013 for failure to complete the required monitoring. The enforcement letter instructed the Water Company to complete the past due monitoring during the summer months of 2013. Our department has not received any data to date to indicate that the required monitoring was done. By not conducting the scheduled lead and copper rule monitoring, your water system has failed to comply with Section 64675.5.

Therefore, the annual sample set is now due by September 30, 2014, during the months of June, July, August or September. The analytical results must be reported to the Department by the 10th day of the month following the month in which the analyses were completed. Please complete and submit to our office Form 141a_rev (Attachment A) with copies of the data. Monitoring may be further reduced to triennial (every three years) if the 90th percentile levels for lead and copper remain below the action levels of 0.015 mg/L and 1.3 mg/L, respectively, after **two rounds** of annual monitoring. A summary of your system's lead and copper rule monitoring is attached (Attachment B).

The above violation is classified as a continuing violation.

NOTIFICATION REQUIREMENTS

Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever a monitoring requirement specified in the Department's regulations is not performed, the person operating the public water system shall notify the Department and shall give notice to the users of that fact in the manner prescribed by the Department. Public notification shall be in accordance with Sections 64463 which outlines the prescribed methods and information to be included in the public notice to the customers.

Public notification for failure to conduct the required chemical monitoring for calendar years 2005 though 2013 is required. The Water Company shall utilize the Tier 2 Public Notice to inform their customers of the failure to conduct the required lead and copper monitoring.

The Water Company shall either mail or conduct direct delivery of the public notice to all customers served within the general service area. Section 116450(g) requires that upon receipt of notification from a public water system, 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 their tenants and business property owners, managers or operators must notify employees of businesses located on the property. These secondary notification requirements are included in the public notice. The Department hereby waives public notification by newspaper, posting or delivery to community organizations.

Attachments C is a copy of a public notice that the Water Company may use to notify its customers. This notice fulfills the notification requirements and includes the mandatory language.

Proof of notification is required. The Water Company shall complete Attachment D and return it to the Department by **March 1, 2014.**

DIRECTIVES

The Bishop Acres Mutual Water Company is hereby directed to take the following actions:

1. By **February 21, 2014** provide public notification of the failure to maintain the required lead and copper monitoring and reporting program by mail or direct delivery to each customer.

   By **March 1, 2014** the Water Company shall provide proof of mailing/direct delivery of the lead and copper monitoring and reporting violation to each consumer using Attachment D to:

   Tricia A. Wathen, Senior Sanitary Engineer
   Department of Public Health
   Drinking Water Field Operations Branch
   265 W. Bullard Avenue, Suite 101
   Fresno, CA 93704

2. The Water Company has failed to conduct their annual lead and copper monitoring from the distribution and must collect the first annual sampling by **September 30, 2014**, from five sites. The analytical results must be reported to the Department by the 10th day of the month following the month in which the analyses were completed. Form 141a_rev shall be completed and submitted to our office along with copies the data.

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.

January 15, 2014
Date

Tricia A. Wathen
Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
DRINKING WATER FIELD OPERATIONS BRANCH

TAW/SF

Attachments:

Attachment A:	Form 141a_rev
Attachment B:	Lead and Copper Individual Summary Report
Attachment C:	Tier 2 Public Notice
Attachment D:	Proof of Notificatoin

#1500434 LCR M&R 2013 Cit 1.15.14

Form 141a_rev

LEAD AND COPPER RULE SAMPLING REPORT

System's Name:_____

Address:_____

_____

_____

Telephone Number:_____

System ID Number:_____

Contact Person:_____

Type: ☐ CWS ☐ NTNCWS

Size:
- ☐ >100,000
- ☐ 50,001 to 100,000
- ☐ 10,001 to 50,000
- ☐ 3,301 to 10,000
- ☐ 501 to 3,300
- ☐ 101 to 500
- ☐ ≤ 100

Sample Date(s):_____

SAMPLE SITE IDENTIFICATION

Number of sample sites in each category:

- Single-family structures with copper pipes with lead solder installed after 1982; or lead pipes; or lead service lines. _____
- Multi-family structures with copper pipes with lead solder installed after 1982; or lead pipes; or lead service lines. _____
- Buildings containing copper pipes with lead solder installed after 1982; or lead pipes; or lead service lines. _____
- Single family structures with copper pipes with lead solder installed before 1983. _____

Total: _____

Number of lead service lines present in the distribution system: _____

Number of samples collected from sites served by lead service lines: _____

The following sources have been explored to determine the number of structures that have interior lead pipe or copper pipe with lead solder:

- ☐ Plumbing and/or building codes
- ☐ Plumbing and/or building permits
- ☐ Contacts with the building department, municipal clerk's office, or state regulatory agencies.
- ☐ Water quality data
- ☐ Interviews with building inspectors
- ☐ Survey of service area plumbers about when and where lead solder was used from 1982 to present
- ☐ Survey of residents
- ☐ Interviews with local contractors & developers

The following sources have been explored to determine the number of lead service lines in the distribution system:

- ☐ Distribution system maps and record drawings
- ☐ Capitol improvement plans and/or master plans for distribution system development
- ☐ Standard operating procedures and/or operation & maintenance manuals for the types of materials used for service connections
- ☐ Utility records including meter installations, customer complaint investigations
- ☐ Water quality data
- ☐ Interviews with senior personnel
- ☐ Conduct service line sampling where lead service lines are suspected to exist
- ☐ Review of permit files
- ☐ Survey of residents
- ☐ Interviews with local pipe supplies, contractors and/or developers

RESULTS OF SAMPLING

Results of Lead And Copper Tap Water Samples: (*Attach copy of all results to this form.*)

Number of tap samples required:_____ 90th Percentile Lead level:_____mg/L

Number of tap samples collected & submitted:_____ 90th Percentile Copper level:_____mg/L

Results of Water Quality Parameter (WQP) Samples: (*Complete only if system is required to collect WQP samples.*)

Number of WQP samples required to be collected:_____

Number of WQP samples collected & submitted:_____

Number of WQP entry point samples required to be collected: _____

Number of WQP entry point samples collected and submitted _____

CERTIFICATION OF COLLECTION METHODS

I certify that:

- Each first draw tap sample for lead and copper is one liter in volume and has stood motionless in plumbing system of each sampling site for at least six hours.
- Each first draw sample collected from a single-family residence has been collected from the cold water kitchen tap or bathroom sink tap.
- Each first draw sample collected from a non-residential building has been collected at an interior tap from which water is typically drawn for consumption.
- Each first draw sample collected during an annual or triennial monitoring period has been collected in months of June, July, August, or September.
- Each resident who volunteered to collect tap water samples from his or her home has been properly instructed in the proper methods for collecting lead and copper samples. I do not challenge the accuracy of those sampling results.
- Enclosed is a copy of the material distributed to residents explaining the proper collection methods, and a list of the residents who performed sampling.

CHANGE OF SAMPLING SITES

Original site address: _____

New site address: _____

Distance between sites (approximately): _____

Targeting Criteria: New Site: ☐ Tier 1 ☐ Tier 2 ☐ Tier 3 Old Site: ☐ Tier 1 ☐ Tier 2 ☐ Tier 3

Reason for sample site change:

_____

_____

SIGNATURE: _____ **DATE:** _____

_____ _____

Print Name Title

Individual System Lead and Copper Rule Tracking Report

1500434 **Bishop Acres MWC** Pop: **81** Eng:

Lead Action Level: 0.015 mg/L

Copper Action Level: 1.3 mg/L

Sample Date Begin/(End)	Monitoring Period	Sample Set ID	Number Required	Number Sampled	Lead 90th % (mg/L)	Copper 90th % (mg/L)	Action Taken	Action Type	Next Due Date	Next Due Freq	Comments
(8/28/2000)	6M2ND-2000	1st 6	5	5	<0.005	<0.05	EL		4/28/2001	2nd 6	*EL 03-19-04E-40 (7/20/04) issued for 2nd round of initial sampling was not completed*
(8/5/2004)	6M2ND-2004	2nd 6	5	5	<0.001	0.003	EL		9/30/2005	A1	*EL 03-12-13E-010 (2/13/13) issued for not sampling annually. Next due 2013.*

Legend:

Cit: Citation
EL: Enforcement letter

1st 6: 1st initial 6-mo. round of monitoring
2nd 6: 2nd initial 6-mo. round of monitoring

A1: 1st Annual monitoring
A2: 2nd Annual monitoring

T1: 1st Triennial (3 yr) monitoring
T2: 2nd Triennial (3 yr) monitoring
T3: 3rd Triennial (3 yr) monitoring

1/15/2014

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 Monitoring Requirements Not Met for Bishop Acres Mutual Water Company

Our water system failed to monitor as required for a drinking water monitoring standard from 2005 to 2013 and, therefore, was in violation of the monitoring and reporting 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 calendar years 2005 through 2013 we did not monitor or 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, 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	5 samples annually	0	2005-2013	Summer 2014
Copper	5 samples annually	0	2005-2013	Summer 2014

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

What happened? What is being done?

_____

_____

_____.

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 [_____]. State Water System ID#: 1500434

Date distributed: _____.

PROOF OF NOTIFICATION

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Bishop Acres Mutual Water Company** of the failure to monitor for lead and copper from 2005 to 2013 as directed by the Department. At least one primary distribution method is required: mail, hand-delivery or newspaper publication.

Notification was made on _____.
(date)

To summarize report delivery used and good-faith efforts used, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail delivery to each customer served by the water system.

☐ The notice was distributed by direct delivery to each customer served by the water system. Specify direct delivery method(s) used: _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____

☐ Posted the notice on the Internet at www._____

☐ Other method used to notify customers. _____

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.

Certified by Name and Title: _____

Date: _____ Signature: _____

Due to the Dept. of Health Services within 10 days of notification to the public
Lead and Copper Monitoring and Reporting Violation / Citation No.: 03-12-14C-002