



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

March 11, 2014

Mr. Brad Crandall, Chairman
E.B. Stone & Sons, Inc.
PO BOX 550
Suisun City, CA 94585-0550

CITATION AND CIVIL PENALTY FOR MONITORING AND REPORTING VIOLATIONS
EB STONE PUBLIC WATER SYSTEM (PWS № 4800820)

Dear Mr. Crandall:

The CDPH Drinking Water Program issues the enclosed Citation Number 02-04-14C-002 to the EB Stone water system for failing to comply with 22 CCR §64423.1, §64424, §64430, and §64432.1. The citation includes a civil penalty, and directs EB Stone to take specific actions. Additionally, pursuant to *California Health and Safety Code* §116577, CDPH will send your water system a bill for an enforcement fee for the time necessary to prepare the enclosed citation.

Please contact us if you would like assistance in understanding monitoring requirements. USEPA created guidance documents for small water systems including the "Total Coliform Rule Handbook for Small Noncommunity Water Systems serving less than 3,300 persons". You can obtain a copy of this handbook through the following shortened URL: <http://goo.gl/dVhXTq>. CDPH also provided a copy of this handbook along with Citation No. 02-04-11C-003 in May 2011.

Your water system must collect at least one routine sample per quarter for total coliform bacteria. Instruct your laboratory to mail results directly to CDPH. At the end of each month, complete a coliform summary report form and send the summary report to CDPH by the 10th day of the following month.

Mr. Brad Crandall
March 11, 2014
Page 2

In the case that a sample is total coliform-positive, water systems must collect repeat samples. Whenever a sample is total coliform-positive, your system is required to do all of the following:

- Have the laboratory analyze the total coliform-positive sample for *E. coli*.
- Collect four repeat samples within 24 hours of learning of the total coliform-positive sample: one from the same location as the total coliform-positive sample, two from other locations, and one from Well 01.
- If any repeat sample is total coliform-positive, notify CDPH within 24 hours.
- Collect five routine samples for total coliform during the following month.

Your water system must sample quarterly for nitrate and once every three years for nitrite. Instruct your laboratory to send the data electronically to CDPH.

If we can be of assistance, or if you have any questions, please contact Mr. Eric Swing with this office at (510) 620-3604 or by email at Eric.Swing@cdph.ca.gov.

Sincerely,



Robert Brownwood, P.E.
San Francisco District Engineer
Drinking Water Program

Enclosures:

Citation No. 02-04-14C-002
Tier 3 Public Notice Form

cc: Solano County Environmental Health Department (w/ encl.)

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of public water system: EB Stone
Public Water System Number: 4800820
To: Mr. Brad Crandall, Chairman
E.B. Stone & Sons, Inc.
PO BOX 550
Suisun City, CA 94585-0550

CITATION FOR NONCOMPLIANCE

**With Title 22 of the California Code of Regulations Sections 64423.1, 64424,
64430, and 64432.1**

Citation Number 02-04-14C-002
Issued on March 11, 2014

California Health & Safety Code §116650 authorizes CDPH to issue a citation for failure to comply with a requirement of the California Safe Drinking Water Act or any regulation, standard, permit, or order issued thereunder.

The Drinking Water Program of the State of California Department of Public Health (CDPH) hereby issues a citation to the EB Stone public water system (EB Stone) for failure to comply with Title 22 of the California Code of Regulations (CCR) Sections 64423.1, 64424, 64430, and 64432.1.

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APPLICABLE AUTHORITIES

California Health & Safety Code §116650 states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the 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. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

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

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

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

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

22 CCR §64423.1 states in relevant part:

(c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month, as follows:



1 (1) The water supplier shall submit a monthly summary of the bacteriological
2 monitoring results to the Department.

3 (2) For systems serving fewer than 10,000 service connections or 33,000
4 persons, the water supplier shall require the laboratory to submit copies of all
5 required bacteriological monitoring results directly to the Department.

6 (3) For systems serving more than 10,000 service connections, or 33,000
7 persons, the water supplier shall require the laboratory to submit copies of
8 bacteriological monitoring results for all positive routine samples and all repeat
9 samples directly to the Department.

10
11 22 CCR §64424 states in relevant part:

12 (a) If a routine sample is total coliform-positive, the water supplier shall collect a
13 repeat sample set as described in paragraph (a)(1) within 24 hours of being notified
14 of the positive result. The repeat samples shall all be collected within the same 24
15 hour time period. A single service connection system may request that the
16 Department allow the collection of the repeat sample set over a four-day period.

17 (1) For a water supplier that normally collects more than one routine sample a
18 month, a repeat sample set shall be at least three samples for each total coliform-
19 positive sample. For a water supplier that normally collects one or fewer samples per
20 month, a repeat sample set shall be at least four samples for each total coliform-
21 positive sample.

22 (d) If a public water system for which fewer than five routine samples/month are
23 collected has one or more total coliform-positive samples, the water supplier shall
24 collect at least five routine samples the following month. If the supplier stops
25 supplying water during the month after the total coliform-positive(s), at least five
26 samples shall be collected during the first month the system resumes operation. A
27 water supplier may request the Department waive the requirement to collect at least



1 five routine samples the following month, but a waiver will not be granted solely on
2 the basis that all repeat samples are total coliform-negative. To request a waiver,
3 one of the following conditions shall be met:

4 (1) The Department conducts a site visit before the end of the next month the
5 system provides water to the public to determine whether additional monitoring
6 and/or corrective action is necessary to protect public health.

7 (2) The Department determines why the sample was total coliform-positive
8 and establishes that the system has corrected the problem or will correct the
9 problem before the end of the next month the system serves water to the public. If a
10 waiver is granted, a system shall collect at least one routine sample before the end
11 of the next month it serves water to the public and use it to determine compliance
12 with §64426.1.

13
14 22 CCR §64430, incorporating by reference 40 Code of Federal Regulations
15 §141.402 states in relevant part:

16 (a) Triggered source water monitoring —

17 (1) General requirements. A ground water system must conduct triggered
18 source water monitoring if the conditions identified in paragraphs (a)(1)(i) and
19 (a)(1)(ii) of this section exist.

20 (i) The system does not provide at least 4-log treatment of viruses (using
21 inactivation, removal, or a State-approved combination of 4-log virus inactivation and
22 removal) before or at the first customer for each ground water source; and

23 (ii) The system is notified that a sample collected under 22 California Code
24 of Regulations sections 64422 and 64423 is total coliform-positive and the sample is
25 not invalidated under 22 California Code of Regulations section 64425.

26 (2) Sampling requirements. A ground water system must collect, within 24
27 hours of notification of the total coliform-positive sample, at least one ground water



1 source sample from each ground water source in use at the time the total coliform-
2 positive sample was collected under 22 California Code of Regulations sections
3 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

4 (i) The State may extend the 24-hour time limit on a case-by-case basis if
5 the system cannot collect the ground water source water sample within 24 hours due
6 to circumstances beyond its control. In the case of an extension, the State must
7 specify how much time the system has to collect the sample.

8 (ii) If approved by the State, systems with more than one ground water
9 source may meet the requirements of this paragraph (a)(2) by sampling a
10 representative ground water source or sources. If directed by the State, systems
11 must submit for State approval a triggered source water monitoring plan that
12 identifies one or more ground water sources that are representative of each
13 monitoring site in the system's sample siting plan under 22 California Code of
14 Regulations sections 64422 and 64423 and that the system intends to use for
15 representative sampling under this paragraph.

16 (iii) A ground water system serving 1,000 people or fewer may use a
17 repeat sample collected from a ground water source to meet both the requirements
18 of 22 California Code of Regulations section 64424 and to satisfy the monitoring
19 requirements of paragraph (a)(2) of this section for that ground water source only if
20 the State approves the use of *E. coli* as a fecal indicator for source water monitoring
21 under this paragraph (a). If the repeat sample collected from the ground water
22 source is *E. coli* positive, the system must comply with paragraph (a)(3) of this
23 section.

24
25 22 CCR §64431 states in relevant part:

26 (a) Public water systems shall comply with the primary MCLs in Table 64431-A
27 as specified in this article.



Table 64431-A

Maximum Contaminant Levels

Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Nitrate (as NO ₃)	45.

22 CCR §64432.1 states in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the Department reduce monitoring frequency to annual sampling.

(4) After any round of quarterly sampling is completed, each community and nontransient-noncommunity system which initiates annual monitoring shall take subsequent samples during the quarter which previously resulted in the highest analytical results.

22 CCR §64469 states in relevant part:

(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 (b) Analytical results of all sample analyses completed by water wholesalers in a
2 calendar month shall be reported to retail customers and the Department no later
3 than the tenth day of the following month.

4 (c) Analytical results shall be reported to the Department electronically using the
5 Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF]
6 Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated
7 April 2001.

8 9 STATEMENT OF FACTS

10 EB Stone is a transient noncommunity public water system, owned by E.B. Stone &
11 Sons Inc, located at 6111 Lambie Rd in Suisun City in Solano County. The water
12 system serves a population of approximately 43 people at a private manufacturing
13 facility, also owned by E.B. Stone & Sons Inc, through one service connection.
14 Water system facilities are one groundwater well, hydropneumatic storage, and the
15 distribution system. The CDPH Drinking Water Program issued Water Supply Permit
16 Number 02-04-08P-4800820 to EB Stone on April 21, 2008.

17
18 CDPH received two water sample reports from the Napa-Solano-Yolo-Marin County
19 Public Health Laboratory on January 2, 2014. The reports show that EB Stone
20 collected one routine sample for total coliform bacteria on December 20, 2013. The
21 sample was total coliform-positive. The reports show that EB Stone collected one
22 repeat sample for total coliform bacteria on December 27, 2013. The reports show
23 that the repeat sample was collected at a location labeled "Office Sink".

24
25 22 CCR §64424(a)(1) requires EB Stone to collect four repeat samples within 24
26 hours following notification of a total coliform-positive routine sample. EB Stone
27 failed to collect four repeat samples during December 2013. EB Stone failed to



1 collect any repeat samples within 24 hours of notification of the positive routine
2 sample. 22 CCR §64430 requires EB Stone to collect one of the four repeat samples
3 from the groundwater source. EB Stone failed to collect a sample from the
4 groundwater source location.

5
6 22 CCR §64423.1 requires EB Stone to send to CDPH a summary of bacteriological
7 samples at the end of each month. EB Stone failed to send bacteriological summary
8 reports to CDPH for each of the twelve months from January 2013 through
9 December 2013.

10
11 CDPH received data for a nitrate sample collected at EB Stone on March 30, 2012.
12 The sample showed a nitrate concentration of 45.0 mg/L. 22 CCR §64432.1 requires
13 EB Stone to sample quarterly for nitrate following a sample that shows nitrate
14 exceeding 50 percent of the nitrate maximum contaminant level. CDPH did not
15 receive nitrate data for the seven calendar quarters from April 2012 through
16 December 2013. EB Stone failed to sample for nitrate during the seven calendar
17 quarters from April 2012 through December 2013.

18 19 DETERMINATIONS

20 CDPH HAS DETERMINED:

- 21 • EB Stone violated 22 CCR §64423.1 during the twelve months from January
22 2013 through December 2013 by failing to send to CDPH summary reports of
23 bacteriological sampling after each month.
- 24 • EB Stone violated 22 CCR §64424 during December 2013 by failing to collect
25 four repeat samples within 24 hours of notification that the routine sample
26 was total coliform-positive.

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- EB Stone violated 22 CCR §64430 during December 2013 by failing to collect a triggered source water sample from the groundwater source within 24 hours of notification that the routine sample was total coliform-positive.
 - EB Stone violated 22 CCR §64432.1 during the seven calendar quarters from April 2012 through December 2013 by failing to sample for nitrate.

7

CIVIL PENALTY

8 CDPH hereby assesses EB Stone the following penalties:

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- \$150 for each of seven quarters from April 2012 through December 2013 when EB Stone failed to sample for nitrate. This totals \$1,050.
 - \$100 for failing to collect four repeat samples within 24-hours of notification that the December 2013 routine sample was total coliform-positive.

13 CDPH assesses EB Stone a total civil penalty of \$1,150. EB Stone must make a
14 payment to CDPH by April 15, 2014.

15

16

DIRECTIVES

17 CDPH directs EB Stone to take the following actions:

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1. Comply with 22 CCR §64423.1, §64424, §64430, and §64432.1 in all future monitoring periods.
 2. Provide notice of the monitoring violations in conformance with 22 CCR §64463.7 and §64465, and as follows:
 - a) Complete the attached Tier 3 Notice form to include the information required by 22 CCR §64465. Describe in the blank space provided on the attached Tier 3 Notice form the actions the water system is taking to correct the violations.
 - b) Send the completed notice form to CDPH for review.



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c) Post the notice that CDPH has approved in conspicuous locations throughout the area served by the water system no later than December 31, 2014. Keep the notices in place for at least 7 days.

3. Collect five samples for total coliform bacteria during March 2014.
4. Collect one sample for *E. coli* from the groundwater well by March 31, 2014.
5. Sample the groundwater well for nitrate by March 31, 2014.
6. Submit to CDPH by March 31, 2014 a check for the penalty of \$1,150 assessed by this citation. Write the citation number on the check. Make the check payable to the **California Department of Public Health Safe Drinking**

Water Account. Mail the check to:

Department of Public Health
Drinking Water Program – Fee Billing Unit
ATTN: Ms. Perin Peebles
PO BOX 997379, MS 7406
Sacramento CA 95899-7379

CDPH 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 EB Stone of its obligation to meet the requirements of the California Safe Drinking Water Act or any regulation, standard, permit or order issued thereunder.



1 All submittals required by this citation must be submitted to the CDPH at the
2 following address:

3 Robert Brownwood, P.E.
4 California Department of Public Health
5 Drinking Water Program
6 850 Marina Bay Parkway, Bldg. P, 2nd Fl.
7 Richmond CA 94804-6403
8

9 **PARTIES BOUND**

10 This citation shall apply to and be binding upon EB Stone, its officers, directors,
11 agents, employees, contractors, successors, and assignees.
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13 **SEVERABILITY**

14 The directives of this citation are severable, and EB Stone shall comply with each
15 and every provision thereof notwithstanding the effectiveness of any provision.
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FURTHER ENFORCEMENT ACTION

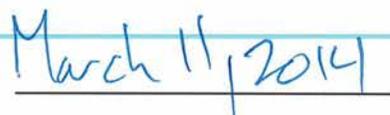
The California Safe Drinking Water Act authorizes CDPH to issue additional citations with assessment of penalties if EB Stone fails to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if EB Stone has violated applicable law or regulations or has failed to comply with orders of CDPH; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the CDPH. CDPH does not waive any further enforcement action by issuance of this citation.



Stefan Cajina, P.E., Chief

North Coastal Region

Drinking Water Program



Date

Certified Mail No. 7007 0710 0000 5917 2408



Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

¹ CCR may be used as long as public notification timing and delivery requirements are met [64463.7(d)].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropane; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

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.

Monitoring Requirements Not Met for EB Stone

Our water system failed to monitor as required for drinking water standards during the past year 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 December 2013, we did not collect enough repeat samples for total coliform bacteria and therefore, cannot be sure of the quality of our drinking water during that time. From April 2012 through December 2013 we did not sample for nitrate 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(s) 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.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Total coliform bacteria	4 repeat samples after a total coliform-positive sample	1	December 22, 2013	March 2014
Nitrate	Quarterly	0	7 samples from April 2012 through December 2013	March 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:

Name: _____

Phone number: _____

Mailing address: _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by EB Stone.

State Water System ID#: 4800820.

Date distributed: _____.