



RON CHAPMAN, MD, MPH
Director

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



EDMUND G. BROWN JR.
Governor

March 20, 2013
Certified Mail/Return
7009 1680 0001 3114 5042

Lexington Inn & Suites
4228 South Hwy 99
Yuba City, CA. 95991

Attention: Ray Patel, Owner

Subject: Public Water System No. 5100125 – Citation No. 21-13C-001 for Bacteriological Procedural Failure

Lexington Inn & Suites is classified as a Transient Non-community water system serving greater than 1,000 people per month. Per Title 22, Section 64423 of the California Code of Regulations (CCR), this water system is required to collect and report at least one sample for coliform bacteria each month. The system failed to collect and report a sample during the month of November 2012. Therefore, this Citation is hereby issued to the water system for violating the bacteriological monitoring and reporting requirements during the month of November 2012.

Section 116577 of the California Safe Drinking Water Act provides for our department to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this citation. Our costs are approximately \$126 per hour. At this time we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill for these costs, typically by September 1st, from our Fee Billing Unit in Sacramento.

If you have any questions please call Paul Rowe at (530) 224-4866. You may also contact me directly at (530) 224-4861.


Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: Richard Hinrichs, Chief – DDW – Northern California Region

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: LEXINGTON INN & SUITES (Water System)

Water System No: 5100125

Owner: Ray Patel

To: LEXINGTON INN & SUITES

4228 South Hwy 99

Yuba City, CA 95991

Issued: March 8, 2013

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

November 2012

Chapter 4, Article 9, Section 116650 of Part 1 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

APPLICABLE AUTHORITIES

Section 116650 of the CHSC 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



1 public water system. The citation shall be served upon the public water
2 system personally or by certified mail. Service shall be deemed effective
3 as of the date of personal service or the date of receipt of the certified
4 mail. If a person to whom a citation is directed refuses to accept delivery
5 of the certified mail, the date of service shall be deemed to be the date
6 of mailing.

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

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

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

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

21
22 California Code of Regulations (CCR), Section 64423(a) states in relevant part:

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24 The minimum number of samples for a transient-noncommunity water
25 system using groundwater and serving more than 1000 persons during
26 any month shall be based on the known population served.
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CCR, Section 64423.1 states in relevant part:

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.

STATEMENT OF FACTS

The Department has determined that Lexington Inn & Suites must collect one (1) routine bacteriological sample per month in accordance with Section 64423, Title 22 of the CCR. As of the date of this citation, the Division of Drinking Water and Environmental Management of the Department of Public Health (Department) has not received any bacteriological results for a sample collected from the Water System's distribution system in November of 2012.

The legal owner, Ray Patel, has not been issued a domestic water supply permit due to a recent change in ownership. This owner was not aware of bacteriological sampling requirements in November 2012, and has since hired a certified operator for this work

DETERMINATIONS

The Department has determined that failure to collect a monthly bacteriological sample from the distribution system in November of 2012 is a violation of Sections 64423 and 64423.1, Title 22 of the CCR. The Department hereby issues a citation to the LEXINGTON INN & SUITES (Water System) for failure to comply with Section 64423 and 64423.1 of Title 22, California Code of Regulations. Specifically, the Water System (mailing address: 4228 South Hwy 99, Yuba City, CA 95991) failed to report a bacteriological water sample result (one per month for this system) in November of 2012.

1 Public notification is hereby waived due to the extraordinary circumstance
2 surrounding this violation, in addition to the fact that the last positive
3 bacteriological result was significantly long ago (March 2003).

4 5 **DIRECTIVES**

6 The LEXINGTON INN & SUITES is hereby directed to take the following
7 actions:

- 8 1. Comply with the sampling requirements of Section 64423, Title 22, of the
9 CCR in all future monitoring periods. The water system is required to
10 report one bacteriological sample result per month.

11 12 **PARTIES BOUND**

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

15 16 **SEVERABILITY**

17 The directives of this Citation are severable, and the System shall comply with
18 each and every provision thereof notwithstanding the effectiveness of any
19 provision.

20 21 **FURTHER ENFORCEMENT ACTION**

22 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the
23 California Health and Safety Code authorizes the Department to: issue
24 additional citations with assessment of penalties if a public water system
25 continues to fail to correct a violation identified in a citation; take action to
26 suspend or revoke a permit that has been issued to a public water system if the
27 system has violated applicable law or regulations or has failed to comply with
orders of the department; and petition the superior court to take various
enforcement measures against a public water system that has failed to comply



1 with orders of the department. The Department does not waive any further
2 enforcement action by issuance of this citation.

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Reese B. Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations Branch

Date

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CERTIFIED MAIL NO. 7009 1680 0001 3114 5042

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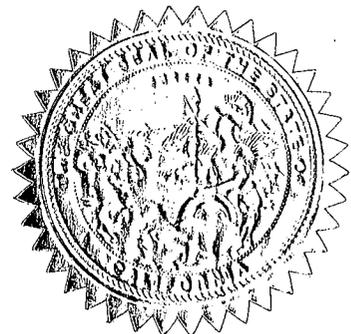
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