



Ron Chapman, MD, MPH
Director & State Health Officer

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

DRINKING WATER FIELD OPERATIONS BRANCH

50 D STREET, SUITE 200, SANTA ROSA, CA 95404

PHONE: (707) 576-2145 / FAX: (707) 576-2722

INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

January 9, 2014

Water System No. 2100553

Jane Brown
Rancho Nicasio
P.O. Box 779
Mill Valley, CA 94942

CITATION NO. 02-18-14C-001

**TRIGGERED SOURCE MONITORING AND REPORTING VIOLATION FOR
NOVEMBER 2013**

Enclosed is a Citation issued to the Rancho Nicasio (System) public water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento on approximately August 1, 2014. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Cindi Lee of my staff at (707) 576-2422 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

Enclosures

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Rancho Nicasio

Water System No: 2100553

To: Rancho Nicasio
P.O. Box 779
Mill Valley, CA 94942

Issued: January 9, 2014

CITATION FOR NONCOMPLIANCE

With Triggered Source Monitoring and Reporting for November 2013

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Rancho Nicasio (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64430.

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 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.



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CCR, Title 22, Section 64430 and Section 141.402(a)(1) Title 40, Code of Federal Regulations published in November 8, 2006, Federal Register (Vol.71, No. 216) states in relevant part:

A ground water system must conduct triggered source water monitoring if the system is notified that a sample collected under California Code of Regulations, Title 22, Sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under California Code of Regulations, Title 22, Section 64425.

STATEMENT OF FACTS

The System collected a routine bacteriological sample on November 25, 2013 as required by Sections 64422 and 64423. The result of this sample was total coliform-positive. Pursuant to Section 64430, the System is required to collect a triggered source sample from each well in use at the time the positive routine sample was collected.

As of the date of this citation, the Department has not received any triggered source water samples in response to the total coliform-positive routine sample from the System during November 2013.

DETERMINATIONS

THE DEPARTMENT HAS DETERMINED:

1 The System violated Title 22 of the CCR, Section 64430, in that the System
2 failed to collect the required number of triggered source water samples
3 during November 2013.
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5 **DIRECTIVES**
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8 Rancho Nicasio is hereby directed to take the following actions:
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10 1. Comply with Section 64430, Title 22, of the CCR in all future
11 monitoring periods.
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13 2. Notify all persons served by the System of the failure to sample, in
14 conformance with Section 64463.4 and Section 64465, Title 22 of the
15 CCR, and as follows:
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18 a) Completion of Attachment A to include the name, address, and
19 telephone number of a System representative as a source of
20 additional information concerning the public notice. **You must**
21 **also give a legible, written description (preferably typed) of**
22 **the corrective actions taken by the water system to prevent**
23 **this violation from occurring in the future. You must use the**
24 **space provided on Attachment A for this written description.**
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27 b) Provide the notice by mail or direct delivery, **after it has been**
completed in accordance with (a) above, to each home served



1 by the System by **February 7, 2014**. The notice contained in
2 Attachment A must also be posted, **after it has been completed**
3 **in accordance with (a) above**, in conspicuous locations
4 throughout the Rancho Nicasio building served by the System.
5 Posting must begin no later than **January 31, 2014** and must
6 continue for seven days.

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9 c) Publish the notice contained in Attachment A, **after it has been**
10 **completed in accordance with (a) above**, in a local newspaper
11 of general circulation in the area served by the System (or weekly
12 newspaper if no daily paper is available) for one day. The
13 publication in a local newspaper must be completed by **February**
14 **7, 2014**.

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17 d) Provide public notice for this violation in accordance with Section
18 64465(c), Title 22 or the CCR, which requires for each non-
19 English speaking group that exceeds 1,000 residents or 10% of
20 the residents in a community (whichever is less) that the public
21 notice contain information in the appropriate language(s)
22 regarding the importance of the notice, or contain a telephone
23 number or address where such residents may contact the water
24 system to receive a translated copy of the notice or to receive
25 assistance in the appropriate language.
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3. Pursuant to Section 64430, Title 22 of the CCR and Section 141.402(a) Title 40, Code of Federal Regulations, the System shall collect a sample from the source(s) that was on-line at the time the November 25, 2013 sample was collected and have the sample analyzed for *E. coli* by **January 31, 2014**.

4. The System shall complete the enclosed Water Quality Emergency Notification Plan form, the Bacteriological and Groundwater Rule Sampling Plan, and provide a water system schematic per enclosed handout 7-09. These documents are to be submitted by **February 14, 2014**.

5. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to system customers but in no case later than **February 14, 2014**. **A copy of the notice published in the newspaper, a copy of the notice delivered/posted to the customers, and a copy of the wellhead laboratory results must be attached to the form.**

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.

1 Nothing in this Citation relieves the System of its obligation to meet the
2 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
3 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
4 standard, permit or order issued thereunder.

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6 All submittals required by this Citation shall be submitted to the Department

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8 at the following address: Janice M. Thomas, P.E.
9 Department of Public Health
10 Drinking Water Program
11 50 D Street, Suite 200
12 Santa Rosa, CA 95404

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18 **PARTIES BOUND**

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20 This Citation shall apply to and be binding upon the System, its officers,
21 directors, agents, employees, contractors, successors, and assignees.
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27 **SEVERABILITY**

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29 The directives of this Citation are severable, and the System shall comply
30 with each provision thereof notwithstanding the effectiveness of any
31 provision.
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37 **FURTHER ENFORCEMENT ACTION**

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39 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
40 California Health and Safety Code authorizes the Department to: issue



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additional citations with assessment of penalties if the System continues to fail 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 the 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 with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Janice M. Thomas
Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

January 9, 2014
Date

Attachments

Certified Mail No. 701234600026459 4393



2100553/Compliance
02-18-14C-001-2100553-26.docx/CEL

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COMPLIANCE CERTIFICATION

Citation Number 02-18-14C-001

Name of Water System: **Rancho Nicasio**

System Number: **2100553**

Certification

I certify that the users of the water supplied by this water system were notified of the triggered source sampling violation(s) of Title 22, California Code of Regulations (CCR) for the compliance period of November 2013.

Required Action

Date Completed

Complete Attachment A, as required by Directive 2(a)
Public Notification – Mail or Direct Delivery and
Continuous posting for 7 Days
Public Notification – Newspaper
Triggered Source Sample(s) and Analyzed for *E. coli*.
Also submit completed GWBSP, ENP and schematic.

Signature of Water System Representative

Date

Attach a copy of the notice delivered to the customers, a copy of the notice published in the newspaper, the laboratory results, GWBS, ENP and water system schematic.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN FEBRUARY 14, 2014**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 each 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 county jail not to exceed one year, or by both the fine and imprisonment.

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.

Rancho Nicasio Failed to Perform Follow up Testing for *E. coli* Bacteria in November 2013

Our water system failed to perform follow up testing on our drinking water during November 2013, after a routine water sample was tested and found to contain coliform bacteria. Although this is not an emergency, as our customers, you have a right to know about this violation – what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened? We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indication of whether or not the drinking water meets health standards. During November 2013 our routine sample tested positive for coliform bacteria. No fecal coliform or *E. coli* bacteria were found. However, we failed to collect a sample from the well and, therefore, we cannot be sure of the quality of our drinking water during that time period.

What does this mean? Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If water is tested for coliform bacteria and it is found to be absent, the water can be considered safe from bacteria. If the water is not tested, consumption of the water may not necessarily result in illness, but that possibility exists. Routine and repeat sampling is important to periodically verify the quality of drinking water. Our failure to perform wellhead sampling for *E. coli* during November 2013 was a violation of Section 64430, Title 22 of the California Code of Regulations (CCR).

What should I do? This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____
(name)

(address)

(phone number)

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from **Rancho Nicasio** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).