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STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

**IN RE:** Hynes Estates Mutual Water Company  
8172 Hynes Road  
Anaheim, CA 92804

**TO:** Mr. Brian Donahue, Manager  
President

CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 3000519  
CITATION NO. 05-08-13C-001

Issued on October 10, 2013

Section 116650, Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the issuance of a citation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, standard, permit or order issued thereunder.

**VIOLATION**

The California Department of Public Health, Drinking Water Field Operations Branch (hereinafter CDPH), hereby issues a citation to the Hynes Estates Mutual Water Company (hereinafter Company) (mailing address: 8172 Hynes Road, Anaheim, CA 92804) for the following violations:

1. Section 64675 (b), Title 22, California Code of Regulations (CCR). Specifically, the Company failed to comply with the monitoring requirements of the Lead and Copper Rule. As required by regulation, the Company was to collect five (5) tap samples for lead and copper analysis during the monitoring period from June 1, 2012 to September 30, 2012. No lead and copper tap sample was collected during the monitoring period.

1 2. Section 64690.10, Title 22, CCR. Specifically, the Company failed to comply with  
2 the reporting requirements of the Lead and Copper Rule. As required by  
3 regulation, the Company was to report the lead and copper analysis results of all  
4 tap samples collected during the monitoring period within the first 10 days after  
5 the end of each period. The report must include the location of each sample site  
6 and the associated tier criteria from section 64676 (Sample Site Selection), the  
7 90th percentile lead and copper concentrations calculated pursuant to section  
8 64678 (Determination of Exceedances of Lead and Copper Action Levels), and  
9 identification of any site that was not sampled during previous periods, along with  
10 an explanation of why the sampling site was changed during the monitoring  
11 period of June 1, 2012 to September 30, 2012. No report was submitted.  
12

13 **PREVIOUS ENFORCEMENT ACTIONS**

- 14 1. On February 8, 2010, the Company was issued a Notice of Violation for not  
15 providing a public notification of the 2005 lead and copper monitoring violation.  
16 Under the Public Notification Rule, this violation is categorized as a T3 Violation.  
17
- 18 2. On August 18, 2006, the Company was issued Notice of Violation relating to  
19 Section 64424 (a) (1), Title 22, CCR. The Company failed to conduct the first  
20 reduced tap sampling for lead and copper in the distribution system during June  
21 to September of 2005. The Company returned to compliance with the lead and  
22 copper sampling requirements by collecting and testing five samples from the  
23 sites that meet the criteria listed in Section 64673 (b) of Title 22, CCR in  
24 September of 2006. The Company reported the results to the Department on  
25 December 7, 2006.  
26

1 **BACKGROUND**

2 The Company is a community water system which supplies water for domestic purposes  
3 to a population of approximately 120 people through 42 service connections. The  
4 Company is currently operating the water system under the authority of Water Supply  
5 Permit No. 05-08-04P-003 issued by CDPH on February 20, 2004. The Company  
6 obtains its water supply from a well located at 8127 Hynes Road in the City of Anaheim.  
7 The Company provides chlorination at the wellhead as the only treatment to the water  
8 produced by this well. Wellhead chlorination was installed in August 2009, which  
9 required a permit amendment to be issued in November 2009.

10 The Company is required to retain a D1 state-certified distribution operator to operate all  
11 of its facilities. In addition, the Company is required to collect one routine bacteriological  
12 sample each month from the distribution system to comply with the monitoring  
13 requirements of the Total Coliform Rule. The Company is also currently required to  
14 collect five lead and copper tap samples from the distribution system once every three  
15 years. The last lead and copper tap monitoring was completed in July 2009.

16  
17 **CHRONOLOGY OF EVENTS**

18 On September 12, 2013, the Company submitted the lead and copper analysis results  
19 to CDPH, meeting the requirements of sections 64675 and 64690.10.

20  
21 On August 21, 2013, the Company reported to CDPH that five samples were collected  
22 from the water system.

23  
24 On July 17, 2013, the department followed up with Mr. Paul Placinta about the status of  
25 the lead and copper monitoring.

26

1 On June 26, 2013, the Company sampled only one tap instead of the required five taps  
2 from the water system and reported the analysis results to CDPH.

3  
4 In early June, the Department confirmed with the Company that the required lead and  
5 copper monitoring for 2012 was not conducted.

6  
7 **DIRECTIVES**

8 The Company is hereby directed to take the following actions:

- 9 1. In accordance with Section 64463.7, the Company shall provide Tier 3 public  
10 notice to all customers by **June 30, 2014** for failing to collect and analyze lead  
11 and copper tap samples for the 2012 monitoring period. This public notice shall  
12 be reviewed and approved by CDPH prior to distribution to your consumers. The  
13 Company may use the Consumer Confidence Report pursuant to sections 64480  
14 through 64483, to meet the initial and repeat Tier 3 public notice requirements in  
15 subsection 64463.7(b) detailing the violations and occurrences listed above. The  
16 Consumer Confidence Report shall be delivered in a manner designed to reach  
17 persons served by the water system and posted in conspicuous locations  
18 throughout the area served by the water system. The Company shall include the  
19 content specified in CCR Title 22, Section 64465. Instructions and a template for  
20 completing the public notice are included as an enclosure to this citation.

- 21  
22 2. The Company shall submit a copy of the public notice to CDPH **within ten days**  
23 **of the issuance** of the notification along with the enclosed proof of notification  
24 form.

25  
26 All Submittals required by this citation shall be sent to:

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Oliver C. Pacifico, P.E.  
District Engineer  
California Department of Public Health  
Division of Drinking Water and Environmental Management  
605 W. Santa Ana Blvd, Building 28, Room 325  
Santa Ana, CA 92701

**CIVIL PENALTIES**

Failure to comply with any provision of this citation may result in CDPH imposing an administrative penalty of not less than \$1,000.00 (One thousand) per day as of the date of violation of any provision of this citation.

*Oct. 10, 2013*



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Date Oliver C. Pacifico, P.E.  
Santa Ana District Engineer  
Southern California Branch  
Drinking Water Field Operations Branch

**Enclosures:**

1. Tier 3 - Public Notification Template and Instructions
2. Proof of Notification Form

cc: Orange County Environmental Health  
Hynes Estates Mutual Water Company:  
Ms. Carol Warren, Member  
11732 Court Lane  
Anaheim, CA 92804

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Ms. Yoerg Hanisch, Treasurer  
8181 Crager Lane  
Anaheim, CA 92804

Mr. Paul Placinta, Contract Operator  
paul2980@gmail.com

1 bcc: David Mazzer, Ph. D.  
2 Cindy Forbes  
3 Region  
4 **District - Enforcement**  
5 Reading File  
6 ATN-PICME  
7

8 1310-HynesEstates-Citation LCR Monitoring 05-08-13C-001-OCP.docx  
9 OCP/ATN



## 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 <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> 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 <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> 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 Report<sup>1</sup>. 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].

<sup>1</sup> 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 <sup>(a)</sup>	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-Dichloropropene; 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 [System]

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 [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] 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.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
	[number] sample every [number][time interval]			

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

#### What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [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 [system].

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.



# PROOF OF NOTIFICATION

Name of Water System: **Hynes Estates Mutual Water Company**

System Number: 3000519

## **Certification of Notification (Tier 3 Public Notice) for 2012 Triennial Lead and Copper Monitoring Violation**

As required by Section **64463.7** (a), Title 22, *California Code of Regulations*, I notified the users of the water supplied by Hynes Estates Mutual Water Company of the violation of Section 64675.5 (a) (1), *Title 22, California Code of Regulations, Chapter 17.5, Article 3 Monitoring for Lead and Copper*. I complied with the requirement to conduct public notification as indicated below:

<u>Required Action (indicate all that were used)</u>	<u>Date Completed</u>
Public Notification – Hand Delivery	<input type="text"/>
Public Notification - Mail Delivery	<input type="text"/>
Public Notification – Continuous Posting	<input type="text"/>
Public Notification - Consumer Confidence Report	<input type="text"/>
Public Notification - Other method Specify other method used: _____	<input type="text"/>

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**ATTACH A COPY OF THE NOTICE USED.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT**

