CALIFORNIA
Water Boards

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ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

January 21, 2016

Keith Pearce
Associate Civil Engineer
Inyo County Public Works Department – Independence
P.O. Drawer Q
Independence, CA 93526

CITATION NO. 05-13-16C-001
FAILURE TO COLLECT LEAD AND COPPER SAMPLES IN 2015
INYO COUNTY PUBLIC WORKS DEPARTMENT–INDEPENDENCE (SYSTEM NO. 1410008)

Dear Keith Pearce:

The State Water Resources Control Board, acting by and through its Division of Drinking Water (Division), hereby issues a citation to Inyo County Public Works Department – Independence (hereinafter, Inyo County PWD) for the following violation:

- Title 22, California Code of Regulations (CCR), Section 64675(b)(2). Specifically, Inyo County PWD failed to monitor for Lead and Copper in 2015 during the months of June, July, August or September.

Inyo County PWD must follow the directives in this citation. If you have any questions in regards to this letter, please contact Wei Chang at (909) 383-6029 or by e-mail at Wei.Chang@waterboards.ca.gov

Sincerely,

Sean F. McCarthy, P.E.
District Engineer
San Bernardino District
Southern California Field Operations Branch

Enclosure: Citation No. 05-13-16C-001

ENCLOSURE

CITATION NO. 05-13-16C-001

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: Inyo County Public Works Department – Independence
P.O. Drawer Q
Independence, CA 93526

ATTN: Keith Pearce
Associate Civil Engineer

CITATION FOR NON-COMPLIANCE OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64675(b)(2)

WATER SYSTEM NO. 1410008

CITATION NO. 05-13-16C-001

Issued on January 21, 2016

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104 , Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to Inyo County Public Works Department – Independence (hereinafter Inyo County PWD) for the following violations:

- Title 22, California Code of Regulation (CCR), Section 64675(b)(2). Specifically, Inyo County PWD failed to monitor for Lead and Copper in 2015 during the months of June, July, August or September.

HISTORY

Inyo County PWD – Independence is a community water system supplying water for domestic purposes to approximately 669 persons through 365 service connections. The Lead and Copper Rule requires water systems under annual and triennial tap sampling with 669 populations to conduct lead and copper tap sampling at 20 locations, or at 10 locations when water systems are approved for reduced monitoring. The monitoring period is during the summer months of June, July, August and September after completing the initial monitoring. On July 24, 2012, Inyo County PWD collected a triennial sample set of 10 lead and copper samples. No samples were collected in 2015 during the summer months of June, July, August and September. Therefore, Inyo County PWD is not in compliance with the Lead and Copper Rule in accordance with Section 64675(b)(2) of the Title 22, CCR.

DIRECTIVES

Inyo County PWD – Independence is hereby directed to take the following actions:

1. **By December 31, 2016,** Inyo County PWD shall notify it's consumers of the failure to collect lead and copper samples in conformance with Title 22, CCR, Section 64675 (b)(2).
   - Pursuant to Title 22, CCR, Sections 64463.7 (a) (1) and 64463.7 (b), and (c) or (d), a Tier 3 public notice may be included in the 2015 Consumer Confidence Report, due by July 1, 2016. The content of the notice including the mandatory language shall be

approved by the Division prior to issuance. A Tier 3 Monitoring Violation Annual Notice Template is attached. **(Attachment No. 1)**

2. By **January 10, 2017,** Inyo County PWD shall submit a copy of the notice and a certification that all the public notice requirements have been met pursuant to Section 64463. 7 and 64465 Title 22, CCR. **(Attachment No. 2)**

3. By **September 30, 2016,** Inyo County PWD must complete lead and copper monitoring at 10 sample sites. The samples shall be collected during the months of June, July, August or September.

4. By **October 10, 2016,** Inyo County PWD must submit the lead and copper monitoring results to the Division accompanied by a completed Lead and Copper Form 141-A amended and Lead and Copper Results Worksheet **(Attachment No. 3).** Results need only be submitted if monitoring is completed.

All submittals required by this citation shall be sent to:

Sean F. McCarthy, P.E.
Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
464 W. 4th Street, Suite 437
San Bernardino, CA 92401

CIVIL PENALTIES

Section 116650 (d) and (e) of the H&S Code allow for the assessment of a civil penalty for failure to comply with requirements of the Safe Drinking Water Act. Failure to comply with any provision in this citation will result in the Division imposing an administrative penalty of up to $200.00 (two hundred dollars) per day as of the date of violation of any provision of this citation.

January 21, 2016
Date

Sean F. McCarthy, P.E.
District Engineer
San Bernardino District
Southern California Field Operations Branch

Attachments (3)

Attachment No. 1

Tier 3 Public Notice Template

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 State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [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.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
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 Report[1]. 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

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

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

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.

Contaminant	*Required Sampling Frequency*	*Number of Samples Taken*	*When All Samples Should Have Been Taken*	*When Samples Were or Will Be Taken*
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-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

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system 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 DDW 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 DDW 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: _____.

Attachment No. 2

Proof of Consumer Notification

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it._____

_____

_____

Consumers Notified _____ Yes _____ No

If not, Explain:_____

_____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Division approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated:_____ _____

Signature of Person Serving Notice

****Notice:** Complete this Proof of Notification and return it **along with a copy of the notification** to the Division within **10 days** of receipt of giving public notice.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 fine of not more than twenty-five thousand dollars ($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.

Attachment No. 3

Lead and Copper Form 141-AR
Lead and Copper Results Worksheet

Lead and Copper Results Worksheet

System Name: _____ Sample Date(s):_____

Determine the 90th Percentile Lead and Copper Levels:

1. List all of the samples in Table 1 below. If the system collected more than the minimum number of required samples, all samples collected must be analyzed and the results listed in Table 1 below.
2. Circle the highest three values for both lead and copper.
3. Determine the 90th percentile lead level by following the instructions given in Table 2.

   Write down the 90th Percentile level for Lead = _____ mg/L (action level = 0.015 mg/L)
4. Determine the 90th percentile copper level by following the instructions given in Table 2.

   Write down the 90th Percentile level for Copper = _____ mg/L (action level = 1.3 mg/L)

Table 1 - Sample Results

	Sample Address	Lead Level (mg/L)	Copper Level (mg/L)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

Table 2 - Determining the 90th Percentile Lead or Copper Level

Number of Tap Samples Collected	How to Determine the 90th Percentile Lead or Copper Level
5 to 7	Average the two highest sample results to get the 90th percentile level.
8 to 12	The 90th percentile level is the second highest sample result.
13 to 17	Average the second and third highest sample results to get the 90th percentile level.
18 to 22	The 90th percentile level is the third highest sample result.

Form 141-AR

LEAD AND COPPER RULE SAMPLING REPORT

System's Name: _____

Type: ☐ CWS ☐ NTNCWS

Address: _____

Population: ☐ >100,000
☐ 50,001 to 100,000
☐ 10,001 to 50,000
☐ 3,301 to 10,000
☐ 501 to 3,300
☐ 101 to 500
☐ < 101

Telephone Number: _____

System ID Number: _____

Contact Person: _____

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 contain lead pipes; or are served by lead service lines. **(Tier 1)** _____
- Multi-family structures with copper pipes with lead solder installed after 1982; or contain lead pipes; or are served by lead service lines. **(Tier 2)** _____
- Buildings containing copper pipes with lead solder installed after 1982; or contain lead pipes; or are served by lead service lines. **(Tier 2)** _____
- Single family structures with copper pipes with lead solder installed before 1983. **(Tier 3 –** use only if insufficient number of Tier 1 and Tier 2 sampling sites) _____
- Representative sites throughout the distribution system (sites w/ plumbing materials commonly found at other sites) (use only if insufficient number of Tier 1, 2, and 3 sites) _____

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 laboratory 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