CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**
Division of Drinking Water

December 16, 2016

System No. 3500562

Mr. Chase McAlpine, Manager
900 Anzar Road
San Juan Bautista, CA 95045

**CITATION NO. 02_05_16C_022**
**TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION FOR NOVEMBER 2016**

Enclosed is a Citation issued to the McAlpine Lake & Park (hereinafter "McAlpine Lake & Park WS") public water system.

The McAlpine Lake & Park WS will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Board has spent approximately two hours on enforcement activities associated with this violation.

The McAlpine Lake & Park WS will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the McAlpine Lake & Park WS for the current fiscal year.

If you have any questions regarding this matter, please contact Lora Lyons of my staff at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

Jan Sweigert

Jan. R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008-1830-0004-5435-2152
cc San Benito County Environmental Health Department

**Citation No. 02_05_16C_022**

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

**Name of Public Water System:** McAlpine Lake & Park

**Water System No:** 3500562

**Attention**: Mr. Chase McAlpine, Manager
900 Anzar Road
San Juan Bautista, CA 95045

**Issued**: December 16, 2016

**CITATION FOR NONCOMPLIANCE**

**TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION**

**CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64426.1**

**NOVEMBER 2016**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this citation pursuant to Section 116650 of the CHSC to the McAlpine Lake & Park water system (hereinafter "McAlpine Lake & Park WS) for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64426.1.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

## STATEMENT OF FACTS

The McAlpine Lake & Park WS is classified as a non-transient non-community water system with a population of 110, serving 33 connections. The Division received laboratory results for nine bacteriological samples collected during November 2016 from the McAlpine Lake & Park WS. All samples were analyzed for the presence of total coliform bacteria. Eight of the nine samples analyzed were positive for total coliform bacteria. None of the total coliform positive samples showed the presence of *Escherichia coli (E. coli)* bacteria.

On November 17, 2016, Mr. Daniel Gonzales, Operator for the McAlpine Lake & Park WS, notified Division staff of the bacteriological maximum contaminant level (MCL) exceedance.

The McAlpine Lake & Park WS conducted investigative coliform monitoring (13 samples), including two raw water samples from Well 01, on November 20, 2016 and November 21, 2016. All samples tested negative for total coliform bacteria.

On September 9, 2016, the Division issued Citation No. 02_05_16C_018 to the McAlpine Lake & Park WS for failure to comply with Title 22, CCR, Section 64426.1, during August 2016. An additional coliform MCL exceedance within a 12 month period requires a Level 2 Assessment Report be conducted by the Division. The Level 2 Assessment was completed by Division staff on November 22, 2016, with additional information submitted by the water system operator on December 2, 2016. Investigative findings determined the cause of the coliform contamination to be possible backflow contamination and/or maintenance to the ozone treatment system by persons other than the certified treatment system operator.

## DETERMINATION

CCR, Title 22, Section 64426.1, Total Coliform Maximum Contaminant Level (MCL) states that a public water system is in violation of the total coliform MCL if it collects fewer than 40 bacteriological samples per month and if more than one sample collected during any month is total coliform-positive.

The McAlpine Lake & Park WS took fewer than 40 bacteriological samples during November 2016. The results of eight samples were total coliform positive. Therefore, the Division has determined that the McAlpine Lake & Park WS violated CCR, Title 22, Section 64426.1 during November 2016.

## DIRECTIVES

The McAlpine Lake & Park WS is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64426.1, in all future monitoring periods.

2. On or before **January 6, 2017,** notify all persons served by the McAlpine Lake & Park WS of the violation of Section 64426.1, in conformance with CCR, Title 22, Sections 64463.4 and 64465. Copies of Sections 64463.4 and 64465 are included in Appendix 1. Appendix 2: Notification Template shall be used to fulfill this directive unless otherwise approved by the Division.

3. Complete Appendix 3: Compliance Certification Form. Submit it together with a copy of the public notification required by directive 2 to the Division on or before **January 20, 2017.**

4. The McAlpine Lake & Park WS shall include this violation in the 2016 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).

5. Pursuant to CCR, Title 22, Section 64424(d), collect and have analyzed for total coliform bacteria five (5) routine bacteriological samples on or before **December 31, 2016**.

6. By **February 28, 2017**, the McAlpine Lake & Park WS shall ensure all backflow devices within the distribution system are tested by a certified backflow tester, in accordance with CCR, Title 17, Section 7605.

7. By **March 10, 2017**, the McAlpine Lake & Park WS shall submit a report of the backflow test results to the Division.

8. By **March 10, 2017,** the McAlpine Lake & Park WS shall prepare a report documenting a cross-connection survey of the water distribution system by a certified specialist to identify locations where cross-connections are likely to occur and which makes recommendations of backflow protection needs, in accordance with CCR, Title 17, Section 7585. This report shall be submitted to the Division for review and approval. All necessary backflow prevention devices recommended shall be installed and tested within 60 days of the Division approving the report.

9. The McAlpine Lake & Park WS shall have on staff or under contract a minimum of a T1 Treatment System Certified Operator, and ensure the ozone treatment system is only operated and maintained by the certified treatment system operator. Documentation of site visits shall be submitted to the Division by the 10th day of the following month.

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office

Dwpdist05@waterboards.ca.gov

The State Board 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 the McAlpine Lake & Park WS of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

## PARTIES BOUND

This Citation shall apply to and be binding upon the McAlpine Lake & Park WS, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

## SEVERABILITY

The directives of this Citation are severable, and the McAlpine Lake & Park WS shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

## FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.

Jan Sweigert

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

12/16/2016
Date

Appendices (3):

1. Applicable Statutes and Regulations
2. Notification Template
3. Compliance Certification Form

Certified Mail No. 7008-1830-0004-5435-2152

# APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 02_05_16C_022

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

**California Health and Safety Code (CHSC):**

**Section 116271 states in relevant part:**

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).

(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.

(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.

(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).

(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.

(6) Chapter 7 (commencing with Section 116975).

(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).

(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).

(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.

(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

**Section 116555 states:**

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

(2) Will not be subject to backflow under normal operating conditions.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

(4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

(b) Any person who owns a community water system or a nontransient noncommunity water system shall do all of the following:

(1) Employ or utilize only water distribution system operators who have been certified by the department at the appropriate grade for positions in responsible charge of the distribution system.

(2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an operator or operators holding a valid certification equal to or greater than the classification of the treatment plant and the distribution system.

**Section 116650 states in relevant part**:

(a) If the state board 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 state board 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 state board 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 and shall be in addition to any liability or penalty imposed under any other law.

**Section 106885 states:**

(a) All persons who operate or supervise the operation of water treatment plants shall possess a valid and current water treatment operator certificate or water treatment operator-in-training certificate of appropriate grade in accordance with the regulations referred to in Section 106910.

(b) All persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system shall possess a valid and current water distribution operator certificate of the appropriate grade in accordance with the regulations referred to in Section 106910.

**<u>California Code of Regulations, Title 22 (CCR):</u>**

**Section 64421 (General Requirements) states:**

(a) Each water supplier shall:

(1) Develop a routine sample siting plan as required in section 64422;

(2) Collect routine, repeat and replacement samples as required in Sections 64423, 64424, and 64425;

(3) Have all samples analyzed by laboratories approved to perform those analyses by the State Board and report results as required in section 64423.1;

(4) Notify the State Board when there is an increase in coliform bacteria in bacteriological samples as required in section 64426; and

(5) Comply with the Maximum Contaminant Level as required in section 64426.1.

(b) Water suppliers shall perform additional bacteriological monitoring as follows:

(1) After construction or repair of wells;

(2) After main installation or repair;

(3) After construction, repair, or maintenance of storage facilities; and

(4) After any system pressure loss to less than five psi. Samples collected shall represent the water quality in the affected portions of the system.

**Section 64422 (Routine Sample Siting Plan) states:**

(a) By September 1, 1992, each water supplier shall develop and submit to the State Board a siting plan for the routine collection of samples for total coliform analysis, subject to the following:

(1) The sample sites chosen shall be representative of water throughout the distribution system including all pressure zones, and areas supplied by each water source and distribution reservoir.

(2) The water supplier may rotate sampling among the sample sites if the total number of sites needed to comply with (a)(1) above exceeds the number of samples required according to Table 64423-A. The rotation plan shall be described in the sample siting plan.

(b) If personnel other than certified operators will be performing field tests and/or collecting samples, the sample siting plan shall include a declaration that such personnel have been trained, pursuant to §64415 (b).

(c) The supplier shall submit an updated plan to the State Board at least once every ten years and at any time the plan no longer ensures representative monitoring of the system.

**Section 64423 (Routine Sampling) states:**

(a) Each water supplier shall collect routine bacteriological water samples as follows:

(1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A. A community water system using groundwater which serves 25-1000 persons may request from the State Board a reduction in monitoring frequency. The minimum reduced frequency shall not be less than one sample per quarter.

(2) The minimum number of samples for nontransient-noncommunity water systems shall be based on the known population served as shown in Table 64423-A during those months when the system is operating. A nontransient-noncommunity water system using groundwater which serves 25-1000 persons may request from the State Board a reduction in monitoring frequency if it has not violated the requirements in this article during the past twelve months. The minimum reduced frequency shall not be less than one sample per quarter.

(3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.

(4) The minimum number of samples for transient-noncommunity water systems using groundwater and serving more than 1000 persons during any month shall be based on the known population served as shown in Table 64423-A, except that the water supplier may request from the State Board a reduction in monitoring for any month the system serves 1000 persons or fewer. The minimum reduced frequency shall not be less than one sample in each calendar quarter during which the system provides water to the public.

(5) The minimum number of samples for transient-noncommunity water systems using approved surface water shall be based on the population served as shown in Table 64423-A. A system using groundwater under the direct influence of surface water shall begin monitoring at this frequency by the end of the sixth month after the State Board has designated the source to be approved surface water.

(6) A public water system shall collect samples at regular time intervals throughout the month, except that a system using groundwater which serves 4,900 persons or fewer may collect all required samples on a single day if they are taken from different sites.

(b) In addition to the minimum sampling requirements, all water suppliers using approved surface water which do not practice treatment in compliance with Sections 64650 through 64666, shall collect a minimum of one sample before or at the first service connection each day during which the turbidity level of the water delivered to the system exceeds 1 NTU. The sample shall be collected within 24 hours of the exceedance and shall be analyzed for total coliforms. If the water supplier is unable to collect and/or analyze the sample within the 24-hour time period because of extenuating circumstances beyond its control, the supplier shall notify the State Board within the 24-hour time period and may request an extension. Sample results shall be included in determining compliance with the MCL for total coliforms in Section 64426.1.

(c) If any routine, repeat, or replacement sample is total coliform-positive, then the water supplier shall collect repeat samples in accordance with Section 64424 and comply with the reporting requirements specified in Sections 64426 and 64426.1.

**Table 64423-A**

Minimum Number of Routine Total Coliform Samples

| *Monthly Population Served* | *Service Connections* | *Minimum Number of Samples* |
|---|---|---|
| 25 to 1000 | 15 to 400 | 1 per month |
| 1,001 to 2,500 | 401 to 890 | 2 per month |
| 2,501 to 3,300 | 891 to 1,180 | 3 per month |
| 3,301 to 4,100 | 1,181 to 1,460 | 4 per month |
| 4,101 to 4,900 | 1,461 to 1,750 | 5 per month |
| 4,901 to 5,800 | 1,751 to 2,100 | 6 per month |
| 5,801 to 6,700 | 2,101 to 2,400 | 7 per month |
| 6,701 to 7,600 | 2,401 to 2,700 | 2 per week |
| 7,601 to 12,900 | 2,701 to 4,600 | 3 per week |
| 12,901 to 17,200 | 4,601 to 6,100 | 4 per week |
| 17,201 to 21,500 | 6,101 to 7,700 | 5 per week |
| 21,501 to 25,000 | 7,701 to 8,900 | 6 per week |
| 25,001 to 33,000 | 8,901 to 11,800 | 8 per week |
| 33,001 to 41,000 | 11,801 to 14,600 | 10 per week |
| 41,001 to 50,000 | 14,601 to 17,900 | 12 per week |
| 50,001 to 59,000 | 17,901 to 21,100 | 15 per week |
| 59,001 to 70,000 | 21,101 to 25,000 | 18 per week |
| 70,001 to 83,000 | 25,001 to 29,600 | 20 per week |
| 83,001 to 96,000 | 29,601 to 34,300 | 23 per week |
| 96,001 to 130,000 | 34,301 to 46,400 | 25 per week |
| 130,001 to 220,000 | 46,401 to 78,600 | 30 per week |
| 220,001 to 320,000 | 78,601 to 114,300 | 38 per week |
| 320,001 to 450,000 | 114,301 to 160,700 | 50 per week |
| 450,001 to 600,000 | 160,701 to 214,300 | 55 per week |

| | | |
|---|---|---|
| 600,001 to 780,000 | 214,301 to 278,600 | 60 per week |
| 780,001 to 970,000 | 278,601 to 346,400 | 70 per week |
| 970,001 to 1,230,000 | 346,401 to 439,300 | 75 per week |
| 1,230,001 to 1,520,000 | 439,301 to 542,900 | 85 per week |
| 1,520,001 to 1,850,000 | 542,901 to 660,700 | 90 per week |
| 1,850,001 to 2,270,000 | 660,701 to 810,700 | 98 per week |
| 2,270,001 to 3,020,000 | 810,701 to 1,078,600 | 105 per week |
| 3,020,001 to 3,960,000 | 1,078,601 to 1,414,300 | 110 per week |
| 3,960,001 or more | 1,414,301 or more | 120 per week |

**Section 64423.1 (Sample Analysis and Reporting of Results) states:**
(a) The water supplier shall designate (label) each sample as routine, repeat, replacement, or "other" pursuant to Section 64421(b), and have each sample analyzed for total coliforms. The supplier also shall require the laboratory to analyze the same sample for fecal coliforms or Escherichia coli (*E. coli*) whenever the presence of total coliforms is indicated. As a minimum, the analytical results shall be reported in terms of the presence or absence of total or fecal coliforms, or *E. coli* in the sample, whichever is appropriate.
(b) The water supplier shall require the laboratory to notify the supplier within 24 hours, whenever the presence of total coliforms, fecal coliforms or *E. coli* is demonstrated in a sample or a sample is invalidated due to interference problems, pursuant to Section 64425(b), and shall ensure that a contact person is available to receive these analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any positive bacteriological results if the laboratory cannot make direct contact with the designated contact person within 24 hours.
(c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the State Board not later than the tenth day of the following month, as follows:

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

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

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

(d) Laboratory reports shall be retained by the water supplier for a period of at least five years and shall be made available to the State Board upon request.

**Section 64424 (Repeat Sampling) states in relevant part:**
(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.

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

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.
(c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in Section 64426.1 has been exceeded and notifies the State Board.
(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

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

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

**Section 64426 (Significant Rise in Bacterial Count) states in relevant part:**

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or *E. coli*; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in Section 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(1) Contact the State Board by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours; and

(2) Submit to the State Board information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

(A) Current operating procedures that are or could potentially be related to the increase in bacterial count;

(B) Any interruptions in the treatment process;

(C) System pressure loss to less than 5 psi;

(D) Vandalism and/or unauthorized access to facilities;

(E) Physical evidence indicating bacteriological contamination of facilities;

(F) Analytical results of any additional samples collected, including source samples;

(G) Community illness suspected of being waterborne; and

(H) Records of the investigation and any action taken.

**Section 64426.1 (Total Coliform Maximum Contaminant Level (MCL)) states in relevant part:**

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraph (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraph (b)(3) or (4), pursuant to section 64463.1.

**Section 64463.1 (Tier 1 Public Notice) states in relevant part:**

(a) A water system shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(1) Violation of the total coliform MCL when:

(A) Fecal coliform or *E. coli* are present in the distribution system; or

(B) When any repeat sample tests positive for coliform and the water system fails to test for fecal coliforms or *E. coli* in the repeat sample;...

(b) As soon as possible within 24 hours after learning of any of the violations in subsection (a) or being notified by the State Board that it has determined there is a potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or (6)], the water system shall:

(1) Give public notice pursuant to this section;

(2) Initiate consultation with the State Board within the same timeframe; and

(3) Comply with any additional public notice requirements that are determined by the consultation to be necessary to protect public health.

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

(1) Radio or television;

(2) Posting in conspicuous locations throughout the area served by the water system;

(3) Hand delivery to persons served by the water system; or

(4) Other method approved by the State Board, based on the method's ability to inform water system users.

**Section 64463.4 (Tier 2 Public Notice) states**:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **community** water systems shall give public notice by;

(A) Mail or direct delivery 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; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **noncommunity** water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

**Section 64465 (Public Notice Content and Format) states in relevant part**:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
(5) Whether alternative water supplies should be used;
(6) What actions consumers should take, including when they should seek medical help, if known;
(7) What the water system is doing to correct the violation or occurrence;
(8) When the water system expects to return to compliance or resolve the occurrence;
(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public 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; and
(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "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 your 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 your drinking water during that time." ...

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and
(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
(3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-A. Health Effects Language - Microbiological Contaminants.**

| ***Contaminant*** | ***Health Effects Language*** |
|---|---|
| Total Coliform | Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems. |
| Fecal coliform/*E. coli* | Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems. |
| Turbidity | Turbidity has no health effects. However, high levels of turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |

**Section 64469 (Reporting Requirements) states in relevant part:**
(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

**Section 64481 (Content of the Consumer Confidence Report) states in relevant part:**
(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

**Section 7584 (Responsibility and scope of program) states:**
The water supplier shall protect the public water supply from contamination by implementation of a cross-connection control program. The program, or any portion thereof, may be implemented directly by the water supplier or by means of a contract with the local health agency, or with another agency approved by the health agency. The water supplier's cross-connection control program shall for the purpose of addressing the requirements of Sections 7585 through 7605 include, but not be limited to, the following elements:
(a) The adoption of operating rules or ordinances to implement the cross-connection program.
(b) The conducting of surveys to identify water user premises where cross-connections are likely to occur,
(c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both,
(d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program,
(e) The establishment of a procedure or system for testing backflow preventers, and
(f) The maintenance of records of locations, tests, and repairs of backflow preventers.

**Section 7585 (Evaluation of hazard) states:**
The water supplier shall evaluate the degree of potential health hazard to the public water supply which may be created as a result of conditions existing on a user's premises. The water supplier, however, shall not be responsible for abatement of cross-connections which may exist within a user's premises. As a minimum, the evaluation should consider: the existence of cross-connections, the nature of materials handled on the property, the probability of a backflow occurring, the degree of piping system complexity and the potential for piping system modification. Special consideration shall be given to the premises of the following types of water users:
(a) Premises where substances harmful to health are handled under pressure in a manner which could permit their entry into the public water system. This includes chemical or biological process waters and water from public water supplies which have deteriorated in sanitary quality.
(b) Premises having an auxiliary water supply, unless the auxiliary supply is accepted as an additional source by the water supplier and is approved by the health agency.
(c) Premises that have internal cross-connections that are not abated to the satisfaction of the water supplier or the health agency.
(d) Premises where cross-connections are likely to occur and entry is restricted so that cross-connection inspections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
(e) Premises having a repeated history of cross-connections being established or re-established.

**Section 7605 (Testing and maintenance of backflow preventers) states:**
(a) The water supplier shall assure that adequate maintenance and periodic testing are provided by the water user to ensure their proper operation.
(b) Backflow preventers shall be tested by persons who have demonstrated their competency in testing of these devices to the water supplier or health agency.
(c) Backflow preventers shall be tested at least annually or more frequently if determined to be necessary by the health agency or water supplier. When devices are found to be defective, they shall be repaired or replaced in accordance with the provisions of this Chapter.
(d) Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required.
(e) The water supplier shall notify the water user when testing of backflow preventers is needed. The notice shall contain the date when the test must be completed.
(f) Reports of testing and maintenance shall be maintained by the water supplier for a minimum of three years.

**Section 63765 (Water Treatment Facility Staff Certification Requirements) states in relevant part:**
(a) Except as provided in (c), chief and shift operators shall possess valid operator certificates pursuant to Table 63765-A.

**Table 63765-A (Minimum Certification Requirements for Chief and Shift Operators)**

| Treatment Facility Classification | Minimum Certification of Chief Operator | Minimum Certification of Shift Operator |
|---|---|---|
| T1 | T1 | T1 |
| T2 | T2 | T1 |
| T3 | T3 | T2 |
| T4 | T4 | T3 |
| T5 | T5 | T3 |

(b) Treatment operators not designated by the water supplier as chief or shift operator pursuant to §64413.5 shall be certified but may hold certificates of any grade.

(c) Until January 1, 2003, a shift and/or chief operator may continue to be employed in that capacity provided that the operator:

(1) Is in compliance with the certification requirements that were in effect on December 31, 2000, and

(2) Has been in continuous employment since December 31, 2000 in a water treatment facility that has not modified its treatment process resulting in a change in classification.

**Section 63770 (Distribution System Staff Certification Requirements) states:**

(a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.

**Table 63770-A (Minimum Certification Requirements for Chief and Shift Operators)**

| Distribution System Classification | Minimum Certification of Chief Operator | Minimum Certification of Shift Operator |
|---|---|---|
| D1 | D1 | D1 |
| D2 | D2 | D1 |
| D3 | D3 | D2 |
| D4 | D4 | D3 |
| D5 | D5 | D3 |

(b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

(1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.

(2) Shutdown, repair, disinfect and test broken water mains.

(3) Oversee the flushing, cleaning, and pigging of existing water mains.

(4) Pull, reset, rehabilitate, disinfect and test domestic water wells.

(5) Stand-by emergency response duties for after hours distribution system operational emergencies.

(6) Drain, clean, disinfect, and maintain distribution reservoirs.

(c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:

(1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.

(2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

(1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.

(2) Investigate water quality problems in the distribution system.

## APPENDIX 2. NOTIFICATION TEMPLATE

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**Este informe contiene informacion muy importante sobre su agua potable. Por favor hable con alguien que lo pueda tradúcir.**

# McAlpine Lake & Park Water System Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is 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 routinely monitor for drinking water contaminants. We took 9 samples to test for the presence of coliform bacteria during November 2016. Eight of those samples showed the presence of total coliform bacteria. The standard is that no more than one (1) sample per month may test positive for coliform bacteria.

**What should I do?**

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**

**What was done?**

In instances like this, federal law requires that a Level 2 Assessment of our water system is conducted immediately after learning of the violation to determine the source of contamination. We are required to report to the State Board within 30 days of triggering the assessment the actions we took to correct the deficiencies found and a schedule for correcting other deficiencies not corrected within 30 days. The assessment was completed on December 2, 2016. Some of the deficiencies identified in the assessment will require additional time to complete, with the compliance date to be determined following submittal of other reports due to be submitted to the State Board by March 10, 2017.

For more information and a copy of the assessment, 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 McAlpine Lake & Park water system.

State Water System ID: 3500562 Date distributed: [Distribution Date]

## APPENDIX 3. COMPLIANCE CERTIFICATION

**Citation Number:** 02_05_16C_022

**Name of Water System:** McAlpine Lake & Park

**System Number:** 3500562

**Certification**

I certify that the users of the water supplied by this water system were notified of the bacteriological violation of California Code of Regulations, Title 22, Section 64426.1 for the compliance period of November 2016 and the required actions listed below were completed.

| Required Action | Date Completed |
|---|---|
| *(Citation Directive 2) Public Notification Method(s) Used:*_____ | |
| *(Citation Directive 5) Collect five (5) routine bacteriological samples and have samples analyzed for Total Coliform & E. coli bacteria in the month following the MCL exceedance.* | |

_____ _____

Signature of Water System Representative Date

**Attach a copy of the public notice distributed to the water system's customers with a copy of the laboratory results from the 5 routine bacteriological samples.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE BOARD, DIVISION OF DRINKING WATER, NO LATER THAN JANUARY 20, 2017**

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment