



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

February 15, 2018

Certified Mail

No. 7017 0190 0000 6412 7614

Willie Rodriguez, District Manager
Burney Water District
20555 Hudson Street
Burney, CA 96013

TRANSMITTAL OF CITATION NO. 01-02-18C-005 for SYSTEM No. 4510003

The State Water Resources Control Board (Board) Division of Drinking Water has issued the Burney Water District water system a citation, which is enclosed.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code Section 116625) or Article 9 (commencing with Health and Safety Code Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Board for reconsideration of the order or decision. The enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Mey Bunte at (530) 224-3265 or me at (530) 224-4800.

A handwritten signature in blue ink that reads "Stephen W. Watson".

Stephen W. Watson, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

Enclosure: Citation No. 01-02-18C-005 with attachments

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Burney Water District
20555 Hudson Street
Burney, CA 96013

ATTN: Willie Rodriguez – District Manager

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b) - WATER SYSTEM NO. 4510003**

C I T A T I O N N O . 01-02-18C-005

Issued on February 15, 2018

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 (hereinafter "State 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 the Burney Water District (hereinafter, District) (20222 Hudson Street, Burney, CA 96013) water system for violation of California Code of Regulations (CCR), Title 22, Section 64426.1(b)(2).

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(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.

California Code of Regulations, Title 22, Section 64426, subsections (a) and (b), provides 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-

1 positive routine sample followed by two total coliform-positive repeat samples
2 in the repeat sample set;

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

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

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

8 (1) Contact the State Board by the end of the day on which the system is
9 notified of the test result or the system determines that it has exceeded the
10 MCL, unless the notification or determination occurs after the State Board
11 office is closed, in which case the supplier shall notify the State Board within
12 24 hours; and

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

17 a. Current operating procedures that are or could potentially be related to
18 the increase in bacterial count;

19 b. Any interruptions in the treatment process;

20 c. System pressure loss to less than 5 psi;

21 d. Vandalism and/or unauthorized access to facilities;

22 e. Physical evidence indicating bacteriological contamination of facilities;

23 f. Analytical results of any additional samples collected, including source
24 samples;

25 g. Community illness suspected of being waterborne; and

26 h. Records of the investigation and any action taken.
27

1 **California Code of Regulations, Title 22, Section 64426.1 provides, in relevant**
2 **part:**

3 (b) A public water system is in violation of the total coliform MCL [maximum
4 contaminant level] when any of the following occurs:

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

8
9 **Section 116701 of California Health and Safety Code provides:**

10 (a) Within 30 days of issuance of an order or decision issued by the deputy
11 director under Article 8 (commencing with Section 116625) or Article 9
12 (commencing with Section 116650), an aggrieved person may petition the
13 state board for reconsideration. Where the order or decision of the deputy
14 director is issued after a hearing under Chapter 5 (commencing with Section
15 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section
16 shall apply instead of Section 11521 of the Government Code.

17 (b) The petition shall include the name and address of the petitioner, a copy
18 of the order or decision for which the petitioner seeks reconsideration,
19 identification of the reason the petitioner alleges the issuance of the order
20 was inappropriate or improper, the specific action the petitioner requests, and
21 other information as the state board may prescribe. The petition shall be
22 accompanied by a statement of points and authorities of the legal issues
23 raised by the petition.

24 (c) The evidence before the state board shall consist of the record before the
25 deputy director and any other relevant evidence that, in the judgment of the
26 state board, should be considered to implement the policies of this chapter.

1 The state board may, in its discretion, hold a hearing for receipt of additional
2 evidence.

3 (d) The state board may refuse to reconsider the order or decision if the
4 petition fails to raise substantial issues that are appropriate for review, may
5 deny the petition upon a determination that the issuance of the order or
6 decision was appropriate and proper, may set aside or modify the order or
7 decision, or take other appropriate action. The state board's action pursuant
8 to this subdivision shall constitute the state board's completion of its
9 reconsideration.

10 (e) The state board, upon notice and hearing, if a hearing is held, may stay in
11 whole or in part the effect of the order or decision of the deputy director.

12 (f) If an order of the deputy director is subject to reconsideration under this
13 section, the filing of a petition for reconsideration is an administrative remedy
14 that must be exhausted before filing a petition for writ of mandate under
15 Section 116625 or 116700.

16 **STATEMENT OF FACTS**

17
18 The District is located on Highway 299, approximately 60 miles northeast of Redding,
19 and serves a population of 3,154 residents through 1,313 service connections. The
20 domestic water system is, therefore, classified as a community water system. As
21 such, the District is required to collect two routine bacteriological samples from the
22 distribution systems each month. However, the District routinely collects four routine
23 bacteriological samples monthly by rotating through eight dedicated above ground
24 sample stations.

25 On December 5, 2017, the District collected four routine bacteriological samples.
26 Because the dedicated sampling station on Ash Street was frozen, a sample was
27 collected from the hose bib of a neighboring residence. This sample was found to

1 contain total coliform bacteria; the three samples from the dedicated sampling
2 locations were absent of total coliform bacteria. A set of three repeat bacteriological
3 samples were collected on December 7, 2017, in accordance with the District's
4 Bacteriological Sample Siting Plan; the upstream sample, also collected from a
5 residential hose bib, was found to contain total coliform bacteria. A sample of the
6 District's active source, Well 6, was collected concurrently with the repeat samples
7 and found to be absent of total coliform bacteria. No cause for the contamination was
8 found when the District inspected the distribution system and performed a Level 1
9 Assessment per the Federal Revised Total Coliform Rule. A Revised Total Coliform
10 Rule Level 1 Assessment Form, signed on February 7, 2018, was completed by the
11 District. The District concluded the causes of the total coliform bacteria detections
12 were an incomplete and inaccurate Bacteriological Sample Siting Plan and poor hose
13 bib decontamination and flushing procedures prior to sample collection. Five routine
14 samples were collected on January 22, 2018, from locations within the distribution
15 system, including Ash Street, and all samples were negative for presence of total
16 coliform bacteria.

17 18 **DETERMINATIONS**

19 Based on the above Statement of Facts, the Division has determined that the District
20 violated Section 64426.1(b)(2), Title 22, of the CCR, in that the District exceeded the
21 total coliform MCL during the month of December 2017.

22 23 **DIRECTIVES**

24 The District is hereby directed to take the following actions:

- 25
26 1. Comply with Sections 64426 and 64426.1, Title 22, of the CCR in all future
27 monitoring periods.

- 1 2. Complete the following **by no later than May 30, 2018**:
- 2 a) Establish a standard operating procedure for routine and repeat
- 3 bacteriological sample collection from dedicated sampling stations and
- 4 residential hose bibs, including appropriate flushing and decontamination,
- 5 procedures.
- 6 b) Train all operators on proper bacteriological sample collection procedures.
- 7 c) Submit a revised Bacteriological Sampling Siting Plan which accurately
- 8 reflects representative routine and repeat sampling within the distribution
- 9 system. This revised plan should include the standard operating procedure
- 10 required by Directive 2a above, and documentation of each operator's
- 11 training required by Directive 2b above.
- 12
- 13 3. **By no later than March 31, 2018**, notify all persons served by the District of
- 14 the MCL violation as required by Section 64463.4 and Section 64465, Title 22,
- 15 of the CCR. Notification shall be completed in accordance with each of the
- 16 following:
- 17 a) Provide the notice contained in Attachment "A" by mail or direct delivery to
- 18 each customer receiving a bill including those that provide their drinking
- 19 water to others (e.g., schools or school systems, apartment building
- 20 owners, or large private employers), and other service connections to which
- 21 water is delivered by the water system, and
- 22 b) Provide the notice contained in Attachment "A" by publication in a local
- 23 newspaper to reach persons not likely to be reached by a mailing or direct
- 24 delivery.
- 25 Changes and/or modifications to Attachment 'A' shall not be made unless
- 26 approved by the Division.

1 4. Complete and return Attachment 'B' entitled "Compliance Certification" to the
2 address listed below **by no later than April 6, 2018.**

3
4 All documents required by this Citation to be submitted to the Division shall be
5 submitted to the following address:

6
7 Stephen W. Watson, P. E.
8 Lassen District Engineer
9 State Water Resources Control Board
10 Division of Drinking Water
11 364 Knollcrest Drive, Suite 101
12 Redding, CA 96002

13
14 As used in this Citation, the date of issuance shall be the date of this Citation; and the
15 date of service shall be the date of service of this Citation, personal or by certified
16 mail, on the Water System

17
18 Nothing in this Citation relieves the District of its obligation to meet the requirements
19 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking
20 Water Act), or any regulation, permit, standard or order issued or adopted thereunder.

21
22 The Division reserves the right to make such modifications to this Citation, as it may
23 deem necessary to protect public health and safety. Such modifications may be
24 issued as amendments to this Citation and shall be effective upon issuance.

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26 **PARTIES BOUND**

27 This Citation shall apply to and be binding upon the District, its officers, directors,
28 shareholders, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

The Directives of this Citation are severable, and the District shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, 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 system has violated applicable law or failed to comply with an order of the State Board; and to petition the superior court to take 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.

2/15/2018

Stephen W. Watson

Date

Stephen W. Watson, P.E.
Lassen District Engineer
Division of Drinking Water
State Water Resources Control Board

CERTIFIED MAIL 7017 0190 0000 6412 7614

- Attachment A: Public Notice
- Attachment B: Compliance Certification



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.

Bacteriological Requirements not met for Burney Water District Domestic Water System

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers you have a right to know what happened and what we did to correct the situation.

We routinely monitor for drinking water contaminants. During December 2017, we collected eight samples to test for the presence of coliform bacteria. Two of the samples showed the presence of total coliform bacteria. The standard is that no more than one sample per month may show the presence of total coliform bacteria .

What Should You 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 or 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.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1 (800) 426-4791. **If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.**

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 Burney Water District.

State Water System ID#: 4510003

What Happened? What Was Done?

When a routine bacteriological sample collected from our distribution system is found to contain total coliform bacteria, we are required to collect additional samples from the distribution system during the month in order to determine if there is a contamination problem in the water system.

On December 5, 2017, one of the four routine bacteriological samples we collected from the District's distribution system was found to contain total coliform bacteria. Three repeat samples from the distribution system were collected on December 7, 2017, one of which was also found to contain total coliform bacteria (a sample from the District's operating well collected on the same day was found to be absent of total coliform bacteria). No physical cause for contamination was found when we inspected the distribution system. We concluded the cause of the total coliform detections was a result of incorrect sampling procedures.

Five samples from within the distribution system were collected on January 22, 2018 and all samples were negative for total coliform bacteria confirming that there are no contamination problems within the distribution system.

For more information please contact:

Willie Rodriguez, District Manager,
Burney Water District, at (530) 335-3582.

Date distributed: _____

COMPLIANCE CERTIFICATION

Citation Number: **01-02-18C-005**

Name of Water System: **Burney Water District**

System Number: **4510003**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of December 2017. In addition, I certify that the Burney Water District complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Submit a revised Bacteriological Sampling Siting Plan, as required by Directive 2d, by May 30, 2018.	_____
Public Notification via direct delivery, as required by Directive 3a, by March 31, 2018.	_____
Public Notification by publication in a local newspaper, as required by Directive 3b, by March 31, 2018.	_____
_____	_____
Signature of Water System Representative	Date

Attach a copy of the notice published in the newspaper and sent by direct mail to the water system customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN APRIL 6, 2018.

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.