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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **CALIFORNIA STATE PARKS (CSP) – TULE ELK WATER SYSTEM**
Water System No. 1510302

TO: Ms. Kathy Weatherman, Park Superintendent
California State Parks and Recreation Department
15101 Lancaster Road
Lancaster, CA 93536

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1510302
TOTAL COLIFORM MCL VIOLATION – June 2012
Citation No. 03-19-13C-021**

Issued on June 10, 2013

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

BACKGROUND

CSP-Tule Elk Water System (hereinafter Water System) is classified as a transient noncommunity water system and serves a transient population of approximately 103 through three service connections. The Water System has one active source of supply, Tule Elk State Reserve Well (PS Code: 1510302-001), a 2,500-gallon pressure tank, and distribution system. No routine treatment was installed or provided to the well water in

1 June 2012 when the Water System experienced bacteriological quality problems. Due to
2 ongoing bacteriological quality problems with the system well and distribution system (*see*
3 **Attachment A** for details of the results), the Department directed the Water System to
4 install mandatory continuous chlorination treatment. In July 2012, the Water System
5 installed continuous chlorination treatment at the wellhead and later in November 2012,
6 made several improvements to the surface construction features of the well.

7
8 The Water System operates under the authority of Domestic Water Supply Permit No. 03-
9 91-010, issued on February 22, 1991, by the California Department of Health Services, now
10 the California Department of Public Health (hereinafter Department). The Department
11 issued permit amendment number 03-19-13PA-003 on May 22, 2013, to document addition
12 of the continuous chlorination treatment at the system well.

13 14 VIOLATION

15 The Drinking Water Field Operations Branch of the California Department of Public Health
16 (hereinafter 'Department') hereby issues a Citation to the CSP – Tule Elk Water System, for
17 failure to comply with Section 116555(a)(1) of the CHSC and Sections 64426.1(b)(2),
18 64426.1(b)(3), and 64426.1(b)(4) of Title 22, California Code of Regulations (CCR).
19 Specifically, the CSP-Tule Elk Water System (mailing address: 15101 Lancaster Road,
20 Lancaster, CA 93536) failed to comply with the total coliform Maximum Contaminant
21 Level (MCL) for the month of June 2012.

22
23 Section 64426.1(b)(2) specifies that a public water system collecting fewer than forty
24 samples per month is in violation of the total coliform MCL when more than one sample
25 collected during any month is total coliform-positive.

1 The Water System is required to collect a minimum of one distribution system
2 bacteriological sample per quarter. One (1) routine quarterly bacteriological sample
3 collected on May 22, 2012, tested positive for total coliform and *E.coli* bacteria. In
4 response to the *E.coli* positive sample, the Department issued a Boil Water Notice (BWN)
5 to the Water System, on May 23, 2012. The BWN was issued to the customers of the Water
6 System and posted at conspicuous locations on May 24, 2012. Following the issuance of
7 the BWN, the distribution system was flushed. Two sets of four (4) repeat samples were
8 collected on May 24, 2012, and May 29, 2012. The Water System also collected one (1)
9 special sample from the pressure tank on May 24, 2012, and one Ground Water Rule trigger
10 source sample (from Tule Elk State Reserve Well). All ten (10) samples tested negative for
11 total coliform bacteria. **The Water System did not fail the total coliform MCL in May**
12 **2012.**

13
14 On June 4, 2012, the Water System submitted a completed investigation report in response
15 to the May 2012 total coliform and *E.coli* positive sample. According to the investigation
16 report, the total coliform positive sample may have been caused by the dripping sampling
17 site and an unprotected irrigation connection. After satisfactory follow-up by the Water
18 System, the Department lifted the BWN and issued a Safe Water Notice (SWN) to the
19 Water System on June 6, 2012. The SWN was distributed to the customers and posted at
20 conspicuous locations on the same day.

21
22 The Water System was required to collect five routine samples during the month of June
23 2012. All five (5) routine samples collected on June 18, 2012, tested positive for total
24 coliform bacteria. One (1) out of those five (5) samples, collected on June 18, 2012, from
25 the Tule Elk Site #3 also tested positive *E.coli* bacteria. On June 19, 2012, Mr. Alan
26 Willhite, Park Maintenance Chief 1 with CSP contacted the Department and notified that
27 the *E.coli* positive sample was collected from the Tule Elk State Reserve Well. In response

1 to the *E.coli* positive sample, the Department issued a BWN to the Water System on June
2 19, 2012. The BWN was distributed to the customers and posted at conspicuous locations
3 on June 20, 2012. To clear bacteriological contamination, the Water System disinfected the
4 system well and conducted a bacteriological cycle test on June 21, 2012. All five samples
5 collected on June 21, 2012, from the well tested negative for total coliform bacteria.
6 Subsequently, the distribution system was also disinfected and flushed. Following
7 disinfection and flushing of the distribution system, a total of six (6) repeat samples were
8 collected on June 25, 2012. Five (5) of these samples were collected from the distribution
9 system and one (1) sample was collected from the pressure tank. All six (6) samples
10 collected on June 25, 2012, tested positive for total coliform and *E.coli* bacteria. **Based on**
11 **the above-mentioned total coliform positive samples, the Water System failed the total**
12 **coliform MCL for the month of June 2012.**

13
14 To investigate the cause of bacteriological failure in June 2012, the Department emailed a
15 blank investigation report to the Water System on June 19, 2012. On June 22, 2012, the
16 Department received a completed investigation report, in response to the June 2012 total
17 coliform MCL failure and *E.coli* positive sample. The investigation report was completed
18 by Mr. Alan Willhite. According to the investigation report, the system well's surface
19 sanitary seal had a crack which may have allowed the surface runoff/water from flushing of
20 the well to enter into the well, causing total coliform positive samples. In addition, there
21 was a big crack in the concrete pad of the well, and the pad was flush with the surrounding
22 ground, allowing the surface runoff to go over the pad. An updated investigation report was
23 submitted on July 13, 2012. According to the updated investigation report, the system well
24 could be the original source of contamination before it was disinfected and cracks caulked
25 in the sanitary seal. The total coliform positive samples in the distribution system could
26 have resulted from dead-ends in the distribution system which could not be flushed. No
27 leaks were found in the distribution system. In response to the BWN, the Water System

1 took several corrective actions including multiple cycles of disinfection and flushing of the
2 well and distribution system, repairs to surface construction features of the well including
3 pouring a new 18-inch high concrete pad and installation of permanent continuous
4 chlorination treatment (completed on July 2, 2012) at the wellhead.

5
6 All seven (7) samples collected on July 9, 2012, tested negative for total coliform bacteria.
7 Five (5) of these samples were collected from the distribution system, one (1) from the
8 pressure tank and one (1) from the system well. All five (5) routine distribution system
9 samples collected on July 12, 2012, tested negative for total coliform bacteria. In addition,
10 two (2) samples collected on July 12, 2012, from the pressure tank and the system well
11 tested negative for total coliform bacteria. After satisfactory follow-up by the Water
12 System, the Department cancelled the BWN and issued a SWN to the Water System on July
13 13, 2012. The SWN was distributed to the customers and posted at conspicuous locations
14 on the same day.

15
16 All five (5) routine distribution system samples collected on August 13, 2012, tested
17 negative for total coliform bacteria. One (1) sample collected on the same day from the
18 system well also tested negative for total coliform bacteria. One (1) special sample
19 collected on September 25, 2012, from the system well tested positive for total coliform
20 bacteria and negative for *E.coli* bacteria. One (1) special sample collected on October 3,
21 2012, from the system well tested negative for total coliform bacteria.

22
23 All quarterly distribution system samples and samples collected from the system well since
24 November 2012 have tested negative for total coliform bacteria. Results of all
25 bacteriological samples collected from January 2012 to April 2013 are summarized in
26 **Attachment A.**

27

1 Due to providing the continuous chlorination treatment, the Water System is required to
2 report the chlorine residuals to the Department when reporting the results of bacteriological
3 samples collected from the distribution system. It is noted that the Water System is not
4 complying with this requirement.

5 The above violations are classified as non-continuing violations.
6

7 NOTIFICATION REQUIREMENTS

8 Section 64426.1(c) requires a public water system to notify the Department and the
9 consumers of the water system, when a violation of Section 64426.1(b) (1) through (4)
10 occurs. Notification to the Department shall be by the end of the business day on which the
11 violation has been determined. If the Department is closed, notification shall be within 24
12 hours of the determination. The Department was notified on June 19, 2012, in accordance
13 with the above-referenced section. As discussed previously in this citation, the Water
14 System complied with the Department's directives and provided Tier 1 public notification
15 within the required time frame and submitted copies of the signed public notices and proof
16 of notification to the Department.
17

18 DETERMINATIONS

19 Based upon the information provided above, the Department determines that the Water
20 System has violated the following:

- 21
22 1. CCR, Title 22, Section 64426.1(b)(2): Specifically, the Water System violated the
23 total coliform MCL for June 2012 when more than one sample collected from the
24 distribution system tested positive for total coliform bacteria.
- 25 2. CCR, Title 22, Section 64426.1(b)(3): Specifically, during the month of June 2012,
26 the Water System had a repeat sample that was positive *E.coli* bacteria.
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3. CCR, Title 22, Section 64426.1(b)(4); Specifically, during the month of June 2012, the Water System had a repeat total coliform positive sample, following an *E.coli*-positive routine sample.

The above violations are classified as non-continuing violations.

DIRECTIVES

CSP – Tule Elk Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1 (b)(2), 64426.1 (b)(3), and 64426.1 (b)(4) of Title 22, California Code of Regulations.
2. The Water System shall comply with the provisions of the Permit Amendment No. 03-19-13PA-003, issued on May 22, 2013. Specifically, when the quarterly routine or any repeat or special bacteriological samples are collected from the distribution system, the chlorine residual must be measured and reported at the same time and location(s). The residual(s) must be provided to the Department along with the bacteriological laboratory analyses by the 10th day of the following month.
3. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

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FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon CSP – Tule Elk Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and CSP – Tule Elk Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

1 The Department does not waive any further enforcement action by issuance of this citation,
2 and expressly reserves the right to issue a citation with penalties for the violations on which
3 the Directives of this citation are based.

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June 10, 2013

Date

Jaswinder Dhaliwal

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachment

Attachment A: Bacteriological Summary January 2012 to April 2013

cc: Kern County Environmental Health Services Department (w/o attachment)
Alan Willhite, Park Maintenance Chief 1, CSP

JSD/mrw



ATTACHMENT A

CSP - Tule Elk State Park

1510302

Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coll	E Coll	F Coll	Type	Cl2	Violation	Comment
2/21/2012	12:30	Routine Sample Site #1	A	A		Routine			
5/22/2012	12:00	Routine Sample Site #1	P	P		Routine			
5/24/2012	2:00	Routine Sample Site #1	A	A		Repeat			
5/24/2012	2:05	Repeat Sample Site #2	A	A		Repeat			
5/24/2012	2:10	Repeat Sample Site #3	A	A		Routine			
5/24/2012	2:25	Repeat Sample Site #4	A	A		Routine			
5/24/2012	2:30	Water Tank	A	A		Special			
5/29/2012	1:50	Repeat Sample Site #1	A	A		Repeat			
5/29/2012	1:55	Repeat Sample Site #2	A	A		Repeat			
5/29/2012	2:00	Repeat Sample Site #5	A	A		Repeat			
5/29/2012	2:15	Repeat Sample Site #4	A	A		Repeat			
6/18/2012	12:30	Routine Sample Site #1	P	A		Routine			
6/18/2012	12:35	Routine Sample Site #2	P	A		Routine			
6/18/2012	12:40	Routine Sample Site #3	P	P		Routine			
6/18/2012	12:45	Routine Sample Site #4	P	A		Routine		MCL	Citation Issued 03-19-13C-021
6/18/2012	12:50	Routine Sample Site #5	P	A		Routine			
6/25/2012	1:40	Repeat Sample Site #1	P	P		Repeat			
6/25/2012	1:45	Repeat Sample Site #2	P	P		Repeat			
6/25/2012	1:50	Repeat Sample Site #3	P	P		Repeat			
6/25/2012	1:55	Repeat Sample Site #4	P	P		Repeat			
6/25/2012	2:01	Repeat Sample Site #6	P	P		Repeat			
6/25/2012	2:05	Water Tank Special Sam	P	P		Special			
7/9/2012	1:00	Special Sample Site #1	A	A		Special			
7/9/2012	1:10	Special Sample Site #2	A	A		Special			
7/9/2012	1:20	Water Tank	A	A		Special			
7/9/2012	1:35	Special Sample Site #3	A	A		Special			
7/9/2012	1:45	Special Sample Site #4	A	A		Special			
7/9/2012	1:55	Special Sample Site #5	A	A		Special			
7/12/2012	11:55	Routine Sample Site #1	A	A		Routine			
7/12/2012	12:00	Routine Sample Site #2	A	A		Routine			
7/12/2012	12:10	Routine Sample Site #3	A	A		Routine			
7/12/2012	12:25	Routine Sample Site #4	A	A		Routine			
7/12/2012	12:30	Routine Sample Site #5	A	A		Routine			
7/12/2012	12:50	Water Tank	A	A		Special			
8/13/2012	11:05	Routine Sample Site #1	A	A		Routine			
8/13/2012	11:10	Routine Sample Site #2	A	A		Routine			
8/13/2012	11:25	Routine Sample Site #3	A	A		Routine			
8/13/2012	11:35	Routine Sample Site #4	A	A		Routine			
8/13/2012	11:45	Routine Sample Site #5	A	A		Routine			
8/13/2012	12:00	Water Storage Tank	A	A		Special			
10/3/2012	9:45	Water Tank Special Sam	A	A		Special			
10/3/2012	9:55	Routine Special Sample	A	A		Special			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
11/19/2012	1:50	Routine Sample Site #1	A	A		Routine			
1/1/2013	11:25	Routine Sample Site #1	A	A		Routine			
4/1/2013	2:20	Routine Sample Site #1	A	A		Routine			

CSP - Tule Elk State Park

1510302

Source Monitoring Freq:

Sample Date	Time	Source	T Coli	E Coli	F Coli	Violation	Comment
5/24/2012	2:10	Water Well	A	A			
6/21/2012	12:30	Sample #1 Water Well	<1.1	<1.1			
6/21/2012	12:31	Sample #2 Water Well	<1.1	<1.1			
6/21/2012	12:35	Sample #3 Water Well	<1.1	<1.1			
6/21/2012	12:45	Sample #4 Water Well	<1.1	<1.1			
6/21/2012	13:00	Sample #5 Water Well	<1.1	<1.1			
6/28/2012	3:43	Water Well	P	A			
7/9/2012	1:25	Water Well	A	A			
7/12/2012	1:00	Water Well	A	A			
8/13/2012	12:05	Water Well	A	A			
9/25/2012	12:30	Water Well	P	A			
10/3/2012	10:00	Water Well Special Sample	A	A			
11/19/2012	1:40	Water Well	A	A			
1/1/2013	11:35	Water Well	A	A			
3/5/2013	10:55	Water Well Special Sample	A	A			
