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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Murray Family Farms at Copus Road Water System**
 Water System No. 1503570

TO: Mr. Steve Murray, Owner
 Murray Family Farms
 P.O. Box 70460
 Bakersfield, CA 93387

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503570
TOTAL COLIFORM MCL VIOLATION – November 2012
Citation No. 03-19-13C-027**

Issued on May 23, 2013

STATEMENT OF FACTS

Murray Family Farms Water System (hereinafter Water System) is classified as a transient noncommunity water system and serves a population of approximately twenty five (25) persons through two (2) service connections. The Water System has one (1) active source of supply, Well 01 (PS Code: 1503570-001) and a 500- gallon pressure tank. Continuous chlorination treatment is provided using sodium hypochlorite solution. The Water System operates under the authority of a domestic water supply permit No. 03-19-12P-003, issued on March 20, 2012, by the California Department of Public Health.

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public

1 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
2 Water Act and regulations promulgated pursuant thereto.

- 3
- 4 • The Water System is required to collect one (1) routine bacteriological sample
5 per quarter. Please refer to the Water System's approved Bacteriological
6 Sample Siting Plan (BSSP) or Table 64423-A.
 - 7 • One (1) routine bacteriological quality sample collected on October 11, 2012,
8 from the distribution system, tested positive for total coliform bacteria.
 - 9 • One (1) source sample collected on October 11, 2012, from Well 01 tested
10 positive for total coliform bacteria.
 - 11 • All four (4) repeat samples collected on October 16, 2012, tested negative for
12 total coliform bacteria.
 - 13 • One Ground Water Rule source trigger sample, collected on October 16, 2012,
14 from Well 01 tested positive for total coliform bacteria.
 - 15 • The Water System did not fail the total coliform maximum contaminant level
16 (MCL) in October 2012.
 - 17 • The Water System was required to collect five routine bacteriological samples
18 in November 2012.
 - 19 • Four (4) out of five (5) routine samples bacteriological quality samples
20 collected on November 13, 2012, from the distribution system tested positive
21 for total coliform bacteria.
 - 22 • One (1) bacteriological sample was collected on November 29, 2012, from
23 Well 01 and it tested negative for total coliform bacteria. It is noted that the
24 Well 01 bacteriological sample, to satisfy the Ground Water Rule's trigger
25 source sampling requirement, was not collected within 24-hours of a routine
26 total coliform positive sample [**Section 64430(a)(2), Authorities**].
- 27

- 1 • None of the total coliform positive samples collected in November 2012
2 showed the presence of fecal coliform or *Escherichia coli* (*E. coli*) bacteria.
- 3 • **Murray Family Farms Water System failed the total coliform MCL for**
4 **November 2012 [Section 64426.1(b)(2), *Authorities*].**
- 5 • The Water System was required to collect five routine bacteriological samples
6 the following month.
- 7 • All five (5) routine samples collected on December 11, 2012, from the
8 distribution system, tested negative for total coliform bacteria.
- 9 • On November 15, 2012, Dan Sacket of skOO'kum h₂O Monitoring, Inc., the
10 Water System's contract sampler, notified the Department that the Water
11 System failed the total coliform MCL for November 2012.
- 12 • The Water System was required to provide Tier 2 public notification to its
13 customers to notify them of the total coliform MCL violation in November
14 2012.
- 15 • On April 12, 2013, the Department received signed and dated copies of the
16 Tier 2 public notice and Proof of Notification from the Water System.
17 According to these documents, public notification was completed on
18 November 15, 2012.
- 19 • On November 30, 2012, an investigation report was emailed to the Water
20 System for the November 2012 total coliform MCL failure.
- 21 • On April 12, 2013, the Department received a completed copy of the
22 investigation report. The investigation report was completed by Skoo'kum h₂O
23 Monitoring, Inc., on behalf of the Water System.
- 24 • The investigation report indicates the possible cause of contamination was the
25 pressure tank being water logged. The well pump was cycling on and off for
26 about every two minutes and not allowing for more chlorine contact time. It is
27

1 noted that Well 01 tested positive for total coliform bacteria twice in October
2 2012.

- 3 • To prevent on and off cycling of the well pump, the Water System drained and
4 repaired the pressure tank to allow for longer chlorine contact time with the
5 well water. The Water System also flushed the distribution system to clear
6 contamination from the distribution system.
- 7 • The Water System was required to collect five routine samples in December
8 2012.
- 9 • All five (5) routine samples collected on December 11, 2012, from the
10 distribution system tested negative for total coliform bacteria.
- 11 • One (1) routine sample collected on February 14, 2013, from the distribution
12 system tested negative for total coliform bacteria.
- 13 • One source sample, collected on February 14, 2013, from Well 01 tested
14 positive for total coliform bacteria and negative for *E. coli* bacteria.
- 15 • Results of all bacteriological samples collected from January 2012 to February
16 2013 are summarized in **Attachment A**.

17 AUTHORITIES

18 **Section 116577 of the CHSC**, states in relevant part:

19 “(a) Each public water system shall reimburse the department for the actual costs incurred by the
20 department for any of the following enforcement activities related to that water system:

- 21 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

22 (b) The department shall submit an invoice for these enforcement costs to the public water system
23 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
24 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and
the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual
costs to the department of the enforcement activities specified in this section.”..

25 **Section 116650 of the California Health and Safety Code (hereinafter CHSC)**, states in relevant part:

26 “(a) If the department determines that a public water system is in violation of this chapter or any
27 regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation
to the public water system. The citation shall be served upon the public water system personally or by
registered mail.

- 1 (b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.
- 2 (c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).
- 3
- 4 (d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).
- 5 (e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:
- 6 (1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.
- 7 (2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.
- 8
- 9
- 10 (3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”
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Section 116655 of the CHSC, states in relevant part:

- 13 “(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- 14 (1) Directing compliance forthwith.
- 15 (2) Directing compliance in accordance with a time schedule set by the department.
- 16 (3) Directing that appropriate preventative action be taken in the case of a threatened violation.
- 17 (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- 18 (2) That purification or treatment works be installed.”

19 California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

20 <i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
21 25 to 1000	15 to 400	1 per month
22 1,001 to 2,500	401 to 890	2 per month
23 2,501 to 3,300	891 to 1,180	3 per month
24 3,301 to 4,100	1,181 to 1,460	4 per month
25 4,101 to 4,900	1,461 to 1,750	5 per month
26 4,901 to 5,800	1,751 to 2,100	6 per month
27 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

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
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

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and 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 (a)(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 Department 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 the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department 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 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 64426.1 has been exceeded and notifies the Department.

(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 Department 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 Department conducts 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 Department 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 64426.1.”

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

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

- 2 (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
3 (2) For a public water system with collects fewer than 40 samples per month, more than one
sample collected during any month is total coliform-positive; or
4 (3) Any repeat sample is fecal coliform-positive or *E. coli*-positive; or
5 (4) Any repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample is
total coliform-positive.

6 (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 Department by the end
7 of the business day on which this is determined, unless the determination occurs after the Department
office is closed, in which case the supplier shall notify the Department within 24 hours of the
8 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 paragraphs (b)(1) or (2), pursuant to section 64463.4. A
Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section
9 64463.1.”

10 CCR, Title 22 Section 64430, Addendum Section 141.402 establishes the California Ground
Water Rule and states in relevant part:

11 (a) *Triggered source water monitoring* —

12 (1) *General requirements.* A ground water system must conduct triggered source water monitoring if the
conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

13 (i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal,
or a State-approved combination of 4-log virus inactivation and removal) before or at the first
customer for each ground water source; and

14 (ii) The system is notified that a sample collected under 22 California Code of Regulations
sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22
California Code of Regulations section 64425.

15 “(2) *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the
total coliform-positive sample, at least one ground water source sample from each ground water source
16 in use at the time the total coliform-positive sample was collected under 22 California Code of
Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

17 (i) The State may extend the 24-hour time limit on a case-by-case basis if the system cannot
18 collect the ground water source water sample within 24 hours due to circumstances beyond its
control. In the case of an extension, the State must specify how much time the system has to
19 collect the sample.

20 (ii) If approved by the State, systems with more than one ground water source may meet the
requirements of this paragraph (a)(2) by sampling a representative ground water source or
sources. If directed by the State, systems must submit for State approval a triggered source
21 water monitoring plan that identifies one or more ground water sources that are representative
of each monitoring site in the system's sample siting plan under 22 California Code of
22 Regulations. sections 64422 and 64423 and that the system intends to use for representative
sampling under this paragraph.

23 (iii) A ground water system serving 1,000 people or fewer may use a repeat sample collected
from a ground water source to meet both the requirements of 22 California Code of
24 Regulations section 64424 and to satisfy the monitoring requirements of paragraph (a)(2) of
this section for that ground water source only if the State approves the use of *E. coli* as a fecal
25 indicator for source water monitoring under this paragraph (a). If the repeat sample collected
from the ground water source is *E. coli* positive, the system must comply with paragraph (a)(3)
26 of this section.

27

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2): Specifically, the Water System violated the total coliform MCL for November 2012 when more than one sample collected from the Water System, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64430, Addendum Section 141.402 (2): Specifically, during the month of November 2012, the Water System failed to conduct a triggered source water monitoring within 24 hours of being notified of the routine total coliform positive result.

The above violations are classified as non-continuing violations.

DIRECTIVES

Murray Family Farms 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) and 64430 of Title 22, California Code of Regulations.
2. In the future, the Water System shall conduct the triggered source water monitoring within 24 hours of being notified of the routine total coliform positive result.
3. Results for the raw water samples collected from Well 01 shall be reported in MPN/100 mL.

1 4. The Water System shall reimburse the Department, in accordance with an
2 invoice that shall be provided to the Water System, the costs for enforcement
3 activities, and such reimbursement shall be made prior to September 1 (or by a
4 different date if specified by the Department) of the fiscal year following the
5 fiscal year in which such costs are incurred as described in CHSC Section
6 116577(a)(1-2) and 116577(b).
7

8
9 **FURTHER ENFORCEMENT ACTIONS**

10 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the
11 Department to: issue additional citations with assessment of penalties if the public
12 water system continues to fail to correct a violation identified in a citation; take action
13 to suspend or revoke a permit that has been issued to a public water system if the
14 system has violated applicable law or regulations or has failed to comply with orders
15 of the Department; and petition the superior court to take various enforcement
16 measures against a public water system that has failed to comply with orders of the
17 Department. The Department does not waive any further enforcement action by
18 issuance of this citation.
19

20 **PARTIES BOUND**

21 This citation shall apply to and be binding upon Murray Family Farms Water System,
22 its officers, directors, agents, employees, contractors, successors, and assignees.
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SEVERABILITY

The directives of this citation are severable, and Murray Family Farms 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.

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

May 23, 2013
Date

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

Attachment
Attachment A: Bacteriological Summary January 2012 through February 2013

cc: Kern County Environmental Health Services Department (w/o attachment)
Dan Sackett, skOO'kum h2O Monitoring Inc. (via email)

JSD/an/mlm

ATTACHMENT A

Murray Family Farms at Copus

1503570

Distribution System Freq: 1/Q

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
1/4/2012	14:45	1ROU	A	A		Routine	0.75		
5/1/2012	12:20	1ROU	A	A		Routine	0.40		
8/16/2012	12:35	1ROU	A	A		Routine	0.39		
10/11/2012	15:40	1ROU	P	A		Routine	0.38		
10/16/2012	15:00	1REP1	A	A		Repeat	0.52		
10/16/2012	15:15	1REP2	A	A		Repeat	0.38		
10/16/2012	15:30	1REP3	A	A		Repeat	0.41		
11/13/2012	11:40	1ROU	P	A		Routine	0.70		
11/13/2012	11:50	2ROU	P	A		Routine	0.68		
11/13/2012	12:00	3ROU	P	A		Routine	0.56	MCL	Citation 03-19-13C-027 Issued.
11/13/2012	12:10	4ROU	A	A		Routine	0.66		
11/13/2012	12:20	5ROU	P	A		Routine	0.63		
12/11/2012	12:05	1ROU	A	A		Routine	0.18		
12/11/2012	12:10	2ROU	A	A		Routine	0.17		
12/11/2012	12:15	3ROU	A	A		Routine	0.14		
12/11/2012	12:20	4ROU	A	A		Routine	0.16		
12/11/2012	12:30	5ROU	A	A		Routine	0.18		
2/14/2013	12:00	1ROU	A	A		Routine	0.19		

Murray Family Farms at Copus

1503570

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/4/2012	14:30	WELL #1	A	A			
5/1/2012	12:25	WELL #1	A	A			
8/16/2012	12:25	WELL #1	A	A			
10/11/2012	15:30	WELL #1	P	A			
10/16/2012	15:40	WELL #1	P	A			
11/29/2012	13:00	WELL #1	A	A			
2/14/2013	12:10	WELL #1	P	A			
