

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **ANDERSON CLAYTON – SILVER CREEK GINS**
 Water System No. 1000510

TO: Mr. Greg Gillard
 Anderson Clayton-Silver Creek Gins
 c/o Olam Cotton
 205 E. River Park Circle, Suite 310
 Fresno, CA 93720

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
ASSOCIATED WITH THE PRESENCE OF FECAL COLIFORM

December 2012

Issued on February 15, 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 hereunder.

VIOLATION

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Anderson Clayton – Silver Creek Gins (hereinafter 'Water System'), for failure to comply with Section 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically, the Water System (mailing address: 205 E. River Park Circle, Suite 310,

1 Fresno, CA 93720) failed to comply with the total coliform Maximum Contaminant Level
2 (MCL) for the month of December 2012.

3
4 The Water System operates under a domestic water supply permit issued by the Department
5 in January of 2009. Anderson Clayton – Silver Creek Gins is a transient non-community
6 water system serving a population of approximately thirty seven (37) transient persons. The
7 Department’s records show that the operating season for the Water System is normally from
8 October through December of each calendar year, however there have been seasons which
9 lasted until January or February. The raw source of drinking water is surface water from
10 the California Aqueduct. The only treatment provided includes three (3) Sanitron model
11 537C ultraviolet (UV) water purifiers installed in the Water System. One UV unit is
12 installed at each restroom facility (one at each gin and one at the office).

13
14 The Department has previously determined the UV treatment to be inadequate under the
15 requirements of the SWTR Section 64653 of the California Code of Regulations.
16 Compliance Order No. 03-23-12O-004 was issued on March 29, 2012 requiring ongoing
17 notification of unsafe water and submittal of a plan to resolve the problem. The Water
18 System has entered into an agreement with an adjacent facility (Blackburn Farms/Silver
19 Creek Almond Company) for a water connection. On completion of the connection
20 (anticipated in March 2013) the Anderson Clayton Silver Creek Gin will cease to be a
21 public water system.

22
23 The Blackburn Farms facility is seeking permit approval as a non-transient non-community
24 water system from the Department. The source of water is the Westlands Water District and
25 complete treatment in compliance with the SWTR will be provided.

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1 Section 64426.1(b)(2) specifies that a public water system collecting fewer than 40 samples
2 per month is in violation of the total coliform MCL when more than one sample collected
3 during any month is total coliform-positive.

4
5 The Water System is required to collect a minimum of one (1) distribution system
6 bacteriological samples per month during its operating season. The bacteriological water
7 analysis results submitted by the Water System reported the presence of total coliform
8 bacteria in three (3) of five (5) samples collected by the Water System in December 2012.
9 **All of the positive samples showed the presence of fecal coliform bacteria.**

10
11 **Upon being informed of the presence of total and fecal coliform bacteria in five**
12 **routine samples collected on December 4, 2012, Water System staff did not notify the**
13 **Department and did not collect any repeat samples.** The proper number of repeat
14 samples was not collected. As of the date of this citation, our office has not received results
15 for any follow up bacteriological monitoring.

16
17 Due to the above-mentioned total coliform and *fecal coliform* positive samples, the Water
18 System failed the total coliform MCL for the month of December 2012. All water samples
19 for coliform bacteria collected in 2011 and 2012 are summarized in Attachment A.

20
21 Water System staff has reported that the contamination in the distribution system was the
22 result of the failure of the UV lamp at the office site. Upon discovering the positive total
23 and fecal coliform results in reports submitted by the laboratory on February 7, 2013,
24 Department staff issued an Unsafe Water Advisory on February 7, 2013. The Water
25 System has replaced the ballasts in the UV reactor. However, due to the remaining violation
26 of the SWTR and in light of the imminent connection to Blackburn Farms, the Department
27

1 will require the Water System to continue posting the Unsafe Water Advisory until the
2 intertie is complete and water meeting drinking water standards is being provided.

3
4 **ASSOCIATED VIOLATIONS**

5 Additionally, the Water System has failed to comply with the following Section 64424 of
6 Title 22, CCR:

7
8 Section 64424(a) specifies that if a routine sample is total coliform-positive, the water
9 supplier shall collect a repeat sample set as described in Sections 64424(a) 1 and 64424(b)
10 within 24 hours of being notified of the positive result. The repeat samples shall all be
11 collected within the same 24 hour period.

12
13 Sections 64424(a) 1 and 64424(b) specifies that for systems collecting only one sample per
14 month, a repeat sample set shall consist of four (4) samples as follows: one (1) from the
15 routine sample site at which the positive occurred, one (1) from the upstream repeat sample
16 site, one (1) from the downstream repeat sample site and one (1) from another location
17 within the system that would best help to identify the source or area of contamination.

18
19 Section 64424(c) specifies that if one or more samples in the repeat sample set are total
20 coliform-positive, the water supplier shall collect and have analyzed an additional set of
21 repeat samples. The supplier shall repeat this process until either no coliform are detected
22 in one complete repeat sample set or the supplier determines that the MCL for total
23 coliform specified in Section 64426.1 has been exceeded and notifies the Department. **No**
24 **repeat sampling was conducted in December 2012 or in January 2013.**

25
26 **The five routine samples required the month following a month with one or more total**
27 **coliform-positive samples were not collected in January 2013. Additional monitoring is**

1 **waived in light of the requirement to continuously post the Unsafe Water Advisory**
2 **until the connection to Blackburn Farms is complete and that facility has received**
3 **approval from the Department to operate.**

4
5 **NOTIFICATION REQUIREMENTS**

6 Section 64426.1(c) requires a public water system to notify the Department and the
7 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)
8 occurs. Notification to the Department shall be by the end of the business day on which the
9 violation has been determined. If the Department is closed, notification shall be within 24
10 hours of the determination. **The Department was not notified in accordance with the**
11 **above-referenced section.**

12
13 A Tier 1 Public Notice was given pursuant to Section 64426.1. The Tier 1 Public Notice
14 included the mandatory health effects language from Appendix 64465-A for a total coliform
15 MCL failure associated with a significant rise in bacterial count.

16
17 The Water System shall continuously post the public notice provided as Attachment B in
18 conspicuous locations within the water system. Section 116450(g) requires that upon
19 receipt of notification from a public water system, schools must notify school employees,
20 students, and parents (if the students are minors), residential rental property owners or
21 managers (including nursing homes and care facilities) must notify their tenants and
22 business property owners, managers or operators must notify employees of businesses
23 located on the property. These secondary notification requirements are included in the
24 public notice.

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26 Proof of notification is required. The Water System shall complete Attachment C and return
27 it to the Department by March 15, 2013.

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DIRECTIVES

The Water System is hereby directed to take the following actions:

- 1. By **March 1, 2013**, the Anderson Clayton Silver Creek Gin water system shall provide public notification of the total coliform Maximum Contaminant Level failure by posting the Unsafe Water Advisory notice provided as Attachment B in conspicuous locations throughout the area served by the water system. The notice shall be continuously posted until the intertie to Blackburn Farms is completed and that facility has received approval from the Department to operate.

By **March 15, 2013** the Water System shall provide proof of public notification of the total coliform MCL violation by completing Attachment C and returning it to:

Betsy S. Lichti, Senior Sanitary Engineer
 Department of Public Health
 Drinking Water Field Operations Branch
 265 W. Bullard Avenue, Suite 101
 Fresno, CA 93704

- 2. By **March 15, 2013**, the Water System shall complete and submit a report to the Department that describes the incident and all corrective actions taken, and the results of the investigation. The investigation shall include, but not be limited to, the following:

- a) Conduct a review of the water treatment plant records for the days during and just prior to the detection of the positive samples in the distribution system.

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- b) Current operating procedures that are or could potentially be related to the increase in bacterial count, such as main repairs or inadequate pathogen inactivation.
- c) System pressure loss to less than 5 psi.
- d) Potential cross connections.
- e) Physical evidence indicating bacteriological contamination of facilities (such as openings in the storage tank or evidence of animal activity in the vicinity of the distribution system).
- f) Analytical results of any additional investigative samples collected
- g) Consumers' illness suspected of being waterborne.
- h) Records of the investigation and any action taken.

3. The Water System shall provide written notice to the Department on completion of the connection to Blackburn Farms water system.

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CIVIL PENALTIES

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of violation of any provision of this Citation.

2/15/13

Date

Betsy Lichte

Betsy S. Lichte, P.E.
Senior Sanitary Engineer, Fresno District
DRINKING WATER FIELD OPERATIONS BRANCH



BSL/el
Attachments:
Attachment A: Bacteriological Distribution Monitoring Report
Attachment B: Public Notice – Unsafe Water Advisory
Attachment C: Proof of Notification Form

Bacteriological Distribution Monitoring Report

1000510 Anderson Clayton-Silver Creek Gins Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/31/2011		Closed for the Season							
3/31/2011		Closed for the Season							
4/30/2011		Closed for the Season							
5/31/2011		Closed for the Season							
6/30/2011		Closed for the Season							
7/31/2011		Closed for the Season							
9/30/2011		Closed for the Season							
10/3/2011	9:33	S1 Gin #1 Bath	A	A		Routine			
10/3/2011	10:00	S2 Gin #2 Bath	A	A		Routine			
10/3/2011	11:00	S3 Gin Office	A	A		Routine			
11/10/2011	7:00	Silver Creek Gin #1	A			Routine			
11/10/2011	7:30	Bath Sink - Silver Creek Gin #2	A			Routine			
11/10/2011	8:00	Men's Bath Sink	P		P	Routine			
11/15/2011	14:30	Men's Bath Office Sink	A			Repeat			
11/15/2011	14:40	Silver Creek Gin Off. Kit. S	P		P	Repeat			
11/15/2011	14:50	Gin #2 Men's Bath Sink	P		P	Repeat		MCL	1/5/12 Issued Cit 03-23-12C-003
12/7/2011	15:00	Silver Creek Office - Women's B/S	<1.1	A		Repeat			
12/7/2011	15:05	Men's B/S	<1.1	A		Repeat			
12/7/2011	15:10	Kitchen Sink	<1.1	A		Repeat			
12/7/2011	15:15	Outside Upstream RAW	>23.0	12.0		Source Repeat			
12/13/2011	10:30	Kitchen Sink	A			Routine			
12/13/2011	10:40	Men's Bath Sink	A			Routine			
12/13/2011	10:45	Women's Bath Sink	A			Routine			
1/26/2012	9:40	Women's Bath Sink	<1.1			Routine			
1/26/2012	13:30	Office Kitchen Sink	<1.1			Routine			
1/26/2012	13:35	Men's Bath Sink	<1.1		<1.1	Routine			
2/14/2012	14:30	Women's Bath Sink	A			Routine			
2/14/2012	14:45	Office - Men's Bath	A			Routine			
2/14/2012	14:50	Kit Sink	A			Routine			
3/31/2012		Closed for the Season							
4/30/2012		Closed for the Season							
5/31/2012		Closed for the Season							
6/30/2012		Closed for the Season							
7/31/2012		Closed for the Season							
8/31/2012		Closed for the Season							
9/1/2012		Closed for the Season							
10/31/2012		Closed for the Season							
11/26/2012	10:00	Office Kitchen	A	A		Routine			
11/26/2012	10:05	Office Men's Bath	A			Routine			
11/26/2012	10:10	Office Women's Bath	A			Routine			
12/4/2012	9:30	Gin 2 Men's Bath	P		P	Routine		MCL	
12/4/2012	9:40	Gin 2 Women's Bath	P		P	Routine			
12/4/2012	9:50	Gin 1 Women's Bath	A	A		Routine			
12/4/2012	10:00	Gin 1 Men's Bath	A			Routine			
12/4/2012	10:10	Route Main	P		P	Routine			

Violation Key

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	Cl2 not reported

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.

UNSAFE WATER ADVISORY

Anderson Clayton Silver Creek Gin water is contaminated
with *E. coli* bacteria

USE BOTTLED WATER FOR DRINKING

Fecal bacteria was confirmed to be present in water samples collected on December 4, 2012. These bacteria can make you sick, and are of particular concern for people with weakened immune systems.

What should I do?

- **Continue using bottled water for drinking.**
- *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. The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.*
- 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 EPA's Safe Drinking Water Hotline at 1(800) 426-4791.

What happened? What is being done?

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

[Describe corrective action]. We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Anderson Clayton Silver Creek Gin
State Water System ID#: 1000510

Date distributed: _____



RON CHAPMAN, MD, MPH
Health Officer & Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

ATTACHMENT _____

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Anderson Clayton Silver Creek Gin** of the failure to meet the **total coliform bacteria MCL** for the month of **December 2012** as directed by the Department.

Notification was made on _____ by _____
(date)

_____ **hand delivered** and/or **mailed** and/or **posted** _____ written notice.
(circle all that apply)

Signature of Water System Representative

Printed Name

Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state 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 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Due: February 28, 2013
Total Coliform MCL Failure: December 2013
System Number: 1000510
Citation No.: _____



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
<http://www.fypower.org>