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STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**TO:** Johann Dairy  
11511 W. Floral  
Fresno, CA 93706  
  
Water System No. 1000604

**Attn:** John Verwey

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,  
SECTION 64533(a) - TOTAL COLIFORM MONITORING AND REPORTING  
APRIL, MAY AND JUNE 2014  
CITATION NO. 03-23-14C-049  
Issued on August 25, 2014**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation 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, 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 Johann Dairy (hereinafter, "Water System") (11511 W. Floral, Fresno, CA 93706) for violation of California Code of Regulations (CCR), Title 22, Section 64523 subsection (a).

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**APPLICABLE AUTHORITIES**

**Section 116650 of California Health and Safety Code provides:**

- (a) If the department 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 department 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 department 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 64423, provides, in relevant part:**

Section 64423(a)(2): The minimum number of routine bacteriological samples for non-transient non-community water systems shall be based on the known population served during those months that the system is in operation.

Section 64423.1(c): The analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

Section 64423.1(c)(2): Systems serving fewer than 10,000 service connections or 33,000 persons to instruct the laboratory to submit copies of all required bacteriological monitoring results directly to the Department.

**California Code of Regulations, Title 22, Section 64424, provides, in relevant part:**

Section 64424(a)(1): A public water system which normally collects one or fewer samples per month shall collect a repeat sample set consisting of at least four samples whenever a routine bacteriological sample is determined to be total coliform-positive.

1 Section 64424(d): If a public water system for which fewer than five routine  
2 samples per month are collected has one or more total coliform-positive samples,  
3 the water supplier shall collect at least five routine samples the following month.  
4

5 Section 64423.1(a) specifies that the water supplier shall designate (label) each  
6 sample as routine, repeat, replacement, or "other" pursuant to Section 64421(b).

7  
8 **The Groundwater Rule adopted by the Division, effective August 18, 2011 requires:**

9  
10 the collection of a sample for bacteriological evaluation from wells serving the  
11 system in response to a coliform positive distribution sample.

12

13 **STATEMENT OF FACTS**

14 The Water System operates without a domestic water supply permit. Johann Dairy is a  
15 nontransient - noncommunity water system serving a population of approximately twenty-  
16 five (25) persons through one (1) service connection.

17

18 Based on a reported population of approximately twenty-five persons, the Water System  
19 is required to collect and report a minimum of one (1) bacteriological water quality sample  
20 each month. Attachment A is a summary of bacteriological monitoring to date. The Water  
21 System's lab reports have failed to properly label any samples collected thus far, as  
22 'Routine', 'Repeat', or 'Other'.  
23

24

25 The Division has received the bacteriological monitoring results for the month of April and  
26 June 2014 for the Johann Dairy water system. These data indicate that one (1) unlabeled  
27 sample was determined to be positive for total coliform bacteria during both April and June  
28 2014 and that no repeat samples were collected in April and only one unlabeled sample  
29 was collected in follow-up in June.

29

1 The Groundwater Rule requires that a repeat sample shall also be collected from any  
2 active source(s). The Division has not received any results for follow-up bacteriological  
3 monitoring of the well during April or June of 2014.

4

5 The data on file shows that during the April 2014, one sample was determined to be  
6 positive for total coliform bacteria. Additionally, the data on file shows that during June  
7 2014, one sample was determined to be positive for total coliform bacteria. Therefore, at  
8 least five (5) routine samples should have been collected during May 2014 and during  
9 July 2014. The Division has not received results for any bacteriological samples collected  
10 during May 2014 and only one sample was collected during July 2014. The July sample  
11 was negative for total coliform bacteria.

12

13 The following table summarizes all bacteriological monitoring conducted by the Water  
14 System during April, May, June, July and August of 2014:

15

<b>Collection Date</b>	<b>Number of Samples</b>	<b>Sample Type</b>	<b>Number TC positive</b>	<b>Number E. Coli positive</b>
4/4/14	1	Not Indicated	0	0
4/30/14	1	Not Indicated	1	0
5/31/14	0			
6/10/14	1	Not Indicated	1	0
6/20/14	1	Not Indicated	0	0
7/2/14	1	Not Indicated	0	0
8/4/14	1	Not Indicated	0	0

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**DETERMINATION**

The Division has determined that Johann has failed to comply with Section 116555(a) of the CHSC and DIVISION 4, Chapter 15, Article 3 of Title 22, California Code of Regulation (CCR). Specifically, the Water System failed to comply with the primary standard for bacteriological water quality for the months of April, May, and June of 2014.

**NOTIFICATION REQUIREMENTS**

Section 116450 of the California Health and Safety Code (CHSC), specifies that whenever a monitoring requirement specified in the Department's regulations is not performed, the person operating the public water system shall notify the Department and shall give notice to the users of that fact in the manner prescribed by the Department.

Public notification for violation of any requirement of Section 64423 shall be in accordance with Section 64463.7(b) which outlines the prescribed methods and information to be included in the public notice to the customers.

Public notification for failure to conduct the required bacteriological monitoring for the months of April, May, and June of 2014 is required. The Water System shall utilize the Tier 3 Public Notice to inform their customers of the failure to conduct the required bacteriological monitoring. This notice is provided as Attachment B and shall be given pursuant to Section 64463.4 and 64465. The Tier 3 Public Notice shall include the mandatory standard monitoring language for monitoring and reporting violations.

Section 64463.4 allows non-community water systems to give public notice by posting the notice in conspicuous locations throughout the area served by the water system and by the use of one or more of the following methods in order to reach persons not likely to be reached by a public posting: publication in a local newspaper or newsletter distributed to

1 customers, e-mailing the public notice to water system customers, post the public notice  
2 on the internet, or by delivery to each customer.

3

4 Section 116450(g) requires that upon receipt of notification from a public water system,  
5 schools must notify school employees, students, and parents (if the students are minors),  
6 residential rental property owners or managers (including nursing homes and care  
7 facilities) must notify their tenants and business property owners, managers or operators  
8 must notify employees of businesses located on the property. These secondary  
9 notification requirements are included in the public notice.

10

11 Proof of notification is required. The Water System shall complete Attachment C and  
12 return it to the Department by **September 30, 2014**.

13

14 **DIRECTIVES**

15 Johann Dairy is hereby directed to take the following actions:

16

17 1. By **September 15, 2014**, the Water System shall provide public notification (using  
18 Attachment B) of the failure to maintain the required bacteriological monitoring and  
19 reporting program by mail or direct delivery to each customer and by an additional  
20 secondary method in order to reach persons not likely to be reached by mail or  
21 direct delivery.

22 By **September 30, 2014**, the Water System shall provide proof of mailing or direct  
23 delivery by completing Attachment C and returning it to:

24

25 Betsy S. Lichti, Senior Sanitary Engineer  
26 State Water Resources Control Board  
27 Division of Drinking Water  
28 265 W. Bullard Avenue, Suite 101  
29 Fresno, CA 93704



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2. The Water System shall collect repeat samples as required by Section 64424 and as discussed in this Citation whenever a routine sample is positive for total coliform bacteria.
  
3. The Water System shall collect a repeat sample from each active source as required by the Groundwater Rule and as discussed in this Citation whenever a routine sample is positive for total coliform bacteria.
  
4. Whenever the Water System has one or more total coliform-positive samples in a given month, at least five (5) routine samples shall be collected the following month as required by Section 64424(d) and as discussed in this Citation.
  
5. The Water System shall designate (label) each routine, repeat, replacement, or other sample as 'Routine', 'Repeat' or 'Other' as required by Section 64423.1(a) and as discussed in this Citation whenever a repeat sample is collected in follow-up to a positive coliform bacteria sample.
  
6. The Water System is required to follow the guidelines for bacteriological monitoring requirements (Attachment D) which outlines the monitoring to be conducted for routine and repeat bacteriological sampling.
  
7. By **September 30, 2014**, the Water System shall submit a Bacteriological Sample Siting Plan (BSSP) for review and approval by our office. The guidance document titled "Guidance for Completing the Bacteriological Sample Siting Plan for Small Water Systems" (Attachment E) is provided here to assist you in preparing a BSSP for your water system. The table at the back of the document must be completed

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and returned to our office along with a map of your water system that identifies all the sampling locations and the items listed in Item No. 1 of the guidance document.

- 8. The Water System shall also require their contracting laboratory to submit copies of all required *bacteriological* monitoring results directly to the Division pursuant to Section 64423.1(c)(2).
- 9. By **September 30, 2014**, the Water System shall submit a written response to the Division acknowledging that it has received this citation and will comply with all the directives listed herein.

The Division 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 deemed effective upon issuance.

Nothing in this Citation relieves Johann Dairy of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Betsy S. Lichti, P.E.  
District Engineer  
State Water Resources Control Board  
Division of Drinking Water  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

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**PARTIES BOUND**

This Citation shall apply to and be binding upon Johann Dairy, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

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

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division 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, permit 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 Division 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 regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

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8/25/14

Date

*Betsy S. Lichti*

Betsy S. Lichti, P.E.,  
District Engineer  
Division of Drinking Water  
State Water Resources Control Board



22 Attachments:

- 23 A: Bacteriological Distribution Monitoring Report
- 24 B: Public Notice
- 25 C: Proof of Public Notice
- 26 D: Bacteriological Monitoring Guidelines for Small Water Systems
- 27 E: Guidance for the Development of a BSSP

# Bacteriological Distribution Monitoring Report

**1000604 Johann Dairy**
*Distribution System Freq: 1/M*

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/9/2014		Weed Hay	P			Not Indicated		MR5	E. Coli not tested 4/16/14 Iss: 23-14E-032
2/28/2014		No Sample						MR4	4/16/14 Issued 03-23-14E-0:
3/4/2014		Water	A			Not Indicated			
4/4/2014		Water	A			Not Indicated			
4/30/2014	7:40	Water	P	A		Not Indicated		MR5	
5/31/2014		No Sample						MR4	
6/10/2014	10:27	Water	P	A		Not Indicated			
6/20/2014	16:52	Water	A			Not Indicated			
6/30/2014		Did not collect repeat samples						MR5	
7/2/2014	12:43	Water	A			Not Indicated			
8/4/2014	12:44	Well Water	A			Not Indicated			Source Sample??

**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.**

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**Bacteriological Monitoring Requirements  
Not Met for Johann Dairy**

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Our water system failed to monitor as required for a drinking water monitoring standard during April, May and June of 2014 and, therefore, was in violation of the regulations. Even though this failure was 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 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 our drinking water meets health standards. During the months of April, May, and June, we did not monitor or test for total coliform bacteria as required and therefore cannot be sure of the quality of our drinking water during that time.*

**What should I do?**

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total coliform bacteria	Appropriate Follow up after positive Coliform	_____	_____	_____

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

Corrective action:

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For more information, please 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 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.



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

Division of Drinking Water

ATTACHMENT C

**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 **Johann Dairy water system** of the failure to meet the **Monitoring and Reporting Requirement for Coliform bacteria sampling for the months of April, May, and June of 2014.**

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

\_\_\_\_\_  
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 to the Department: September 30, 2014  
Total Coliform M&R Violation: April, May, and June 2014  
System Number: 1000604  
Enforcement Action No.: 03-23-14C-049