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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Selma Exxon Tiger Mart Water System
P. O. Box 83
Kingsburg, CA 93631-0083

Water System No. 1000545

Attn: Narinder Singh

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1 (b) (2) - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL**

November 2014

SECTION 64423 – TOTAL COLIFORM MONITORING AND REPORTING

October 2014

CITATION NO. 03-23-15C-004

Issued on January 21, 2015

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.

31 The State Water Resources Control Board, acting by and through its Division of Drinking
32 Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy
33 Director"), hereby issues a citation to the Selma Exxon Tiger Mart Water System
34 (hereinafter, Water System) (mailing address: P.O. Box 83, Kingsburg, CA 93631-0083)
35 for violation of California Code of Regulations (CCR), Title 22, Sections 64424, 64426.1.
36 and the Groundwater Rule.

37 **APPLICABLE AUTHORITIES**

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

39 (a) If the division determines that a public water system is in violation of this chapter or
40 any regulation, permit, standard, citation, or order issued or adopted thereunder, the
41 division may issue a citation to the public water system. The citation shall be served upon
42 the public water system personally or by certified mail. Service shall be deemed effective
43 as of the date of personal service or the date of receipt of the certified mail. If a person to
44 whom a citation is directed refuses to accept delivery of the certified mail, the date of
45 service shall be deemed to be the date of mailing.

46 (b) Each citation shall be in writing and shall describe the nature of the violation or
47 violations, including a reference to the statutory provision, standard, order, citation, permit,
48 or regulation alleged to have been violated.

49 (c) A citation may specify a date for elimination or correction of the condition constituting
50 the violation.

51 (d) A citation may include the assessment of a penalty as specified in subdivision (e).

52 (e) The division may assess a penalty in an amount not to exceed one thousand dollars
53 (\$1,000) per day for each day that a violation occurred, and for each day that a violation
54 continues to occur. A separate penalty may be assessed for each violation.

55 **California Code of Regulations, Title 22, Section 64426.1, subsections (a) and (b)**
56 **provide, in relevant part:**

57 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

58 (a) Results of all samples collected in a calendar month pursuant to Sections 64423,
59 64424, and 64425 that are not invalidated by the Division or the laboratory shall be
60 included in determining compliance with the total coliform MCL. Special purpose
61 samples such as those listed in §64421(b) and samples collected by the water
62 supplier during special investigations shall not be used to determine compliance with
63 the total coliform MCL.

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

66 (1) For a public water system which collects at least 40 samples per month, more
67 than 5.0 percent of the samples collected during any month are total coliform-
68 positive; or

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

71 **§ 64424. Repeat Sampling**

72 Specifies that for systems collecting only one sample per month or quarter, a
73 repeat sample set shall consist of four (4) samples as follows: one (1) from the
74 routine sample site at which the positive occurred, one (1) from the upstream
75 repeat sample site, one (1) from the downstream repeat sample site and one (1)
76 from the operating well or another location within the system that would best help
77 to identify the source or area of contamination.

78
79 **The Groundwater Rule**

80
81 Adopted by the Division, effective August 18, 2011, the rule requires the collection
82 of a sample for bacteriological evaluation from wells serving the system in
83 response to a coliform positive distribution sample.
84
85

86 **STATEMENT OF FACTS**

87 The Water System is operated under Water Supply Permit No. 03-23-09P-022, issued on
88 March 12, 2009. Selma Exxon Tiger Mart Water System is a transient non-community
89 water system serving a transient population of approximately one hundred-fifty (150)
90 persons through one (1) connection.

91
92 The Water System is required to collect a minimum of one (1) distribution system
93 bacteriological sample per quarter. During the month of October 2014 one distribution
94 sample was determined to be positive for total coliform bacteria and only one distribution
95 repeat sample was collected as follow up in October 2014. Additionally, the bacteriological
96 water analysis results submitted by the Water System reported the presence of total
97 coliform bacteria in five (5) of nine (9) distribution samples collected by the Water System

98 in November 2014. None of the positive samples showed the presence of fecal coliform
99 or *E. coli* bacteria.

100

101 The following table summarizes the bacteriological monitoring conducted during the
102 months of October, November and December of 2014.

103

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
10/8/2014	1	Routine	1	0
10/17/2014	1	Repeat (Distribution only)	0	0
11/19/2014	5	Routine (Distribution only)	5	0
11/21/2014	4	Repeat (including well)	0	0
12/10/2014	5	Routine (Distribution only)	0	0

104

105 Due to the above-mentioned total coliform positive samples, the Water System failed the
106 total coliform MCL for the month of November 2014. Results for water samples tested for
107 coliform bacteria during 2014 are summarized in Attachment A. The cause of
108 contamination is unknown.

109

110 The five routine distribution samples required the month following November 2014, which
111 had five total coliform-positive samples, were collected on December 10, 2014. None of
112 those samples were positive for coliform bacteria.

113

114 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
115 collection of a sample for bacteriological evaluation from wells serving the system in
116 response to a coliform positive distribution sample. **This requirement was not met with**

117 the repeat sampling collected in October 2014. It was met, however, with the repeat
118 sampling collected in November 2014.

119

120 Additionally, the Water System failed to conduct the required repeat sampling in October
121 2014, including the collection of a sample directly from the well.

122

123 Section 64426.1(c) requires a public water system to notify the Division and the
124 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) the
125 total coliform MCL occurs. Notification to the Division shall be by the end of the business
126 day on which the violation has been determined. If the Division is closed, notification shall
127 be within 24 hours of the determination. **The Division was not notified.**

128

129 Public notification to the consumers of the water system has not been conducted.
130 Attachments B and C are copies of a public notice that the Water System may use to
131 notify its customers. This notice fulfills the total coliform MCL notification requirements and
132 includes the mandatory language. Proof of notification is required.

133

DETERMINATION

134

135 The Division has determined that the Water System failed to comply with Title 22, CCR
136 Section 64426.1, Total Coliform MCL for the month of November 2014 due to the
137 presence of total coliform bacteria in five (5) of nine (9) distribution samples collected by
138 the Water System in November 2014. The Division has also determined that the Water
139 System failed to comply with Title 22, CCR Section 64426.1(c) which requires a public
140 water system to notify the Division and the consumers when a violation of Section
141 64426.1(b)(1) through (4) occurs. Additionally, during October 2014, the Water System
142 failed to comply with Title 22, Section 64424(a)(1) which requires that a public water
143 system collect at least four samples for each total coliform-positive sample as a repeat
sample set. Furthermore, the Water System failed to comply with the Groundwater Rule



144 which requires that a source sample be collected following any total coliform positive
145 sample in the distribution system.

146 **DIRECTIVES**

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

148

149 1. Title 22 CCR Section 64463.4(c)(2)(A) allow noncommunity water systems to give
150 the public notice by posting in conspicuous locations throughout the area served
151 by the water system for at least seven days.

152

153 By **February 15, 2015**, the Selma Exxon Tiger Mart water system shall provide
154 public notification of the total coliform Maximum Contaminant Level failure for
155 November 2014 and the coliform monitoring and reporting failure for October 2014
156 by posting the Tier 2 notice provided as Attachment B in conspicuous locations
157 throughout the area served by the water system.

158

159 By **February 28, 2015**, the Water System shall provide proof of public notification
160 of the total coliform MCL violation in November 2014 and associated violation for
161 October 2014 by completing Attachment C and returning it to:

162

163 Betsy S. Lichti, Senior Sanitary Engineer
164 Division of Drinking Water
165 Drinking Water Field Operations Branch
166 265 W. Bullard Avenue, Suite 101
167 Fresno, CA 93704
168

169 2. By **February 28, 2015**, the Water System shall complete and submit the enclosed
170 "Positive Total Coliform Investigation" form to the Division that describes the
171 incident and all corrective actions taken, and the results of the investigation. The
172 appropriate investigation report is provided as Attachment D.



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PARTIES BOUND

This Citation shall apply to and be binding upon Selma Exxon Tiger Mart Water System, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Selma Exxon Tiger Mart Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

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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.

1/21/15
Date

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



- Attachments:
- A. Bacteriological Distribution and Source Monitoring Reports
 - B. Public Notice Template
 - C. Proof of Notification
 - D. Positive Total Coliform Investigation Form

Bacteriological Distribution Monitoring Report

1000545

Selma Exxon Tiger Mart

Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/3/2014	10:00	Mop sink #8	A	A		Routine			
4/2/2014	9:00	Sink 5	A	A		Routine			
6/9/2014	11:04	Rou 1	A	A		Routine	0.70		
8/12/2014	14:50	Hand sink	A	A		Routine			
10/8/2014	10:17	sink	P	A		Routine			
10/17/2014	10:38	Kitchen sink	A	A		Repeat		MR5	
11/19/2014	10:56	Outside Tap #1	P	A		Routine			
11/19/2014	11:02	Outside Tap #2	P	A		Routine		MCL	
11/19/2014	11:11	Hand Sink	P	A		Routine			
11/19/2014	11:16	Kitchen Sink	P	A		Routine			
11/19/2014	11:21	Mob Sink	P	A		Routine			
11/21/2014	11:48	Mop Sink	A	A		Repeat			
11/21/2014	11:52	Kitchen Sink	A	A		Repeat			
11/21/2014	11:56	Hand Sink	A	A		Repeat			
11/21/2014	12:05	Well	A	A		Source Repeat			
12/10/2014	10:12	Outside Tap #1	A	A		Routine			
12/10/2014	10:18	Outside Tap #2	A	A		Routine			
12/10/2014	10:21	Kitchen Sink	A	A		Routine			
12/10/2014	10:24	Hand Sink	A	A		Routine			
12/10/2014	10:27	Mop Sink	A	A		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.

Selma Exxon Tiger Mart Water System Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently failed a drinking water standard. Although this incident 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 routinely monitor for drinking water contaminants. We took nine (9) samples to test for the presence of coliform bacteria in November 2014. Five (5) of these samples showed the presence of total coliform bacteria. The standard is that no more than one sample per month may show the presence of coliform bacteria.

What should I 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 of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the 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 fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**
- 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.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. _____

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 Selma Exxon Tiger Mart Water System

Date distributed: _____



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 **Selma Exxon Tiger Mart** of the failure to meet the **total coliform bacteria MCL** for the month of **November 2014** as directed by the Division.

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, 2015
Total Coliform MCL Failure: November 2014
System Number: 1000545
Citation No.: 03-23-15E-004

POSITIVE TOTAL COLIFORM INVESTIGATION
Simple Well with Pressure Tank Systems

Attachment D

This form is intended to assist public water systems in completing the investigation required by the SWRCB Drinking Water Division (Section 64426(b) of Title 22, California Code of Regulations) and may be modified to take into account conditions unique to the system.

ADMINISTRATIVE INFORMATION

PWS Name:	PWS ID NUMBER:
Name	Address
Operator in Responsible Charge (ORC)	Telephone #
Person that collected TC samples if different than ORC	
Owner	
Certified Laboratory for Microbiological Analyses	
Date Investigation Completed:	
Month(s) of Total Coliform MCL Failure:	

INVESTIGATION DETAILS

SOURCE	WELL (name)	WELL (name)	WELL (name)	WELL (name)	COMMENTS
1. Inspect each well head for physical defects and report					
a. Is raw water sample tap upstream from point of disinfection?					
b. Is wellhead vent pipe screened?					
c. Is wellhead seal watertight?					
d. Is well head located in pit or is any piping from the wellhead submerged?					
e. Does the ground surface slope towards well head?					
f. Is there evidence of standing water near the wellhead?					
g. Is there a check valve on the well discharge line? Is the check valve seating properly?					
h. Are there any connections to the raw water piping that could be cross connections? (describe all connections in comments)					
i. Is the wellhead secured to prevent unauthorized access?					
j. To what treatment plant (name) does this well pump?					
k. How often do you take a raw water total coliform (TC) test?					
l. Provide the date and result of the last TC test at this location					

POSITIVE TOTAL COLIFORM INVESTIGATION

DISTRIBUTION SYSTEM	SYSTEM RESPONSES
1. What is the minimum pressure you are maintaining in the distribution system?	
2. Did pressure in the distribution system drop to less than 5 psi prior to experiencing the TCR positive finding.	
3. Has the distribution system been worked on within the last week? (service taps, hydrant flushing, main breaks, main extensions, etc.) If yes, provide details.	
4. Are there any signs of excavations near your distribution system not under the direct control of your maintenance staff?	
5. Did you inspect your distribution system to check for mainline leaks? Do you or did you have a mainline leak?	
6. If there was a mainline leak, when was it repaired?	
7. On what date was the distribution system last flushed?	
8. Is there a written flushing procedure you can provide for our review?	
9. Do you have an active cross connection control program?	
10. What is name and phone number of your Cross-Connection Control Program Coordinator?	
11. Is the review and testing of backflow prevention devices current?	
12. On what date was the last physical survey of the system done to identify cross-connections?	

SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)	Routine Site TC+ or EC+	Upstream Site	Downstream Site	Sample 4 (specify)
1. What is the height of the sample tap above grade? (inches)				
2. Is the sample tap located in an exterior location or is it protected by an enclosure?				
3. Is the sample tap threaded, have a swing arm (kitchen sink) or aerator (sinks)?				
4. Is the sample tap in good condition, free of leaks around the stem or packing?				
5. Can the sample tap be adjusted to the point where a good laminar flow can be achieved without excessive splash?				
6. Is the sample tap and area around the sample tap clean and dry (free of animal droppings, other contaminants or spray irrigation systems)				
7. Is the area around the sample tap free of excessive vegetation or other impediments to sample collection				
8. Describe how the tap was treated in preparation for sample collection (ran water, swabbed with disinfectant, flamed, etc.)				
9. Is this sample tap designated on the sampling plan submitted with this information request?				
10. What were weather conditions at the time of positive sample (rainy, windy, sunny)?				

POSITIVE TOTAL COLIFORM INVESTIGATION

Attachment D

Page 3 of 3

GENERAL OPERATIONS:	Response
1. Where there any power outages that affected water system facilities during the 30 days prior to the TC+ or EC + findings?	
2. Where there any main breaks, water outages, or low pressure reported in the service area where TC+ or EC+ samples were located.	
3. Does the system have backup power or elevated storage?	
4. During or soon after bacteriological quality problems, did you receive any complaints of any customers' illness suspected of being waterborne? How many?	
5. What were the symptoms of illness if you received complaints about customers being sick?	

ADDITIONAL INFORMATION TO BE SUBMITTED WITH RESPONSES TO THE ABOVE QUESTIONS

1. Sketch of System showing all sources, treatment locations, storage tanks, microbiological sampling sites and general layout of the distribution system including the location of all hazardous connections such as the wastewater treatment facility.
2. A set of photographs of the well, pressure tanks, and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by our Division.
3. Name, certification level and certificate number of the Operator in Responsible Charge.
4. Copy of the last cross connection survey performed that identifies the location of all unprotected cross connections.

SUMMARY: BASED ON THE RESULTS OF YOUR INVESTIGATION AND ANY OTHER INFORMATION AT YOUR DISPOSAL, WHAT DO YOU BELIEVE TO BE THE CAUSE OF THE POSITIVE TOTAL COLIFORM SAMPLES FROM YOUR PUBLIC WATER SYSTEM?

CERTIFICATION: I CERTIFY THAT THE INFORMATION SUBMITTED IN RESPONSE TO THE QUESTIONS ABOVE IS ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE

NAME: _____ TITLE: _____ DATE: _____