

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: USA Waste of California
4333 E. Jefferson Avenue
Fresno, CA 93725-9707

Water System No. 1000467

Attn: Ken Maxey

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

June 2015

CITATION NO. 03-23-15C-090

Issued on October 28, 2015

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of 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 USA Waste of California Water System (hereinafter, Water System) (mailing address: 4333 E. Jefferson Avenue, Fresno, CA 93725) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsections (b)(2).

31 **APPLICABLE AUTHORITIES**

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

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

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

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

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

46 (e) The Division may assess a penalty in an amount not to exceed one thousand dollars
47 (\$1,000) per day for each day that a violation occurred, and for each day that a violation
48 continues to occur. A separate penalty may be assessed for each violation.

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

51 **§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

52 (a) Results of all samples collected in a calendar month pursuant to Sections 64423,
53 64424, and 64425 that are not invalidated by the Division or the laboratory shall be
54 included in determining compliance with the total coliform MCL. Special purpose
55 samples such as those listed in §64421(b) and samples collected by the water
56 supplier during special investigations shall not be used to determine compliance with
57 the total coliform MCL.

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

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

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

65

66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82

STATEMENT OF FACTS

The Water System is operated under Water Supply Permit No. 03-23-13P-024, issued by the Division on November 21, 2013. USA Waste of California Water System is a non-transient non-community water system serving a population of approximately fifty (50) people through four (4) service connections: the regional headquarters office, vehicle maintenance shop, scale office, and the scale house.

The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in three (3) of five (5) distribution samples collected during June 2015. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

The following table summarizes the bacteriological monitoring conducted during the months of May, June, July, August, September and October of 2015.

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
5/12/2015	5	Routine (Cl ₂ resid. = 4.1-6.5 ppm)*	0	0
6/2/2015	5	Routine (no Cl ₂ resid detected in distribution)	3	0
			(distribution only)	
7/14/2015	5	Routine (Cl ₂ resid. = 0.52-0.55 ppm)	0	0
8/4/2015	2	Routine (Dist. Cl ₂ resid. = 0.47 ppm) & Well	0	0
9/18/2015	2	Routine (Dist Cl ₂ resid. = 0.64 ppm) & Well	0	0
10/6/2015	2	Routine (Dist Cl ₂ resid. = 0.61 ppm) & Well	0	0

*Chlorine Residual exceeds maximum acceptable level of 4 mg/L.

83

84 Due to the above-mentioned total coliform positive samples, the Water System has failed
85 the total coliform MCL for the month of June 2015. The well has not tested positive for
86 total coliform bacteria in any of the sampling events conducted during 2015. Previously,
87 the Water System violated the Total Coliform Rule's Maximum Contaminant Level during
88 February and April of 2015. The process of continuous disinfection began in May of 2015
89 and remained in place with the exception of the month of June 2015, in which another
90 TCR MCL violation took place. In July 2015, the Water System applied for an amended
91 permit allowing the installation of continuous chlorination. The Division issued a letter
92 dated July 7, 2015, notifying the Water System that it was approved and permitted to
93 provide ongoing continuous chlorination. Following the installation of continuous
94 chlorination, no positive total coliform results have been observed.

95

96 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the
97 collection of a sample for bacteriological evaluation from wells serving the system in
98 response to a coliform positive distribution sample. This requirement was not met in June
99 2015.

100

VIOLATION

101

102

103

104

105

106

107

108

109

110

The Drinking Water Field Operations Branch of the State Water Resources Control Board
– Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to USA Waste
of California Water System (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). Based on the Statement of Facts, the Water System has failed to
comply with the total coliform Maximum Contaminant Level (MCL) for the month of June
2015.

111 NOTIFICATION REQUIREMENTS

112 Section 64426.1(c) requires a public water system to notify the Division and the
113 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)
114 occurs. Notification to the Division shall be by the end of the business day on which the
115 violation has been determined. If the Division is closed, notification shall be within 24
116 hours of the determination. The Division was notified in accordance with the above-
117 referenced section regarding each violation.

118

119 A Tier 2 Public Notice for violation of paragraph 64426.1(b) (2) shall be given pursuant to
120 Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health
121 effects language from Appendix 64465-A for a total coliform MCL failure.

122

123 Section 64463.4 allows non-transient non-community water systems to give public notice
124 by posting the notice in conspicuous locations throughout the area served by the water
125 system and by the use of one or more of the following methods in order to reach persons
126 not likely to be reached by a public posting: publication in a local newspaper or newsletter
127 distributed to customers, e-mailing the public notice to water system customers, post the
128 public notice on the internet, or by delivery to each customer.

129 Section 116450(g) requires that upon receipt of notification from a public water system,
130 schools must notify school employees, students, and parents (if the students are minors),
131 residential rental property owners or managers (including nursing homes and care
132 facilities) must notify their tenants and business property owners, managers or operators
133 must notify employees of businesses located on the property.

134 The public was notified during the initial violation in April 2015 and throughout the
135 installation of continuous chlorination in July 2015.

136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162

DIRECTIVES

USA Waste has completed the necessary public notification and satisfied all of the requirements for the installation of continuous chlorination and no other directives are necessary at this time.

PARTIES BOUND

This Citation shall apply to and be binding upon USA Waste of California Water System, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and USA Waste of California Water System 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.

163
164
165
166
167
168

169
170
171
172
173
174
175
176
177
178
179
180

10/28/15

Date

Betsy Lichte

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



Attachments:

- A. Bacteriological Distribution and Source Monitoring Reports

Bacteriological Distribution Monitoring Report

1000467 USA Waste of California

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/27/2015	13:00	Shop Lunchroom	A	A		Routine	0.30		
1/27/2015	13:15	Shop H.B.	A	A		Routine	0.29		
1/27/2015	13:25	Office Breakroom	A	A		Routine	0.33		
1/27/2015	13:35	Office H.B.	A	A		Routine	0.32		
1/27/2015	13:40	Shop Lunchroom	A	A		Routine	0.33		
2/19/2015	15:30	Lunchroom Sink	P	A		Repeat		MCL	5/5/15 Issued 03-23-15C-040
2/19/2015	15:40	Office Breakroom	P	A		Repeat			
2/19/2015	15:45	Office Hose Bib	P	A		Repeat			
2/19/2015	15:55	Shop Hose Bib	P	A		Repeat			
2/19/2015	16:05	Lunchroom Sink	P	A		Repeat			
2/23/2015	12:00	Well	<1.0	<1.0		Source Repeat			
3/25/2015	15:20	Lunchroom	A	A		Repeat			
3/25/2015	15:30	Office Lunchroom	A	A		Repeat			
3/25/2015	15:35	Shop Hose bib	A	A		Repeat			
3/25/2015	15:45	Office H.B.	A	A		Repeat	2.2		
3/25/2015	16:15	Well Head	<1.0	<1.0		Source Repeat			
4/9/2015	11:00	Office Lunchroom	A	A		Routine			
4/9/2015	11:15	Shop Lunchroom	A	A		Routine			
4/9/2015	11:25	Office Hose Bib	P	A		Routine			
4/9/2015	11:40	Shop Hose Bib	A	A		Routine			
4/9/2015	11:55	Office Lunchroom	P	A		Routine		MCL	Addressed 5/5/15 in 03-23-15C-040
5/12/2015	11:30	Office Lunchroom	A	A		Routine	4.7		
5/12/2015	11:45	Shop Lunchroom	A	A		Routine	4.1		
5/12/2015	12:00	Office HB	A	A		Routine	6.2		
5/12/2015	12:20	Shop HB	A	A		Routine	6.5		
5/12/2015	12:30	Office Lunchroom	A	A		Routine			
6/2/2015	15:00	Office Lunchroom	P	A		Routine			
6/2/2015	15:10	Shop Lunchroom	A	A		Routine			
6/2/2015	15:35	Office HB	A	A		Routine			
6/2/2015	15:50	Shop HB	P	A		Routine			
6/2/2015	16:05	Office Lunchroom	P	A		Routine		MCL	
7/14/2015	15:00	Office Lunchroom	A	A		Routine	0.52		
7/14/2015	15:10	Shop Lunchroom	A	A		Routine	0.53		
7/14/2015	15:20	Office HB	A	A		Routine	0.52		
7/14/2015	15:30	Shop HB	A	A		Routine	0.55		
7/14/2015	15:35	Office Lunchroom	A	A		Routine			
8/4/2015	14:30	Shop Lunchroom	A	A		Routine	0.47		
9/18/2015	10:55	Office Kit Sink	A	A		Routine	0.64		
10/6/2015	13:15	Office Lunchroom	A	A		Routine	0.61		

Violation Key

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

Source Bacteriological Monitoring Report

1000467 USA Waste of California

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>Sample Type</i>	<i>Test Method</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>HPC</i>	<i>Violation</i>	<i>Comments</i>
2/23/2015	12:00	Well Head	Well	MPN	<1.0	<1.0				
8/4/2015	14:00	Well Head	Well	MPN	<1.0	<1.0				
9/18/2015	11:15	Wellhead	Well	MPN	<1.0	<1.0				
10/6/2015	12:30	Well head	Well	MPN	<1.0	<1.0				