

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:** Batth Dehydrator  
P.O. Box 309  
Caruthers, CA 93609  
Water System No. 1000465  
**Attn:** Rapinder Batth

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

January 2016

**CITATION NO. 03-23-16C-007**

**Issued on April 12, 2016**

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 Batth Dehydrator Water System (hereinafter, Water System) (mailing address: P.O. Box 309, Caruthers, CA 93609) 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 **STATEMENT OF FACTS**

68 The Water System is operated under Water Supply Permit No. 03-23-13P-039, issued  
69 by the Division on December 31, 2013. Bath Dehydrator Water System is a non-transient  
70 non-community water system that uses groundwater obtained from one well which is  
71 treated in two stages, first with carbon filtration to remove Dibromochloropropane and then  
72 with continuous chlorination for disinfection of the filtered water. The Water System serves  
73 the Bath Dehydrator fruit dehydration facility. An approximate non-transient population of  
74 50 people is served year round by the Water System. During the summer months, the  
75 Water System serves approximately 200 to 250 persons per day.

76  
77 The Water System is required to collect a minimum of one (1) distribution system  
78 bacteriological sample per month. The bacteriological water analysis results submitted by  
79 the Water System reported the presence of total coliform bacteria in five (5) of fourteen  
80 (14) samples collected as part of routine and repeat sampling, including the well, during  
81 January 2016. None of the positive samples showed the presence of fecal coliform or *E.*  
82 *coli* bacteria.

83  
84 The following table summarizes the bacteriological monitoring conducted during the  
85 months of January and February 2016.

86

Collection Date	Number of Samples	Sample Labeled	Number TC positive	Number E. Coli positive
1/4/2016	4	Routine Distribution	3	0
1/6/2016	5	Repeat including Well 01	1 <small>(distribution only)</small>	0

1/8/2016	5	Repeat including Well 01	1 (well only)	0
2/2/2016	5	Routine including Well 01	0	0

87

88 Due to the above-mentioned total coliform positive samples, the Water System has failed  
 89 the total coliform MCL for the month of January 2016. Water System staff has not  
 90 completed a Positive Total Coliform Investigation Form. The cause of the contamination is  
 91 unknown. The laboratory reports do not contain chlorine residual results for those positive  
 92 total coliform samples. All coliform analysis results for samples collected during January  
 93 and February of 2016 are summarized in Attachment A.

94

95 The Groundwater Rule adopted by the Division, effective August 18, 2011, requires the  
 96 collection of a sample for bacteriological evaluation from the well serving the system in  
 97 response to a coliform positive distribution sample. This requirement was met with each  
 98 set of repeat samples collected by the water system in January 2016.

99

100 **VIOLATION**

101 The Drinking Water Field Operations Branch of the State Water Resources Control Board  
 102 – Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to Bath  
 103 Dehydrator Water System (hereinafter 'Water System'), for failure to comply with Section  
 104 116555(a)(1) of the CHSC and Section 64426.1(b)(2) of Title 22, California Code of  
 105 Regulations (CCR). Based on the Statement of Facts, the Water System has failed to  
 106 comply with the total coliform Maximum Contaminant Level (MCL) for the month of  
 107 January 2016.

108

109

110

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 not notified in accordance with the above-  
117 referenced section.

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. The appropriate public  
129 notification template and instructions are provided here as Attachment B.

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

136

137 Proof of notification is required. The Water System shall complete Attachment C and  
138 return it to the Division by May 15, 2016.

139

140

141

DIRECTIVES

142

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

144

145 1. By April 30, 2016 the Bathh Dehydrator water system shall provide public  
146 notification using Attachment B of the total coliform Maximum Contaminant  
147 Level failure by posting the notice in conspicuous locations throughout the  
148 area served by the water system.

149

150 By May 15, 2016 the Water System shall provide proof of public notification  
151 of the total coliform MCL violation by completing Attachment C and  
152 returning it to:

153

154 Betsy S. Lichti, Senior Sanitary Engineer  
155 Division of Public Health  
156 Drinking Water Field Operations Branch  
157 265 W. Bullard Avenue, Suite 101  
158 Fresno, CA 93704

159

160 2. The Water System shall notify the Division of any further violations of the  
161 total coliform MCL by the end of the business day on which the violation  
162 has been determined, or, if the Division is closed, within 24 hours of the  
163 determination.

164

165 3. By May 15, 2016, the Water System shall complete and submit the  
166 enclosed "Positive Total Coliform Investigation" form to the Division that  
167 describes the incident and all corrective actions taken, and the results of the  
168 investigation. The appropriate investigation report is provided as  
169 Attachment D.

170

171 4. The chlorine residual must be measured and reported at the same time and  
172 location(s) that the bacteriological sample(s) are collected. The residual(s)  
173 should be provided to the Division along with the bacteriological laboratory  
174 analysis.

175

176

#### PARTIES BOUND

177 This Citation shall apply to and be binding upon Bath Dehydrator Water System, its  
178 officers, directors, shareholders, agents, employees, contractors, successors, and  
179 assignees.

180

#### SEVERABILITY

181 The Directives of this Citation are severable, and Bath Dehydrator Water System shall  
182 comply with each and every provision thereof, notwithstanding the effectiveness of any  
183 other provision.

184

#### FURTHER ENFORCEMENT ACTION

185 The California SDWA authorizes the Division to: issue citation with assessment of  
186 administrative penalties to a public water system for violation or continued violation of the  
187 requirements of the California SDWA or any permit, regulation, permit or order issued or  
188 adopted thereunder including, but not limited to, failure to correct a violation identified in a  
189 citation or compliance order. The California SDWA also authorizes the Division to take  
190 action to suspend or revoke a permit that has been issued to a public water system if the  
191 system has violated applicable law or regulations or has failed to comply with an order of

192 the Division; and to petition the superior court to take various enforcement measures  
193 against a public water system that has failed to comply with violates an order of the  
194 Division. The Division does not waive any further enforcement action by issuance of this  
195 citation.

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

4/12/16

Date

*Betsy Lichti*

Betsy S. Lichti, P.E.,

District Engineer

Division of Drinking Water

State Water Resources Control Board



Attachments:

- A. Bacteriological Distribution Monitoring Report
- B. Public Notice Template and Instructions
- C. Proof of Notification Template
- D. Positive Total Coliform Investigation Form

Certified Mail Tracking Number: 7014 3490 0001 7868 8422

# Bacteriological Distribution Monitoring Report

**1000465 Bath Dehydrator**
*Distribution System Freq: 1/M*

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/4/2016	12:16	Office Kitchen	>23	<1.1		Routine		MCL	
1/4/2016	12:28	Fill Station	>23	<1.1		Routine			
1/4/2016	12:46	Drinking Water Fountain	>23	<1.1		Routine			
1/4/2016	13:01	Filter Combined	<1.1	<1.1		Routine			
1/6/2016	8:30	Water Fill Station	>23	<1.1		Repeat			
1/6/2016	8:38	Drinking Water Fountain	<1.1	<1.1		Repeat	0.2		
1/6/2016	8:52	Office Kitchen	<1.1	<1.1		Repeat	0.3		
1/6/2016	11:33	Well 1	<1.1	<1.1		Source Repeat			
1/6/2016	11:41	Filter Combined	<1.1	<1.1		Repeat			
1/8/2016	6:47	Filter Combined	<1.1	<1.1		Repeat			
1/8/2016	7:04	Well 1	1.1	<1.1		Source Repeat			
1/8/2016	7:20	Water Fill Station	<1.1	<1.1		Repeat	0.3		
1/8/2016	7:30	Drinking Water Fountain	<1.1	<1.1		Routine	0.2		
1/8/2016	7:36	Office Kitchen	<1.1	<1.1		Repeat	0.2		
2/2/2016	10:22	Office Kitchen	<1.1	<1.1		Routine			
2/2/2016	10:31	Drinking Water Fountain	<1.1	<1.1		Routine			
2/2/2016	10:45	Water Fill Station	<1.1	<1.1		Routine			
2/2/2016	10:58	Filter Combined	<1.1	<1.1		Routine			
2/2/2016	11:14	Well 01	<1.1	<1.1		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

## Instructions for Tier 2 Resolved Total Coliform Notice Template

### Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Description of the Violation**

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<b><u>If You Take Fewer Than 40 Samples a Month</u></b>	<b><u>If You Take 40 or More Samples a Month</u></b>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

### **Corrective Action**

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

## 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.

### Batth Dehydrator Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is 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 \_\_\_\_ samples to test for the presence of coliform bacteria during January 2016. \_\_\_\_ of those samples showed the presence of total coliform bacteria. The standard is that no more than one sample per month may do so.

#### 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 system's 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, and further testing shows that this problem has been resolved.**
- 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 U.S. 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 was done?

---

For more information, please contact \_\_\_\_\_ at \_\_\_\_\_ or \_\_\_\_\_.

*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 Batth Dehydrator

State Water System ID#: 1000465

Date distributed: \_\_\_\_\_.

**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 **Batth Dehydrator** of the failure to meet the **total coliform bacteria MCL** for the month of **January 2016** as directed by the Division.

Notification was made on \_\_\_\_\_ by  
(date)

mailed and/or hand delivered 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: May 16, 2016  
Total Coliform MCL Failure: January 2016  
System Number: 1000465  
Citation No.: 03-23-16C-007