

1 **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

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3  
4 **IN RE:** Seeley County Water District  
5 1898 West Main Street  
6 Seeley, CA 92273  
7

8 **TO:** Seeley County Water District  
9 1898 West Main Street  
10 P.O. Box 161  
11 Seeley, CA 92273  
12 Attn: Patrick Harris, Board President  
13

14  
15 **CITATION FOR VIOLATION OF**  
16 **CALIFORNIA HEALTH AND SAFETY CODE, Sections 116555(a)**  
17 **CALIFORNIA CODE OF REGULATIONS, Title 22 Section 64533**  
18 **CALIFORNIA CODE OF REGULATIONS, Title 17 Sections 7584**  
19 **CITATION NO. 05-14-12C-006**  
20 **and CITATION NO. 05-14-13C-004**  
21

22  
23 **CITATION No. 05-14-14C-001-1310013-02**

24 **Issued on May 5, 2014**  
25

26 Section 116650 of the California Health and Safety Code (hereinafter "CHSC"), authorizes  
27 the State Department of Public Health (hereinafter "Department") to issue a citation to a  
28 public water system when the Department determines that the public water system has  
29 violated or is violating the California Safe Drinking Water Act (CHSC, Division 104, Part  
30 12, Chapter 4), (hereinafter "California SDWA") or any regulation, standard, permit, or  
31 order issued or adopted thereunder.  
32

33 The Department hereby issues a citation to the Seeley County Water District (hereinafter  
34 "Seeley"), located at 1898 W. Main Street, Seeley, CA 92273, for failure to comply with  
35 California Health and Safety Code Section 116555(a); California Code of Regulations,  
36 Title 22, Section 64533; California Code of Regulations Title 17 Section 7584; Citation No.



1 05-14-12C-006, Directives Nos. 1, 2, 9 and 10; and Citation No. 05-14-13C-004 Directives  
2 Nos. 6 and 7.

3 **APPLICABLE AUTHORITIES**

4 **Section 116555(a) of the Health and Safety Code provides:**

5 116555. Operational Requirements.

6 (a) Any person who owns a public water system shall ensure that the system  
7 does all of the following:

8 (1) Complies with primary and secondary drinking water standards.

9 (2) Will not be subject to backflow under normal operating conditions.

10 (3) Provides a reliable and adequate supply of pure, wholesome, healthful,  
11 and potable water.

12 (4) Employs or utilizes only water treatment operators or water treatment  
13 operators-in-training that have been certified by the department at the  
14 appropriate grade.

15 (5) Complies with the operator certification program established pursuant to  
16 Chapter 4 (commencing with Section 106875).

17 **Section 116650 of the Health and Safety Code provides:**

18 116650. Citations.

19 (a) If CDPH determines that a public water system is in violation of this  
20 chapter or any regulation, permit, standard, citation, or order issued or  
21 adopted thereunder, CDPH may issue a citation to the public water system.  
22 The citation shall be served upon the public water system personally or by  
23 certified mail. Service shall be deemed effective as of the date of personal  
24 service or the date of receipt of the certified mail. If a person to whom a

1 citation is directed refuses to accept delivery of the certified mail, the date of  
2 service shall be deemed to be the date of mailing.

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

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

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

10 (e) CDPH may assess a penalty in an amount not to exceed one thousand  
11 dollars (\$1,000) per day for each day that a violation occurred, and for each  
12 day that a violation continues to occur. A separate penalty may be assessed  
13 for each violation.

14 **Title 22, California Code of Regulations (CCR), Section 64533 provides in relevant**  
15 **part:**

16 “(a) ... [T]he primary MCL ... [of 0.080 mg/L for total trihalomethane] shall not be  
17 exceeded in drinking water supplied to the public. ...”

18 **Title 17, CCR, Section 7584 provides:**

19 The water supplier shall protect the public water supply from contamination  
20 by implementation of a cross-connection control program. The program, or  
21 any portion thereof, may be implemented directly by the water supplier or by  
22 means of a contract with the local health agency, or with another agency  
23 approved by the health agency. The water supplier's cross-connection control  
24 program shall for the purpose of addressing the requirements of Sections  
25 7585 through 7605 include, but not be limited to, the following elements:

- 1 (a) The adoption of operating rules or ordinances to implement the cross-
- 2 connection program.
- 3 (b) The conducting of surveys to identify water user premises where cross-
- 4 connections are likely to occur,
- 5 (c) The provisions of backflow protection by the water user at the user's
- 6 connection or within the user's premises or both,
- 7 (d) The provision of at least one person trained in cross-connection control
- 8 to carry out the cross-connection program,
- 9 (e) The establishment of a procedure or system for testing backflow
- 10 preventers, and
- 11 (f) The maintenance of records of locations, tests, and repairs of backflow
- 12 preventers.

13 **Citation No. 05-14-12C-006 (Issued on April 3, 2012), Directives Nos. 1, 2, 9 and 10**  
14 **provides:**

- 15 1. Forthwith, cease-and-desist from failing to comply with the H&S Code,
- 16 Section 116555(a)(1) and (3) by complying with primary and secondary
- 17 drinking water standards and by ensuring that the system is provided with a
- 18 reliable and adequate supply of pure, wholesome, healthful, and potable
- 19 water.
- 20 2. Forthwith, cease-and-desist from failing to comply with the primary
- 21 drinking water standard for TTHMs per CCR, Section 64533.
- 22 9. By May 1, 2012, Seeley shall repair or replace the filtered water effluent
- 23 flow meter used to record when the plant is in operation. This operational
- 24 information shall be reported monthly with dates, times, and run time

1 duration in a manner that can be compared to the filter effluent turbidity  
2 records.

3 10. By June 1, 2012, Seeley shall submit a remedial action plan based on the  
4 implementation of the system's May 2007 TTHM Reduction Feasibility report.  
5 The purpose of the remedial action plan is to describe what actions have  
6 been taken to address this violation and what actions are planned to prevent  
7 future violations. The plan shall include, but not be limited to, the following:

8 a. An evaluation of the distribution system and water storage reservoirs that  
9 includes proposed operational changes to optimize water age management  
10 and disinfection CT achieved to CT required ratio, while maintaining a  
11 detectable free chlorine disinfectant residual throughout the distribution  
12 system.

13 b. An evaluation of the instrumentation and control system including on-line  
14 analyzers and meters with data logging capability that can record chlorine  
15 residual, pH, water temperature, flow rate, and tank levels to optimize  
16 disinfection treatment (as recommended in the April 2010 CDPH review letter  
17 for plans: Water System Improvements to Reduce Total Trihalomethanes”).

18 c. Implementation plan for the installation of treatment options for the  
19 reduction of disinfectant by products (DBPs).

20 d. Source water control measures, such as closing influent canals during  
21 high turbidity incidents.

22 e. Any other treatment plant or distribution system optimization techniques  
23 for the reduction of DBP formation.

24 **Citation No. 05-14-13C-004 (Issued on March 26, 2013), Directives Nos. 6 and 7**  
25 **provides:**

1 6. By May 1, 2013, Seeley shall submit an updated cross-connection control  
2 survey by a certified cross connection control specialist and a plan including a  
3 schedule for implementing the survey recommendations.

4 7. By May 1, 2013, Seeley shall provide the following information on the  
5 service connections that currently have dual service (Seeley potable water  
6 and Imperial Irrigation District canal water):

7 a. A list of the service connections that use canal water including address.

8 b. The status of each of service connection: 1) Does this connection have  
9 backflow protection? 2) Does this connection have any cross connections, if  
10 known? 3) Does this location have any other cross connection hazards  
11 (chemical injection for fertigation, etc.)? 4) Has this connection been  
12 informed that they will need to provide backflow protection?

13 c. Copies of any letters that have been sent to these service connections  
14 regarding the need to provide backflow protection.

15 **STATEMENT OF FACTS**

16 Seeley operates under a domestic water supply permit issued by CDPH in May 2005 (05-  
17 14-05P-007). Seeley is a small community water system that supplies water for domestic  
18 purposes to approximately 2,000 permanent residents through 549 service connections.

19 Seeley receives raw surface water from the Imperial Irrigation District through Gate 94D of  
20 the Elder Canal via the Central Main. The raw water is treated by a U.S. Filter Co. Micro  
21 Floc Trimite-350A Water Treatment System. The filtered water exits the treatment plant  
22 and is chlorinated prior to being pumped to two 500,000-gallon reservoirs piped in series.  
23 Water from the reservoirs is pressurized to 60 psi to feed a single pressure zone  
24 distribution system.

25 Title 22, CCR, Section 64533 specifies that the primary drinking water standard  
26 MCL of 0.080 mg/L for TTHM byproducts shall not be exceeded in drinking water supplied  
27 to the public. Seeley collects samples from two distribution system locations per quarter.  
28 Under Stage 1 Disinfection Byproduct Rule, both sites were analyzed for both TTHM and  
29 HAA5. Under Stage 2, samples taken from the site near the entry point to the distribution

1 system are analyzed for HAA5 only, and samples taken from the site furthest from the  
 2 entry point to the distribution system are analyzed for TTHM only. Pursuant to Section  
 3 64535.2, compliance calculations are based on a Running Annual Average (RAA) of the  
 4 previous four quarterly average results. The RAA, computed quarterly, of quarterly  
 5 arithmetic averages of all samples collected pursuant to Section 64534.2(a) shall not  
 6 exceed the 80 µg/L MCLs specified in Section 64533. The last three years of Seeley's  
 7 TTHM monitoring results are shown in Table 1 below.

**Table 1: Stage 1 DBPR TTHM Monitoring Chronology**

<i><b>TTHM Monitoring Quarter</b></i>	<i><b>Months Included in Quarter</b></i>	<i><b>Average TTHM Result (µg/L)</b></i>	<i><b>RAA (µg/L)</b></i>	<i><b>Addressing Citation No.</b></i>
1 <sup>st</sup> Qtr. 2011	Jan – Mar, 2011	65	79	NA
2 <sup>nd</sup> Qtr. 2011	Apr – Jun, 2011	72	70	NA
3 <sup>rd</sup> Qtr. 2011	Jul – Sept, 2011	141	<b>87</b>	05-14-12C-006
4 <sup>th</sup> Qtr. 2011	Oct – Dec, 2011	84	<b>91</b>	05-14-12C-006
1 <sup>st</sup> Qtr. 2012	Jan – Mar, 2012	76	<b>93</b>	05-14-13C-004
2 <sup>nd</sup> Qtr. 2012	Apr – Jun, 2012	98	<b>100</b>	05-14-13C-004
3 <sup>rd</sup> Qtr. 2012	Jul – Sept, 2012	104	<b>91</b>	05-14-13C-004
4 <sup>th</sup> Qtr. 2012	Oct – Dec, 2012	92	<b>93</b>	05-14-14C-001- 1310013-02
1 <sup>st</sup> Qtr. 2013	Jan – Mar, 2013	65	<b>90</b>	05-14-14C-001- 1310013-02
2 <sup>nd</sup> Qtr. 2013	Apr – Jun, 2013	77	<b>85</b>	05-14-14C-001- 1310013-02
3 <sup>rd</sup> Qtr. 2013	Jul – Sept, 2013	94	<b>82</b>	05-14-14C-001- 1310013-02

8

9 **Table 2: Stage 2 DBPR TTHM Monitoring**

<i><b>TTHM Monitoring Quarter</b></i>	<i><b>Months Included in Quarter</b></i>	<i><b>TTHM Result (µg/L)</b></i>	<i><b>RAA (µg/L)</b></i>	<i><b>Addressing Citation No.</b></i>
4 <sup>th</sup> Qtr. 2013	Oct – Dec, 2013	88	<b>81</b>	05-14-14C-001- 1310013-02

10 CDPH issued Citation No. 05-14-12C-006 on April 3<sup>rd</sup>, 2012, for failure to meet the  
 11 TTHM primary drinking water standard RAA MCL of 0.080 mg/L for the third and  
 12 fourth quarters of 2011. Directive 1 required Seeley to “cease-and-desist from  
 13 failing to comply with the H&S Code, Section 116555(a)(1) and (3) by complying  
 14 with primary and secondary drinking water standards and by ensuring that the

1 system is provided with a reliable and adequate supply of pure, wholesome,  
2 healthful, and potable water.” Directive 2 required Seeley to “cease-and-desist  
3 from failing to comply with the primary drinking water standard for TTHMs per CCR,  
4 Section 64533.”

5 Since Citation No. 05-14-12C-006 was issued, Seeley has failed to meet the TTHM  
6 primary drinking water standard MCL of 0.080 mg/L for all four quarters of 2012, and the  
7 first, second and third quarters of 2013. Therefore, Citation No. 05-14-12C-006, Directives  
8 Nos. 1 and 2 were not met by Seeley for all four quarters of 2012 and the first, second and  
9 third quarters of 2013.

10 Directive 9 of Citation No. 05-14-12C-006 required Seeley to “repair or replace the filtered  
11 water effluent flow meter” and to report operation information “with dates, times, and run  
12 time duration in a manner that can be compared to the filter effluent turbidity records.”  
13 Seeley replaced the filtered water effluent flow meter in 2013. However, Seeley has not  
14 submitted the operational information. Therefore, Citation No. 05-14-12C-006, Directive  
15 No. 9 was not met in full by Seeley.

16 Directive 10 of Citation No. 05-14-12C-006 required Seeley to submit a “remedial action  
17 plan ... to describe what actions have been taken to address this violation and what  
18 actions are planned to prevent future violations.” Seeley submitted a list of possible  
19 actions to attempt TTHM reduction based on the system’s May 2007 TTHM Reduction  
20 Feasibility report. However, these suggestions were not implemented at the water system.  
21 Therefore, Citation No. 05-14-12C-006, Directive No. 10 was not met by Seeley.

22 CDPH issued Citation No. 05-14-13C-004 on March 26, 2013, for failure to meet the  
23 primary drinking water standard for the total coliform (TC) MCL for the month of January  
24 2013. Directive 6 required Seeley by May 1, 2013 to “submit an updated cross-connection

1 control survey by a certified cross connection control specialist and a plan including a  
2 schedule for implementing the survey recommendations.” On May 7<sup>th</sup>, 2013, CDPH  
3 received Cross Connection Control Program Implementation Schedule from Seeley, which  
4 included a commitment to conduct the cross-connection control survey in July 2013.  
5 However, Seeley did not conduct a cross-connection control survey nor implement any  
6 tasks listed in the submitted schedule for a Cross Connection Control Program. Therefore,  
7 Citation No. 05-14-13C-004, Directive No. 6 was not met by Seeley.

8 Citation No. 05-14-13C-004, Directive No. 7b and 7c required that Seeley by May 1,  
9 2013, “provide the following information on the service connections that currently  
10 have dual service (Seeley potable water and Imperial Irrigation District canal water):  
11 (a) A list of the service connections that use canal water including address; (b)The  
12 status of each of service connection: 1) Does this connection have backflow  
13 protection? 2) Does this connection have any cross connections, if known? 3)  
14 Does this location have any other cross connection hazards (chemical injection for  
15 fertigation, etc.)? 4) Has this connection been informed that they will need to  
16 provide backflow protection?; and (c) Copies of any letters that have been sent to  
17 these service connections regarding the need to provide backflow protection.”

18 Seeley has not provided the required information on service connections that  
19 currently have dual service, namely Seeley potable water and Imperial Irrigation  
20 District (hereinafter “IID”) canal water. IID provided the Department a list of raw  
21 water service connections (also provided to Seeley), but no follow up was made by  
22 Seeley on the listed service connections to confirm conditions or to identify other  
23 potential dual service situations. Therefore Citation No. 05-14-13C-004, Directive  
24 No. 7b and 7c were not met by Seeley.

## 25 DETERMINATIONS

26 The Department has determined that Seeley is in violation of Section 116555(a) of the  
27 CHSC and Title 22, CCR, Section 64533 in that Seeley has failed to meet the primary

1 drinking water standard RAA MCL of 0.080 mg/L for the TTHM disinfection byproducts in  
2 drinking water supplied to the public, for 4th quarter 2012, and 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> quarters of  
3 2013, as listed in table 1 under Statement Of Facts.

4 The Department has determined that Seeley is in violation of Title 17, CCR, Section 7584  
5 (b), (c), (d), and (f) in that Seeley has failed to protect the public water supply from  
6 contamination by implementation of a cross-connection control program.

7 The Department has determined that Seeley is in violation of Citation No. 05-14-12C-006,  
8 Directives Nos. 1, 2, 9 and 10 and Citation No. 05-14-13C-004 Directives Nos. 6 and 7b,  
9 7c in that Seeley failed to comply with those Directives.

10 **ADMINISTRATIVE PENALTIES**

11 **PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650**

12 Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty  
13 for failure to comply with requirements of the California SDWA or any regulation, standard,  
14 permit, or order issued or adopted thereunder.

15  
16 Beginning on April 4, 2012, and continuing through May 5, 2014, Seeley has violated  
17 California SDWA, and / or regulations, and orders issued or adopted thereunder.

18 Therefore, as of the date of this Citation, the Department assesses an administrative  
19 penalty of \$7,000 (seven thousand dollar) upon Seeley as summarized below. Failure to  
20 comply with any provision of this citation may result in CDPH imposing additional  
21 administrative penalties of up to \$1,000.00 (one-thousand dollars) per day for each day  
22 that a violation occurred, and for each day that a violation continues to occur. A separate  
23 penalty may be assessed for each violation.



- 1 4. Comply with the schedule in the approved TTHM reduction plan required by Directive 3  
2 above.
- 3 5. Beginning with the month following the issuance of this citation, and every month  
4 thereafter unless directed otherwise by the Department, report data from the filter  
5 effluent meter along with the monthly summary report. The data shall include, at a  
6 minimum, flow rate, date, and time in a manner that can be compared to the filter  
7 effluent turbidity records .
- 8 6. Within 60 days of issuance of this citation, submit for Department review and approval  
9 an updated Cross-Connection Control Survey by a certified cross connection control  
10 specialist, including recommendations.
- 11 7. Within 90 days of issuance of this citation, submit an Implementation Schedule for  
12 implementing the recommendations made in the Cross Connection Control Survey  
13 required in Directive No. 6 above.
- 14 8. Comply with the approved Implementation Schedule required by Directive 7 above.  
15
- 16 9. Within 60 days of issuance this citation, shall install and test backflow devices at dual  
17 source connections that have already been identified, i.e. Customers located at 1695  
18 El Centro St, 1722 W Evan Hewes Hwy, Seeley Union School located at 1812 Rio  
19 Vista St and Sunbeam RV Park. Photographic evidence confirming installation of  
20 backflow devices and device test certifications shall be submitted to the Department  
21 within 90 days of issuance of this citation.  
22
- 23 10. Within 90 days of issuance of this Citation, pay the penalty of \$7,000. Payment shall  
24 be made by check payable to California Department of Public Health Safe Drinking  
25 Water Account in accordance with the instructions in Attachment 1, "Fine Payment

1 Submittal Form”. However, CDPH will consider suspending, in part or in whole, the  
2 requirement to pay the penalty, if CDPH determines at its sole discretion that Seeley is  
3 substantially complying with the directives of this citation.

4

5 The Department reserves the right to make such modifications to this citation as it may  
6 deem necessary to protect public health and safety. Such modifications may be issued as  
7 amendments to this citation and shall be effective upon issuance.

8

9 Nothing in this citation relieves Seeley of its obligation to meet the requirements of the  
10 California SDWA, and any regulations, permits, standards and orders issued or adopted  
11 thereunder.

12

**PARTIES BOUND**

13 This citation shall apply to and be binding upon Seeley, its owners, shareholders, officers,  
14 directors, agents, employees, contractors, successors, and assignees.

15

**SEVERABILITY**

16 The directives of this citation are severable, and Seeley shall comply with each and every  
17 provision thereof notwithstanding the effectiveness of any provision.

18

**FURTHER ENFORCEMENT ACTION**

19 The California SDWA authorizes CDPH to: issue citation with assessment of penalties if  
20 Seeley continues to fail to correct a violation identified in a citation; take action to suspend  
21 or revoke a permit that has been issued to a public water system if the system has  
22 violated applicable law or regulations or has failed to comply with orders of CDPH; and  
23 petition the superior court to take various enforcement measures against a public water

1 system that has failed to comply with an order of the Department. The Department does  
2 not waive any further enforcement action by issuance of this citation.

3

4

May 5, 2014  
Date

Jeff O'Keefe  
Jeff O'Keefe, P.E.

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Regional Engineer  
California Department of Public Health  
Drinking Water Program

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CERTIFIED MAIL NO. 7009 2250 0000 8391 4697

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**ATTACHMENTS:**

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- 1) Fine Payment Submittal Form
- 2) CITATION NO. 05-14-12C-006
- 3) CITATION NO. 05-14-13C-004

15

16

cc) Jeff Lamoure, Deputy Director for Environmental Health Services, County of Imperial

**Attachment 1**  
**Fine Payment Submittal Form**

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF DRINKING WATER AND ENVIRONMENTAL SERVICES**

**NOTICE OF CITATION ISSUANCE**

**CITATION NUMBER:** Citation No. 05-14-14C-001-1310013-02

**ISSUED TO:** Seeley County Water District  
1898 West Main Street  
P.O. Box 161  
Seeley, CA 92273

**BACKGROUND STATEMENT**

Seeley County Water District has failed to comply with California Health and Safety Code Section 116555(a); California Code of Regulations, Title 22, Section 64533; California Code of Regulations Title 17 Section 7584; Citation No. 05-14-12C-006, Directives Nos. 1, 2, 9 and 10; and Citation No. 05-14-13C-004 Directives Nos. 6 and 7.

Therefore we have issued Citation No. 05-14-14C-001-1310013-02. The Citation contains a fine of \$7,000.00 (seven thousand dollars).

**METHOD OF PAYMENT**

Within 90 days of issuance of this Citation, pay the penalty of \$7,000. Payment shall be made by check payable to:

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

Mail this form with the accompanying check to:

Department of Public Health  
Drinking Water Program – Fee Billing Unit  
P.O. Box 997379, MS 7406  
Sacramento, CA 95899-7379

Attn: Perin Peebles

Attach check below and indicate Citation number on the check.

(Attach Check Here)

**Attachment 2**

**CITATION NO. 05-14-12C-006**

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STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

IN RE: Seeley County Water District  
1898 W. Main Street  
Seeley, CA 92273  
  
TO: Mr. John Valdez  
Chief Operator

**CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1310013**  
**CITATION NO. 05-14-12C-006**

Issued on April 3, 2012

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the California Department of Public Health, Division of Drinking Water and Environmental Management (CDPH) to issue a citation for failure to comply with the requirements of Chapter 4, the California Safe Drinking Water Act, or any regulation, permit, standard, or order issued or adopted thereunder.

**VIOLATION**

CDPH has determined that the Seeley County Water District (hereinafter Seeley) has violated provisions contained in the H&S Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. H&S Code, Section 116555(a)(3): Specifically, Seeley failed to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.
2. CCR, Section 64533: Specifically, Seeley failed to meet the primary drinking water standard for the Total Trihalomethane (TTHM) Maximum Contaminant Level (MCL) for the third and fourth quarters of 2011.
3. CCR, Section 64463.4: Specifically, Seeley failed to provide public notification for TTHM MCL violations for the third quarter of 2011.

- 1 4. CCR, Section 64657.50(c)(2): Specifically, Seeley's turbidity chart recorder charts  
2 show frequent exceedances without consistent or apparent reasons for the  
3 abnormal filter performance. Current monitoring and reporting is not sufficient to  
4 make compliance determinations for turbidity.

5 **ENFORCEMENT HISTORY**

- 6 1. On October 26, 2006 Citation 05-14-06C-016 was issued to Seeley for the following  
7 violations.
- 8 I. For exceedance of the MCL for TTHM of drinking water supplied to the  
9 public by Seeley during the second quarter of 2006.
  - 10 II. For failure to notify the public as soon as practical but no later than 30  
11 days after the system learns of the violation and repeat the notice every  
12 three months as long as the violation persists.
  - 13 III. For failure to report Maximum Residual Disinfection Level (MRDL) since  
14 2004 as specified by monitoring requirements in § 64534 and § 64534.2.
  - 15 IV. For failure to monitor TTHMs and Haloacetic Acids (HAA5s) during the  
16 first and second quarters of 2004.
- 17 2. On February 9, 2007, Citation 05-14-07C-007 was issued to Seeley for the  
18 following violations.
- 19 I. For exceedance of the MCL for TTHM of drinking water supplied to the  
20 public by Seeley during the third and further quarters of 2006.
- 21 3. On April 23, 2009, Citation 05-14-09C-006 was issued to Seeley for the following  
22 violation.
- 23 I. For exceedance of the MCL for TTHM of drinking water supplied to the  
24 public by Seeley during the first quarter of 2009.

1 **BACKGROUND**

2 Seeley is a small community water system that supplies water for domestic purposes to  
3 approximately 2,000 permanent residents through 549 service connections.

4 Seeley receives raw water from the Imperial Irrigation District through Gate 94D of the  
5 Elder Canal via the Central Main. The raw water is allowed to settle in two raw water  
6 settling basins. Water is pumped from the settling basins and Propac 8990 coagulant is  
7 added and mixed via a static in-line mixer. The water then flows through two U.S. Filter  
8 Co. Micro Floc Trimite-350A Water Treatment System units. The filtered water exits the  
9 treatment plant and is chlorinated prior to being pumped to two 500,000-gallon reservoirs  
10 piped in series. Water from the reservoirs is pressurized to 60 psi to feed a single pressure  
11 zone distribution system.

12 Seeley has made significant improvements to the water system in recent years. Since  
13 2009, Seeley has replaced the unlined raw water settling ponds with two lined basins that  
14 can be isolated and cleaned regularly. Seeley has also constructed two new reservoirs  
15 with better baffling and mixing to optimize disinfection contact time. Seeley is currently  
16 replacing the majority of the existing distribution system including valves and hydrants.

17 The Disinfection Byproducts Rule (DBPR) applies to community water systems that treat  
18 their water with a chemical disinfectant in any part of the treatment process or which  
19 provide water that contains a chemical disinfectant. Seeley is required to collect two  
20 samples in the distribution system per quarter for TTHMs and HAA5 analysis. Seeley's  
21 water treatment plant uses chlorine as the primary disinfectant. Due to a lack of data  
22 logging capability at the treatment plant, the system must use the most conservative  
23 values for calculating minimum disinfection contact time. This lack of data logging  
24 capability also hinders turbidity compliance determinations. For example, it appears the

1 chart recorder charts show turbidity spikes when the plant is shut down, but it is not  
 2 possible to determine time frames of when the plant is in operation and whether or not the  
 3 spikes are due to shutdown and startup operations or filter performance problems.

4 TTHM monitoring requirements are specified in §64534 and §64534.2 and compliance  
 5 determinations are specified by §64535 and §64535.2. A public water system shall not  
 6 exceed 80 parts per billion (ppb) for TTHM in the drinking water supplied to the public  
 7 based on a running annual arithmetic average (RAA), computed quarterly, of quarterly  
 8 arithmetic averages of all samples collected pursuant to §64534.2.a.

9 The previous Citation No. 05-14-09C-006 contained directives to conduct public  
 10 notification. Per Section 64463.4 public notification must be done within 30 days after  
 11 learning of a violation or otherwise directed by CDPH. Notification must be done by two  
 12 methods, which are typically by mail or direct delivery to each customer receiving a bill,  
 13 and by publication in a local newspaper or posting in conspicuous places served by the  
 14 water system or posting on the internet.

### 15 CHRONOLOGY OF EVENTS

16 As shown in the table below, since 2011 Seeley's RAA has exceeded the TTHM MCL two  
 17 times in the third and fourth quarters 2011.

Year	Quarter	Sample Date	Quarterly Average	Running Annual Average
2011	1Q	3/2/11	64.8	79.2
	2Q	6/8/11	71.9	70.5
	3Q	9/21/11	141*	86.7
	4Q	12/2/11	84.4	90.5
2012	1Q	1/9/12	75.8	93.3
	2Q	TBD	TBD	TBD
	3Q	TBD	TBD	TBD
	4Q	TBD	TBD	TBD

18 \*only one sample taken (2 required per sampling plan)

1 **DIRECTIVES**

2 Seeley is hereby directed to:

- 3 1. Forthwith, cease and desist from failing to comply with the H&S Code, Section  
4 116555(a)(1) and (3) by complying with primary and secondary drinking water  
5 standards and by ensuring that the system is provided with a reliable and adequate  
6 supply of pure, wholesome, healthful, and potable water.
- 7 2. Forthwith, cease and desist from failing to comply with the primary drinking water  
8 standard for TTHMs per CCR, Section 64533.
- 9 3. Seeley shall continue collecting two (2) samples each quarter for TTHM and HAA5  
10 analysis at the approved sampling locations. The results shall be reported to CDPH  
11 no later than 10 days after the end of each quarter in accordance with CCR, Title  
12 22, Section 64537.
- 13 4. Seeley shall continue to give public notice in accordance with CCR, Section  
14 64463.4 until the system is in compliance with the TTHM MCL. Public notice shall  
15 be via 1. mail or direct delivery to each customer, and 2. posting notice using one or  
16 more of the following methods: posting on the internet and/or local newspaper,  
17 posting in conspicuous public spaces served by the water system, and delivery to  
18 community organizations. A draft notification shall be submitted to CDPH for review  
19 and approval prior to conducting public notification.
- 20 5. Within 10 days of conducting public notifications, a copy of the notice and the  
21 "Proof of Notification" certification shall be submitted to CDPH using the enclosed  
22 form.

- 1 6. Seeley shall repeat public notification every three months for as long as the TTHM  
2 MCL violation continues in accordance with CCR, Section 64463.4
- 3 7. By July 1, 2012, Seeley shall report the 2011 TTHM MCL violations and failure to  
4 conduct public notification in its 2011 Consumer Confidence Report, in accordance  
5 with CCR, Section 64481(g)(1)
- 6 8. By May 1, 2012, Seeley shall submit a revised Operations Plan including a revised  
7 disinfection contact time (CT) protocol.
- 8 9. By May 1, 2012, Seeley shall repair or replace the filtered water effluent flow meter  
9 used to record when the plant is in operation. This operational information shall be  
10 reported monthly with dates, times, and run time duration in a manner that can be  
11 compared to the filter effluent turbidity records.
- 12 10. By June 1, 2012, Seeley shall submit a remedial action plan based on the  
13 implementation of the system's May 2007 TTHM Reduction Feasibility Report. The  
14 purpose of the remedial action plan is to describe what actions have been taken to  
15 address this violation and what actions are planned to prevent future violations. The  
16 plan shall include, but not be limited to, the following:
  - 17 a. An evaluation of the distribution system and water storage reservoirs that  
18 includes proposed operational changes to optimize water age  
19 management and disinfection CT achieved to CT required ratio, while  
20 maintaining a detectable free chlorine disinfectant residual throughout the  
21 distribution system.
  - 22 b. An evaluation of the instrumentation and control system including on-line  
23 analyzers and meters with data logging capability that can record chlorine  
24 residual, pH, water temperature, flow rate, and tank levels to optimize



1 disinfection treatment (as recommended in the April 2010 CDPH review  
2 letter for the plans: "Water System Improvements to Reduce Total  
3 Trihalomethanes").

- 4 c. Implementation plan for the installation of treatment options for the  
5 reduction of disinfectant by products (DBPs).
- 6 d. Source water control measures, such as closing influent canals during  
7 high turbidity incidents.
- 8 e. Any other treatment plant or distribution system optimization techniques  
9 for the reduction of DBP formation.

10 All Submittals required by this citation shall be sent to:

11 Sean Sterchi, P.E.  
12 District Engineer  
13 California Department of Public Health  
14 1350 Front St., Rm. 2050  
15 San Diego, CA 92101

16 **CIVIL PENALTY**

17 Sections 116650 (d) and (e) of the Health and Safety Code provides for the assessment of  
18 a penalty for failure to comply with the requirements of the California Safe Drinking Water  
19 Act. Failure to comply with any provision of this citation may result in CDPH imposing a  
20 penalty not to exceed one thousand dollars (\$1,000) per day as of the date of violation of  
21 any provision of this citation

22 \_\_\_\_\_  
23 Date

4/3/12

24 \_\_\_\_\_  
25 Sean Sterchi, P.E.  
26 San Diego District Engineer  
Southern California Branch  
Drinking Water Field Operations

- 1 Enclosures: "Proof of Notification" Certification
- 2 cc: Lamoure, Deputy Director - Division of Environmental Health, Imperial County Public
- 3 Health Department

**Drinking Water Notification to Consumers**

**PROOF OF NOTIFICATION**

**Name of Water System:** \_\_\_\_\_

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. \_\_\_\_\_

\_\_\_\_\_

Consumers Notified \_\_\_\_\_ Yes \_\_\_\_\_ No

If not, Explain: \_\_\_\_\_

\_\_\_\_\_

Date of Notification: \_\_\_\_\_

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

\_\_\_\_\_ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

\_\_\_\_\_ Newspaper (if the problem has been corrected). Attach a copy of Notice.

\_\_\_\_\_ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

\_\_\_\_\_ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

**I hereby declare the forgoing to be true and correct under penalty of perjury.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person Serving Notice

**\*\* Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of posting the notification.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.

**Attachment 3**

**CITATION NO. 05-14-13C-004**

1  
2  
STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

3 IN RE: Seeley County Water District  
4 1898 W. Main Street  
5 Seeley, CA 92273

6 TO: Mr. John Valdez  
7 Chief Operator

8 **CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1310013**  
9 **CITATION NO. 05-14-13C-004**

10 Issued on March 26, 2013

11 Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code  
12 (H&S Code), authorizes the California Department of Public Health, Division of Drinking  
13 Water and Environmental Management (CDPH) to issue a citation for failure to comply  
14 with the requirements of Chapter 4, the California Safe Drinking Water Act, or any  
15 regulation, permit, standard, or order issued or adopted thereunder.

16 **VIOLATION**

17 CDPH has determined that the Seeley County Water District (hereinafter Seeley) has  
18 violated provisions contained in the H&S Code and Title 22, California Code of Regulations  
19 (CCR). These violations include, but are not limited to, the following:

- 20 1. Title 22, CCR, Section 64426.1: Specifically, Seeley failed to meet the primary  
21 drinking water standard for the Total Coliform (TC) Maximum Contaminant Level  
22 (MCL) for the month of January 2013. A public water system which collects fewer  
23 than 40 samples per month is in violation of the total coliform MCL when more than  
24 one sample collected during any month is total coliform-positive.
- 25 2. CCR, Section 64463.4: Specifically, Seeley failed to provide public notification for  
26 TTHM MCL violations for the first, second and third quarters of 2012.

**1 ENFORCEMENT HISTORY**

2 A Notice of Violation was issued to Seeley on May 28, 2002 for failing to submit the  
3 Monthly Summary of Distribution System Coliform Monitoring Report for March 2002 by  
4 the 10<sup>th</sup> day of the following month.

5 Citation 05-14-13C-002 was issued to Seeley on January 24, 2013 for failing to meet the  
6 primary drinking water standard for the TC MCL for the month of December 2012.

7 Citation 05-14-12C-006 was issued to Seeley on April 3, 2012 for exceedance of the MCL  
8 for TTHM for drinking water supplied to the public by Seeley during the third and fourth  
9 quarters of 2011. This citation contained directives to continue to provide public notice in  
10 accordance with CCR, Section 64463.4 until the system is in compliance with the TTHM  
11 MCL. Since Seeley is still out of compliance with the TTHM MCL, public notice should  
12 have been issued after each calendar quarter since the citation was issued.

**13 BACKGROUND**

14 Seeley is a small community water system that supplies water for domestic purposes to  
15 approximately 2,000 permanent residents through 549 service connections. Seeley  
16 collects three routine bacteriological samples each week from the distribution system in  
17 accordance with an approved Bacteriological Sample Siting Plan, last updated December  
18 19<sup>th</sup>, 2003. There are no dedicated sample stations in the water system, so sample sites  
19 include faucets and hydrants. This may contribute to a higher chance of positive  
20 bacteriological results.

21 Seeley receives raw surface water from the Imperial Irrigation District through Gate 94D of  
22 the Elder Canal via the Central Main. The raw water is treated by a U.S. Filter Co. Micro  
23 Floc Trimite-350A Water Treatment System. The filtered water exits the treatment plant  
24 and is chlorinated prior to being pumped to two 500,000-gallon reservoirs piped in series.  
25 Water from the reservoirs is pressurized to 60 psi to feed a single pressure zone  
26 distribution system.

1 **CHRONOLOGY OF EVENTS**

2 **Thursday, January 24, 2013, 10:00 – 11:30 am**: Seeley collected five (5) routine  
 3 bacteriological samples from the distribution system at Sites 1, 2, and 3 (1898 Main St.,  
 4 1702 W. Evans Hewes Hwy., and the Caltrans Rest Area respectively) as well as two  
 5 additional sites including the first service connection after the WTP effluent and the Seeley  
 6 Market (intersection of W. Evan Hewes Hwy and Haskell Rd).

7 **Friday, January 25, 2013, 12:05 pm**: The laboratory notified Seeley staff that four (4) of  
 8 the samples had tested present for Total Coliform and E-coli bacteria.

Sample Site	Total Coliform	E. Coli	Cl <sub>2</sub> residual
1. 1898 Main St	Presence	Presence	0.70 mg/L
3. 1702 W. Evans Hwy	Presence	Presence	0.41mg/L
4. Caltrans Rest Area	Presence	Presence	0.50 mg/L
WTP effluent	Absence	Absence	0.61 mg/L
Seeley Market	Presence	Presence	0.65 mg/L

9 On this date, Seeley staff collected eleven (11) repeat samples. Three samples were taken  
 10 from each of the sample sites that had tested present for Total Coliform except for the  
 11 Caltrans Rest Area which only had two repeat samples because there was no downstream  
 12 site. WTP staff increased chlorine dosing to a target residual of 2.0 mg/L. The laboratory  
 13 test began at 4:00 pm.

14 **Saturday, January 26, 2013, 4:10 pm**: The laboratory test concluded that all repeat  
 15 samples had tested Absent for Total Coliform and E-coli bacteria.

16 **Monday, January 28, 2013, 9:43 am**: The laboratory notified Seeley and CDPH staff that  
 17 all repeat samples had tested Absent for Total Coliform and E-coli bacteria. The chlorine  
 18 residual results ranged from a low of 0.25 mg/l at the Caltrans Rest Area to 0.85 mg/L at  
 19 Seeley Market. CDPH staff had requested immediate notification of the results, but  
 20 arrangements were not made to communicate this information over the weekend.

1     **DIRECTIVES**

2     Seeley is hereby directed to:

- 3           1.     Forthwith, Seeley shall cease and desist from failing to comply with the Primary  
4           Drinking Water Standard for bacteriological water quality.
- 5           2.     Repeat sampling results shall be reported to CDPH as soon as the laboratory  
6           analysis is complete (immediately after the 18 or 24 hour incubation period). If the  
7           analysis concludes on a weekend or holiday, arrangements shall be made with  
8           the laboratory to report the results to CDPH on the same day.
- 9           3.     By March 1, 2013, Seeley shall provide public notice of the TC MCL violation in  
10          accordance with CCR, Section 64463.4. Public notice shall be via 1. Mail or direct  
11          delivery to each customer, and 2. Posting notice using one or more of the  
12          following methods: posting on the internet and/or local newspaper, posting in  
13          conspicuous public spaces served by the water system, and delivery to  
14          community organizations. A draft notification shall be submitted to CDPH for  
15          review and approval prior to conducting public notification.
- 16          4.     Within 10 days of conducting public notifications, a copy of the notice and the  
17          "Proof of Notification" certification shall be submitted to CDPH using the enclosed  
18          form.
- 19          5.     By July 1, 2013, Seeley shall report violation 1 and 2 listed earlier in this citation in  
20          the 2012 Consumer Confidence Report.
- 21          6.     By May 1, 2013, Seeley shall submit an updated cross-connection control survey  
22          by a certified cross connection control specialist and a plan including a schedule  
23          for implementing the survey recommendations.
- 24          7.     By May 1, 2013, Seeley shall provide the following information on the service  
25          connections that currently have dual service (Seeley potable water and Imperial  
26          Irrigation District canal water):

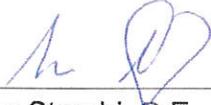
- 1 a. A list of the service connections that use canal water including address.
- 2 b. The status of each of service connection: 1) Does this connection have
- 3 backflow protection?, 2) Does this connection have any cross connections, if
- 4 known?, 3) Does this location have any other cross connection hazards
- 5 (chemical injection for fertigation, etc)? and 4) Has this connection been
- 6 informed that they will need to provide backflow protection?
- 7 c. Copies of any letters that have been sent to these service connections
- 8 regarding the need to provide backflow protection.

9 All submittals required by this citation shall be sent to:

10 Sean Sterchi, P.E.  
 11 District Engineer  
 12 California Department of Public Health  
 13 1350 Front St., Rm. 2050  
 14 San Diego, CA 92101

15 **CIVIL PENALTY**

16 Sections 116650 (d) and (e) of the Health and Safety Code provides for the assessment of  
 17 a penalty for failure to comply with the requirements of the California Safe Drinking Water  
 18 Act. Failure to comply with any provision of this citation may result in CDPH imposing a  
 19 penalty not to exceed one thousand dollars (\$1,000) per day per violation as of the date of  
 20 violation of any provision of this citation.

21 3/26/13 \_\_\_\_\_  \_\_\_\_\_  
 22 Date Sean Sterchi, P.E.  
 23 San Diego District Engineer  
 24 Southern California Branch  
 25 Drinking Water Field Operations

26 Enclosures: "Proof of Notification" Certification

27 cc: Jeff Lamoure, Deputy Director - Division of Environmental Health, Imperial County  
 28 Public Health Department

**Drinking Water Notification to Consumers**

**PROOF OF NOTIFICATION**

**Name of Water System:** \_\_\_\_\_

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. \_\_\_\_\_

Consumers Notified \_\_\_\_\_ Yes \_\_\_\_\_ No

If not, Explain: \_\_\_\_\_

Date of Notification: \_\_\_\_\_

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

\_\_\_\_\_ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

\_\_\_\_\_ Newspaper (if the problem has been corrected). Attach a copy of Notice.

\_\_\_\_\_ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

\_\_\_\_\_ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

**I hereby declare the forgoing to be true and correct under penalty of perjury.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person Serving Notice

**\*\* Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 30 days of receipt of your order.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.