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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:           **Di Giorgio School Water System**  
                    Water System No. 1502068

TO:               Paul Boatman, Superintendent  
                    Di Giorgio School  
                    19405 Buena Vista Blvd.  
                    Arvin, CA 93203

**BY REGISTERED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1502068  
TOTAL COLIFORM MCL VIOLATION – June 2011  
Citation No. 03-19-13C-002**

**Issued on March 13, 2013**

**STATEMENT OF FACTS**

Di Giorgio School Water System (hereinafter Water System) is classified as a non-transient non-community water system and serves a population of approximately two hundred thirty (230) persons through one (1) service connection. The Water System has one (1) active source of supply, Well 02 (PS Code: 1502068-002), a 20,000-gallon storage tank and a 5,000-gallon pressure tank. Chlorination treatment (PS Code: 1502068-003) is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 2068, issued on January 3, 1975, by the Kern County Environmental Health Services Department. A new domestic water supply permit will be issued by the Department to document the changes in the Water System since issuance of the original permit.

1 The Southern California Drinking Water Field Operations Branch, Division of  
2 Drinking Water and Environmental Management, California Department of Public  
3 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
4 Water Act and regulations promulgated pursuant thereto.

- 5 • The Water System is required to collect one (1) routine bacteriological sample  
6 per month. Please refer to the Water System's approved Bacteriological  
7 Sample Siting Plan (BSSP) or Table 64423-A.
  - 8 • One (1) routine bacteriological quality sample collected on June 7, 2011, from  
9 the distribution system, tested positive for total coliform bacteria.
  - 10 • Two (2) out of three (3) repeat bacteriological quality samples collected on  
11 June 10, 2011, from the distribution system tested positive for total coliform  
12 bacteria.
  - 13 • One (1) repeat sample collected on June 10, 2011, from Well 02 (also counted  
14 towards the Ground Water Rule's trigger source sampling requirement) tested  
15 negative for total coliform bacteria.
  - 16 • None of the bacteriological quality samples collected in June 2011, from the  
17 distribution system or the system well, tested positive for *E.coli* bacteria.
  - 18 • **Di Giorgio School Water System failed the total coliform maximum  
19 contaminant level (MCL) for June 2011 [Section 64426.1(b)(2),  
20 Authorities].**
  - 21 • On June 15, 2011, staff of McMor Chlorination, Inc., the Water System's  
22 contract sampler and certified distribution operator, notified the Department  
23 that the Water System failed the total coliform MCL for June 2011.
  - 24 • On July 18, 2011, a public notice and Proof of Notification were emailed to the  
25 Water System for the July 2011 total coliform MCL failure.
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- 1 • On July 18, 2011, the Department received signed and dated copies of the  
2 public notice and Proof of Notification from the Water System. According to  
3 these documents, public notification was completed on July 18, 2011.
- 4 • On July 18, 2011, an investigation report was emailed to the Water System for  
5 the June 2011 total coliform MCL failure.
- 6 • On August 12, 2011, the Department received a completed copy of the  
7 investigation report in response to the June 2011 total coliform MCL failure.  
8 The investigation report was completed by Dennis Gatson of McMor  
9 Chlorination, Inc., on behalf of the Water System.
- 10 • The investigation report indicates the possible cause of contamination as a  
11 cross-connection with a broken sprinkler system. The investigation report also  
12 indicates that the Water System does not have a cross-connection control  
13 program. The Water System is required to implement a cross-connection  
14 control program to comply with Title 17, Cross-Connection Control  
15 regulations.
- 16 • The Water System made the necessary repairs and provided disinfection and  
17 flushing of the distribution system to clear bacteriological contamination from  
18 the distribution system.
- 19 • All five (5) routine samples collected from the distribution system in July 2011  
20 tested negative for total coliform bacteria.
- 21 • All routine distribution and well bacteriological quality samples collected from  
22 July 2011 to January 2013 have tested negative for total coliform bacteria.
- 23 • Results of all bacteriological samples collected from January 2011 to January  
24 2013 are summarized in **Attachment A**.
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**AUTHORITIES**

1 **Section 116577 of the CHSC, states in relevant part:**

2 “(a) Each public water system shall reimburse the department for the actual costs incurred by the  
3 department for any of the following enforcement activities related to that water system:

- 4 (1) Preparing, issuing, and monitoring compliance with, an order or citation.  
5 (2) Preparing, and issuing public notification  
6 ...

7 (b) The department shall submit an invoice for these enforcement costs to the public water system  
8 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs  
9 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and  
10 the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual  
11 costs to the department of the enforcement activities specified in this section.”...

12 **Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:**

13 “(a) If the department determines that a public water system is in violation of this chapter or any  
14 regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation  
15 to the public water system. The citation shall be served upon the public water system personally or by  
16 registered mail.

17 (b) Each citation shall be in writing and shall describe with particularity the nature of the violation,  
18 including a reference to the statutory provision, standard, order, or regulation alleged to have been  
19 violated.

20 (c) For continuing violations, the citation shall fix the earliest feasible time for elimination or  
21 correction of the condition constituting the violation where appropriate. If the public water system fails  
22 to correct a violation within the time specified in the citation, the department may assess a civil penalty  
23 as specified in subdivision (e).

24 (d) For a noncontinuing violation of primary drinking standards, the department may assess in the  
25 citation a civil penalty as specified in subdivision (e).

26 (e) Citations issued pursuant to this section shall be classified according to the nature of the  
27 violation or the failure to comply. The department shall specify the classification in the citation and may  
28 assess civil penalties for each classification as follows:

29 (1) For violation of a primary drinking standard, an amount not to exceed one thousand  
30 dollars (\$1,000) per day for each day that the violation occurred, including each day that the  
31 violation continues beyond the date specified for correction in the citation or order.

32 (2) For failure to comply with any citation or order issued for violation of a secondary  
33 drinking water standard that the director determines may have a direct or immediate  
34 relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000)  
35 for each day that the violation continues beyond the date specified for correction in the citation  
36 or order.

37 (3) For failure to comply with any citation or order issued for noncompliance with any department  
38 regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed  
39 two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for  
40 correction in the citation.”

41 **Section 116655 of the CHSC, states in relevant part:**

42 “(a) Whenever the department determines that any person has violated or is violating this chapter,  
43 or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue  
44 an order doing any of the following:

- 45 (1) Directing compliance forthwith.  
46 (2) Directing compliance in accordance with a time schedule set by the department.  
47 (3) Directing that appropriate preventative action be taken in the case of a threatened  
48 violation.

49 (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of  
50 the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

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

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

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

**DETERMINATIONS**

Based upon the above Statement of Facts and Authorities, the Department determines that the Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for June 2011 when more than one sample collected from the Water System, tested positive for total coliform bacteria.

The above violation is classified as a non-continuing violation.

**DIRECTIVES**

Di Giorgio School Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) of Title 22, California Code of Regulations (CCR).
2. The Water System shall protect the public water supply from contamination by implementation of a cross-connection control program. The program, or any portion thereof, may be implemented directly by the water supplier or by means of a contract with the local health agency, or with another agency approved by the health agency. The water supplier's cross-connection control program shall for the purpose of addressing the requirements of Title 17, Sections 7585 through 7605 include, but not be limited to, the following elements:

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- (a) The adoption of operating rules or ordinances to implement the cross-connection program.
  - (b) The conducting of surveys to identify water user premises where cross-connections are likely to occur,
  - (c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both,
  - (d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program,
  - (e) The establishment of a procedure or system for testing backflow preventers, and
  - (f) The maintenance of records of locations, tests, and repairs of backflow preventers.
3. All backflow prevention assemblies that have been installed, shall be tested within 30 days after installation and annually thereafter. By **April 30, 2013**, the Water System shall have a physical survey conducted by a certified cross-connection control specialist. Within 30 days of conducting a physical survey, the Water System shall submit a report of the findings to the Department along with the time schedule to implement the recommendations.
4. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

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**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; 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 orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon Di Giorgio School Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and Di Giorgio School Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTY**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred

1 dollars)for each day that the violation continues beyond the date set for correction in  
2 this Citation.

3  
4 The Department does not waive any further enforcement action by issuance of this  
5 citation, and expressly reserves the right to issue a citation with penalties for the  
6 violations on which the Directives of this citation are based.

7  
8  
9 March 13, 2013

10 Date

Jaswinder Dhaliwal  
11 Jaswinder S. Dhaliwal, P.E.  
12 Senior Sanitary Engineer  
13 Tehachapi District  
14 SOUTHERN CALIFORNIA BRANCH  
15 DRINKING WATER FIELD OPERATIONS

16 **Attachments**

17 Attachment A: Bacteriological Summary January 2011 through January 2013

18 cc: Kern County Environmental Health Services Department (w/o attachments)  
19 McMor Chlorination, Inc.

20 JSD/an/kre  
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## **Attachment A**

# Di Giorgio School Water System

1502068

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coll	E Coll	F Coll	Type	Cl2	Violation	Comment
1/10/2011	11:11	1ROU	A	A		Routine	0.72		
2/7/2011	11:46	2ROU	A	A		Routine	2.1		
3/24/2011	11:20	3ROU	P	A		Routine	0.19		
3/28/2011	11:14	3REP1	A	A		Repeat	0.35		
3/28/2011	11:14	3REP2	A	A		Repeat	0.31		
3/28/2011	11:27	3ROU	A	A		Repeat	0.59		
4/14/2011	10:12	1ROU	A	A		Routine	2.2		
4/14/2011	10:22	3ROU	A	A		Routine	2.2		
4/14/2011	10:27	5ROU	A	A		Routine	2.2		
4/14/2011	10:31	4ROU	A	A		Routine	2.2		
4/14/2011	10:35	2ROU	A	A		Routine	2.2		
5/2/2011	10:07	1ROU	A	A		Routine	1.14		
6/7/2011	12:15	Exterior Cafeteria	P	A		Routine	0.22		
6/10/2011	9:30	2ROU	P	A		Repeat	0.18		
6/10/2011	9:40	2REP2	A	A		Repeat	0.18		
6/10/2011	9:46	2REP1	P	A		Repeat	0.12	MCL	Citation 03-19-13C-002 Issued
6/10/2011	9:55	2REP3 (Well 02)	<1.1	<1.1		Repeat	0		Raw Well Discharge Sample Part of Repeat Sample Set
7/18/2011	10:15	3ROU	A	A		Routine	1.24		
7/18/2011	10:22	1ROU	A	A		Routine	1.10		
7/18/2011	10:28	5ROU	A	A		Routine	1.30		
7/18/2011	10:34	2ROU	A	A		Routine	1.22		
7/18/2011	10:39	4ROU	A	A		Routine	1.27		
8/8/2011	15:08	1ROU	A	A		Routine	0.23		
8/8/2011	15:12	2ROU	A	A		Routine	0.23		
8/8/2011	15:15	3ROU	A	A		Routine	0.20		
8/8/2011	15:19	4ROU	A	A		Routine	0.19		
8/8/2011	15:25	5ROU	A	A		Routine	0.22		
9/12/2011	11:44	1ROU	A	A		Routine	0.27		
10/11/2011	12:18	2ROU	A	A		Routine	0.45		
11/7/2011	13:11	4ROU	A	A		Routine	0.41		
12/8/2011	10:50	5ROU	A	A		Routine	1.67		
1/19/2012	11:15	1ROU	A	A		Routine	1.74		
2/2/2012	11:20	2ROU	A	A		Routine	0.02		
3/1/2012	13:40	4ROU	A	A		Routine	0.00		
4/12/2012	12:47	5ROU	A	A		Routine	0.46		

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
5/10/2012	13:45	1ROU	A	A		Routine	1.00		
6/7/2012	11:55	2ROU	A	A		Routine	1.31		
7/5/2012	13:20	4ROU	A	A		Routine	0.30		
8/9/2012	14:20	5ROU	A	A		Routine	0.05		
9/13/2012	10:55	1ROU	A	A		Routine	0.46		
10/4/2012	13:55	2ROU	A	A		Routine			
11/7/2012	15:27	4ROU	A	A		Routine	0.53		
12/6/2012	11:30	5ROU	A	A		Routine	1.87		
1/3/2013	13:13	1ROU	A	A		Routine	1.19		

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## *Di Giorgio School Water System*

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**1502068**

*Source Monitoring Freq:*

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Violation</i>	<i>Comment</i>
3/28/2011	11:41	Well 02	2.2	<1.1			
4/14/2011	10:46	Well 02	<1.1	<1.1			
6/10/2011	9:55	Well 02	<1.1	<1.1			Well Repeat
7/18/2011	10:45	Well 02	A	A			
8/2/2011	12:58	Well 02	<1.1	<1.1			
10/11/2011	11:59	Well 02	<1.1	<1.1			
4/12/2012	12:35	Well 02	<1.1	<1.1			
7/5/2012	13:00	Well 02	<1.1	<1.1			
10/4/2012	13:25	Well 01	<1.1	<1.1			

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