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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: Kids Kountry Preschool Water System
Water System No. 1503256

TO: Mr. Dean Henderson, Owner
Kids Kountry Preschool
4620 Taft Highway
Bakersfield, CA 93313

BY CERTIFIED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503256
TOTAL COLIFORM MCL VIOLATION
July 2012, September, 2012, October 2012, and March 2013
Citation No. 03-19-13C-023**

Issued on August 28, 2013

STATEMENT OF FACTS

Kids Kountry Preschool Water System (hereinafter Water System) is classified as a nontransient noncommunity water system and serves a population of approximately sixty eight (68) persons through two (2) service connections. One service connection is for the preschool and the other is for a residence. The Water System has one (1) active source of supply, Well 01 (PS Code: 1503256-001), and one pressure tank that was installed in 2012 to replace an old 300-gallon pressure tank. The well is located on the residential property and is shared by the preschool and the resident. Exact capacity of the new pressure tank is unknown. It is estimated to be about 1,500-gallons. No routine chlorination treatment was provided at the time the bacteriological quality failures occurred in 2012 and 2013. In view of the multiple total coliform violations in 2012-13, the Water System has been directed to install continuous

1 chlorination treatment at the well. The Water System also has the option of
2 connecting to the City of Bakersfield's domestic water supply system. The City's
3 pipeline is less than 1,000 feet away from the Water System's service area.
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5 The Water System operates under the authority of a domestic water supply permit No.
6 03-12-95P-036, issued on October 25, 1995, by the California Department of Health
7 Services (now California Department of Public Health). The Department will issue a
8 new domestic water supply permit after installation of chlorination treatment. If the
9 Water System connects to the City of Bakersfield and no longer uses Well 01 for
10 domestic supply, the Department will inactivate the Water System.
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12 The Southern California Drinking Water Field Operations Branch, Division of
13 Drinking Water and Environmental Management, California Department of Public
14 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
15 Water Act and regulations promulgated pursuant thereto.
16

- 17 • The Water System is required to collect one (1) routine bacteriological sample
18 per month. Please refer to the Water System's approved Bacteriological
19 Sample Siting Plan (BSSP) or Table 64423-A.
- 20 • On July 24, 2012, the Water System collected five (5) routine samples
21 following the month of June 2012 that had a routine sample tested positive for
22 total coliform bacteria. All five (5) routine samples tested positive for total
23 coliform bacteria. **The Water System failed the total coliform maximum
24 contaminant level (MCL) for the month of July 2012 [Section
25 64426.1(b)(2), *Authorities*].**
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- On July 26, 2012, Raymond Kincy, the Water System's contract sampler, notified the Department that the Water System failed the total coliform MCL for July 2012.
 - One of the two repeat samples collected on July 26, 2012, from Well 01 and pressure tank tested positive for total coliform bacteria.
 - On August 24, 2012, a public notice, Proof of Notification and an investigation report were emailed to the Water System for the July 2012 total coliform MCL failure.
 - On September 1, 2012, the Department received signed and dated copies of the public notice and Proof of Notification from the Water System. According to these documents, public notification was completed on September 1, 2012.
 - To help clear bacteriological contamination in July 2012, the Water System provided emergency disinfection treatment and subsequent flushing of Well 01 and the distribution system on or near July 27, 2012.
 - Two (2) bacteriological samples collected on August 1, 2012, from Well 01 and the pressure tank tested negative for total coliform bacteria. One (1) special bacteriological sample collected on the same day from the distribution system also tested negative for total coliform bacteria.
 - In April 2013, the Water System submitted a completed investigation report for the July 2012 total coliform MCL failure. The investigation report was completed by Mr. Kincy on behalf of the Water System. According to the investigation report, the pressure tank and hot weather were believed to be the possible causes of bacteriological contamination in July 2012.
 - On August 14, 2012, the Water System collected five (5) routine bacteriological samples from the distribution system and one (1) out of the five (5) routine samples tested positive for total coliform bacteria.

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- On August 16, 2012, four (4) repeat samples (three from the distribution system and one from the well) were collected and they all tested negative for total coliform bacteria. The Water System did not fail the total coliform MCL in August 2012.
 - Due to one routine total coliform positive sample in August 2012, the Water System was required to collect five (5) routine bacteriological samples in September 2012.
 - On September 19, 2012, the Water System collected five (5) routine bacteriological samples and two (2) of the five routine samples tested positive for total coliform bacteria. **The Water System failed the total coliform MCL for the month of September 2012 [Section 64426.1(b)(2), *Authorities*].**
 - Two (2) repeat bacteriological samples collected on September 21, 2012, from Well 01 and pressure tank tested negative for total coliform bacteria.
 - After providing emergency disinfection treatment and flushing of the distribution system, the Water System collected three (3) special bacteriological samples on September 26, 2012, and all three (3) samples tested negative for total coliform bacteria.
 - On September 21, 2012, Raymond Kincy, the Water System's contract sampler, notified the Department that the Water System failed the total coliform MCL for September 2012.
 - On September 25, 2012, a public notice, Proof of Notification and an investigation report were emailed to the Water System for the September 2012 total coliform MCL failure.
 - On November 19, 2012, the Department received signed and dated copies of the public notice and Proof of Notification from the Water System. According to these documents, public notification was completed on November 15, 2012.

1 **The Water System failed to comply with the required time frame (within**
2 **30 days of the determination of the violation) to provide Tier 2 public**
3 **notification for the total coliform MCL violation in September 2012**
4 **[Section 64463.4(b), *Authorities*].**

- 5 • In April 2013, the Water System submitted a completed investigation report for
6 the September 2012 total coliform MCL failure. The investigation report was
7 completed by Mr. Kincy on behalf of the Water System. According to the
8 investigation report, the resident at the well site replaced the pressure tank
9 sometime between August and September 2012. Exact date of replacement of
10 the pressure tank is unknown. Reportedly, the new pressure tank was
11 disinfected by the resident but it was not done properly and may have caused
12 the total coliform positive samples in September 2012. The resident also did
13 not notify Mr. Kincy, the certified distribution operator and sampler of the
14 Water System, about replacing the pressure tank. The Water System provided
15 emergency disinfection treatment and flushing to help clear bacteriological
16 contamination from the distribution system.
- 17 • Due to one routine total coliform positive sample in September 2012, the
18 Water System was required to collect five (5) routine bacteriological samples
19 in October 2012. On October 3, 2012, the Water System collected five (5)
20 routine bacteriological samples from the distribution system and one (1) out of
21 the five (5) routine samples, tested positive for total coliform bacteria.
- 22 • On October 5, 2012, the Water System collected four (4) repeat samples (three
23 from the distribution system and one from the well) and all three (3) samples
24 collected from the distribution system tested positive for total coliform
25 bacteria. The sample collected from the well tested negative for total coliform
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1 bacteria. The Water System failed the total coliform MCL for the month
2 of October 2012 [Section 64426.1(b)(2), *Authorities*].

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- 4 • On Monday, October 8, 2012, Mr. Dean Henderson from the Water System
5 contacted (via phone) the Department to notify the total coliform MCL
6 violation for October 2012 and to discuss emergency chlorination and clean up
7 actions taken by the Water System.
 - 8 • After providing emergency disinfection treatment and flushing of the
9 distribution system, the Water System collected two (2) special bacteriological
10 samples on October 9, 2012, from the pressure tank and both samples tested
11 negative for total coliform bacteria.
 - 12 • One (1) special sample collected on October 10, 2012, from the pressure tank
13 tested negative for total coliform bacteria. No further bacteriological sampling
14 was conducted in October 2012.
 - 15 • During a meeting in October 2012, a public notice, Proof of Notification and
16 an investigation report were hand delivered to the Water System. On April 10,
17 2013, the Department received signed and dated copies of the public notice and
18 Proof of Notification from the Water System. According to these documents,
19 public notification was completed on November 02, 2012.
 - 20 • The investigation report that the Department received in April 2013, for the
21 September 2012 MCL failure also included discussion about the October 2012
22 total coliform MCL failure. As discussed previously, according to the
23 investigation report, the new pressure tank and inadequate disinfection
24 (following installation of the pressure tank) may have caused bacteriological
25 failure in October 2012.
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- Due to one (1) routine total coliform positive sample in October 2012, the Water System was required to collect five (5) routine bacteriological samples in November 2012.
 - On November 13, 2012, the Water System collected three (3) special bacteriological samples from the distribution system and they all tested negative for total coliform bacteria.
 - On November 15, 2012, the Water System collected five (5) routine bacteriological samples from the distribution system and they all tested negative for total coliform bacteria.
 - All monthly routine bacteriological samples collected from December 2012 to February 2013 tested negative for total coliform bacteria.
 - On March 12, 2013, the Water System collected one routine (1) bacteriological sample that tested positive for total coliform bacteria. Subsequently, two (2) of four (4) repeat samples collected on March 14, 2013, tested positive for total coliform bacteria. One (1) of the repeat samples that was positive for total coliform bacteria was collected from Well 01. **The Water System failed the total coliform MCL for the month of March 2013 [Section 64426.1(b)(2), *Authorities*].**
 - On March 27, 2013, Raymond Kincy, the Water System's contract sampler and certified distribution operator notified the Department that the Water System failed the total coliform MCL for March 2013. **The Water System failed to notify the Department of the March 2013 total coliform MCL violation within 24 hours of learning of the violation [Section 64426.1(c), *Authorities*].**

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- On April 16, 2013, a public notice, Proof of Notification and an investigation report were emailed to the Water System for the March 2013 total coliform MCL failure.
 - On August 28, 2013, the Department received signed and dated copies of the public notice and Proof of Notification from the Water System. According to these documents, public notification was completed on April 29, 2013, for the March 2013 total coliform MCL failure. **The Water System failed to comply with the required time frame (within 30 days of the determination of the violation) to provide Tier 2 public notification for the total coliform MCL violation in March 2013 [Section 64463.4(b), *Authorities*]. The Water System was required to public notification by April 19, 2013. The Water System also failed to submit the Proof of Notification to the Department within 10 days of providing the public notification for the March 2013 total coliform MCL violation [Section 64469(d), *Authorities*]. Proof of Notification was due by May 10, 2013.**
 - On April 24, 2013, the Department received a copy of the investigation report for the March 2013 failure. The investigation report was completed by Mr. Kincy on behalf of the Water System. According to the investigation report, the cause of contamination is unknown. Based on the Department's review of the bacteriological sampling results from March 2013, Well 01 could be the cause of contamination since it tested positive for total coliform bacteria per sampling conducted on March 14, 2013. To help clear bacteriological contamination, the Water System disinfected the well, pressure tank and the distribution system and collected three (3) samples from the well and pressure tank on March 28, 2013, and all three (3) samples tested negative for total coliform bacteria.

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- Due to one routine total coliform positive sample in March 2013, the Water System was required to collect five (5) routine bacteriological samples in April 2013.
 - On April 10, 2013, the Water System collected five (5) routine bacteriological samples from the distribution system and they all tested negative for total coliform bacteria.
 - All monthly routine bacteriological samples collected in May 2013 and June 2013 tested negative for total coliform bacteria.
 - Due to total coliform positive samples from the distribution system and Well 01, the Water System failed the total coliform MCL again in July 2013, and the Department will soon issue a separate citation for the July 2013 MCL violation.
 - None of the total coliform positive samples collected between the months of July 2012 and July 2013 showed the presence of fecal coliform or *Escherichia coli* (*E. coli*) bacteria.
 - Results of all bacteriological samples collected from January 2012 to July 2013 are summarized in **Attachment A**.
 - Due to the repeated total coliform MCL violations in 2012-13, on April 16, 2013, the Department directed the Water System to install mandatory continuous chlorination treatment at the wellhead before May 31, 2013.
 - On August 20, 2013, the Department emailed the July 2013 MCL failure public notification documents to the Water System and again directed the Water System to install continuous chlorination treatment before collecting routine bacteriological quality samples in September 2013.
 - On August 22, 2013, the Department staff met with Dean Henderson, Raymond Kincy and Raul Rubio (resident) to discuss seriousness of the

1 violations and actions that the Water System plans to take to comply with the
 2 directives of the Department. As of issuance of this citation, the Water System
 3 has **NOT** installed the continuous chlorination treatment. The Department will
 4 consider assessing daily fines after September 30, 2013, if chlorination
 5 treatment is not installed by then. Another meeting with the Water System is
 6 planned on August 28, 2013.

AUTHORITIES

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) For failure to comply with any citation or order issued for noncompliance with any department
 regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed

two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”

Section 116655 of the CHSC, states in relevant part:

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

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

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of 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 64424 establishes the repeat sampling requirements, and states in relevant part:

“(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat

1 samples shall be collected within five service connections upstream or downstream unless there is no
2 upstream and/or downstream service connection.

3 (c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier
4 shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and
5 (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat
6 sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been
7 exceeded and notifies the Department.

8 (d) If a public water system for which fewer than five routine samples/month are collected has one
9 or more total coliform-positive samples, the water supplier shall collect at least five routine samples the
10 following month. If the supplier stops supplying water during the month after the total-coliform
11 positive(s), at least five samples shall be collected during the first month the system resumes operation.
12 A water supplier may request the Department waive the requirement to collect at least five routine
13 samples the following month, but a waiver will not be granted solely on the basis that all repeat samples
14 are total coliform-negative. To request a waiver, one of the following conditions shall be met:

15 (1) The Department conducts site visit before the end of the next month the system provides
16 water to the public to determine whether additional monitoring and/or corrective action is
17 necessary to protect public health.

18 (2) The Department determines why the sample was total coliform-positive and establishes
19 that the system has corrected the problem or will correct the problem before the end of the next
20 month the system serves water to the public. If a waiver is granted, a system shall collect at least
21 one routine sample before the end of the next month it serves water to the public and use it to
22 determine compliance with 64426.1.”

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

25 “(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and
26 64425 that are not invalidated by the Department or the laboratory shall be included in determining
27 compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and
28 samples collected by the water supplier during special investigations shall not be used to determine
29 compliance with the total coliform MCL.

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

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

34 (2) For a public water system with collects fewer than 40 samples per month, more than one
35 sample collected during any month is total coliform-positive; or

36 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

37 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is
38 total coliform-positive.

39 (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any
40 month in which it supplies water to the public, the water supplier shall notify the Department by the end
41 of the business day on which this is determined, unless the determination occurs after the Department
42 office is closed, in which case the supplier shall notify the Department within 24 hours of the
43 determination. The water supplier shall also notify the consumers served by the water system. A Tier 2
44 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A
45 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section
46 64463.1.”

47 **CCR, Title 22, Section 64463.4 contains the requirements for Tier 2 Public Notice and describes**
48 **when Tier 2 public notice shall be required, and states in relevant part:**

49 “(a) Each water system shall give public notice pursuant to this section if any of the following
50 occurs:

51 (1) Any violation of the MCL and treatment technique requirements, except:

52 (A) Where a Tier 1 public notice is required under section 64463.1, or

- 1 (B) Where the Department determines that a Tier 1 public notice is required,
 based on potential health impacts and persistence of the violations;
- 2 (2) All violations of the monitoring and testing procedure requirements in sections 64421
 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the
 3 Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on
 potential health impacts and persistence of the violations;
- 4 (3) Other violations of the monitoring and testing procedure requirements in this chapter,
 and chapters 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier
 5 3 public notice is required, based on potential health impacts and persistence of the violations;
 or
- 6 (4) Failure to comply with the terms and conditions of any variance or exemption in
 place.
- 7 (b) Each water system shall give the notice as soon as possible within 30 days after it learns of a
 violation or occurrence specified in subsection (a), except that the water system may request an
 8 extension of up to 60 days for providing the notice. This extension would be subject to the
 Department's written approval based on the violation or occurrence having been resolved and the
 Department's determination that public health and welfare would in no way be adversely affected. In
 9 addition, the water system shall:
- 10 (1) Maintain posted notices in place for as long as the violation or occurrence continues,
 but in no case less than seven days;...
- 11 (c) Each water system shall deliver the notice, in a manner designed to reach persons served,
 within the required time period as follows:
- 12 (1) Unless otherwise directed by the Department in writing based on its assessment of the
 violation or occurrence and the potential for adverse effects on public health and welfare,
 community water systems shall give public notice by
- 13 (A) Mail or direct delivery to each customer receiving a bill including those that
 provide their drinking water to others (e.g., schools or school systems, apartment
 14 building owners, or large private employers), and other service connections to which
 water is delivered by the water system; and
- 15 (B) Use of one or more of the following methods to reach persons not likely to be
 reached by a mailing or direct delivery (renters, university students, nursing home
 16 patients, prison inmates, etc.):
- 17 1. Publication in a local newspaper;
- 18 2. Posting in conspicuous public places served by the water system, or on
 the Internet; or
- 19 3. Delivery to community organizations.
- 20 (2) Unless otherwise directed by the Department in writing based on its assessment of the
 violation or occurrence and the potential for adverse effects on public health and welfare,
 noncommunity water systems shall give the public notice by:
- 21 (A) Posting in conspicuous locations throughout the area served by the water
 system; and
- 22 (B) Using one or more of the following methods to reach persons not likely to be
 reached by a public posting:
- 23 1. Publication in a local newspaper or newsletter distributed to
 customers;
- 24 2. E-mail message to employees or students;
- 25 3. Posting on the Internet or intranet; or
- 26 4. Direct delivery to each customer."

25 **CCR, Title 22, Section 64469 contains the requirements for Reporting and states in relevant part:**

26 "(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter,
 except for notice given under 64463.7(d), each water system shall submit a certification to the
 Department that it has done so, along with a representative copy of each type of public notice given."

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DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Kids Kountry Preschool 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 July, September, October 2012, and March 2013 when more than one sample collected from the Water System, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64463.4(b); Specifically, the Water System failed to comply with the required time frame (within 30 days of the determination of the violation) to provide Tier 2 public notification for the total coliform MCL violation in September 2012.
3. CCR, Title 22, Section 64426.1(c); Specifically, the Water System failed to notify the Department of the March 2013 total coliform MCL violation within 24 hours of learning of the violation.
4. CCR, Title 22, Section 64463.4(a)(2): Specifically, the Water System failed to give Tier 2 public notice of the March 2013 total coliform MCL violation, to persons served by the Water System, within the required time frame. Pursuant to CCR, Title 22, Section 64463.4(a)(2), public notification was required within 30 days of the violation.
5. CCR, Title 22, Section 64469(d): Specifically, the Water System failed to submit Proof of Notification to the Department, for the March 2013 total coliform MCL failure public notification, within the required time frame. Pursuant to CCR, Title 22, Section 64469(d), the Water System is required to submit a signed copy of the Proof of Notification to the Department within 10 days of providing the public notification.

The above violations are classified as continuing violations.

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DIRECTIVES

Kids Kountry Preschool 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), 64426(b)(2), 64426.1(c), 64463.4(a)(2), and 64469(d) of Title 22, California Code of Regulations (CCR).
2. The Water System Shall provide mandatory continuous chlorination treatment per CHSC 116655(b)(2). **All water produced by Well 01 shall receive continuous chlorination treatment.** The chlorination treatment shall be installed before collecting routine monthly bacteriological sample for the month of September 2013.
3. Continuous chlorination equipment shall be installed on the discharge of Well 01 and any other new source added to the Water System in the future. Detectable chlorine residual shall be maintained in all areas of the distribution system at all times. The chlorination equipment shall be capable of providing a chlorine dosage of at least 2.0 mg/L. Information regarding the permanent chlorination equipment and installation procedures shall be submitted to the Department for review and approval. The installation shall be conducted by a person qualified and experienced with chlorination equipment.
4. By **September 30, 2013**, the Water System shall submit a completed permit amendment application (blank form provided under **Attachment B**) for addition of chlorination treatment. The permit amendment application shall also include a fee of \$258.00 (payable to the Department in the form of a check), and chlorination data sheet (blank data sheet provided under **Attachment C**). At the time of submittal of the permit amendment

1 application, the Water System shall also submit an operations and maintenance
2 plan for the chlorination treatment.

- 3 5. The Water System shall have on staff or under contract a minimum of a D1
4 Certified Distribution Operator to operate the chlorination equipment.
5 Documentation of the certification of the operator shall be provided to the
6 Department by **September 30, 2013**. The operator shall visit the well site and
7 review the chlorination treatment on at least a weekly basis and document the
8 date and time of the visit, the settings on the chemical feed equipment, the
9 chlorine stock on hand and the chlorine residual at the well site and in the
10 farthest part of the distribution system. Documentation of the site visits shall
11 be submitted to the Department by the 10th day of the following month.
- 12 6. The chlorine residual must be measured and reported at the same time and
13 location(s) that the bacteriological sample(s) are collected. The residual(s)
14 should be provided to the Department along with the bacteriological laboratory
15 analysis.
- 16 7. The Water System shall monitor the distribution system for disinfection
17 byproducts (DBPs): total trihalomethanes (TTHMs) and halo acetic acids 5
18 (HAA5) in accordance with Chapter 15.5, Title 22, CCR. DBP sampling
19 (consisting of one sample) shall be conducted this year before **September 30,**
20 **2013, from a location representing the maximum residence time in the**
21 **distribution system.**
- 22 8. Before **October 31, 2013**, the Water System shall submit a Stage 2 DBP
23 Monitoring Plan. A template for preparing the Stage 2 DBP Monitoring Plan
24 is provided under **Attachment D.**
- 25 9. The Water System shall initiate monthly sampling of the raw well water for
26 coliform bacteria. The sample must be collected at a location ahead of
27

1 chlorination and shall be analyzed for total and fecal coliform or *E.coli* bacteria
2 using a density analytical method with the analytical results reported in
3 MPN/100 ml. The results of all samples shall be submitted to the Department
4 by the 10th day of the following month. After six consecutive monthly samples
5 do not show the presence of coliform bacteria, the Water System may submit a
6 written request to the Department for a reduction in sampling to one sample per
7 quarter.

8 10. By **September 15, 2013**, the Water System shall return to compliance with the
9 violations described herein and shall submit a written response outlining the
10 steps taken to return to compliance and discontinue the activities that led to
11 these violations.

12 11. Notify the Department within five business days of the date of service of this
13 Citation if the deadlines established by this Citation will not be met and
14 explain, in writing, the reason(s) for delay(s).

15 12. In the future, prior to making any repairs to domestic water supply facilities,
16 the Water System shall notify its certified distribution operator, and ensure
17 proper disinfection and follow-up bacteriological sampling in accordance with
18 the applicable American Water Works Association (AWWA) standard(s).

19 13. The Water System shall reimburse the Department, in accordance with an
20 invoice that shall be provided to the Water System, the costs for enforcement
21 activities, and such reimbursement shall be made prior to September 1 (or by a
22 different date if specified by the Department) of the fiscal year following the
23 fiscal year in which such costs are incurred as described in CHSC Section
24 116577(a)(1-2) and 116577(b).

27

1 14. Any document requested by the citation shall be submitted to the following
2 address:

3 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
4 Department of Public Health
5 Southern California Branch
6 Drinking Water Field Operations
7 4925 Commerce Drive, Suite 120
8 Bakersfield, CA 93309

9 Phone: (661) 335-7315
10 Fax: (661) 335-7316

11 **FURTHER ENFORCEMENT ACTIONS**

12 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the
13 Department to: issue additional citations with assessment of penalties if the public
14 water system continues to fail to correct a violation identified in a citation; take action
15 to suspend or revoke a permit that has been issued to a public water system if the
16 system has violated applicable law or regulations or has failed to comply with orders
17 of the Department; and petition the superior court to take various enforcement
18 measures against a public water system that has failed to comply with orders of the
19 Department. The Department does not waive any further enforcement action by
20 issuance of this citation.

21 **PARTIES BOUND**

22 This citation shall apply to and be binding upon Kids Kountry Preschool Water
23 System, its officers, directors, agents, employees, contractors, successors, and
24 assignees.
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SEVERABILITY

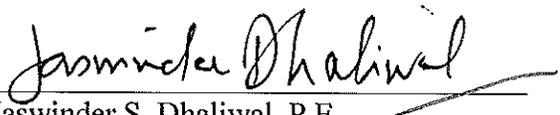
The directives of this citation are severable, and Kids Kountry Preschool Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

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

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

Aug. 28, 2013
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

- Attachment A: Bacteriological Summary January 2012 through July 2013
- Attachment B: Permit Amendment Application Form
- Attachment C: Blank Chlorination Data Sheet
- Attachment D: Template for Stage 2 DBP Monitoring Plan

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cc: Kern County Environmental Health Services Department (w/o attachments)
Raymond Kincy, Contract Sampler (via email)

JSD/an/mlm

Attachment A

Kidz Kountry Preschool

1503256

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coll	E Coll	F Coll	Type	Cl2	Violation	Comment
1/31/2012	11:40	Front HB	A	A		Routine			
2/28/2012	10:45	Front HB	A	A		Routine			
3/14/2012	12:55	Back East (HB)	P	A		Routine			
3/16/2012	9:57	Between Bathroo	A	A		Repeat			
3/16/2012	10:03	Back East (HB)	A	A		Repeat			
3/16/2012	10:10	Back West (HB) D	A	A		Repeat			
3/16/2012	10:15	NE HB	A	A		Repeat			
4/24/2012	13:05	NE HB	A	A		Routine			
4/24/2012	13:10	Front HB	A	A		Routine			
4/24/2012	13:15	HB Between Bathr	A	A		Routine			
4/24/2012	13:20	Back West HB	A	A		Routine			
4/24/2012	13:25	Back East HB	A	A		Routine			
5/15/2012	12:10	Front Hb	A	A		Routine			
6/25/2012	12:42	HB Between Bathr	P	A		Routine			
6/27/2012	12:55	NE HB	A	A		Repeat			
6/27/2012	13:00	Front HB (Upstrea	A	A		Repeat			
6/27/2012	13:05	HB Between Bathr	A	A		Repeat			
6/27/2012	13:10	Back (HB) Downst	A	A		Routine			
7/24/2012	13:15	NE (HB)	P	A		Routine			
7/24/2012	13:20	Front (HB)	P	A		Routine	MCL		Citation 03-19-13C-023 issued.
7/24/2012	13:25	Back West (HB)	P	A		Routine			
7/24/2012	13:30	Back East (HB)	P	A		Routine			
7/24/2012	13:35	(HB) Between Bat	P	A		Routine			
8/1/2012	15:22	Front (HB)	A	A		Other			
8/14/2012	9:20	NE (HB)	P	A		Routine			
8/14/2012	9:25	Front (HB)	A	A		Routine			
8/14/2012	9:30	Back West (HB)	A	A		Routine			
8/14/2012	9:35	Between Bathroo	A	A		Routine			
8/14/2012	9:40	Back East (HB)	A	A		Routine			
8/16/2012	9:15	NE (HB) Site	A	A		Repeat			
8/16/2012	9:20	Front (HB) Downst	A	A		Repeat			
9/19/2012	14:30	NE (HB)	A	A		Routine			
9/19/2012	14:35	Front (HB)	P	A		Routine			
9/19/2012	14:40	Back East (HB)	A	A		Routine			
9/19/2012	14:45	Between Bathroo	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coli</i>	<i>F Coll</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
9/19/2012	14:50	Back West (HB)	P	A		Routine		MCL	Citation 03-19-13C-023 issued.
9/26/2012	14:40	NE (HB)	A	A		Other			
9/26/2012	14:42	Front (HB)	A	A		Other			
9/26/2012	14:45	Back West (HB)	A	A		Other			
10/3/2012	12:10	Front (HB)	A	A		Routine			
10/3/2012	12:15	NE (HB)	A	A		Routine			
10/3/2012	12:20	Back East (HB)	P	A		Routine			
10/3/2012	12:25	Between Bathroo	A	A		Routine			
10/3/2012	12:30	Back West (HB)	A	A		Routine			
10/5/2012	10:30	NE (HB) Upstream	P	A		Repeat			
10/5/2012	10:35	Back East (HB) Sit	P	A		Repeat		MCL	Citation 03-19-13C-023 issued.
10/5/2012	10:40	Back West (HB) D	P	A		Repeat			
11/13/2012	14:50	NE (HB)	A	A		Other			
11/13/2012	14:55	Front (HB)	A	A		Other			
11/13/2012	15:00	Back West (HB)	A	A		Other			
11/15/2012	14:10	NE (HB)	A	A		Routine			
11/15/2012	14:15	Front (HB)	A	A		Routine			
11/15/2012	14:20	Back East (HB)	A	A		Routine			
11/15/2012	14:25	Between Bathroo	A	A		Routine			
11/15/2012	14:30	Back West (HB)	A	A		Routine			
12/4/2012	14:50	NE (HB)	A	A		Routine			
1/22/2013	10:05	NE (HB)	A	A		Routine			
2/8/2013	11:20	Front (HB)	A	A		Routine			
3/12/2013	14:45	Between Bathroo	P	A		Routine		MCL	Citation 03-19-13C-023 issued.
3/14/2013	12:40	NE Upstream	A	A		Repeat			
3/14/2013	12:45	Between Bathroo	A	A		Repeat			
3/14/2013	12:50	Back West (HB) D	A	A		Repeat			
4/10/2013	14:15	Front (HB)	A	A		Routine			
4/10/2013	14:20	NE (HB)	A	A		Routine			
4/10/2013	14:25	Back East (HB)	A	A		Routine			
4/10/2013	14:30	Between Bathroo	A	A		Routine			
4/10/2013	14:35	Back West (HB)	A	A		Routine			
5/15/2013	13:30	Front (HB)	A	A		Routine			
6/18/2013	10:05	Between Bathroo	A	A		Routine			
7/24/2013	14:25	NE (HB)	P	A		Routine			
7/26/2013	10:33	Tank, Investigative	3.6	<1.1		Other			
7/26/2013	10:38	Front (HB) Upstre	P	A		Repeat			
7/26/2013	10:45	NE (HB) Site	P	A		Repeat			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
7/26/2013	10:50	Between Bathroo	P	A		Repeat		MCL	
7/30/2013	11:38	Tank, Investigative	P	A		Other			
7/30/2013	11:40	NE (HB)	<1.1	<1.1		Other			
8/5/2013	13:31	Tank, Investigative	<1.1	<1.1		Other			

Kidz Kountry Preschool

1503256

Source Monitoring Freq:

<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>
7/26/2012	9:50	Water Well & Tank	2.2	<1.1			
7/26/2012	9:55	Water Well & Tank	<1.1	<1.1			
8/1/2012	15:07	Tank	<1.1	<1.1			
8/1/2012	15:15	Tank & Well	<1.1	<1.1			
8/7/2012	10:19	Well, 1- min	<1.1	<1.1			
8/7/2012	10:21	Well, 3-min	<1.1	<1.1			
8/7/2012	10:23	Well, 5- min	<1.1	<1.1			
8/7/2012	10:33	Well, 15- min	<1.1	<1.1			
8/7/2012	10:48	Well, 30- min	<1.1	<1.1			
8/16/2012	9:25	Tank, Upstream	<1.1	<1.1			Repeat
8/16/2012	9:30	Well	<1.1	<1.1			
9/21/2012	11:25	Well	<1.1	<1.1			
9/21/2012	11:30	Tank	<1.1	<1.1			
10/5/2012	10:20	Well	<1.1	<1.1			
10/9/2012	11:36	Tank	<1.1	<1.1			
10/9/2012	18:00	Tank	<1.1	<1.1			
10/10/2012	5:50	Tank	<1.1	<1.1			
3/14/2013	12:30	Tank	<1.1	<1.1			
3/14/2013	12:35	Well Repeat	1.1	<1.1			
3/28/2013	12:42	Well	<1.1	<1.1			
3/28/2013	12:43	Tank	<1.1	<1.1			
3/28/2013	12:44	Well	<1.1	<1.1			
7/26/2013	10:30	Well, Investigative	5.1	<1.1			
7/30/2013	11:35	Well, Investigative	<1.1	<1.1			

Attachment B

STATE OF CALIFORNIA
APPLICATION
FOR
DOMESTIC WATER SUPPLY PERMIT AMENDMENT
FROM

Applicant: _____

(Enter the name of legal owner, person(s) or organization)

Address: _____

System Name: _____

System Number: _____

TO: Department of Public Health
Drinking Water Field Operations Branch
Southern California Branch
Drinking Water Field Operations
Tehachapi District Office
4925 Commerce Drive, Suite 120
Bakersfield, California, 93309



Pursuant and subject to the requirements of the California Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 7, Section 116550, relating to changes requiring an amended permit, application is hereby made to amend an existing water supply permit to _____

(Applicant must state specifically what is being applied for - whether to construct

new works, make alterations or additions in works or sources, or change or modify treatment.)

I (We) declare under penalty of perjury that the statements on this application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.

By: _____

Title: _____

Address: _____

Telephone: _____

Dated: _____

Attachment C

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF DRINKING WATER

CHLORINATION DATA

System Name: _____ System No.: _____
 Source of Information: _____
 Collected by: _____ Date: _____

Reason for chlorination (emergency, mandatory or optional):	
Water Source:	
Water treated (raw/filtered etc.):	
Chlorine demand character:	
Dosage:	
Point of application:	
Mixing:	
Contact time before use:	
Contact time for residual test:	
Water Flow: Variation:	
How measured:	
Equipment: Type:	
Make:	
Model:	
Capacity:	
Condition:	
Automatic switchover capability?	
Portable emergency chlorinator available?	
Chlorine residual monitored continuously?	
Low level residual alarm?	
At what level of chlorine residual is the alarm activated?	
How often are residual analyses conducted?	
Type of residual measured (free or combined):	
Type of residual test used:	
Chemical added: (% available chlorine, form):	
Cylinder or crock capacity:	
Stock on hand/days supply:	
Housing and Safety Features: Housing:	
Insulation:	
Heating:	
Locks:	
Lighting:	
Ventilation:	
Leak detector with alarm:	
Switches outside chlorination room:	
Gas mask:	
Is an emergency plan of action posted?	
Operation and maintenance: Lapse during changes:	
Ability to make repairs:	
How often is the equipment inspected?	
Operations records kept:	
Condition of scales:	
Remarks and deficiencies:	

Attachment D

Stage II Disinfectants/Disinfection Byproduct Rule Monitoring Plan Form

TTHM MCL = 0.080 mg/l HAA5 MCL = 0.060 mg/l

System Name: _____ System No. _____
No. of Monitoring Locations: _____ Population: _____ No. of pressure zones: _____
Source Type: (Circle all that apply): Groundwater Surface Water Both

(The following information may be attached in a separate table or sheet if necessary.)

A map of the distribution system must be attached to include all the facilities mentioned below and DBP sample location(s) is required. A picture of the DBP monitoring location(s) is optional.

TTHM/HAA5 Monitoring Frequency

Location 1, PS Code: _____
Frequency: Routine _____ Increased _____ Reduced _____
Sample Location Description (Address, Building No., Source, etc.): _____

Sample Date (Month): _____

Location 2, PS Code: _____
Frequency: Routine _____ Increased _____ Reduced _____
Sample Location Description (Address, Building No., Source, etc.): _____

Sample Date (Month): _____

Calculating MCL Compliance (Check the compliance that applies):

- _____ Compliance will be based on concentration of an annual sample result per sample location.
- _____ Compliance will be based on the running annual average of quarterly sample results per sample location.
- _____ Formula for calculating compliance is attached (if not using either of the above).

(If there are more monitoring locations attach on an additional sheet.)

Disinfectant Residual Monitoring (Free Chlorine Residual)

Sample Location & Frequency: *Same time and location as coliform bacteriological monitoring sample(s). See system Bacteriological Sample Siting Plan. The maximum residual disinfectant level (MRDL) = 4 mg/L.*

Source Name(s), Location(s) and, if applicable, Seasonal Variability of Use:

Treatment Plant Facilities *(Includes each chlorinator and its injection point):*

Treatment Plant Location(s): _____

Storage Tank(s) Identification & Location: _____

Signature

Date