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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **MOUNTAIN & RIVER ADVENTURES WATER SYSTEM**
 Water System No. 1503668

TO: Mr. John Stallone, President
 Mountain & River Adventures Water System
 P.O. Box 858
 Kernville, CA 93238

COPY

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503668
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
November 2012**

Citation No. 03-19-13C-026

Issued on May 22, 2013

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

BACKGROUND

Mountain & River Adventures Water System (hereinafter Water System) is classified as a transient noncommunity water system and serves a transient population of approximately 50 through 38 service connections. The Water System has one active source of supply, Well 01 (PS Code: 1503668-001), a 10,000-gallon galvanized steel storage tank, a booster pump,

1 a pressure tank, and distribution system. No routine treatment was installed or provided to
2 the well water in November 2012, when the Water System experienced bacteriological
3 quality problems. Due to ongoing coliform problems with Well 01, the Department directed
4 the Water System to provide mandatory 4-log virus inactivation treatment. In March 2013,
5 the Water System installed continuous chlorination treatment at the well to provide 4-log
6 virus inactivation.

7
8 The Water System started operating effective May 2012, and operates under the authority of
9 domestic water supply permit (No. 03-19-13P-019) that the Department issued on April 22,
10 2013. The permit includes 4-log virus inactivation treatment.

11
12 **VIOLATION**

13 The Drinking Water Field Operations Branch of the California Department of Public Health
14 (hereinafter 'Department') hereby issues a Citation to the Mountain & River Adventures
15 Water System, for failure to comply with Section 116555(a)(1) of the CHSC and Section
16 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically, the Water
17 System (mailing address: P.O. Box 858, Kernville, CA 93238) failed to comply with the
18 total coliform Maximum Contaminant Level (MCL) for the month of November 2012.

19
20 Section 64426.1(b)(2) specifies that a public water system collecting fewer than forty
21 samples per month is in violation of the total coliform MCL when more than one sample
22 collected during any month is total coliform-positive.

23
24 Up until November 2012, the Water System was required to collect a minimum of one
25 distribution system bacteriological sample per quarter. Following installation of 4-log virus
26 inactivation treatment in April 2013, the Water System is required to collect a minimum of
27

1 one distribution system bacteriological sample and one source sample from Well 01 per
2 month.

3
4 One (1) routine quarterly distribution system sample collected on October 17, 2012, tested
5 positive for total coliform bacteria and negative for fecal coliform and *E.coli* bacteria. The
6 Water System also collected a sample from Well 01, on October 17, 2012, which also tested
7 positive for total coliform bacteria and negative for *E.coli* bacteria. **Four (4) repeat**
8 **samples were collected on October 24, 2012, and were NOT collected within 24 hours**
9 **of notification of the routine total coliform positive sample.** Three (3) repeat samples
10 were collected from the distribution system and one (1) repeat sample was collected from
11 Well 01. All four repeat samples tested negative for total coliform bacteria. The Water
12 System did not fail the total coliform MCL for the month of October 2012. The Water
13 System was required to collect five routine samples during the month of November 2012.

14
15 The Water System collected five (5) routine samples on November 6, 2012. Two (2) out of
16 the five (5) samples tested positive for total coliform bacteria and negative for *E.coli*
17 bacteria. The Water System also collected a sample from the Well 01) on November 6,
18 2012, which was positive for total coliform bacteria and negative for *E.coli* bacteria. Based
19 on the above-mentioned total coliform positive samples, the Water System failed the total
20 coliform MCL for the month of November 2012. On November 8, 2012, Tami Welker of
21 skOO'kum h₂O Monitoring, Inc. (the Water System's contract sampling service), notified
22 the Department that the Water System failed the total coliform MCL for November 2012.
23 On November 30, 2012, the Department staff emailed a blank investigation report form to
24 the Water System, for the November 2012 total coliform MCL failure. On April 9, 2013,
25 the Department received a completed copy of the investigation report. The investigation
26 report was completed by Mr. Daniel Sackett of skOO'kum h₂O Monitoring, Inc. According
27 to the investigation report, the possible cause of bacteriological contamination may be Well

1 01 since it is a shallow well and has a history of total coliform positive samples. In 2012,
2 the well tested positive for total coliform bacteria on May 3, 2012, May 8, 2012, June 26,
3 2012, October 17, 2012, and November 6, 2012. The well is located about 180 feet away
4 from the Kern River. At this time, the Department has not determined the well to be under
5 the direct influence of the surface water. If the well starts showing *E.coli* positive samples,
6 the Water System will be required to either acquire another source of supply or provide full
7 multi-barrier surface water treatment, consisting of filtration and disinfection. The Water
8 System is seasonal and is closed during the winter season. Following the November 2012,
9 total coliform MCL failure, the Water System closed its facility for the winter and no further
10 sampling or clean-up was conducted. Considering the history of total coliform positive
11 samples from Well 01, the Department advised the Water System that mandatory
12 continuous chlorination treatment with 4-log virus inactivation would be required before
13 allowing the Water System to open for public use.

14
15 In March 2013, the Water System installed the chlorination treatment. All six (6) samples
16 collected on March 11, 2013, from the distribution system and storage tank, tested negative
17 for total coliform bacteria. Five (5) routine samples collected on March 27, 2013, from the
18 distribution system, also tested negative for total coliform bacteria. One (1) raw water
19 sample collected on March 11, 2013, from Well 01 tested positive for total coliform bacteria
20 (3.6 MPN/100 mL) and negative for *E.coli* bacteria. One (1) routine distribution sample
21 collected on April 24, 2013, tested negative for total coliform bacteria. One (1) raw water
22 sample collected on April 24, 2013, from Well 01 tested positive for total coliform bacteria
23 (7 MPN/100 mL) and negative for *E.coli* bacteria

24
25 Results of all bacteriological samples collected from May 2012 to April 2013 are
26 summarized in **Attachment A**.

27

NOTIFICATION REQUIREMENTS

Section 64426.1(c) requires a public water system to notify the Department and the consumers of the water system, when a violation of Section 64426.1(b) (1) through (4) occurs. Notification to the Department shall be by the end of the business day on which the violation has been determined. If the Department is closed, notification shall be within 24 hours of the determination. The Department was notified on November 8, 2012, in accordance with the above-referenced section.

On November 30, 2012, a public notice and Proof of Notification were emailed to the Water System for the November 2012 total coliform MCL failure. On April 17, 2013, the Department received signed and dated copies of the public notice and Proof of Notification from the Water System. According to these documents, Tier 2 public notification was completed on November 30, 2012.

DETERMINATIONS

Based upon the information provided above, the Department determines that the Mountain & River Adventures 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 November 2012 when more than one sample collected from the in November 2012, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(a): Specifically, during the month of October 2012, the Water System failed to collect repeat samples within 24 hours of being notified of the routine total coliform positive result.

The above violations are classified as non-continuing violations.

DIRECTIVES

1 Mountain & River Adventures Water System is hereby directed to take the following
2 actions:

- 3 1. Cease and desist from failing to comply with Section 116555(a) of the California
4 Health and Safety Code (CHSC) and Section 64426.1 (b)(2) of Title 22, California
5 Code of Regulations.
- 6 2. In the future, the Water System shall collect the required number of four (4) repeat
7 samples within 24 hours of being notified of the routine total coliform positive
8 result.
- 9
10 3. **All water produced by Well 01 shall receive mandatory continuous chlorination**
11 **treatment with 4-log virus inactivation.** The Water System shall notify the
12 Department of any *E.coli* or fecal coliform positive sample(s) from Well 01 or the
13 distribution system, within 24 hours of receipt of notification from its contract
14 laboratory.

15 16 FURTHER ENFORCEMENT ACTIONS

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

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PARTIES BOUND

This citation shall apply to and be binding upon Mountain & River Adventures Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

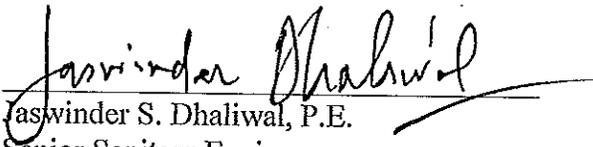
The directives of this citation are severable, and Mountain & River Adventures Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

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.

May 22, 2013
Date


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

Attachment

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Attachment A: Bacteriological Summary May 2012 to April 2013

cc: Kern County Environmental Health Services Department (w/o attachment)
Dan Sackett, skOO'kum h₂O Monitoring, Inc. (via email)

JSD/mrv

ATTACHMENT A

Mountain and River Adventures

1503668

Distribution System Freq:

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
5/3/2012	14:15	#10 Sample #1	A	A		Special			
5/3/2012	14:20	HB #13	P	A		Special			
5/3/2012	14:20	HB #24	P	A		Special			
5/3/2012	14:30	HB #22	P	A		Special			
5/3/2012	14:35	HB #8	A	A		Special			
5/6/2012	14:05	Tank	P	A		Special			
5/14/2012	11:25	Tank	A	A		Other	0		
5/14/2012	11:35	HB #10 Sample #1	A	A		Other	0		
5/14/2012	11:45	HB #13 Sample #2	A	A		Other	0		
5/14/2012	11:55	HB #24 Sample #3	A	A		Other	0		
5/14/2012	12:00	HB #22 Sample #4	A	A		Other	0		
5/14/2012	12:05	HB #8 Sample #5	A	A		Other	0		
7/3/2012	9:20	1REP1	<1	<1		Repeat			
7/24/2012	13:20	1ROU	<1	<1		Other			
8/1/2012	13:20	1ROU	<1	<1		Routine			
10/17/2012	12:10	1ROU	P	A		Routine			
10/24/2012	14:20	1REP1	A	A		Repeat			
10/24/2012	14:30	2REP1	A	A		Repeat			
10/24/2012	14:40	3REP1	A	A		Repeat			
11/6/2012	11:40	1ROU	A	A		Routine			
11/6/2012	11:50	2ROU	A	A		Routine			
11/6/2012	12:00	3ROU	P	A		Routine		MCL	Citation 03-19-13C-026 Issued.
11/6/2012	12:05	4ROU	A	A		Routine			
11/6/2012	12:10	5ROU	P	A		Routine			
12/1/2012		Closed from Dece							
3/11/2013	11:00	1ROU	<1.1	<1.1		Other			
3/11/2013	11:10	2ROU	<1.1	<1.1		Other			
3/11/2013	11:20	3ROU	<1.1	<1.1		Other			
3/11/2013	11:30	4ROU	<1.1	<1.1		Other			
3/11/2013	11:40	5ROU	<1.1	<1.1		Other			
3/11/2013	11:50	STORAGE TANK	<1.1	<1.1		Other			
3/27/2013	9:51	STORAGE TANK	A	A		Routine	2.20		
3/27/2013	9:56	5ROU	A	A		Routine	2.20		
3/27/2013	10:00	3ROU	A	A		Routine	2.20		
3/27/2013	10:06	2ROU	A	A		Routine	2.20		
3/27/2013	10:11	4ROU	A	A		Routine	2.20		

<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>
3/27/2013	10:27	1ROU	A	A		Routine	2.20		
4/24/2013	14:34	1ROU	A	A		Routine	2.01		

Mountain and River Adventures

1503668

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>
3/8/2012	14:10	Well	A	A			
5/3/2012	13:50	Well	P	A			
5/8/2012	3:06	Well @ 1 min	<1.1	<1.1			
5/8/2012	13:05	Well @ 0 min	1.1	<1.1			
5/8/2012	13:10	Well @ 5 min	2.2	<1.1			
5/8/2012	13:20	Well @ 15 min	<1.1	<1.1			
5/8/2012	13:35	Well @ 30 min	1.1	<1.1			
5/14/2012	11:15	Well	A	A			
6/26/2012	10:45	WELL #1	P	A			
7/3/2012	9:05	WELL #1	<1	<1			
7/24/2012	13:35	WELL #1	<1	<1			
8/1/2012	13:10	WELL #1	<1	<1			
9/11/2012	0:00	WELL #1	<1	<1			
10/17/2012	12:20	WELL #1	9.2	<1			
10/24/2012	14:45	WELL #1	<1	<1			
11/6/2012	11:30	WELL #1	1.0	<1			
3/11/2013	0:00	WELL #1	3.6	<1.1			
4/24/2013	14:42	Well 01	7				
