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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Del Sol Water Co-Op**
Water System No. 1502597

TO: Leslie Wood, Manager
Del Sol Water Co-Op Water System
5638 Avenida Del Sol
Inyokern, CA 93527

BY CERTIFIED MAIL

**CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MONITORING & REPORTING VIOLATION FOR
May 2014**

Citation No. 03-19-14C-013

Issued on June 26, 2014

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

VIOLATION

The Drinking Water Field Operations Branch of the Department of Public Health (hereinafter "Department") hereby issues a Citation to the Del Sol Water Co-OP Water System (hereinafter Water System) for failure to comply with Section 116555(a) of the CHSC and Sections 64423(a)(1) and 64423.1(c) of Title 22, California Code of Regulations (CCR). **Specifically, the Water System failed to comply with the bacteriological monitoring and reporting regulations for the month of May 2014.**



1 Section 64423(a)(1) states that the minimum number of routine bacteriological water
2 samples for community water systems using groundwater and serving 1,000 or fewer
3 persons a month shall be one in each calendar month during which the system provides
4 water to the public. Section 64423.1(c) states that the water supplier shall require the
5 laboratory to report directly to the Department, all analytical results of all required
6 bacteriological samples collected for a system in a calendar month not later than the
7 tenth day of the following month. Furthermore, Section 64423.1(c)(2) requires
8 systems serving fewer than 10,000 service connections or 33,000 persons to instruct
9 the laboratory to submit copies of all required bacteriological monitoring results
10 directly to the Department. The Water System is required to collect a minimum of one
11 (1) routine distribution system bacteriological sample per calendar month. **A review**
12 **of the Department's records indicates that the Water System did not collect any**
13 **routine bacteriological distribution system samples during the month of May**
14 **2014. By not submitting the results of bacteriological sampling for May 2014, the**
15 **Water System violated Sections 64423.1(c) and 64423.1(c)(2) of Title 22, CCR.**

16
17 The above violations are classified as non-continuing violations.

18 HISTORY OF VIOLATIONS

19 The Water System is required to collect a minimum of one routine bacteriological
20 sample per calendar month and has a history of monitoring and reporting violations.
21 To document non-compliance with the bacteriological monitoring and reporting
22 regulations, the Department previously issued enforcement action as described below.

- 23 • On May 29, 2014, the Department issued Enforcement Letter No. 03-19-14E-
24 015 to the Water System for failure to collect a monthly routine bacteriological
25 sample in April 2014.

1 **BACKGROUND**

2 The Water System owns and operates a community public water system and serves a
3 population of approximately 25 persons through 8 active service connections. The
4 Water System operates under the authority of a Domestic Water Supply Permit No.
5 2597, issued on January 14, 1985, by the Kern County Health Department.
6

7 **NOTIFICATION REQUIREMENTS**

8 The above-mentioned violations of Sections 64423(a)(1) and 64423.1(c)(2) of Title
9 22, CCR are considered monitoring and reporting (M&R) violations and requires
10 issuing public notification to the persons served by the Water System. Due to the
11 repeat monitoring and reporting violation, the Water System is required to notify the
12 persons served, via Tier 2 public notification, in accordance with the Section
13 64463.4(a)(2) of Title 22, CCR. Public notification to the persons served by the Water
14 System may be provided by the following methods, using the template provided as
15 **Attachment A. By July 18, 2014**, the public notification of the above mentioned
16 M&R violations shall be provided directly to the consumers served by the Water
17 System, as explained below:

- 18 1. Mail or direct delivery to each customer, and
19 2. Use one or more of the following methods to reach persons not likely to be
20 reached by a mailing or direct delivery:
- 21 (a) Publication in a local newspaper or newsletter distributed to customers
 - 22 (b) Posting in conspicuous public places served by the Water System, or on the
23 internet or intranet
 - 24 (c) Email message to employees
- 25
26
27



1 Proof of notification is required. The Water System shall complete **Attachment B** and
2 return it to the Department within 10 days of providing public notification and no later
3 than **July 28, 2014**.
4

5 **DIRECTIVES**

6 The Del Sol Water Co-Op Water System is hereby directed to take the following
7 actions:

- 8
- 9 1. Cease and Desist from failing to comply with Section 116555(a) of the CHSC
10 and Sections 64423(a)(1) and 64423.1(c)(2) of Title 22, California Code of
11 Regulations (CCR).
- 12 2. By **July 18, 2014**, notify customers of the Water System of the failure to
13 maintain the required bacteriological monitoring and reporting program in
14 conformance with Sections 64423(a)(1) and 64423.1(c)(2) of Title 22, CCR.
15 The procedures and notification format to be used have been specified herein.
- 16 3. No later than **July 28, 2014**, the Water System shall submit a signed copy of
17 the public notice (**Attachment A**) and Proof of Notification (**Attachment B**) to
18 the Department at the following address:

19 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
20 Department of Public Health
21 Southern California Branch
22 Drinking Water Field Operations
23 4925 Commerce Drive, Suite 120
24 Bakersfield, CA 93309
25 Phone: (661) 335-7315
26 Fax: (661) 335-7316

- 27 4. Pursuant to CCR, Section 64423(a)(1) the Water System shall maintain the
required bacteriological monitoring program by collection of one (1) sample in
each calendar month and shall report the results to the Department at the

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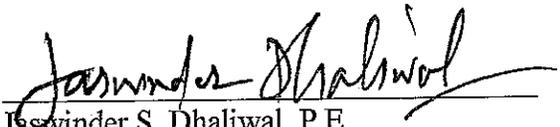
CIVIL PENALTY

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.

The Del Sol Water Co-Op Water System has been billed at the current hourly rate since this is an enforcement action for noncompliance of the regulations.

June 26, 2014
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

- Attachments:**
Attachment A: Notice of Bacteriological Quality Monitoring Failure
Attachment B: Proof of Notification
Attachment C: Bacteriological Monitoring Requirements for Small Water Systems

cc: Kern County Environmental Health Services Department (w/o attachments)
John Bracken, Contract Sampler, Del Sol Water Co-Op

JSD/ak



Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.**

Del Sol Water Co-Op Water System

Our water system recently violated monthly monitoring and reporting requirements for the primary drinking water standard for total coliform bacteria. Del Sol Water Co-Op Water System failed to conduct the required bacteriological monitoring during the month of May 2014, and as a result may not have met the drinking water quality standards specified in the California Domestic Water Quality and Monitoring Regulations. Laboratory results of analysis of bacteriological water samples were not reported to the California Department of Public Health (Department) as required for the above-cited month.

What does this mean?

The Department establishes water quality monitoring and reporting requirements to determine that the drinking water served by public water systems is free of harmful bacteria. When a water system fails to conduct the required monitoring, there is no assurance that the water is free of harmful bacteria.

Coliform bacteria are generally not harmful themselves. Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever coliform bacteria are detected in any sample, follow-up testing is done to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. These are the bacteria that would have been detected, if present, by the required monitoring. The Department has set an enforceable drinking water quality-monitoring requirement, based on population served, to reduce the risk of adverse health effects by detecting the presence of these organisms. Systems that collect fewer than the required number of samples each month/quarter are in violation of this requirement.

What is being done?

In order to comply with the bacteriological monitoring requirements, we plan to resume monthly bacteriological monitoring and have collected a bacteriological sample in June 2014 that tested negative for total coliform bacteria.

For more information, please contact Leslie Wood with Del Sol Water Co-Op Water System at (760) 793-1601 or California Department of Public Health, Tehachapi District at (661) 335-7315.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly.

This notice is being sent to you by the Del Sol Water Co-Op Water System in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Dated: _____

Leslie Wood, Manager
Del Sol Water Co-Op (1502597)

Attachment B

PROOF OF NOTIFICATION
(Return with a copy of the Public Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Del Sol Water Co-Op** of the failure to collect a bacteriological sample for the month of **May 2014** as directed by the CA Department of Public Health.

Notification was made on _____
(date)

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

The notice was distributed by mail or direct delivery to each customer served by the water system. Specify other direct delivery method(s) used: _____

At least one or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____

Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

Posted the notice on the Internet at www. _____

Other method used to notify customers. _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: _____

Date: _____ Signature: _____

Due to the CA Dept. of Public Health within 10 days of notification to the public, and no later than July 28, 2014

System Number: 1502597

Enforcement Action No.: 03-19-14C-013

Attachment C



RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

BACTERIOLOGICAL MONITORING REQUIREMENTS For Small Water Systems (Population ≤1,000)

1. Minimum Monitoring Frequency

<u>Monthly Population Served</u> <u>Frequency</u>	<u>Service Connections</u>	<u>Minimum</u>
25 to 1,000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month

Increased monitoring frequency may be required if there is more than one pressure zone in the distribution system or multiple sources or storage reservoirs. If your system is providing continuous chlorination treatment, closely review Item 6 below.

2. Routine and Repeat Sampling

All **routine samples** should be collected from the distribution system (not from the well) at locations specified in an approved Bacteriological Sample Siting Plan. If such a plan has not been prepared for your water system, contact the Department for assistance.

3. Repeat Monitoring After a Coliform-Positive Sample

Notification of a Coliform-Positive Sample - The water system shall require the laboratory to notify the system within 24 hours if any sample is coliform-positive. The water system must collect a repeat sample set within 24 hours of notification of the coliform-positive sample. **If the sample is fecal coliform or E. Coli positive, the water system should contact the Department immediately.**

Repeat Sampling - For systems collecting only one sample per month or quarter, a repeat sample set shall consist of four (4) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) from the upstream repeat sample site, one (1) from the downstream repeat sample site and one (1) from the operating well or another location within the system that would best help to identify the source or area of contamination.

The repeat sample sites shall be located within five service connections upstream and downstream of the routine site as identified in the Bacteriological Sample Siting Plan. At least one repeat sample shall be collected from upstream and one from downstream unless there is no upstream or downstream service connection. Contact the Department as soon as the results of the repeat samples are obtained.

The following criteria should be considered when determining where to collect the fourth repeat sample:

- For systems with only one active well and do not provide continuous chlorination, the sample may be collected at the wellhead.
- For systems with more than one active well, it may not be possible to determine which well was serving the area where the positive routine sample was collected. For these systems, the fourth repeat sample should be collected at a storage tank or another point in the distribution system.
- For systems providing continuous chlorination, the system should already be conducting raw-water bacteriological monitoring at a point ahead of chlorination on at least a quarterly basis. These samples should be used to determine if the source of bacteriological contamination is from the well itself. For these systems, the fourth repeat sample should be collected at a storage tank or another point in the distribution system.
- Contact the Department for assistance.

If any of the above criteria would result in a change or revision to your existing bacteriological sample-siting plan, you must first submit a revised plan to our office for review and approval before implementing any such change or revision.

Any additional samples collected from the well(s) for investigative purposes (*not part of the repeat sample set*) should be labeled as "special" samples (or "other" samples), and will not be counted towards compliance with the monthly total coliform water quality standards.

Sampling the Month Following a Coliform-Positive Sample - If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. These samples can be collected on the same day from five different routine sites or from the same routine sites at 15 minute intervals (if fewer than five sites are available). If all five samples are negative for total coliform, the water system may return to the normal sampling frequency during the next sampling period.

4. Determining Compliance with the Coliform Standard

A public water system will fail the coliform maximum contaminant level (MCL) if:
For a public water which collects fewer than 40 samples per month, at least two

samples collected in the same month are coliform-positive. When this occurs, the water system representative shall contact the Department immediately (within 24-hours or the next business day if the office is closed). The water system will be required to conduct public notification and will be provided with an approved notification to be used. Public notification shall be conducted by direct mail, hand delivery or posting (where approved).

5. Monthly Reporting of Coliform Monitoring Results

The analytical results of all coliform monitoring shall be reported to the Department by the 10th day of the month following sample collection. The water system can request the laboratory to provide the results to the Department; however, the water system is ultimately responsible to ensure that the sample results were received. If the water delivered to your water system is provided with a disinfection treatment, the chlorine residual should be measured and reported at the same time and location(s) that the bacteriological sample(s) are collected. This residual must be provided to the Department on the laboratory analysis report at this time. Beginning January 1, 2004, EPA's Disinfectant/Disinfection By-Product (D/DBP) Rule will require this reporting to our Department.

6. Bacteriological Monitoring of Wells (for systems chlorinating)

Water systems that are routinely chlorinating the water supply are required to sample the raw well water for coliform bacteria. Initially, a minimum of six consecutive monthly samples must be collected from the well discharge. The samples must be collected at a location ahead of chlorination. After six consecutive monthly samples do not show the presence of coliform bacteria, the water system may request a reduction in sampling to one sample per quarter. The laboratory should be instructed to determine the most probable number of coliform (MPN) for well samples. The results of all samples shall be submitted to the Department.