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3                   **STATE OF CALIFORNIA**  
4                   **WATER RESOURCES CONTROL BOARD**  
5                   **DIVISION OF DRINKING WATER**

6       **TO:**           Pinebrook Community Water Well  
7                   P.O. Box 577  
8                   Wofford Heights, CA 93285

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10       **Attn:**           Dave Lingenfetter, Commissioner  
11                   Pinebrook Community Water Well

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13                   **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**  
14                   **TITLE 22, SECTION 64426(b)(2) - WATER SYSTEM NO. 1500404**  
15                   **Total Coliform MCL Violation – August 2014**  
16                   **CITATION NO. 03-19-14C-019**  
17                   **Issued on November 7, 2014**

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19       Section 116650 of the California Health and Safety Code authorizes the issuance of a  
20       citation to a public water system for violation of the California Safe Drinking Water  
21       Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with  
22       Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit  
23       or order issued or adopted thereunder.

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25       The State Water Resources Control Board, acting by and through its Division of  
26       Drinking Water (hereinafter "Division") and the Deputy Director for the Division  
27       (hereinafter "Deputy Director"), hereby issues a citation to the Pinebrook Community

1 Water Well Water System (hereinafter, Water System)(mailing address: P.O. Box 577  
2 Wofford Heights, CA 93285) for violation of the California Code of Regulations  
3 (CCR), Title 22, Section 64426, subsection (b)(2).  
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5 **STATEMENT OF FACTS**

6 Pinebrook Community Water Well Water System is classified as a community water  
7 system and serves a population of approximately 42 persons through 42 service  
8 connections. The Water System has two active sources of supply, Well 01 (PS Code:  
9 1500404-001) and Well 02 (PS Code: 1500404-002), and a 12,000-gallon welded steel  
10 storage tank. No treatment is provided to the water produced by the two wells. The  
11 Water System operates under the authority of domestic water supply permit (No. 03-  
12 19-06P-006), issued on October 18, 2006, by the California Department of Health  
13 Services (now State Water Resources Control Board).  
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- 16 • The Water System is required to collect one (1) routine bacteriological sample  
per month.
  - 17 • One (1) routine bacteriological quality sample collected on August 1, 2014,  
18 from the distribution system, tested positive for total coliform bacteria.
  - 19 • One (1) out of three (3) repeat samples collected on August 4, 2014, from the  
20 distribution system, tested positive for total coliform bacteria.
  - 21 • One (1) repeat sample (also counted toward the Ground Water Rule's triggered  
22 source sampling requirement) collected on August 4, 2014, from Well 01, also  
23 tested positive for total coliform bacteria.
  - 24 • One (1) repeat sample (also counted toward the Ground Water Rule's triggered  
25 source sampling requirement) collected on August 4, 2014, from Well 02,  
26 tested negative for total coliform bacteria.  
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- Pinebrook Community Water Well Water System failed the total coliform maximum contaminant level (MCL) for August 2014 [Section 64426.1(b)(2), *Authorities*].
- None of the bacteriological quality samples collected in August 2014, from the distribution system or the system wells, tested positive for *E.coli* bacteria.
- On August 4, 2014, Richard Gonzalez, the Water System's contract sampler and certified distribution operator, notified the Division of the routine total coliform positive sample collected on August 1, 2014.
- On August 5, 2014, emergency disinfection and flushing was provided to Well 01 and the distribution system.
- On August 7, 2014, three (3) special bacteriological samples collected from the distribution system and one (1) sample, each from Well 01 and Well 02, tested negative for total coliform bacteria.
- On September 5, 2014, public notice and Proof of Notification forms were emailed to the Water System, for the August 2014 total coliform MCL failure.
- On September 15, 2014, the Division 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 6, 2014.
- On September 5, 2014, an investigation report template was emailed to the Water System, for the August 2014 total coliform MCL failure.
- On September 15, 2014, the Department received a completed copy of the investigation report, from David Lingenfetter of the Water System.
- The investigation report indicated the possible cause of contamination as unknown.
- The Water System was required to collect five (5) routine bacteriological samples in September 2014.

- 1 • Only one (1) routine bacteriological sample was collected on September 2,
- 2 2014, following the August 2014 total coliform MCL violation, and it tested
- 3 negative for total coliform bacteria.
- 4 • Five routine samples were not collected in September 2014 following the
- 5 August 2014 total coliform MCL violation. [Section 64424(d), *Authorities*]
- 6 • Results of all bacteriological samples collected from January 2014 to
- 7 September 2014, are summarized in **Attachment A**.

**AUTHORITIES**

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

- 11 “(a) Each public water system shall reimburse the department for the actual costs incurred
- 12 by the department for any of the following enforcement activities related to that water system:
- 13 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
  - 14 (2) Preparing, and issuing public notification

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16 (b) The department shall submit an invoice for these enforcement costs to the public water system 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 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.”...

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

- 18 “(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 to the public water system. The citation shall be served upon the public water system personally or by registered mail.
- 19 (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 violated.
- 20 (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).
- 21 (d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).
- 22 (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 assess civil penalties for each classification as follows:
- 23 (1) For violation of a primary drinking standard, an amount not to exceed one
  - 24 thousand dollars (\$1,000) per day for each day that the violation occurred, including
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each day that the violation continues beyond the date specified for correction in the citation or order.

(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 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 or order.

(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 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.”

CCR, Title 22, Section 64426(d) establishes repeat sampling requirements and states in relevant part:

“(d) 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. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation.”

**DETERMINATIONS**

Based upon the above Statement of Facts and Authorities, the Division determines that Pinebrook Community Well 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 August 2014 when more than one sample during the month, tested positive for total coliform bacteria.
- 2. CCR, Title 22, Section 64424(d); Specifically, the Water System failed to collect five (5) routine samples in September 2014, following the August 2014 total coliform MCL violation.

The above violations are classified as non-continuing violations.

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**DIRECTIVES**

Pinebrook Community Water Well 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) and 64424(d) of Title 22, California Code of Regulations.
2. The Water System shall reimburse the Division, 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 of the fiscal year (or by a different date if specified by the Division) following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division 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 Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon Pinebrook Community Water Well, its officers, directors, agents, employees, contractors, successors, and assignees.

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**SEVERABILITY**

The directives of this citation are severable, and Pinebrook Community Water Well 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 Division 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 Division 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.

Nov. 7, 2014  
Date

Jaswinder Dhaliwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Tehachapi District  
SOUTHERN CALIFORNIA BRANCH

**Attachment**

Attachment A: Bacteriological Summary January 2014 through September 2014

cc: Kern County Environmental Health Services Department (w/o attachment)  
Rick Gonzalez, Contract Sampler (via email)

## **Attachment A**

# *Pinebrook Community Water Well*

**1500404**

*Distribution System Freq: 1/M*

<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>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/6/2014	8:30	1ROU	A	A		Routine			
2/4/2014	8:00	2ROU	A	A		Routine			
3/5/2014	8:30	3ROU	A	A		Routine			
4/2/2014	8:00	3ROU	A	A		Routine			
5/5/2014	8:30	5ROU	A	A		Routine			
6/2/2014	8:00	1ROU	A	A		Routine			
7/2/2014	7:00	1ROU	A	A		Routine			
8/1/2014	6:43	#93	P	A		Routine			
8/4/2014	14:30	#93	A	A		Repeat			
8/4/2014	14:35	#110	P	A		Repeat		MCL	Citation 03-19-14C-019 issued
8/4/2014	14:40	#44	A	A		Repeat			
8/7/2014	10:04	#93	A	A		Other			
8/7/2014	10:20	#110	A	A		Other			
9/2/2014	7:15	#9	A	A		Routine		MR4	Citation 03-19-14C-019 issued
10/1/2014	6:25	Haji Ln.	A	A		Routine			

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# *Pinebrook Community Water Well*

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**1500404**

*Source Monitoring Freq:*

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
8/4/2014	14:48	Well #2	A	A			Repeat & GWR sampl
8/4/2014	14:55	Well #1	P	A			Repeat & GWR sampl
8/7/2014	9:45	Well #1	A	A			
8/7/2014	12:25	Well #2	A	A			

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