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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** United States Forest Service (USFS) – Havilah Work Center  
1839 S. Newcomb Street  
Porterville, CA 93257

**Attn:** Peter Landucci, Environmental Engineer  
United States Forest Service

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64426(b)(2) - WATER SYSTEM NO. 1502572**  
**Total Coliform MCL Violation – July 2014**  
**CITATION NO. 03-19-14C-020**  
**Issued on November 7, 2014**

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

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues a citation to the USFS – Havilah Work

1 Center Water System (hereinafter, Water System)( mailing address: 1839 S. Newcomb  
2 Street, Porterville, CA 93257) for violation of the California Code of Regulations  
3 (CCR), Title 22, Section 64426, subsection (b)(2).

#### 4 5 STATEMENT OF FACTS

6 United States Forest Service (USFS) – Havilah Work Center Water System is  
7 classified as a non-transient non-community water system and serves a population of  
8 approximately 28 persons through five service connections. The Water System has  
9 one active source of supply, Well 01 (Primary Station Code: 1502572-001), a 20,000-  
10 gallon storage tank and distribution system. No treatment is provided to the well  
11 water. Well 01 is an artesian well and supplies water without any pumping equipment.  
12 The Water System operates under the authority of Permit No. 03-19-13P-016, issued  
13 on August 6, 2013, by the California Department of Public Health (now State Water  
14 Resources Control Board).

- 15
- 16 • The Water System is required to collect one (1) routine bacteriological sample  
17 per month.
  - 18 • One (1) routine bacteriological quality sample collected on July 10, 2014, from  
19 the distribution system, tested positive for total coliform bacteria.
  - 20 • All three (3) repeat samples collected on July 14, 2014, from the distribution  
21 system, tested positive for total coliform bacteria.
  - 22 • One (1) repeat sample (also counted towards the Ground Water Rule's  
23 triggered source sampling requirement) collected on July 14, 2014, from Well  
24 01, tested negative for total coliform bacteria.
  - 25 • **USFS – Havilah Work Center Water System failed the total coliform**  
26 **maximum contaminant level (MCL) for July 2014 [Section 64426.1(b)(2),**  
27 **Authorities].**

- 1 • None of the bacteriological quality samples collected in July 2014, from the  
2 distribution system or the system well, tested positive for *E.coli* bacteria.
- 3 • On July 16, 2014, Dan Sackett of sKOO'kum h2o monitoring, inc., the Water  
4 System's contract sampler, notified the Division that the Water System failed  
5 the total coliform MCL for July 2014.
- 6 • On July 24, 2014, emergency disinfection and flushing was provided to the  
7 distribution system.
- 8 • On July 30, 2014, five (5) special bacteriological samples collected from the  
9 distribution system, tested negative for total coliform bacteria.
- 10 • On August 15, 2014, public notice and Proof of Notification forms were  
11 emailed to the Water System, for the July 2014 total coliform MCL failure.
- 12 • On October 20, 2014, the Division received a signed and dated copy of the  
13 public notice from the Water System. On October 24, 2014, the Division  
14 received a signed and dated copy of the Proof of Notification from the Water  
15 System. According to these documents, public notification was completed on  
16 October 18, 2014.
- 17 • On August 15, 2014, an investigation report template was emailed to the Water  
18 System, for the August 2014 total coliform MCL failure.
- 19 • On August 29, 2014, the Department received a completed copy of the  
20 investigation report, in response to the July 2014 total coliform MCL failure,  
21 from Dan Sackett of sKOO'kum h2o monitoring, inc. The investigation report  
22 was completed by Shon Sackett.
- 23 • The investigation report indicated the possible cause of contamination as high  
24 temperatures and low water usage by the Water System.
- 25 • On August 6, 2014, five (5) routine bacteriological samples were collected  
26 from the distribution system, and they all tested negative for total coliform  
27 bacteria.

- On September 24, 2014, one (1) routine bacteriological quality sample collected from the distribution system, tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2014 to September 2014, are summarized in **Attachment A**.

**AUTHORITIES**

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

“(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:

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

...

(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.”...

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

“(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.

(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.

(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).

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

(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:

(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.

(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:

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- (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.”

**DETERMINATIONS**

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

- 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for July 2014 when more than one sample during the month, tested positive for total coliform bacteria.

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

**DIRECTIVES**

USFS – Havilah Work Center 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 Section 64426.1(b)(2) 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

1 which such costs are incurred as described in CHSC Section 116577(a)(1-2)  
2 and 116577(b).

3  
4 **FURTHER ENFORCEMENT ACTIONS**

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

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14 **PARTIES BOUND**

15 This citation shall apply to and be binding upon USFS – Havilah Work Center Water  
16 System, its officers, directors, agents, employees, contractors, successors, and  
17 assignees.

18  
19 **SEVERABILITY**

20 The directives of this citation are severable, and USFS – Havilah Work Center Water  
21 System shall comply with each and every provision thereof, notwithstanding the  
22 effectiveness of any other provision.

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25 **CIVIL PENALTY**

26 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil  
27 penalty for the failure to comply with the requirements of the Safe Drinking Water

1 Act. Failure to comply with any Directive of this Citation may result in the Division  
2 imposing an administrative penalty of not less than \$200 (two hundred dollars) for  
3 each day that the violation continues beyond the date set for correction in this  
4 Citation.

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

9  
10 Nov. 7, 2014  
11 Date

10 Jaswinder S. Dhaliwal  
11 Jaswinder S. Dhaliwal, P.E.  
12 Senior Sanitary Engineer  
13 Tehachapi District  
14 SOUTHERN CALIFORNIA BRANCH

15 **Attachment**

16 Attachment A: Bacteriological Summary January 2014 through September  
17 2014

18 cc: Kern County Environmental Health Services Department (w/o attachment)  
19 Dan Sackett, Contract Sampler (via email), sKOO'kum h2o monitoring, inc.  
20 Shon Sackett, Contract Sampler (via email), sKOO'kum h20 monitoring, inc.

## **Attachment A**

# US Forest Service - Havilah Work Center

1502572

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/9/2014	9:13	1ROU	A	A		Routine			
2/5/2014	9:09	1ROU	A	A		Routine			
3/5/2014	10:10	1ROU	A	A		Routine			
4/9/2014	13:33	1ROU	A	A		Routine			
5/7/2014	9:00	1ROU	A	A		Routine			
6/4/2014	9:00	1ROU	A	A		Routine			
7/10/2014	8:41	1ROU	P	A		Routine			
7/14/2014	14:56	1REP1	P	A		Repeat			
7/14/2014	15:00	1REP2	P	A		Repeat			
7/14/2014	15:19	1REP3	P	A		Repeat		MCL	Citation #03-19-14C-020 issued
7/29/2014	17:30	1ROU	A	A		Other			
7/29/2014	17:33	4ROU	A	A		Other			
7/29/2014	17:37	3ROU	A	A		Other			
7/29/2014	17:42	2ROU	A	A		Other			
7/29/2014	17:50	5ROU	A	A		Other			
7/29/2014	17:54	STORAGE TANK	A	A		Other			
8/6/2014	9:55	1ROU	A	A		Routine			
8/6/2014	10:00	4ROU	A	A		Routine			
8/6/2014	10:06	3ROU	A	A		Routine			
8/6/2014	10:11	2ROU	A	A		Routine			
8/6/2014	10:24	5ROU	A	A		Routine			
9/4/2014	10:25	1ROU	A	A		Routine			

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# *US Forest Service - Havilah Work Center*

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**1502572**

*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>
7/14/2014	15:24	WELL #1	A	A			

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