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

**TO:** Frazier Woods Conference Center  
7001 Auburn Street  
Bakersfield, CA 93306

**Attn:** Jeff Whitehurst, Director

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1502084**

**Total Coliform MCL Violation – June 2014**

**CITATION NO. 03-19-14C-018**

**Issued on October 13, 2014**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation 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 Frazier Woods Conference Center Water System (hereinafter, Water System) (mailing address: 7001

1 Auburn Street, Bakersfield, CA, 93306) for violation of California Code of  
2 Regulations (CCR), Title 22, Section 64426.1, subsection (b)(2).

### 3 4 STATEMENT OF FACTS

5 Frazier Woods Conference Center Water System (hereinafter Water System) is  
6 classified as a transient non-community water system and mainly serves a transient  
7 population of approximately 250 persons through four service connections. The Water  
8 System has one active source of supply, Well 01 (PS Code: 1502084-001), and a  
9 29,000-gallon storage tank. No treatment is provided to the well water. The Water  
10 System operates under the authority of a domestic water supply permit No. [03-12-  
11 96P-035], issued on November 21, 1996, by the California Department of Health  
12 Services (now State Water Resources Control Board).

- 13
- 14 • The Water System is required to collect one (1) routine bacteriological quality  
15 sample per month.
  - 16 • One (1) routine bacteriological quality sample collected on June 24, 2014, from  
17 the distribution system, tested positive for total coliform bacteria.
  - 18 • Two (2) out of three (3) repeat bacteriological quality samples collected on  
19 June 27, 2014, from the distribution system, also tested positive for total  
20 coliform bacteria.
  - 21 • One (1) repeat sample (also counted towards the Ground Water Rule's  
22 triggered source sampling requirement), collected on June 27, 2014, from Well  
23 01, also tested positive for total coliform bacteria.
  - 24 • **Frazier Woods Conference Center Water System failed the total coliform**  
25 **maximum contaminant level (MCL) for June 2014 [Section 64426.1(b)(2),**  
26 ***Authorities*].**
- 27

- 1 • None of the bacteriological quality samples collected in June 2014, from the  
2 distribution system or the system well, tested positive for *E.coli* bacteria.
- 3 • On June 26, 2014, Scott Moore of Seaco Technologies, the Water System's  
4 contracted sampler, notified the Division that one (1) routine sample collected  
5 on June 24, 2014, tested positive for total coliform bacteria.
- 6 • On June 29, 2014, Well 01 and distribution system were disinfected and  
7 flushed. Four (4) special bacteriological quality samples collected on June 30,  
8 2014, from the distribution system, tested negative for total coliform bacteria.  
9 One (1) special bacteriological quality sample collected on June 30, 2014, from  
10 the system well, also tested negative for total coliform bacteria.
- 11 • On July 22, 2014, the Division emailed public notice and Proof of Notification  
12 forms to the Water System.
- 13 • On August 4, 2014, the Division received signed and dated copies of the public  
14 notice and Proof of Notification from the Water System. According to these  
15 documents, public notification was completed on July 23, 2014.
- 16 • On July 22, 2014, an investigation report was emailed to the Water System for  
17 the June 2014 total coliform MCL failure.
- 18 • On August 4, 2014, the Division received a completed copy of the investigation  
19 report, in response to the June 2014 total coliform MCL failure.
- 20 • The investigation report (prepared by Jeff Whitehurst) indicated the possible  
21 cause of contamination as unknown or lack of water usage for 21 days, prior to  
22 routine sampling.
- 23 • Five (5) routine samples were collected in July 2014, following the June 2014  
24 total coliform MCL violation. All five (5) samples tested negative for total  
25 coliform bacteria.
- 26 • One (1) routine bacteriological quality sample collected on August 26, 2014,  
27 tested negative for total coliform bacteria.

- Results of all bacteriological samples collected from January 2014 to August 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:

- (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.

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

**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 June 2014 when more than one sample collected in June 2014, tested positive for total coliform bacteria.

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

**DIRECTIVES**

Frazier Woods Conference 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.

1 2. The Water System shall reimburse the Division, in accordance with an invoice  
2 that shall be provided to the Water System, the costs for enforcement activities,  
3 and such reimbursement shall be made prior to September 1 of the fiscal year  
4 following the fiscal year in which such costs are incurred as described in  
5 CHSC Section 116577(a)(1-2) and 116577(b).

6  
7 **FURTHER ENFORCEMENT ACTIONS**

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

16  
17 **PARTIES BOUND**

18 This citation shall apply to and be binding upon Frazier Woods Conference Center, its  
19 officers, directors, agents, employees, contractors, successors, and assignees.

20  
21 **SEVERABILITY**

22 The directives of this citation are severable, and Frazier Woods Conference Center  
23 shall comply with each and every provision thereof, notwithstanding the effectiveness  
24 of any other provision.  
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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 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.

Oct. 13, 2014  
Date

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

**Attachments**

Attachment A: Bacteriological Summary January 2014 through August 2014

cc: Kern County Environmental Health Services Department (w/o attachment)  
Scott Moore, Seaco Technologies, Inc.

## **Attachment A**

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# *Frazier Woods Conference Center*

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**1502084**

*Distribution System Freq: 1/M*

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| <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>                 |
|--------------------|-------------|-------------------|---------------|---------------|---------------|-------------|------------|------------------|--------------------------------|
| 1/8/2014           | 12:50       | Timberline Cabin  | A             | A             |               | Routine     |            |                  |                                |
| 2/11/2014          | 13:30       | Caretaker's Cabin | A             | A             |               | Routine     |            |                  |                                |
| 3/24/2014          | 19:00       | Main Lodge Men's  | A             | A             |               | Routine     |            |                  |                                |
| 4/24/2014          | 10:00       | Timberline Cabin  | A             | A             |               | Routine     |            |                  |                                |
| 5/27/2014          | 10:45       | Kitchen           | A             | A             |               | Routine     |            |                  |                                |
| 6/24/2014          | 21:30       | Kitchen           | P             | A             |               | Routine     |            |                  |                                |
| 6/27/2014          | 9:55        | Kitchen           | P             | A             |               | Repeat      |            |                  |                                |
| 6/27/2014          | 10:05       | Caretaker's Cabin | A             | A             |               | Repeat      |            |                  |                                |
| 6/27/2014          | 10:10       | Timberline Cabin  | P             | A             |               | Repeat      |            | MCL              | Citation #03-19-14C-018 issued |
| 6/30/2014          | 13:45       | Caretaker's Cabin | A             | A             |               | Other       |            |                  |                                |
| 6/30/2014          | 13:45       | Kitchen           | A             | A             |               | Other       |            |                  |                                |
| 6/30/2014          | 13:45       | Timberline        | A             | A             |               | Other       |            |                  |                                |
| 6/30/2014          | 13:45       | Women's RR        | A             | A             |               | Other       |            |                  |                                |
| 7/24/2014          | 13:30       | Main Lodge        | A             | A             |               | Routine     |            |                  |                                |
| 7/30/2014          | 15:30       | Kitchen           | A             | A             |               | Routine     |            |                  |                                |
| 7/30/2014          | 15:30       | Men's RR          | A             | A             |               | Routine     |            |                  |                                |
| 7/30/2014          | 15:30       | Timberline Cabin  | A             | A             |               | Routine     |            |                  |                                |
| 7/30/2014          | 15:30       | Women's RR        | A             | A             |               | Routine     |            |                  |                                |
| 8/26/2014          | 11:00       | Whispering Pines  | A             | A             |               | Routine     |            |                  |                                |

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## *Frazier Woods Conference Center*

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**1502084**

*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> |
|--------------------|-------------|---------------|---------------|---------------|---------------|------------------|----------------|
| 6/27/2014          | 10:00       | Well / Repeat | P             | A             |               |                  | Repeat and GWR |
| 6/30/2014          | 13:45       | Well / Repeat | A             | A             |               |                  |                |

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