

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**STATE OF CALIFORNIA  
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

**IN RE: SOUTH KERN INDUSTRIAL CENTER, LLC WATER SYSTEM**  
Water System No. 1503232

**TO: Tony Cordova, Plant Manager**  
South Kern Industrial Center, LLC  
P.O. Box 265  
Taft, CA 93268

**BY CERTIFIED MAIL**

**CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1503232**  
**TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION**  
**April 2014**

**Citation No. 03-19-14C-010**

**Issued on May 22, 2014**

**STATEMENT OF FACTS**

South Kern Industrial Center, LLC Water System (hereinafter Water System) is classified as a non-transient, non-community Water System and serves a population of approximately 45 persons through one service connection.

The Water System currently operates under the authority of an interim approval letter dated May 16, 2014. The Department is in the process of preparing a domestic water supply permit document for issuing to the Water System.



1 The Southern California Drinking Water Field Operations Branch, Division of  
2 Drinking Water and Environmental Management, California Department of Public  
3 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
4 Water Act and regulations promulgated pursuant thereto.  
5

- 6 • The Water System is required to collect a minimum of one (1) distribution  
7 system bacteriological sample per month, in accordance with its approved  
8 Bacteriological Sample Siting Plan.
- 9 • One (1) routine bacteriological quality sample collected on April 9, 2014, from  
10 the distribution system, tested positive for total coliform bacteria.
- 11 • Two (2) out of three (3) repeat bacteriological samples collected on April 16,  
12 2014, from the distribution system, tested positive for total coliform bacteria.
- 13 • One (1) repeat bacteriological sample collected on April 16, 2014, from Well  
14 01, (also counted towards the Ground Water Rule's trigger source sampling  
15 requirement), tested negative for total coliform bacteria.
- 16 • **The Water System failed to collect repeat samples within 24 hours of**  
17 **determination of the initial total coliform positive sample [Section**  
18 **64424(a) *Authorities*].**
- 19 • **South Kern Industrial Center, LLC Water System failed the total coliform**  
20 **maximum contaminant level (MCL) for April 2014 [Section 64426.1(b)(2),**  
21 ***Authorities*].**
- 22 • On April 18, 2014, Dan Sackett of skOO'kum h2o monitoring, inc., the Water  
23 System's contracted sampler and certified distribution operator, notified the  
24 Department via email that the Water System failed the total coliform MCL for  
25 the month of April 2014. He also stated that the laboratory analyzing the  
26 samples did not notify him of the routine total coliform positive sample until  
27 April 15, 2014.



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- On April 26<sup>th</sup> and 27<sup>th</sup>, 2014, the Water System provided emergency disinfection of the 500,000 gallon storage tank and the distribution system. The distribution system was also flushed at that time.
  - On April 28, 2014, all five (5) special bacteriological samples, collected from the distribution system, tested negative for total coliform bacteria.
  - The Water System is required to collect five (5) routine bacteriological quality samples in May 2014.
  - None of the total coliform positive samples collected in April 2014, from the distribution system, tested positive for *E. coli* bacteria.
  - On May 1, 2014, a public notice and Proof of Notification were emailed to the Water System for the April 2014 total coliform MCL failure.
  - On May 7, 2014, the Department received signed and dated copies of the Proof of Notification and the public notice. According to these documents, public notification was completed on May 1, 2014.
  - On May 1, 2014, an investigation report was emailed to the Water System, for the April 2014 total coliform MCL failure.
  - On May 19, 2014, the Department received a completed copy of the investigation report. The investigation report was completed by Dan Sackett from skOO'kum h2o monitoring, inc.
  - The investigation report discussed lack of use of water from the sampling location (West Admin Sink) used during the routine sampling on April 9, 2014, and the nature of the facilities (composting operation) serving the Water System, as possible causes of total coliform positive samples in April 2014. The Department has noted, however, that this does not account for a repeat total coliform positive sample collected from a different location on April 16, 2014 (East Admin Sink).



- Results of all (source and distribution) bacteriological samples collected in April 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.



- 1 (2) Directing compliance in accordance with a time schedule set by the department.
- 2 (3) Directing that appropriate preventative action be taken in the case of a threatened violation.
- 3 (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- 4 (2) That purification or treatment works be installed.”

5 California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

6 <i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
7 25 to 1000	15 to 400	1 per month
8 1,001 to 2,500	401 to 890	2 per month
9 2,501 to 3,300	891 to 1,180	3 per month
10 3,301 to 4,100	1,181 to 1,460	4 per month
11 4,101 to 4,900	1,461 to 1,750	5 per month
12 4,901 to 5,800	1,751 to 2,100	6 per month
13 5,801 to 6,700	2,101 to 2,400	7 per month
14 6,701 to 7,600	2,401 to 2,700	2 per week
15 7,601 to 12,900	2,701 to 4,600	3 per week
16 12,901 to 17,200	4,601 to 6,100	4 per week
17 17,201 to 21,500	6,101 to 7,700	5 per week
18 21,501 to 25,000	7,701 to 8,900	6 per week
19 25,001 to 33,000	8,901 to 11,800	8 per week
20 33,001 to 41,000	11,801 to 14,600	10 per week
21 41,001 to 50,000	14,601 to 17,900	12 per week
22 50,001 to 59,000	17,901 to 21,100	15 per week

23 **§64424. Repeat Sampling.**

24 (a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

25 (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

26 (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

27 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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

- 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 Department determines that the South Kern Industrial Center, LLC 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 April 2014, when more than one sample collected in April 2014, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(a); Specifically, the Water System failed to collect repeat samples within 24 hours of determination of the initial routine total coliform positive sample in April 2014.

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

**DIRECTIVES**

South Kern Industrial Center, LLC 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 64424(a) and 64426.1(b)(2) of Title 22, California Code of Regulations.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**SEVERABILITY**

The directives of this citation are severable, and South Kern Industrial Center, LLC shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

May 22, 2014  
Date

Jaswinder S. Dhaliwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

JSD/dc

**ATTACHMENT**

Attachment A: Summary of Bacteriological Samples Collected in April 2014

CC: Kern County Environmental Health Services Department (w/o attachment)  
Dan Sackett, skOO'kum h2o monitoring, inc.



## **Attachment A**

---

## *South Kern Industrial Center*

---

**1503232**

*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>
4/9/2014	13:14	4ROU - West Adm	P	A		Routine			
4/16/2014	13:32	4ROU - West Adm	P	A		Repeat			
4/16/2014	13:37	4REP1 - East Ad	P	A		Repeat			
4/16/2014	13:42	4REP2 - Maintena	A	A		Repeat			
4/28/2014	14:30	3ROU - Equip. Pa	A	A		Other			
4/28/2014	14:30	5ROU - Maintenan	A	A		Other			
4/28/2014	14:35	4ROU - West Adm	A	A		Other			
4/28/2014	14:35	4ROU - West Adm	A	A		Other			
4/28/2014	14:40	2ROU - East Admi	A	A		Other			

---

# *South Kern Industrial Center*

---

**1503232**

*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>
4/16/2014	13:30	WELL #1	A	A			GWR, Repeat

---