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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 – December 2014
CITATION NO. 03-19-15C-001
Issued on January 28, 2015

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 United States Forest

1 Service (USFS) Havilah Work Center Water System (hereinafter, Water System)
2 (mailing address: 1839 S. Newcomb Street, Porterville, CA 93257) for violation of the
3 California Code of Regulations (CCR), Title 22, Section 64426, subsection (b)(2).
4

5 **STATEMENT OF FACTS**

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

- 15 • The Water System is required to collect one (1) routine bacteriological sample
16 per month.
- 17 • One (1) routine bacteriological quality sample collected on December 3, 2014,
18 from the distribution system, tested positive for total coliform bacteria.
- 19 • Three (3) out of four (4) repeat samples collected on December 8, 2014, from
20 the distribution system, tested positive for total coliform bacteria.
- 21 • One special sample collected on December 10, 2014, from the 20,000 gallon
22 tank tested negative for coliform bacteria.
- 23 • One (1) Ground Water Rule triggered source sample collected on December
24 10, 2014, from Well 01, tested negative for total coliform bacteria.
- 25 • **USFS – Havilah Work Center Water System failed the total coliform**
26 **maximum contaminant level (MCL) for December 2014 [Section**
27 **64426.1(b)(2), Authorities].**

- 1 • None of the bacteriological quality samples collected in December 2014, from
2 the distribution system or the system well, tested positive for *E.coli* bacteria.
- 3 • On December 9, 2014, Dan Sackett of sKOO'kum h2o monitoring, inc., the
4 Water System's contract sampler, notified the Division that the Water System
5 failed the total coliform MCL for December 2014.
- 6 • On December 23, 2014, after emergency disinfection and flushing were
7 provided to the distribution system, six (6) special bacteriological samples
8 collected from the distribution system, tested negative for total coliform
9 bacteria.
- 10 • On December 19, 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 January 12, 2015, the Division received signed and dated copies of the
13 public notice and the Proof of Notification from the Water System. According
14 to these documents, public notification was completed on January 7, 2015.
- 15 • On December 19, 2014, an investigation report template was emailed to the
16 Water System, for the August 2014 total coliform MCL failure.
- 17 • On January 15, 2015, the Department received a completed copy of the
18 investigation report, in response to the December 2014 total coliform MCL
19 failure, from Dan Sackett of sKOO'kum h2o monitoring, inc. The investigation
20 report was completed by Shon Sackett.
- 21 • The investigation report indicated the possible cause of contamination as low
22 water usage by the Water System, due to the camp being closed for the last few
23 months. The Division recommends establishing a flushing program during
24 periods of low usage.
- 25 • **It is noted that the Water System also failed the total coliform MCL in**
26 **July of 2014. If another total coliform MCL failure occurs for the Havilah**
27 **Work Center Water System on or before July 2015, the Water System**



1 shall be directed to provide continuous chlorination treatment. Having
2 more than two total coliform failures in a twelve-month period is
3 considered significant noncompliance and requires immediate corrective
4 actions.

- 5 • Results of all bacteriological samples collected from January 2014 to
6 December 2014, are summarized in **Attachment A**.

7
8 **AUTHORITIES**

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

10 “(a) Each public water system shall reimburse the department for the actual costs incurred
11 by the department for any of the following enforcement activities related to that water system:

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

14 ...
15 (b) The department shall submit an invoice for these enforcement costs to the public
16 water system that requires payment prior to September 1 of the fiscal year following the fiscal
17 year in which the costs were incurred. The invoice shall indicate the total hours expended,
18 the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth
19 in the invoice shall not exceed the total actual costs to the department of the enforcement
20 activities specified in this section.”...

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

23 “(a) If the department determines that a public water system is in violation of this chapter
24 or any regulation, permit, standard, or order issued or adopted thereunder, the department may
25 issue a citation to the public water system. The citation shall be served upon the public water
26 system personally or by registered mail.

27 (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.

- 1 (2) For failure to comply with any citation or order issued for violation of a
 2 secondary drinking water standard that the director determines may have a direct or
 3 immediate relationship to the welfare of the users, an amount not to exceed one
 4 thousand dollars (\$1,000) for each day that the violation continues beyond the date
 5 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.”

6 **Section 116655 of the CHSC**, states in relevant part:

7 “(a) Whenever the department determines that any person has violated or is violating this
 8 chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the
 9 director may issue an order doing any of the following:

- 10 (1) Directing compliance forthwith.
 11 (2) Directing compliance in accordance with a time schedule set by the
 12 department.
 13 (3) Directing that appropriate preventative action be taken in the case of a
 14 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.”

13 **California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table**
 14 **64423-A** establishes the minimum routine sampling requirements, and states in relevant
 15 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

25 **CCR, Title 22, Section 64426.1** establishes the total coliform maximum contaminant
 26 level and states in relevant part:

27 “(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

1 such as those listed in 64421(b) and samples collected by the water supplier during special
2 investigations shall not be used to determine compliance with the total coliform MCL.

3 (b) A public water system is in violation of the total coliform MCL when any of the
4 following occurs:

5 (1) For a public water system which collects at least 40 samples per month, more
6 than 5.0 percent of the samples collected during any month are total coliform-
7 positive; or

8 (2) For a public water system with collects fewer than 40 samples per month, more
9 than one sample collected during any month is total coliform-positive; or

10 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

11 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine
12 sample is total coliform-positive.”

13 DETERMINATIONS

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

- 16
- 17 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated
18 the total coliform MCL for December 2014 when more than one sample during
19 the month, tested positive for total coliform bacteria.

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

21 DIRECTIVES

22 USFS – Havilah Work Center Water System is hereby directed to take the following
23 actions:

- 24 1. Cease and desist from failing to comply with Section 116555(a) of the
25 California Health and Safety Code (CHSC) and Section 64426.1(b)(2) of Title
26 22, California Code of Regulations.
- 27 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 USFS – Havilah Work Center Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and USFS – Havilah Work Center Water System 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

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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 Citation.

4
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.

8
9 Jan. 28, 2015
10 Date

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

15 **Attachment**

Attachment A: Bacteriological Summary January 2014 through December 2014

16
17 cc: Kern County Environmental Health Services Department (w/o attachment)
18 Dan Sackett, Contract Sampler (via email), sKOO'kum h2o monitoring, inc.
19 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	Cit #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			
10/8/2014	10:52	1ROU	A	A		Routine			
11/13/2014	10:08	1ROU	A	A		Routine			
12/3/2014	10:46	1ROU	P	A		Routine			
12/3/2014	10:46	1ROU	P	A		Routine			
12/8/2014	11:05	1REP2	A	A		Repeat			
12/8/2014	11:05	Barracks	A	A		Repeat			
12/8/2014	12:55	Warehouse	P	A		Repeat			
12/8/2014	13:00	1REP1	P	A		Repeat			
12/8/2014	13:00	1REP3	P	A		Repeat			
12/8/2014	13:00	Engine Office, Kitc	P	A		Repeat			
12/8/2014	13:10	1REP4	P	A		Repeat			
12/8/2014	13:10	Residential Trailer	P	A		Repeat		MCL	Citation #-3-19-15C-001 issued
12/10/2014	13:51	STORAGE TANK	A	A		Repeat			

<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 Violation</i>	<i>Comment</i>
12/10/2014	13:51	Tank	A	A		Repeat		
12/23/2014	8:51	1ROU	A	A		Other		
12/23/2014	8:51	Kitchen Sink	A	A		Other		
12/23/2014	8:59	3ROU	A	A		Other		
12/23/2014	8:59	Barracks	A	A		Other		
12/23/2014	9:01	2ROU	A	A		Other		
12/23/2014	9:01	Residential Trailer	A	A		Other		
12/23/2014	9:08	4ROU	A	A		Other		
12/23/2014	9:08	Warehouse	A	A		Other		
12/23/2014	9:10	5ROU	A	A		Other		
12/23/2014	9:10	New Barracks	A	A		Other		
12/23/2014	9:16	STORAGE TANK	A	A		Other		
12/23/2014	9:16	Storage Tank	A	A		Other		

US Forest Service - Havilah Work Center

1502572

Source Monitoring Freq:

<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			GWR Compliance
12/10/2014	13:53	Well #1	A	A			GWR Compliance
