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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Anthony Vineyards, Inc.
P. O. Box 9578
Bakersfield, CA 93389

Attn: Brendan Mills, Operations Manager
Anthony Vineyards Water System

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CERTIFIED MAIL

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**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1503576**

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July 2015

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C I T A T I O N N O. 03-19-15C-013

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Issued on October 22, 2015

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STATEMENT OF FACTS

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Anthony Vineyards Water System (hereinafter Water System) is classified as a transient non-community public Water System and serves a population of approximately 60 persons through 8 service connections. The Water System operates under the authority of an interim approval letter dated March 2, 2007 (issued by California Department of Health Services, Division of Drinking Water and Environmental Management) under which the Water System was granted handwashing exemption. Due to a change in regulations, the Water System's handwashing exemption approval was revoked by a letter dated January 31, 2013. The Water System continues to provide bottled water for drinking and cooking. Due to high

1 nitrate in the water produced by the Water System's well, the Water System has
2 installed point of entry nitrate removal treatment (using reverse osmosis).

3 Effective July 1, 2014, regulatory jurisdiction of the Water System was transferred to
4 State Water Resources Control Board (hereinafter State Board), Division of Drinking
5 Water. The State Board will issue a new domestic water supply permit to the Water
6 System when the Water System's permit application is complete and the State Board
7 has received all necessary information to issue a domestic water supply permit.

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

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14 The State Board, acting by and through its Division of Drinking Water and the Deputy
15 Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to
16 Anthony Vineyards Water System (mailing address: P.O. Box 9578, Bakersfield, CA
17 93389) for violation of California Code of Regulations (CCR), Title 22, Section
18 64426.1 subsection (b)(2).

- 19
- 20 • The Water System collects one (1) routine distribution system bacteriological
21 sample per month. Due to installation of continuous chlorination treatment,
22 the Water System also collects one raw water source sample from Well 01
23 every quarter.
 - 24 • One (1) quarterly bacteriological quality sample collected on July 8, 2015,
25 from Well 01, tested positive for total coliform bacteria. One routine sample
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1 collected on the same day from the distribution system, tested negative for total
2 coliform bacteria.

- 3 • On July 10, 2015, Tyler Beck of Seaco Technologies, Inc. notified the State
4 Board, by telephone of the total coliform positive sample collected on July 8,
5 2015, from Well 01.
- 6 • All three (3) repeat samples collected on July 13, 2015, from the distribution
7 system, showed the presence of total coliform bacteria when analyzed by the
8 Most Probable Number (MPN) test method.
- 9 • One (1) sample collected on July 13, 2015, from Well 01, also showed the
10 presence of total coliform bacteria when analyzed by the MPN test method.
- 11 • **Anthony Vineyards Water System failed the total coliform maximum**
12 **contaminant level (MCL) for July 2015 [Section 64426.1(b)(2),**
13 **Authorities].**
- 14 • On July 14, 2015, the State Board directed the Water System to disinfect and
15 flush the well, conduct a well cycle test, inspect all domestic water supply
16 facilities, and maintain adequate chlorine residual in the distribution system.
17 The Water System was also directed to collect additional samples from the
18 storage tanks, pressure tank, nitrate treatment plant(s), effluent, and the
19 distribution system.
- 20 • Following disinfection and flushing of Well 01, all five (5) bacteriological
21 quality samples (part of the well cycle test) collected on July 20, 2015, from
22 the well, tested negative for total coliform bacteria.
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- After disinfecting storage tanks and distribution system, the Water System collected a total of ten (10) bacteriological quality samples on July 27, 2015, which included: one (1) sample from Well 01, four (4) samples from the distribution system, three (3) samples from the 10,000-gallon storage tanks (located upstream of the nitrate removal treatment plants), and two (2) samples from the 500-gallon reverse osmosis finished water HDPE storage tanks. one (1) sample from Well 01, two (2) of the distribution system samples, , three (3) samples from the 10,000-gallon storage tanks, and one (1) sample from the 500-gallon reverse osmosis finished water storage tank #1, tested positive for total coliform bacteria.
 - None of the samples collected in July 2015 showed the presence of *E.coli* bacteria.
 - On August 4, 2015, Well 01, all three 10,000-gallon storage tanks, and the distribution system were disinfected and flushed, and on August 5, 2015, a well cycle test of Well 01 was again conducted. All five (5) well cycle test samples collected on August 5, 2015, from Well 01, tested negative for total coliform bacteria.
 - On August 7, 2015, eight (8) special samples were collected from the distribution system and storage tanks, and one (1) special sample was collected from Well 01. All nine (9) special samples tested negative for total coliform bacteria.

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- On August 5, 2015, a public notice and *Certification of Completion of Public Notification* were emailed to the Water System for the July 2015 total coliform MCL failure.
 - On August 10, 2015, the State Board received signed and dated copies of the *Certification of Completion of Public Notification* and the public notice. According to these documents, public notification was completed on August 10, 2015.
 - On August 5, 2015, an investigation report was emailed to the Water System, for the July 2015 total coliform MCL failure.
 - On August 26, 2015, the State Board received a copy of the investigation report. The investigation report was completed by Tyler Beck. The investigation report was not completed fully and did not include a summary describing the possible cause of the total coliform failure in July 2015.
 - On August 13, 2015, four (4) routine bacteriological samples collected from the distribution system, and one (1) sample collected from Well 01, tested negative for total coliform bacteria.
 - On September 16, 2015, Tyler Beck informed the State Board by telephone that the Water System failed the total coliform MCL for September 2015. The State Board will issue a separate citation to document the total coliform MCL failure for September 2015.
 - On September 17, 2015, Osiel Jaime and Jaswinder Dhaliwal from the State Board conducted a field inspection of the Water System to investigate the source of total coliform positive samples. In an email sent to the Water System

1 on September 21, 2015, a list (nine items) of recommended corrective actions
 2 was sent. A copy of the email is provided as **Attachment A**. On October 15,
 3 2015, Tyler Beck sent an email response to the State Board stating that Items 3
 4 through 8 of the September 21, 2015, email were being addressed by the Water
 5 System, and that Items 1 and 2 (related to changes in chlorination treatment)
 6 would be addressed before the end of October 2015. Additional guidance
 7 related to Item No. 1 (preparation of an updated Bacteriological Sample Siting
 8 Plan) was sent to Tyler Beck on October 15, 2015, by the State Board staff. **As**
 9 **of writing of this citation, corrective actions related to Item Nos. 1, 2, and**
 10 **9, remain to be completed.**

- 11
- 12 • Results of all (source and distribution) bacteriological samples collected from
 13 January 2015 to September 2015 are summarized in **Attachment B**.
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15 AUTHORITIES

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

17 “(a) Each public water system shall reimburse the State Board for the actual costs incurred by the
 18 State Board for any of the following enforcement activities related to that water system:

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

20 ...

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

23 **Section 116650 of the CHSC**, states in relevant part:

24 “(a) If the State Board determines that a public water system is in violation of this chapter or any
 25 regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a
 citation to the public water system. The citation shall be served upon the public water system personally
 or by certified mail. Service shall be deemed effective as of the date of personal service
 or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept
 delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations,
 26 including a reference to the statutory provision, standard, order, citation, permit, or regulation
 27 alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

Section 116655 of the CHSC, states in relevant part:

(a) Whenever the State Board 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 State Board.
- (3) Directing that appropriate preventive 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:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

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 State Board 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 State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board 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 State Board has determined that the Anthony Vineyards 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 2015, when more than one sample collected in July 2015, tested positive for total coliform bacteria.

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

DIRECTIVES

Anthony Vineyards 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. By **October 31, 2015**, the Water System shall take corrective actions (listed in **Attachment A**) and submit a written response to the State Board, explaining the actions taken.

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3. The Water System shall reimburse the State Board, 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 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or 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 State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon Anthony Vineyards Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Anthony Vineyards Water System 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 State Board imposing an administrative penalty in an amount not to exceed one thousand dollars (\$1,000) per day as of the date of violation of any provision of this Citation.

Oct. 22, 2015
Date

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

Certified Mail No. 7012 1010 0001 3880 1478

ATTACHMENT

- Attachment A: State Board Staff Email Dated September 21, 2015
- Attachment B: Summary of Bacteriological Samples Collected from January 2015 – September 2015
- CC: Kern County Environmental Health Services Department (w/o attachments)
Charlie Howell, Seaco Technologies, Inc. (via email)
Tyler Beck, Treatment Operator, Seaco Technologies, Inc. (via email)

JSD/dc

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Attachment A

Carlton, Dawn@Waterboards

From: Jaime, Osiel@Waterboards
Sent: Monday, September 21, 2015 9:43 AM
To: Brendan Mills (bmills@anthonyvineyards.com)
Cc: tbeck@seacotech.com; Carlton, Dawn@Waterboards; Dhaliwal, Jesse@Waterboards
Subject: Anthony Vineyards (1503576) Total Coliform MCL Failures Follow-Up Actions

Hello Mr. Mills,

Per our field meeting on September 17, 2015, below is a list of recommended actions to address the total coliform MCL failures.

1. Install two separate chlorination facilities downstream of the reverse osmosis treatment plants. The wellhead chlorination unit may be removed or the chlorine dosage should be lowered.
2. If the wellhead chlorination facility is not removed, then a raw water sample tap upstream of the chlorine injection point should be installed.
3. Install a casing vent for the well. The casing vent should terminate at least 3 feet above grade, facing down, and be provided with a screen.
4. Fine mesh screens should be installed over the coarse screens for the steel storage tanks.
5. Install caps at the end of the drain lines for the steel storage tanks.
6. On the plastic storage tanks, the openings for the electrical wires should be screened or sealed.
7. Non-threaded sample taps should be installed at the outlet lines of each plastic storage tank.
8. Non-threaded sample taps should be installed at the entry points of each home.
9. A new Bacteriological Sample Siting Plan (BSSP) should be developed so all samples are collected downstream of the reverse osmosis treatment units. Please contact me to develop the BSSP.

We will send you a separate e-mail regarding the operation and sampling requirements for the reverse osmosis treatment. Please send me your treatment log sheet in electronic format. I would like make a few minor adjustments to it.

Thank You,

Osiel Jaime
Sanitary Engineer
SWRCB – Division of Drinking Water
(661) 335-7347

Attachment B

Anthony Vineyards

1503576

Distribution System Freq: 1/Month

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/6/2015	11:26	Breakroom Faucet	A	A		Routine	1.04		
2/10/2015	10:05	5364 Valpredo	A	A		Routine			
3/9/2015	9:17	5440 Valpredo	A	A		Routine	2.15		
4/6/2015	11:35	Grape Receiving	A	A		Routine			
5/4/2015	12:38	Admin. Lunch Roo	A	A		Routine	1.08		
6/3/2015	11:43	Admin. Lunch Roo	A	A		Routine	2.18		
7/8/2015	15:34	Front of House HB	A	A		Routine	0.27		
7/27/2015	10:40	5364 Valpredo HB	A	A		Special			
7/27/2015	10:50	5440 Valpredo HB	P	A		Special	0.04	MCL	Citation '03_19_15C_013 issued on 10/22/15.
7/27/2015	11:00	Admin. Lunch Roo	P	A		Special	0.06		
7/27/2015	11:10	"Storage Tank #1,	A	A		Special			
7/27/2015	11:22	Admin. Bldg. W/S	A	A		Special	0.2		
7/27/2015	11:41	"Storage Tank #2,	P	A		Special	0.26		
7/27/2015	11:47	"Storage Tank #3,	P	A		Special	0.18		
7/27/2015	11:51	"Storage Tank #4,	P	A		Special	0.18		
7/27/2015	11:55	"Storage Tank #5,	P	A		Special	0.18		
8/7/2015	8:37	5364 Valpredo	<1	<1		Other	0.18		
8/7/2015	8:46	5440 Valpredo	<1	<1		Other	0.67		
8/7/2015	9:00	Admin Lunch Roo	<1	<1		Other	1.44		
8/7/2015	9:05	W of Admin Bldg (<1	<1		Other	1.94		
8/7/2015	9:09	RO Storage Tank	<1	<1		Other	1.22		
8/7/2015	9:20	Storage Tank #00	<1	<1		Other	1.21		
8/7/2015	9:30	Storage Tank #00	<1	<1		Other	0.97		
8/7/2015	9:34	RO Storage Tank	<1	<1		Other	1.10		
8/13/2015	10:39	5364 Vapredo	A	A		Routine	2.2		
8/13/2015	10:48	5440 Valpredo	A	A		Routine	2.19		
8/13/2015	11:06	Grape Receiving	A	A		Routine	2.18		
8/13/2015	11:11	Admin. Bldg. Lunc	A	A		Routine	2.2		
9/17/2015	13:45	5364 Valpredo	P	A		Repeat	0.05		
9/17/2015	13:58	West of Admin. BI	P	A		Repeat	0.05		MCL - Citation pending to be issued
9/17/2015	14:07	Admin. Bldg	A	A		Repeat	0.03		
9/17/2015	14:11	SW Corner Maint.	P	A		Repeat	0.02		

Anthony Vineyards

1503576

Source Monitoring Freq: QTRLY.

<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>
1/9/2015	11:28	Well 001 / Routine	A	A			
4/6/2015	11:45	Well 001 / Routine	A	A			
7/8/2015	15:40	Well #001/ Routine	P	A			
7/27/2015	11:35	Well #001 / Special	5.3	A			
8/5/2015	15:30	Well 01/Cycle	<1	<1			
8/5/2015	15:31	Well 01/Cycle	<1	<1			
8/5/2015	15:35	Well 01/Cycle	<1	<1			
8/5/2015	15:45	Well 01/Cycle	<1	<1			
8/5/2015	16:00	Well 01/Cycle	<1	<1			
8/7/2015	9:20	Well 001/Special	<1	<1			
8/13/2015	10:58	Well #001/Routine	A	A			