STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

IN RE: **WEEKS WHOLESALE ROSE GROWER WATER SYSTEM**
Water System No. 1503642

TO: Randy Poe, Plant Manager
Weeks Wholesale Rose Grower Water System
30135 McCombs Road
Wasco, CA 93280

BY REGISTERED MAIL

CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1503642
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
June 2013

Citation No. 03-19-13C-043

Issued on August 14, 2013

STATEMENT OF FACTS

Weeks Wholesale Rose Grower Water System (hereinafter Water System) is classified as a non-transient non-community Water System and serves a population of approximately twenty five (25) persons through one (1) service connection. The Water System has one (1) active source of supply, Well 01 (PS Code: 1503642-001). No treatment is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 03-19-06P-002, issued on October 12, 2006, by the California Department of Public Health.

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

- The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per month. Please refer to the Water System's approved Bacteriological Sample Siting Plan (BSSP) or Table 64423-A.
- One (1) routine sample collected on June 24, 2013, from the distribution system tested positive for total coliform bacteria.
- All three (3) repeat samples collected on June 26, 2013, from the distribution system, tested positive for total coliform bacteria.
- One (1) repeat sample (also counted towards the Ground Water Rule's trigger source sampling requirement) collected on June 26, 2013, from Well #1, tested negative for total coliform bacteria.
- None of the total coliform positive samples from the distribution system or Well #1, tested positive for *E.coli* bacteria.
- **Weeks Wholesale Rose Growers Water System failed the total coliform maximum contaminant level (MCL) for June 2013 [Section 64426.1(b)(2) *Authorities*].**
- On June 28, 2013, Dennis Gatson of McMor Chlorination notified the Department that the Water System failed the total coliform maximum contaminant level (MCL) for the month of June 2013.
- On July 17, 2013, a public notice and Proof of Notification were emailed to the Water System for the June 2013 total coliform MCL failure.

- On July 18, 2013, the Department received signed and dated copies of the public notice and Proof of Notification. According to these documents, public notification was completed on July 17, 2013.
- On July 17, 2013, an investigation report was emailed to the Water System for the June 2013 total coliform MCL failure.
- On August 6, 2013, the Department received a completed copy of the investigation report in response to the June 2013 total coliform MCL failure. The investigation report was completed by McMor Chlorination Inc., on behalf of the Water System.
- The investigation report did not identify a source of bacteriological contamination in June 2013. Based on the Department's review of the bacteriological sampling results, problems in the distribution system may be the cause of contamination since Well 01 tested negative for total coliform bacteria per sampling conducted on June 26, 2013.
- The Water System inspected domestic water supply facilities and provided emergency disinfection treatment for two weeks from June 28, 2013 to July 10, 2013 to help bacteriological contamination from the distribution system. After discontinuing the emergency treatment on July 10, the distribution system was flushed.
- Five (5) investigative bacteriological quality samples collected on July 12, 2013, from the distribution system, tested negative for total coliform bacteria.
- Five (5) routine bacteriological quality samples collected on July 12, 2013, from the distribution system, tested negative for total coliform bacteria
- Results of all bacteriological samples collected from January 2013 to July 2013 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."

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

Monthly Population Served	*Service Connections*	*Minimum Number of Samples*
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 Department determines that the Weeks Wholesale Rose Grower 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 2013 when more than one sample collected in June 2013 tested positive for total coliform bacteria.

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

DIRECTIVES

Weeks Wholesale Rose Grower 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 (CCR).

2. The Water System shall reimburse the Department, 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 Department) of the fiscal year 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, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Department 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 Department; and petition the superior court to take various enforcement measures

against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon Weeks Wholesale Rose Grower Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Weeks Wholesale Rose Grower 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 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.

Aug. 14, 2013
Date

Jaswinder Dhaliwal

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

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ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2013 through July 2013.

Cc: Kern County Environmental Health Services Department (w/o attachment)
McMor Chlorination, Inc.

Attachment A

Weeks Wholesale Rose Grower Water System

1503642

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/25/2013	9:48	5ROU	A	A		Routine			
1/25/2013	9:48	5ROU	A	A		Routine			
2/15/2013	10:26	2ROU	A	A		Routine			
3/15/2013	10:17	3ROU	A	A		Routine			
4/12/2013	10:30	4ROU	A	A		Routine			
5/17/2013	9:33	5ROU	A	A		Routine			
6/24/2013	11:35	1ROU	P	A		Routine			
6/26/2013	13:51	1REP3	P	A		Repeat		MCL	Citation 03-19-13C-043 Issued
6/26/2013	13:54	1ROU	P	A		Repeat			
6/26/2013	14:03	1REP2	P	A		Repeat			
7/12/2013	10:45	1ROU	A	A		Other			Investigative
7/12/2013	10:45	N/E Corner of Lab	A	A		Routine			
7/12/2013	10:47	4ROU	A	A		Other			Investigative
7/12/2013	10:47	West break Area	A	A		Routine			
7/12/2013	10:50	3ROU	A	A		Other			Investigative
7/12/2013	10:50	Breakroom	A	A		Routine			
7/12/2013	10:52	2ROU	A	A		Other			Investigative
7/12/2013	10:52	Westside Shipping	A	A		Routine			
7/12/2013	10:55	1ROU	A	A		Other			Investigative
7/12/2013	10:55	N/W Corner Outsi	A	A		Routine			
7/19/2013	10:15	5ROU	A	A		Routine			
7/19/2013	10:17	4ROU	A	A		Routine			
7/19/2013	10:20	1ROU	A	A		Routine			
7/19/2013	10:23	3ROU	A	A		Routine			
7/19/2013	10:27	2ROU	A	A		Routine			

Weeks Wholesale Rose Grower Water System

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Source Monitoring Freq:

Sample Date	*Time*	*Source*	*T Coli*	*E Coli*	*F Coli*	*Violation*	*Comment*
6/26/2013	13:59	001	A	A			