



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 25, 2014

Mr. Terry Cavanagh
Saratoga Springs
10243 Saratoga Springs Road
Upper Lake, CA 95485

**CITATION NO. 02-03-14C-023 FOR PWS NO. 1700704
BACTERIOLOGICAL MAXIMUM CONTAMINANT VIOLATION**

Enclosed is a citation issued to the Saratoga Springs (System), public water system number 1700704, for violating the maximum contaminant level for total coliform bacteria in June 2014.

Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Department's hourly rate (currently estimated at \$128.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento.

If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2145.

Sincerely,

A handwritten signature in cursive script that reads "Michelle F. Frederick".

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

c: Lake County Environmental Health Department

1700704/Compliance Section #6
Citation 02-03-14C-023-1700704-22/LSH

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

50 D Street, Suite 200, Santa Rosa, CA 95404 | www.waterboards.ca.gov

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
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Saratoga Springs

Water System No: 1700704

To: Saratoga Springs
10243 Saratoga Springs Road
Upper Lake, CA 95485

Issued: September 25, 2014

**CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL
June 2014**

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to the Saratoga Springs (System) for failure to comply with Section 64426.1, Title 22, of the California Code of Regulations (CCR).

Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to

1 comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any
2 regulation, standard, permit or order issued thereunder. A copy of the *Applicable*
3 *Statutes and Regulations* is located in Appendix 1, which is attached hereto and
4 incorporated by reference.

5 **STATEMENT OF FACTS**

6
7 Saratoga Springs collected a routine bacteriological sample on June 17, 2014. This
8 sample tested positive for total coliform and negative for *E. coli*. A raw source
9 sample from Well 01 was also collected on June 17, 2014. It showed the presence
10 of total coliform but was also negative for *E. coli*. The System collected four repeat
11 samples on June 19, 2014. All four repeat samples tested positive for total coliform.
12 One of the four also tested positive for fecal coliform. Raw samples were collected
13 from Well 01, Well 02, and Well 03 on June 19, 2014. None of the raw well samples
14 tested positive for *E. coli*. However, Wells 01 and Wells 02 were positive for total
15 coliform. On June 20, 2014, the Division required immediate boil water notifications
16 be posted for the water system due to the presence of *E. coli* in the distribution
17 system.

18
19 Division staff performed a physical inspection of the facility on June 30, 2014 and
20 informed the system of necessary corrective actions. During this event, it was
21 determined that the chlorinator had failed and distribution work was in progress that
22 was not under the supervision of a certified operator. Bacteriological sampling in
23 Well 01 in July 2014 and August 2014 continue to show total coliform levels of 200
24 most probable number (MPN) and 93 MPN, respectively. However, no *E.coli* was
25 found in the wells and no total coliform was found in the distribution system during
26 July 2014 and August 2014.
27

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

DETERMINATIONS

The Division has determined that Saratoga Springs violated Section 64426.1, Title 22, of the CCR in June 2014. Section 64426.1 states that a water supplier which collects fewer than 40 bacteriological samples a month is in violation of the total coliform maximum contaminant level (MCL) when more than one sample collected during any month is total coliform positive. Saratoga Springs collected five distribution system samples which tested positive for total coliform bacteria in June 2014. Therefore, the System violated the total coliform MCL contained in Section 64426.1, Title 22, of the CCR.

DIRECTIVES

Saratoga Springs is hereby directed to take the following actions:

1. Comply with Section 64426.1, Title 22, of the California Code of Regulations in all future monitoring periods.
2. By **October 16, 2014**, submit photographic evidence of a sampling tap on Well 01 located between the well head and the check valve.
3. Sample and analyze raw water from Well 01 for enumerated total coliform and *E. coli* every two weeks beginning **October 16, 2014** for the period of at least one year, unless otherwise directed by the Division. The samples shall be submitted electronically to the Division by the 10th day of the following month. If any sample is found to contain *E. coli*, the Division shall be notified within 24-hours. If the cause of the presence of total coliform in this well can be found, documented and eliminated to the satisfaction of the Division, then bacteriological monitoring may be decreased to a frequency of monthly.

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

4. Sample and analyze raw water from Wells 02 and 03 for enumerated total coliform and *E. coli* on a monthly basis beginning **October 20, 2014** for the period of at least one year, unless otherwise directed by the Division. The samples shall be submitted electronically to the Division by the 10th day of the following month. If any sample is found to contain *E. coli*, the Division shall be notified within 24-hours.

5. The water system shall have a certified T1 or D1 operator performing weekly visits of the water treatment and distribution system facilities. The name of the certified operator who will perform this work, and if it is not an employee of Saratoga Springs, a contract showing a requirement for weekly visits shall be submitted to the Division by **November 17, 2014**.

6. The System shall complete a cross-connection control survey by **December 1, 2014**. The survey shall include a field assessment of the premises within its service area to evaluate the potential for backflow into the public water system, including potential cross-connections to the non-potable irrigation system, the pool, and septic system. The survey must be conducted by a cross-connection control specialist certified by the California-Nevada Section of the American Water Works Association. The System shall submit a copy of the survey report to the Division by **December 1, 2014** to document that the survey was completed. All recommendations contained within the report shall be addressed. A report documenting completion of the recommended items shall be submitted to the Division, by **August 31, 2015**. This report shall also contain photographic evidence of the corrections, as appropriate.

1 7. Maintain a measurable free chlorine residual at all times and all locations in the
2 potable water distribution system. The free chlorine residual shall be measured
3 and recorded daily.

4
5 The Division reserves the right to make such modifications to this Citation, as it
6 deems necessary to protect public health and safety. Such modifications may be
7 issued as amendments to this Citation and shall be effective upon issuance.

8
9 Nothing in this Citation relieves the System of its obligation to meet the requirements
10 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4,
11 commencing with Section 116270), or any regulation, standard, permit or order
12 issued thereunder.

13 All documents required by this Citation shall be submitted to the Division at the
14 following address:

15
16 Michelle F. Frederick, P.E., District Engineer
17 Mendocino District
18 Drinking Water Field Operations Branch
19 50 D Street, Suite 200
20 Santa Rosa, CA 95404

21 **PARTIES BOUND**

22 This Citation shall apply to and be binding upon the System, its officers, directors,
23 agents, employees, contractors, successors and assignees.
24
25
26
27

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 the System shall comply with each and every provision thereof, notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division of Drinking Water to: issue additional citations with assessment of penalties if the 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.

Michelle F. Frederick *Sept 25, 2014*

Michelle F. Frederick, P.E.
District Engineer
Mendocino District

Date

Certified Mail No. 70123460000264594737

Appendices:

1. Applicable Statutes and Regulations

1700704/Compliance Section #6/02-03-14C-023-1700704-22/LSH



APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS

FOR CITATION NO. 02-03-14C-023

Note: The Department referenced below, formerly the California Department of Public Health, Drinking Water Program, now refers to the State Water Resources Control Board, Division of Drinking Water. The Drinking Water Program moved to the State Water Resources Control Board on July 1, 2014.

Section 116650 of the 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, citation, 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 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, including a reference to the statutory provision, standard, order, citation, permit, or regulation 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 department 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.

California Code of Regulations (CCR), Section 64424 states, in relevant part:

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

(1) The Department conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.

(2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the

public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with §64426.1.

California Code of Regulations (CCR), Section 64426 states, in relevant part:

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or E. coli; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in §64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(1) Contact the Department by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours; and

(2) Submit to the Department information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

- (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
- (B) Any interruptions in the treatment process;
- (C) System pressure loss to less than 5 psi;
- (D) Vandalism and/or unauthorized access to facilities;
- (E) Physical evidence indicating bacteriological contamination of facilities;
- (F) Analytical results of any additional samples collected, including source samples;
- (G) Community illness suspected of being waterborne; and
- (H) Records of the investigation and any action taken.

California Code of Regulations (CCR), Section 64426.1 states, in relevant part:

- (b) A public water system is in violation of the total coliform MCL [maximum contaminant level] when any of the following occurs:
 - (2) For a public water system which 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.

California Code of Regulations Section 64463.4 states, in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but **in no case less than seven days**;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for

reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **noncommunity water systems shall give the public notice by:**

(A) **Posting in conspicuous locations** throughout the area served by the water system; and

(B) **Using one or more of the following methods to reach persons not likely to be reached by a public posting:**

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

California Code of Regulations (CCR), Section 64465 states, in relevant part:

(a) Each public notice given pursuant to this article shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by

posting this public notice in a public place or distributing copies by hand or mail”;
and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: “We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During *[compliance period dates]*, we *[did not monitor or test or did not complete all monitoring or testing]* for *[contaminant(s)]*, and therefore, cannot be sure of the quality of your drinking water during that time.”

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people’s attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.