



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 18, 2015

Certified Mail
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Linda Freya, Administrator
Point Horizon Institute – Thunder Mountain
P.O. Box 70
Ravendale, CA 96123

TRANSMITTAL OF CITATION NO. 01-02-15(C)-008

Dear Ms. Freya,

The State Water Resources Control Board (Water Board) Division of Drinking Water has issued the Point Horizon Institute a citation, which is attached.

If you have any questions regarding this matter, please contact Sandi Tenney at (530) 224-4876 or me at (530) 224-4800.

A handwritten signature in cursive script that reads "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

Enclosure

cc: Richard Hinrichs, P.E., Chief – Northern California Section, DDW, Redding

KEC\1800632 Point Horizon Institute\File: Enforcement

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Point Horizon Institute
P.O. Box 70
Ravendale, CA 96123

Attn: Linda Freya, Administrator

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426, 64426.1, and 64430 - WATER SYSTEM NO. 1800632
CITATION NO. 01-02-15(C)008
Issued on May 18, 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 (hereinafter "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 Point Horizon Institute (hereinafter, Institute), located 6 miles South of Ravendale, Highway

1 395, CA 96123, for violation of California Code of Regulations (CCR), Title 22,
2 Section 64426 subsection (b) and 64426.1 subsection (b).

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116650 of California Health and Safety Code provides:**

6
7 (a) If the Division determines that a public water system is in violation of
8 this chapter or any regulation, permit, standard, citation, or order issued or adopted
9 thereunder, the Division may issue a citation to the public water system. The citation
10 shall be served upon the public water system personally or by certified mail. Service
11 shall be deemed effective as of the date of personal service or the date of receipt of
12 the certified mail. If a person to whom a citation is directed refuses to accept delivery
13 of the certified mail, the date of service shall be deemed to be the date of mailing.

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

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

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

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

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26 **California Code of Regulations, Title 22, Section 64422, subsections (a), and (c)**
27 **provides in relevant part:**

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(a) By September 1, 1992, each water supplier shall develop and submit to the Department a siting plan for the routine collection of samples for total coliform analysis, subject to the following:

(1) The sample sites chosen shall be representative of water throughout the distribution system including all pressure zones, and areas supplied by each water source and distribution reservoir.

(2) The water supplier may rotate sampling among the sample sites if the total number of sites needed to comply with (a)(1) above exceeds the number of samples required according to Table 64423-A. The rotation plan shall be described in the sample siting plan.

(c) The supplier shall submit an updated plan to the Department at least once every ten years and at any time the plan no longer ensures representative monitoring of the system.

California Code of Regulations, Title 22, Section 64426, subsections (a) and (b), provides in relevant part:

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

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

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(2) Submit to the Department information on the current status of the physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne.

California Code of Regulations, Title 22, Section 64426.1, subsection (b) provides, 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:

- (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 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, Title 22, Section 64430, provides, in relevant part:

A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Groundwater Rule published in 71 Federal Register 65574 (November 8, 2006) and amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009).

1 Section 141.402. (a) *Triggered source water monitoring-*

2 (1) *General requirements.* A ground water system must conduct triggered
3 source water monitoring if the conditions identified in paragraphs (a)(1)(i)
4 and (a)(1)(ii) of this section exist.

5 (ii) The system is notified that a sample collected under 22 California
6 Code of Regulations sections 64422 and 64423 is total coliform-
7 positive and the sample is not invalidated under 22 California
8 Code of Regulations section 64425.

9 (2) *Sampling requirements.* A ground water system must collect, within 24
10 hours of notification of the total coliform-positive sample, at least one ground
11 water source sample from each ground water source in use at the time the total
12 coliform-positive sample water collected under 22 California Code of
13 Regulations sections 64422 and 64423, except as provided in paragraph
14 (a)(2)(ii) of this section.

15 (h) *Monitoring violations.* Failure to meet the requirements of
16 paragraphs (a)-(f) of this section is a monitoring violation and requires the
17 groundwater system to provide public notification under Section 141.204.

18
19 **STATEMENT OF FACTS**

20 The Point Horizon Institute operates a transient non-community water system for a
21 retreat style facility. The guest population ranges from 0 to 104 and the population of
22 Institute staff ranges from 6 to 16 staff throughout the year. The water system
23 includes two active wells: Well 01 and Well 02. Disinfection of the water supply is not
24 provided.

25
26 On April 24, 2015, two routine bacteriological samples were collected from the
27 following sample site locations: "Kitchen Hand Sink" (representative of the Well 01

1 pressure zone) and "Laundry Outdoor Spigot" (representative of the Well 02 pressure
2 zone). The Division was notified, by the Sierra Environmental Laboratory, on Friday,
3 April 24, 2015, that a sample from the Laundry outdoor spigot showed the presence of
4 total coliform bacteria. The Division contacted the Institute on Monday, April 27, 2015
5 to determine what actions were taken in response to the positive sample result. The
6 Institute had not yet notified the Division of the significant rise in bacterial count. In
7 addition, the March 30, 2014 Bacteriological Sample Siting Plan was not followed.
8 Upon direction from the Division, repeat bacteriological samples were collected on
9 April 30, 2015, from the following locations: "Well #2 Inside Spigot", Well #2 Outside
10 Spigot-Laundry", Well #2 Outside Spigot-Stone Bldg.", and Well #2 Office Sink". Each
11 of the repeat samples was positive for total coliform bacteria and negative for *E. coli*.

12
13 Well 02 has a history of total coliform positive sample results, occurring on September
14 14, 2010, May 20, 2013, July 5, 2013, October 9, 2013, March 5, 2014, April 7, 2014,
15 July 1, 2014, and October 14, 2014.

16
17 A well drillers report, dated April 29, 1988, describes that Well 02 is constructed in
18 volcanic geology without a casing (open hole from 23 to 460 feet below ground
19 surface) and a sanitary seal of 23 feet in depth. California Water Works Standards
20 require new domestic water wells to be constructed with a sanitary seal of 50 feet.

21 22 DETERMINATION

23 The Division has determined that the Institute violated Section 64426 (a), (b)(1) (b)(2),
24 64426.1(b)(2), 64430, and 64560 (c) Title 22 of the CCR, in that the Institute exceeded
25 the total coliform MCL during the month of April 2015, and failed to contact the
26 Division during the mandated 24-hour notification period after determination of a
27 significant rise in bacterial count.

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DIRECTIVES

The Institute is hereby directed to take the following actions:

1. Comply with Section 64426.1 and Section 64430, Title 22, of the CCR in all future monitoring periods.

2. By no later than June 19, 2015, notify all persons served by the Institute of the MCL violation as required by Section 64463.4 and Section 64465, Title 22, of the CCR. Notification shall be completed in accordance with each of the following:
 - a. Mail or direct delivery of the notice contained in Attachment 'A' to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the Institute.
 - b. Provide the notice contained in Attachment 'A' to customers using one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery:
 - i. Publication in a local newspaper,
 - ii. Posting in conspicuous public places within the service area,
 - iii. Posting on the Internet, or
 - iv. Delivery to community organizations.

Changes and/or modifications to Attachment 'A' shall be not be made unless approved by the Division.

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3. Complete and return Attachment 'B' "Certification of Completion of Public Notification" form within 10 days of giving public notice. A copy of the notice used to provide public notification shall be attached to the form.

4. By no later than June 19, 2015, submit to the Division a Bacteriological Sample Siting Plan in accordance with the requirements of Section 64422 of Title 22 California Code of Regulations. The Institute shall complete and submit Attachment 'C' in order to meet this directive.

5. The Institute shall ensure that all bacteriological samples collected for compliance purposes are clearly labeled as described in the Institute's Bacteriological Sample Siting Plan, in order to remain in compliance with the monitoring requirements of the primary standards for total coliform bacteria.

6. The Institute shall submit to the Division, by June 30, 2015, a Corrective Action Plan to achieve compliance with the relevant sections of the California Code of Regulations, described in the findings above. The plan shall include information on the status of the physical works and/or operating procedures that may have caused elevated bacteriological findings in the distributions system.

1 All documents required by this Citation shall be submitted to the Division to the
2 following address:

3
4 Michael J. McNamara, P. E.
5 Lassen District Engineer
6 State Water Resources Control Board
7 Division of Drinking Water
8 364 Knollcrest Drive, Suite 101
9 Redding, CA 96002
10 (530) 224-4800
11

12 Nothing in this Citation relieves the Institute of its obligation to meet the requirements
13 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking
14 Water Act), or any regulation, permit, standard or order issued or adopted thereunder.
15

16 The Division reserves the right to make such modifications to this Citation, as it may
17 deem necessary to protect public health and safety. Such modifications may be
18 issued as amendments to this Citation and shall be effective upon issuance.
19

20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon the Institute, its officers, directors,
22 shareholders, agents, employees, contractors, successors, and assignees.
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24 **SEVERABILITY**

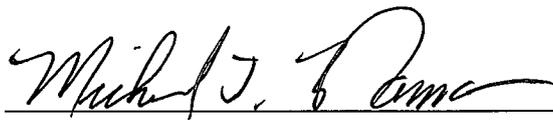
25 The Directives of this Citation are severable, and the Institute shall comply with each
26 and every provision thereof, notwithstanding the effectiveness of any other provision.
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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to 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 an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

May 18, 2015
Date


Michael J. McNamara, Lassen District Engineer
Northern California Section
Division of Drinking Water
State Water Resources Control Board

- Attachments:
- 'A' Public Notification Template
 - 'B' Certification of Completion
 - 'C' Bacteriological Sample Siting Plan form

