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GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

March 15, 2016

Whale Gulch Elementary School  
Ms. Brenda Bullington  
76811 Usal Road  
Whitethorn, CA 95589

### **CITATION NO. 02\_03\_16C\_005 FOR PUBLIC WATER SYSTEM NO. 2300847 BACTERIOLOGICAL MONITORING VIOLATION**

Enclosed is a citation issued to the Whale Gulch Elementary School public water system (System) by the State Water Resources Control Board, Division of Drinking Water (Division) for failure to conduct repeat bacteriological monitoring in January 2016.

Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Division's hourly rate (currently estimated at \$160.00) for the time spent issuing this citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a 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 at (707) 576-2604.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheri K. Miller".

Sheri K. Miller, P.E.  
Mendocino District Engineer  
Division of Drinking Water  
State Water Resources Control Board

Enclosures

c: Mendocino County Environmental Health Department

2300874/ComplianceFile#4  
02\_03\_16C\_005-2300847-26/LSH

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

50 D Street, Suite 200, Santa Rosa, CA 95404 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Whale Gulch Elementary School

**Water System No:** 2300847

**To:** Whale Gulch Elementary School  
76811 Usal Road  
Whitethorn, CA 95589

**Issued:** March 15, 2016

**CITATION FOR NONCOMPLIANCE  
WITH TOTAL COLIFORM REPEAT MONITORING REQUIREMENTS  
January 2016**

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to the Whale Gulch Elementary School (System) for failure to comply with Section 64424, 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 comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any

1 regulation, standard, permit or order issued thereunder. A copy of the *Applicable*  
2 *Statutes and Regulations* is located in Appendix 3, which is attached hereto and  
3 incorporated by reference.

#### 4 5 **STATEMENT OF FACTS**

6 Whale Gulch Elementary School is classified as a nontransient, noncommunity  
7 water system serving 14 connections with a population of approximately 50. The  
8 System collected a routine water sample on January 12, 2016 which tested positive  
9 for total coliform bacteria but negative for *E. coli* bacteria. According to Section  
10 64424, Title 22, of the CCR, the System is required to collect a repeat sample set  
11 **within 24 hours of being notified by the laboratory of the positive result.** A  
12 repeat sample set for a water system collecting one sample per month (or less) is  
13 four samples. Whale Gulch Elementary School collected **one repeat sample** on  
14 January 19, 2016, seven days after the initial sampling. This repeat sample tested  
15 negative for bacteria.

#### 16 17 **DETERMINATIONS**

18 The Division has determined that the Whale Gulch Elementary School water system  
19 violated Section 64424, Title 22, of the CCR in January 2016. This section requires  
20 water systems to collect a repeat sample set within 24 hours of being notified by the  
21 laboratory of the positive result. Whale Gulch Elementary School failed to collect a  
22 complete repeat sample set within 24 hours of being notified by the laboratory of the  
23 January 12, 2016 positive sample.

#### 24 25 **DIRECTIVES**

26 The Whale Gulch Elementary School is hereby directed to take the following actions:  
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1. Comply with Section 64424, Title 22, of the California Code of Regulations in all future monitoring periods. A copy of relevant regulatory sections is provided in Appendix 3.
  
2. Notify all persons served by the System of the January 2016 bacteriological monitoring violation no later than **April 12, 2016**. The Public Notification Template in Appendix 1 must be used to fulfill this directive. **The corrective actions section and contacts section of the template must be completed prior to notification.** Two forms of public notice are required, and the notification must be in conformance with Sections 64463.7 and 64465, Title 22 of the CCR (copy of these regulations provided in Appendix 3).
  
3. The System shall complete and sign Appendix 2: Compliance Certification. The completed Compliance Certification form, with copies of the **two methods** of public notification attached, shall be submitted to the Division no later than **April 29, 2016**.

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

State Water Resources Control Board  
Division of Drinking Water - Mendocino District  
50 D Street, Suite 200  
Santa Rosa, CA 95404

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

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

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**PARTIES BOUND**

This Citation shall apply to and be binding upon the System, its officers, directors,  
agents, employees, contractors, successors and assignees.

**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.

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**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.

*[Handwritten signature]*

Sheri K. Miller, P.E.  
Mendocino District Engineer  
Division of Drinking Water  
State Water Resources Control Board

*3-15-2016*

Date

Certified Mail No. 7014120000011677136

Appendices (3):

- 1. Public Notification Template
- 2. Compliance Certification Form
- 3. Applicable Statutes and Regulations



2300847/Compliance File #4  
02\_03\_16C\_005-2300847-26/LSH

## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

### **Whale Gulch Elementary School Failed to Complete Follow up Testing for Bacteria**

We took a water sample in January 2016 that tested positive for bacteria. We failed to conduct follow up testing, as required by the California Code of Regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

#### **What should I do?**

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

#### **What happened?**

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During January 2016, a water sample tested positive for total coliform bacteria. We did not complete all required follow up testing for bacteria after we received the positive result. Therefore we cannot be sure of the bacteriological quality of the drinking water during that time.

#### **What does this mean?**

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Our testing did not show harmful bacteria in the water, only coliforms. Coliform bacteria indicate the possibility of potential contamination and may originate from human, animal, or soil sources. If drinking water standards are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the safety of the water. Our failure to conduct all required follow up testing for bacteria during January 2016 was a violation of Section 64424, Title 22 of the California Code of Regulations (CCR).

**What corrective actions have been taken by the Whale Gulch Elementary School to prevent this violation from occurring in the future?**

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

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*(name)*

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*(address)*

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*(phone number)*

**APPENDIX 2. COMPLIANCE CERTIFICATION**

**Citation Number : 02\_03\_16C\_005**

**Name of Water System: Whale Gulch Elementary School**

**System Number: 2300847**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that the Whale Gulch Elementary School complied with the directives of this citation as indicated below:

| Required Action  | Date Completed |
|--|----------------|
| <b>Public Notification – First Method (REQUIRED)</b> <input checked="" type="checkbox"/> Complete Appendix 1, as required in <b>Directive 2</b> , on page 3 of this citation. Then post copies in conspicuous locations throughout the area served by the water system for a minimum of 7 days (attach copy of posting and give locations of posting). |                |
| <b>Public Notification – Second Method</b>   |                |
| Choose one of the following:   |                |
| <input type="checkbox"/> Publication in a local newspaper or newsletter (attach copy of newspaper publication or newsletter); OR   |                |
| <input type="checkbox"/> Direct delivery of notice to each customer (attach copy); OR  |                |
| <input type="checkbox"/> Posting notice on the Internet or intranet (provide website and printout of notice)   |                |

Signature of Water System Representative

Date

**You must attach copies of all public notices.  
THIS FORM MUST BE COMPLETED AND RETURNED WITH ATTACHMENTS TO THE  
DIVISION NO LATER THAN APRIL 29, 2016**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

## APPENDIX 3. APPLICABLE STATUTES AND REGULATIONS

### FOR CITATION NO. 02\_03\_16C\_005

*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, Section 64424 states, in relevant part:**

**(a) If a routine sample is total-coliform positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period.** A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. **For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.**

**California Code of Regulations (CCR), Section 64423.1 states in relevant part:**

(a) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

**California Code of Regulations, Title 22, Section 64430 and Section 141.401(a)(1), Title 40, Code of Federal Regulations published in the November 8, 2006 Federal Register (Vol. 71, No. 216) states, in relevant part:**

A ground water system must conduct triggered source water monitoring if the system is notified that a sample collected under California Code of Regulations, Title 22, Sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under California Code of Regulations, Title 22, Section 64425.

**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.

(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.
- (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, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), 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.