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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

Northern California Drinking Water Field Operations Branch
Monterey District



EDMUND G. BROWN JR.
Governor

April 2, 2014

Ms. Michelle Bakker
Business Service Assistant
Elkhorn Slough Reserve Water System
1700 Elkhorn Road
Watsonville, CA 95076

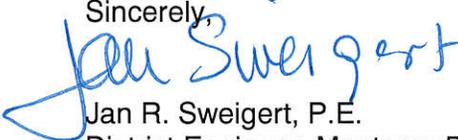
Attention Ms. Bakker:

CITATION NO. 02-05-14C-006-2702226-23
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION FOR JANUARY 2014
ELKHORN SLOUGH RESERVE WATER SYSTEM - NO. 2702226

Enclosed is a Citation issued to the Elkhorn Slough Reserve Water System for failure to comply with the bacteriological monitoring and reporting requirements specified in Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, of the California Code of Regulations. Specifically, the water system failed to collect and report the required number of bacteriological samples during the month of January 2014.

The Citation consists of four sections: Violation, Background, Directives, and Further Enforcement Actions. The Violation and Background sections describe the events leading up to the issuance of the Citation. The Directives section specifies required actions that must be implemented by the water system to return to compliance. The Further Enforcement Actions section describes penalties to be assessed for failure to comply with the Citation. No civil penalty is levied with the attached Citation.

Your water system will be billed at the Department's hourly rate for the time spent on issuing this Citation since this is an enforcement action for noncompliance with state regulations. The water system will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact Lora Lyons of my staff at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-4774

cc (w/enclosures): Monterey County Environmental Health Department

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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

Date of Issuance: April 2, 2014

**RE: Elkhorn Slough Reserve Water System
Water System No. 2702226**

**TO: Ms. Michelle Bakker
Business Service Assistant
Elkhorn Slough Reserve Water System
1700 Elkhorn Road
Watsonville, CA 95076**

**CITATION FOR NONCOMPLIANCE
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION
JANUARY 2014**

Chapter 4, Article 9, Section 116650 of the California Health and Safety Code (H&S Code) authorizes the issuance of a Citation for failure to comply with this Chapter (California Safe Drinking Water Act) or any regulation, standard, permit, or order issued or adopted thereunder.



1 **Violation**

2

3 The California Department of Public Health, Drinking Water Field Operations
4 Branch, (hereinafter "Department") hereby issues a Citation to the Elkhorn
5 Slough Reserve Water System (hereinafter "Elkhorn Slough Reserve WS") for
6 the following violation:

7

8 Violation of bacteriological monitoring and reporting requirements for
9 compliance with the Total Coliform Rule (TCR) pursuant to Sections
10 64423(a) and 64423.1(c), Chapter 15, Title 22, of the California Code of
11 Regulations (CCR).

12

13 Section 64423(a) specifies that each water supplier shall collect routine
14 bacteriological samples based on the classification of the water system,
15 the source of the water, the known population served, or the total
16 number of service connections.

17

18 Section 64423.1(c) specifies that analytical results for all required
19 samples collected for a system in a calendar month shall be reported to
20 the Department not later than the tenth day of the following month.

21

22 The Elkhorn Slough Reserve WS failed to collect the required number of
23 routine bacteriological water samples and report the analytical results to
24 the Department pursuant to Sections 64423(a) and 64423.1(c), Chapter
25 15, Title 22, CCR, for January 2014. This constitutes a violation of
26 bacteriological monitoring and reporting requirements for compliance

27

1 with the TCR for the Elkhorn Slough Reserve WS during the month of
2 January 2014.

3

4 **Background**

5

6 The Elkhorn Slough Reserve WS is a transient non-community water system
7 operated by the State Department of Fish and Game. It is located in the 1,400-
8 acre Elkhorn Slough National Estuarine Research Reserve, in Monterey County.
9 It serves water to a population of approximately 500 persons through seven
10 service connections, which includes three permanent residences.

11

12 The water system has two permitted groundwater sources, North Well (Primary
13 Station Code: 2702226-002) and South Well (Primary Station Code: 2702226-
14 003). The Elkhorn Slough Reserve WS is required to collect and report two
15 bacteriological samples from the distribution system per month for compliance
16 with the TCR. The water system is also required to collect quarterly
17 bacteriological samples from North and South Wells, per the permit issued to the
18 water system on November 7, 2007. In addition, the Groundwater Rule requires
19 sampling from the active raw sources along with repeat distribution
20 bacteriological samples, within 24 hours of notification following any total
21 coliform-positive result from the distribution system.

22

23 On February 26, 2014, Department staff contacted the Monterey County Health
24 Department Laboratory (Lab) in attempt to obtain information regarding
25 bacteriological sample analysis results for the Elkhorn Slough Reserve WS for
26 the month of January 2014. Lab staff confirmed to the Department that they did

27



1 not receive distribution or source samples from the Elkhorn Slough Reserve WS
2 for bacteriological analysis testing for the month of January 2014.

3

4 In response, on February 26, 2014, Department staff contacted Ms. Michelle
5 Bakker, Business Service Assistant, for the Elkhorn Slough Reserve WS, who
6 confirmed that no bacteriological sampling took place during January 2014
7 because the an agreement between the Elkhorn Slough Reserve WS and
8 sampling contractor had expired on December 31, 2013, and that during January
9 2014 the water system had been awaiting approval from management regarding
10 contractual services with a new water sampler for the Elkhorn Slough Reserve
11 WS.

12

13 On February 28, 2014, the Department received two bacteriological analysis
14 results for sampling conducted on February 21, 2014 from the distribution
15 system at Elkhorn Slough Reserve WS. Both samples tested free of coliform
16 bacteria. Therefore, the Elkhorn Slough Reserve WS has returned to
17 compliance with bacteriological monitoring and reporting requirements.

18

19 By electronic mail dated March 4, 2014, Department staff summarized the
20 conversation that took place on February 26, 2014 and follow-up actions
21 conducted by the Elkhorn Slough Reserve WS regarding the bacteriological
22 monitoring and reporting violation for January 2014. In accordance with
23 instructions received from the Department, the Elkhorn Slough Reserve WS
24 distributed a Department approved public notification regarding the
25 bacteriological water quality monitoring and reporting violation for January 2014
26 by posting the notice within areas served by the water system on March 10, 2014
27 through March 17, 2014, and by listing the notice on the systems' website from



1 March 14, 2014 through March 21, 2014. Therefore, the water system has
2 complied with public notification requirements specified in Section 64463.7,
3 Chapter 15, Title 22, CCR.

4

5 Failure to collect and report two bacteriological samples from the distribution
6 system during January 2014, resulted in violation of bacteriological monitoring
7 and reporting requirements for the Elkhorn Slough Reserve WS for the month of
8 January 2014.

9

10 **Directives**

11

12 The Elkhorn Slough Reserve WS is hereby directed to take the following actions:

13

14 1. Immediately cease and desist from failing to comply with Sections
15 64423(a) and 64423.1(c), Chapter 15, Title 22, CCR.

16

17 2. The Elkhorn Slough Reserve WS shall comply with all routine and repeat
18 monitoring requirements for coliform bacteria as specified in CCR, Section
19 64421 through 64426.5.

20

21 Prepare and submit a Corrective Action Plan (CAP) no later than **May 9,**
22 **2014.** The CAP shall identify the cause of the procedural failure and the
23 procedures to be implemented to prevent a recurrence in the future. The
24 CAP shall also describe instructions for the operator-in-charge to follow in
25 the event that the system must conduct required chemical or
26 bacteriological sampling from the distribution system or raw water sources
27 and implement emergency procedures, including but not limited to,



1 notification to the Department of an emergency status within 24 hours.
 2 The plan must also include instructions for the operator-in-charge to follow
 3 in the event that the system’s regularly used state certified laboratory is
 4 unavailable for emergency bacteriological analysis testing. The water
 5 system is required to be operated by at minimum, a Grade D1 and T1 or
 6 higher certified operator.

7
 8 3. Complete and submit the enclosed Bacteriological Sample Siting Plan
 9 (Attachment A). Ensure that a map or schematic is attached showing the
 10 locations of routine and repeat sites, water sources and water storage
 11 tanks. Complete and submit the Bacteriological Sample Siting Plan to the
 12 Department no later than **May 9, 2014**.

13
 14 All responses to the directives contained in this Citation shall be submitted to:

15
 16 Jan R. Sweigert, P.E.
 17 District Engineer, Monterey District
 18 California Department of Public Health
 19 Drinking Water Field Operations Branch
 20 1 Lower Ragsdale, Building 1, Suite 120
 21 Monterey, CA 93940

22 **Further Enforcement Actions**

23 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the
 24 California Health and Safety Code authorizes the Department to: issue additional
 25 citations with assessment of penalties if a public water system continues to fail to
 26 correct a violation identified in a citation; take action to suspend or revoke a
 27 permit that has been issued to a public water system if the system has violated



1 applicable law or regulations or has failed to comply with orders of the
2 Department; and petition the superior court to take various enforcement
3 measures against a public water system that has failed to comply with orders of
4 the Department. By issuance of this Citation, the Department does not waive
5 any right to take additional or alternative enforcement action against the System
6 including, but not limited to, assessment of penalties as authorized by law.

7

8 Failure to comply with any provision or directive of this Citation may result in the
9 Department imposing penalties.

10

11 4/2/2014
Date

12 Jan Sweigert
Jan R. Sweigert, P.E.
District Engineer, Monterey District
DRINKING WATER FIELD OPERATION BRANCH

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Enclosures: Attachment A: Bacteriological Sample Siting Plan

CERTIFIED MAIL NO. 7008-1830-0004-5435-4774

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California Department of Public Health – Drinking Water Field Operations Branch – Monterey District
Small Water System Bacteriological Sample Siting Plan
Systems serving ≤1,000 Population with 2 Wells or Less

I. System Information

System Name & ID Number: _____

PWS Classification: _____

Active Service Connections: _____
 (Number of residences and/or buildings served by the system)

Monthly Population
 (for Community systems)
 Daily Population
 (for Transient or Non-Transient
 Non Community systems)

 (Residents or number of individuals served each day by system during busiest month)

Source(s): _____
 (List all water supply sources wells, springs, lakes, etc).

II. Routine Sampling Frequency

The water system must collect _____ routine samples at a frequency of once every _____
 # of Sample/s month or calendar quarter

III. Routine and Repeat Sampling Sites

* Routine Sample Site No. 1: _____
 Routine distribution sample locations cannot include water sources (i.e. Wells, storage tanks, pressure tanks, fire hydrants, blow-offs or the entry point to the distribution system).

If this routine sample contains coliform bacteria, the water system must collect a set of repeat samples within 24 hours of being notified of the result. (If your routine sampling frequency is equal to or less than one sample per month, the repeat sample set must consist of 4 samples. If your routine sampling frequency is greater than one sample per month, the repeat sample set need only consist of 3 samples.)

If serving ≤1,000 population and your routine sampling frequency is equal to or less than one (1) sample per month, the system may designate a source (well) as "Repeat No. 4" for compliance with GWR requirements

If system has 2 sources, see Section VI for further instructions for compliance with GWR

Repeat Sample Set No. 1:

Repeat sample site No. 1: _____
 (Collect one sample at the original routine sample site)

Repeat sample site No. 2: _____
 (Collect one sample within five connections upstream)

Repeat sample site No. 3: _____
 (Collect one sample within five connections downstream)

Repeat sample site No. 4: _____
 (Collect one additional sample within five connections upstream or downstream)

- A routine sample site must be designated for each pressure zone or separate area served by the water system. The routine sample sites must be rotated such that they are all sampled on a regular basis. If this water system must designate more than one routine sample site, please do so on the following page and *submit a rotation schedule if applicable.*

Check one of the following:

- Only one routine sample site is necessary to adequately represent the system. Additional routine and repeat sample sites are *not* attached.
- This water system contains more than one pressure zone or separate area.

(This section need only be completed if your water system must designate more than one routine sample site.)

Routine Sample Site No. 2: _____

Routine and repeat sample locations **cannot** include water sources (i.e. Wells, storage tanks, pressure tanks, fire hydrants, blow-offs, or the entry point to the distribution system).

If this routine sample contains coliform bacteria, the water system must collect a set of repeat samples within 24 hours of being notified of the result. (If your routine sampling frequency is equal to or less than one sample per month, the repeat sample set must consist of **4** samples. If your routine sampling frequency is greater than one sample per month, the repeat sample set need only consist of **3** samples.)

If serving ≤1,000 population and your routine sampling frequency is equal to or less than one (1) sample per month, the system may designate a source (well) as "Repeat No. 4" for compliance with GWR requirements

If system has 2 sources, see Section VI for further instructions for compliance with GWR

Repeat Sample Set No. 2:

Repeat sample site No. 1:

_____ (Collect one sample at the original routine sample site)

Repeat sample site No. 2:

_____ (Collect one sample within five connections upstream)

Repeat sample site No. 3:

_____ (Collect one sample within five connections downstream)

Repeat sample site No. 4:

_____ (Collect one additional sample within five connections upstream or downstream)

Routine Sample Site No. 3: _____

Routine and repeat sample locations **cannot** include water sources (i.e. Wells, storage tanks, pressure tanks, fire hydrants, blow-offs, or the entry point to the distribution system).

If this routine sample contains coliform bacteria, the water system must collect a set of repeat samples within 24 hours of being notified of the result. (If your routine sampling frequency is equal to or less than one sample per month, the repeat sample set must consist of **4** samples. If your routine sampling frequency is greater than one sample per month, the repeat sample set need only consist of **3** samples.)

If serving ≤1,000 population and your routine sampling frequency is equal to or less than one (1) sample per month, the system may designate a source (well) as "Repeat No. 4" for compliance with GWR requirements

If system has 2 sources, see Section VI for further instructions for compliance with GWR

Repeat Sample Set No. 3:

Repeat sample site No. 1:

_____ (Collect one sample at the original routine sample site)

Repeat sample site No. 2:

_____ (Collect one sample within five connections upstream)

Repeat sample site No. 3:

_____ (Collect one sample within five connections downstream)

Repeat sample site No. 4:

_____ (Collect one additional sample within five connections upstream or downstream)

IV. Routine Sampling During The Month Following A Positive Sample

If a public water system for which **fewer than 5 routine distribution samples per month (including systems on a quarterly sampling frequency)** are collected has one or more total coliform positive samples, the water supplier shall collect at least 5 routine distribution samples during the following month. These 5 samples can be collected over the course of the month or all on the same day. Please list the locations from which these 5 routine distribution samples will be collected:

1. _____ 2. _____ 3. _____
4. _____ 5. _____

V. System Map or System Schematic

Attach a **system schematic or map** that shows the piping layout of the distribution system, the location of all **routine and repeat** sample sites, raw water sources, storage facilities, pressure zones, the **entry point** of water into the distribution system and the direction of water flow.

VI. Raw Water Source Sampling for Compliance with the Groundwater Rule

Groundwater systems with 2 active wells: **each well must be sampled within 24 hours of notification when a routine distribution bacteriological sample shows the presence of total coliform bacteria.** *Your water system may choose to designate one of two wells as the fourth (4th) repeat sample site but your water system is also required to sample the second well during repeat sampling, labeling it as "Special" or "Other".*

If a source water sample result is positive for *E. coli*, notification to CDPH and a Tier 1 Public Notification are required within 24 hours of notification to the water system of the *E. coli* positive result

If the source water is *E. coli* negative but total coliform positive, contact CDPH for further instructions

Provided below is a link to USEPA's website providing additional guidance on the Groundwater Rule:
<http://www.epa.gov/safewater/disinfection/gwr/compliancehelp.html>

VII. Quarterly Coliform Monitoring of Disinfected Wells

Bacteriological monitoring of raw water source/s with disinfection is intended to detect a degradation of the groundwater quality that would otherwise be masked by the chlorination treatment. The water system shall initiate a minimum of at least **quarterly** raw water monitoring for coliform bacteria from each well with disinfection treatment. Should a well sample show positive for coliform bacteria, please contact the Monterey District office for follow-up procedures.

- **Source Name & Primary Station Code # Site No. 1:** _____
- **Source Name & Primary Station Code # Site No. 2:** _____

The quarterly raw water coliform samples should be labeled as "Other" and will not be counted towards compliance with the Total Coliform Rule for distribution monitoring.

If a quarterly source sample tests positive for coliform and *E. coli* negative, CDPH recommends that the water system collects a confirmation sample within 24 hours of notification and request analysis using an enumeration method.

If a source sample tests positive for *E. coli*, contact CDPH for further instructions.

VIII. Personnel and Laboratory Notification

Trained Sampler:

(Sample collection must be performed by a person trained in sample collection. Provide name & phone # of sampler.)

Certified Laboratory:

(Provide the name and phone # of the certified lab doing your water analysis testing. Arrangement must be made for weekend and holiday analysis testing if needed.)

Notification:

Laboratory to notify persons designated below within 24 hours whenever a sample is found to contain coliform bacteria. (Listed personnel shall contact the California Department of Public Health as indicated in Section IX.

1. _____
(Name) (Daytime Phone #) (Evening Phone #)

2. _____
(Name) (Daytime Phone #) (Evening Phone #)

IX. Notification to the California Department of Public Health

The water system must notify the California Department of Public Health, Drinking Water Program, Monterey District Office, within 24 hours of a violation of the total coliform maximum contaminant level exceedance or when any sample is fecal or *E. coli* positive.

Jan Sweigert, P.E. (Daytime Phone #) (831) 655-6934 (Evening Cell#) (831) 595-0058
District Engineer, Monterey District Office (831)-655-6939 (Day or Night-Leave Message)
CDPH-Drinking Water Field Operations Branch

Cheryl Sandoval, R.E.H.S. (Daytime Phone #) (831) 755-4552 or 755-4507
Supervisor-Drinking Water Protection Services (Evening Cell#) (831) 809-2220 or (Home #) (831) 758-6838
Monterey County Environmental Health Department

X. Monthly Summary of Distribution System Coliform Monitoring Report (MSR)

Person responsible for reviewing & confirming accuracy of laboratory coliform analysis reports, signing & submitting the MSR.

MSR (enclosed) is due by the 10th of each month following completion of analysis.

Name: _____ Title: _____

Signature of System Representative: _____ Date: _____

KEEP A COPY OF THIS FORM FOR YOUR REFERENCE AND USE

Additional Information: When responding to a laboratory report of bacterial contamination, keep in mind the following:

1. Coliform bacteria should not be present in drinking water and the presence of coliform indicates a potentially serious problem. Appropriate investigation should be performed immediately.
2. Check water system components such as water sources, filtration and/or chlorination equipment and storage tanks for indications of unusual conditions or problems.
3. Correct problems immediately, do not wait for results of follow-up to take action.