



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

January 07, 2015

Water System No. 3500805

Mr. John Ivancovich  
Tri-Cal Incorporated  
P. O. Box 1327  
Hollister, CA. 95024

Attention Mr. Ivancovich:

### **CITATION NO. 02-05-15C-001**

### **TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL AND REPEAT SAMPLING VIOLATIONS FOR NOVEMBER 2014**

Enclosed is a citation issued to the Tri-Cal Incorporated (Tri-Cal) water system.

Tri-Cal water system will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. California 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. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

Tri-Cal water system will receive a bill sent from our Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Tri-Cal water system for the current fiscal year.

If you have any questions regarding this matter, please contact Lora Lyons at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

A handwritten signature in blue ink that reads "Jan R. Sweigert".

Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office  
Northern California Field Operations Branch  
Drinking Water Program

Enclosures

**CERTIFIED MAIL NO. 7008-1830-0004-5435-0653**

cc: San Benito County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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  
28  
29

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

**TO:** Tri-Cal Incorporated  
136 San Juan Road  
Royal Oaks, CA 95076

**Attn:** Mr. John Ivancovich, Safety Manager  
Tri-Cal Incorporated  
P. O. Box 1327  
Hollister, CA. 95024

**CITATION FOR NONCOMPLIANCE**  
**WITH TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL)**  
**AND REPEAT SAMPLING REQUIREMENTS**  
**NOVEMBER 2014**  
**WATER SYSTEM NO. 3500805**  
**CITATION NO. 02-05-15C-001**  
**Issued on January 7, 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, permit, standard, citation 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

1 for the Division, hereby issues a citation to the Tri-Cal Incorporated (hereinafter "Tri-  
2 Cal") water system for failure to comply with California Code of Regulations (CCR),  
3 Title 22, Sections 64426.1, and 64424.

4  
5 **APPLICABLE AUTHORITIES**  
6

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

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

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

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

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

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

1 **CCR, Title 22, Section 64426.1, subsection (b) provides, in relevant part:**

2 (b) A public water system is in violation of the total coliform MCL when any of  
3 the following occurs:

4 (2) For a public water system which collects fewer than 40 samples per  
5 month, more than one sample collected during any month is total coliform-positive; or

6 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

7 (4) Any repeat sample following a fecal coliform-positive or E. coli-  
8 positive routine sample is total coliform-positive.

9  
10 **CCR, Title 22, Section 64424, subsection (a) provides, in relevant part:**

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

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

21  
22 **STATEMENT OF FACTS**

23  
24 Tri-Cal water system is classified as a nontransient-noncommunity water system with  
25 5 connections serving a population of 35. The Division received laboratory results for  
26 5 routine samples collected on November 15, 2014, and 5 routine samples collected

1 on November 25, 2014. All samples were analyzed for the presence of coliform  
2 bacteria. One sample collected on November 15, 2014, and one sample collected on  
3 November 25, 2014, tested positive for coliform bacteria. All samples were also  
4 tested for *E. coli* which was not detected.

5  
6 Tri-Cal failed to collect a repeat sample set following a total coliform positive result for  
7 routine samples collected on November 15, 2014, and November 25, 2014.

8  
9 During the month of December 2014, Tri-Cal collected 5 routine samples for the  
10 month following a positive routine sample. All samples were analyzed for total  
11 coliform and *E. coli*, with analysis completed by a method to enumerate the coliform.  
12 All samples were non-detect for coliform.

### 13 14 DETERMINATION

15  
16 The Division has determined that the Tri-Cal water system violated CCR, Title 22,  
17 Section 64426.1, in that the water system exceeded the Total Coliform MCL by having  
18 more than one sample test positive for total coliform during the month of November  
19 2014.

20  
21 The Division has determined that the Tri-Cal water system also violated CCR, Title  
22 22, Section 64424, by failure to collect repeat sample sets following total coliform  
23 positive routine samples during November 2014.

**DIRECTIVES**

Tri-Cal water system is hereby directed to take the following actions:

1. Forthwith, Tri-Cal water system shall cease and desist from failing to comply with CCR, Title 22, Section 64426.1, and Section 64424.
2. On or before **February 10, 2015**, notify all persons served by the Tri-Cal water system of the MCL violation and the failure to collect repeat samples in conformance with CCR, Title 22, Sections 64426.1, and 64424. Appendix 1: Public Notification Template may be used to fulfill this directive.
3. The Tri-Cal water system shall comply with all routine and repeat monitoring requirements for coliform bacteria as specified in CCR Sections 64423 and 64424.
4. On or before **January 31, 2015**, Tri-Cal water system shall take steps to ensure that the person(s) responsible for coliform monitoring and reporting are trained and have reviewed CCR, Title 22, Chapter 15, regarding the primary standards for bacteriological quality and Groundwater Rule requirements.
5. On or before **January 31, 2015**, Tri-Cal water system shall review notification procedures with their laboratory to ensure that the laboratory makes direct contact with the water system representative within 24 hours, whenever a sample result shows the presence of total coliforms, fecal coliforms or E. coli. If the laboratory cannot make direct contact with the designated contact person within 24 hours, the Tri-Cal water system shall require the laboratory to immediately notify the Division of any positive bacteriological result.

1 6. The Tri-Cal water system shall complete Appendix 2: Compliance Certification.  
2 The Certification Form shall be submitted with a copy of the public notification  
3 required in Directive 2, to the Division on or before **February 10, 2015**.

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

8  
9 Nothing in this Citation relieves Tri-Cal water system of its obligation to meet the  
10 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
11 standard, or order issued or adopted thereunder.

12  
13 All submittals required by this Citation shall be submitted to the Division at the  
14 following address:

15  
16 Jan Sweigert, P.E.  
17 District Engineer  
18 State Water Resources Control Board  
19 Division of Drinking Water  
20 1 Lower Ragsdale Drive, Building 1, Suite 120  
21 Monterey, CA 93940

22  
23 **PARTIES BOUND**

24  
25 This Citation shall apply to and be binding upon Tri-Cal water system, its officers,  
26 directors, shareholders, agents, employees, contractors, successors, and assignees.

27  
28

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 Tri-Cal water system shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Board to: issue a 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 regulation, permit, standard, citation, 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 or violates an order of the Board. The Board does not waive any further enforcement action by issuance of this Citation.

1/7/2015  
Date

Jan Sweigert  
District Engineer  
Division of Drinking Water  
State Water Resources Control Board



1 Appendices (2):

2

3

1. Public Notification Template

4

2. Compliance Certification

5

6

**CERTIFIED MAIL NO. 7008-1830-0004-5435-0653**

## Instructions for Tier 2 Resolved Total Coliform Notice Template

### Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed 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 water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

## Appendix 1

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Description of the Violation**

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<b><u>If You Take Fewer Than 40 Samples a Month</u></b>	<b><u>If You Take 40 or More Samples a Month</u></b>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

### **Corrective Action**

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

## 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.

### Tri-Cal water system Has Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 10 routine distribution system samples to test for the presence of coliform bacteria during November 2014. 2 of those samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

We are also required to collect additional “repeat” samples whenever routine coliform monitoring shows the presence of coliform. We failed to collect those samples during the month of November 2014.

#### What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system’s treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA’s Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you

may wish to consult your doctor.

**What happened? What was done?**

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this 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.*

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Tri-Cal Incorporated.

State Water System ID#: 3500805. Date distributed: \_\_\_\_\_.

System Representative Signature: \_\_\_\_\_

**APPENDIX 2. COMPLIANCE CERTIFICATION**

**Citation Number 02-05-15C-001**

**Name of Water System: Tri-Cal Incorporated**

**System Number: 3500805**

I certify that the users of the water supplied by this water system were notified of the bacteriological violation of Title 22, California Code of Regulations, Section 64426.1 and 64424 for the compliance period of November 2014 and that the following actions, as directed in 02-05-15C-001, have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification-Mail or Direct Delivery and Other Notification Methods Completed	
(Citation Directive 4) training re coliform monitoring and reporting	
(Citation Directive 5) review procedures with lab re notification within 24 hours for positive bacteriological result.	
(Citation Directive 6) Submit Compliance Certification and a copy of the distributed Public Notification	

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**\*\*\* Attach a copy of the notice distributed. \*\*\***

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT  
NO LATER THAN FEBRUARY 10, 2015**

**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.