



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Water System No. 4900033

April 21, 2015

Edith Drew
Washoe House
P.O. Box 750217
Petaluma, CA 94975

CITATION NO. 02_18_15C_019 TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR FEBRUARY 2015

Enclosed is a Citation issued to the Washoe House (System) public water system.

Washoe House 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. 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 one hour on enforcement activities associated with this violation.

Washoe House 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 Washoe House for the current fiscal year.

If you have any questions regarding this matter, please contact George Chien of my staff at (707) 576-2971 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosure: Citation No. 02_18_15C_019

C: Kelly Sullivan, P.O. Box 423, Petaluma, CA 94953
Cheryl Jensen, Manager, 2840 Roblar Road, Petaluma, CA 94952

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Washoe House

Water System No: 4900033

To: Washoe House
2840 Roblar Road
Petaluma, CA 94952

Issued: April 21, 2015

**CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL
FEBRUARY 2015**

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Washoe House (hereinafter System) for failure to comply with California Health and Safety Code (CHSC) Division 104 Section 116555(a)(1) and Title 22, California Code of Regulations (CCR) Section 64426.1.

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter



1 4, commencing with Section 116270), or any regulation, standard, permit or
2 order issued thereunder. A copy of the *Applicable Statutes and Regulations*
3 is located in Appendix 1, which is attached hereto and incorporated by
4 reference.
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7 **STATEMENT OF FACTS**

8 Washoe House is classified as a transient noncommunity water system with
9 1 connection serving an approximate population of 25. The Division
10 received laboratory results for 13 bacteriological samples collected during
11 February 2015 from the System. All samples were analyzed for the
12 presence of coliform bacteria and *E. coli* where five samples tested positive
13 for coliform bacteria. A precautionary boil water notice was issued to the
14 System on February 23, 2015. The System was closed for two days by
15 Sonoma County Department of Health Services due to the precautionary
16 boil water notice. The System fixed the broken pipe in the late February, and
17 collected two rounds of bacteriological sampling with a total of eight repeat
18 bacteriological samples thereafter. All samples were analyzed for the
19 presence of coliform bacteria and *E. coli* and none was detected positive for
20 coliform bacteria. The boil water notice was lifted on February 26, 2015 and
21 the System was reopened.
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25 **DETERMINATION**

26 The Division has determined that the System is in violation of Title 22, CCR,
27 Section 64426.1, Total Coliform Maximum Contaminant Level. Section



1 64426.1(b)(2) defines a violation of the total coliform MCL as more than one
2 sample collected during any month is total coliform-positive.

3
4 The System took less than 40 bacteriological samples during February
5 2015. The results of five were total coliform positive. Therefore, the System
6 violated the total coliform maximum contaminant level contained in Section
7 64426.1 in February 2015.
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10 **DIRECTIVES**

11 Washoe House is hereby directed to take the following actions:

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13
- 14 1. Comply with Section 64426.1, Title 22, CCR in all future monitoring
15 periods.
 - 16
17 2. Pursuant to Title 22, CCR, Section 64424(d), the System shall collect
18 five (5) routine bacteriological samples in March 2015. If the System
19 did not collect five routine bacteriological samples in March 2015,
20 please collect five routine bacteriological samples on or before **April**
21 **30, 2015**.
 - 22
23
24 3. The System shall complete Appendix 3: Compliance Certification.
25 Submit it together with a copy of the public notification and the
26 laboratory results from sampling required in Directive 3 to the Division
27 on or before **May 28, 2015**.



1 4. The System shall submit to the Division the information described in
2 Title 22, CCR, Section 64426(b)(2) on or before **May 21, 2015**.

3 Appendix 4: Positive Total Coliform Investigation, which is attached
4 to this document, may be used to fulfill this directive.

5
6 5. Pursuant to Title 22, CCR, Section 64422(c), the System shall submit
7 to the Division an updated bacteriological sampling plan. Submit it to
8 the Division for approval on or before **May 21, 2015**.

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

15
16 Nothing in this Citation relieves the System of its obligation to meet the
17 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
18 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
19 standard, permit or order issued thereunder.

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22 All submittals required by this Citation shall be submitted to the Division

23 at the following address: Janice M. Thomas, P.E.
24 State Water Resources Control Board
25 Division of Drinking Water
26 50 D Street, Suite 200
27 Santa Rosa, CA 95404



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PARTIES BOUND

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

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each 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 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.

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Janice M. Thomas

April 21, 2015

Janice M. Thomas, P.E., Sonoma District Engineer

Date

Division of Drinking Water

STATE WATER RESOURCES CONTROL BOARD

Appendices (3):

1. Applicable Statutes and Regulations
2. Compliance Certification
3. Positive Total Coliform Investigation



Certified Mail No. 7013 2250 00005448 3507

4900033/Compliance
02_18_15C_019_4900033_22/GC

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02_18_15C_019**

Section 116555 of the CHSC states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.

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 64422 states in relevant part:

- (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 (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.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number 02_18_15C_019

Name of Water System: **Washoe House**

System Number: **4900033**

I certify that the users of the water supplied by this water system were notified of the bacteriological violations of Title 22, California Code of Regulations, Section 64426.1 for the compliance period of February 2015 and that the following actions, as directed in 02_18_15C_019 have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Submit Laboratory Results of 5 Bacteriological Samples Collected and Analyzed in the Following Month	
(Citation Directive 4) Complete and Submit <i>Positive Total Coliform Investigation</i>	
(Citation Directive 5) Update and Submit <i>Small Water System Bacteriological Sampling Plan with Groundwater Rule Compliance (Form 36A; Sonoma District)</i>	

Signature of Water System Representative

Date

Attach a copy of the Public Notification posted and the laboratory results from the 5 water samples.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN
MAY 28, 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.