



State Water Resources Control Board
Division of Drinking Water

January 6, 2015

System No. 5010021

Mr. Gaylon Wade, General Manager
Denair Community Services District
P.O. Box 217
Denair, CA 95316

TRANSMITTAL OF CITATION NO. 01-10-15C-002 FOR TCR MCL FAILURE (DECEMBER 2014)

The Denair Community Services District (District) violated the Maximum Contaminant Level (MCL) for total coliform bacteria during the month of December 2014, as specified in the Domestic Water Quality and Monitoring Regulations, Chapter 15, Title 22, California Code of regulations. The State Water Resources Control Board, Division of Drinking Water (Division) has issued Citation No. 01-10-15C-002, in response to this violation. The citation is being transmitted to the District under cover of this letter.

Please respond to each item of the Directives by the deadlines established in the citation. If you have any questions regarding this matter, please contact Dave Remick of this office by email at David.Remick@waterboards.ca.gov or by phone at (209) 948-3878.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Sahota".

Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Citation No. 01-10-15C-002

Certified Mail No. 7004 2890 0002 0057 9508

R:DDW\Stockton\Dist10\SSF\Stanislaus County\5010021\2015\Denair CIT 01-10-15C-002 cover letter

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Denair Community Services District
P. O. Box 217
Denair, California 95316

Attn: Mr. Gaylon Wade, General Manager

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 5010021
CITATION NO. 01-10-15C-002
Issued on January 6, 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 Denair Community Services District (hereinafter, District) (P.O. Box 217, Denair, CA 95316)

1 for violation of California Code of Regulations (CCR), Title 22, Section 64426.1
2 subsection (b)(2).

3
4 **APPLICABLE AUTHORITIES**

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

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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 each
23 day that a violation continues to occur. A separate penalty may be assessed for each
24 violation.



1 **California Code of Regulations, Title 22, Section 64426.1, subsection (b)(2)**
2 **provides, in relevant part:**

3

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

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

8

9 **California Code of Regulations, Title 22, Section 64426, subsection (a)(3)**
10 **provides, in relevant part:**

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

14 (3) A system fails the total coliform Maximum contaminant Level (MCL) as
15 defined in Section 64426.1.

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STATEMENT OF FACTS

19 The Denair Community Services District is operated under Water Supply Permit No.
20 86-019, issued on May 14, 1986.

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22 Denair Community Services District is located in Stanislaus County on county route J-
23 7 just northeast of the City of Turlock. The water supply is currently obtained from 4
24 active wells. The system has one distribution storage tank, which was completed in
25 mid-2010. No treatment or chlorination is required on any of the wells prior to
26 distribution.

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1 The 2013 Annual Report to the Division indicates that the District's water system
2 serves approximately 4,860 permanent residents through 1,655 service connections.
3 Based on the reported population and number of service connections, the District is
4 required to have five (5) samples examined for bacteriological quality every month
5 from its distribution system. In accordance with the District's Bacteriological Sample
6 Siting Plan, the District elects to collect six samples per month.

7

8 On December 15, 2014, the District collected six routine samples for bacteriological
9 quality from the designated sites in the distribution system. Two samples, collected
10 from 3501 Storey and 4600 Main, tested positive for total coliform bacteria. The
11 samples were negative for fecal coliform bacteria.

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13 On December 17, 2014, the District collected six repeat distribution system samples
14 (one sample each from the routine coliform positive sample location, one each from
15 the downstream, and the upstream locations) and also collected samples from Wells
16 Nos. 7 and 10 in accordance with the Ground Water Rule. All six repeat distribution
17 samples and the Well No. 10 sample tested negative for total coliform bacteria. Well
18 No. 7 had a result of 1.0 MPN for total coliform (fecal <1.0 MPN). Well No. 7 was
19 taken offline and a follow-up sample was taken on December 22, 2014, with a result
20 of <1.0 MPN.

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22 Note that the District collects fewer than 40 samples per month; therefore, two
23 positive total coliform samples constitute failure of the total coliform MCL for
24 December 2014, per Section 64426.1(b)(2), Title 22, CCR.

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DETERMINATION

The Division has determined that the District failed to comply with the requirements of Section 64426.1 (b)(2) due to the fact that the District is in violation of the total coliform MCL because the water system collects fewer than 40 samples per month, and more than one sample collected during the month of December was total coliform positive. Therefore the District is in violation of Section 64426.1, subsection (b)(2), of the California Code of Regulations.

DIRECTIVES

The District is hereby directed to take the following actions:

1. By **January 30, 2015**, notify the consumers served by the District of the bacteriological quality (Total Coliform Rule) failure in conformance with Section 64463.4 (a)(1), Title 22, CCR. The notification shall be provided in accordance with the following:
 - a. Provide written notice of the bacteriological water quality MCL violation by mail or by direct hand delivery to every customer and by publication of a notice in a newspaper of general circulation in the area served by the District. The notice shall be published and delivered once, no later than the above mentioned date.

This notification shall be given in English. In addition, if the District's water system serves a large proportion of other non-English speaking consumers, notices must contain some information in the appropriate language(s) on the importance of the notice as provided in the Division's guidance for the Consumer Confidence Report (CCR).

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b. The contents of the notice, including the mandatory language, shall be approved by the Division prior to publication and delivery.

c. Within ten (10) days following publication and delivery of the notice, the District shall submit to the Division a copy of the notification including certification of its publication and delivery.

2. By **January 30, 2015**, perform an investigation to determine the cause of possible significant rise in bacterial count in the District's distribution system during the month of December 2014. A report of the investigation shall also be prepared in accordance with Section 64426(b)(2), Title 22, CCR, and submitted to the Division by the above date. The District shall use the enclosed form (Investigation Report For Bacteriological MCL Failure) to meet this requirement.

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

Nothing in this Citation relieves the District of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

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

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Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
State Water Resources Control Board
Division of Drinking Water
31 E. Channel Street, Room 270
Stockton, CA 9202

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14 **PARTIES BOUND**

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

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18 **SEVERABILITY**

19 The Directives of this Citation are severable, and the District shall comply with each
20 and every provision thereof, notwithstanding the effectiveness of any other provision.

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22 **FURTHER ENFORCEMENT ACTION**

23 The California SDWA authorizes the Board to: issue citation with assessment of
24 administrative penalties to a public water system for violation or continued violation of
25 the requirements of the California SDWA or any permit, regulation, permit or order
26 issued or adopted thereunder including, but not limited to, failure to correct a violation
27 identified in a citation or compliance order. The California SDWA also authorizes the
28 Board to take action to suspend or revoke a permit that has been issued to a public
29 water system if the system has violated applicable law or regulations or has failed to
30 comply with an order of the Board; and to petition the superior court to take various

1 enforcement measures against a public water system that has failed to comply with
2 violates an order of the Board. The Board does not waive any further enforcement
3 action by issuance of this citation.

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6 January 6, 2015



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8 Date

Bhupinder S. Sahota, P.E.,
District Engineer, Stockton District
Division of Drinking Water
State Water Resources Control Board

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12 Attachments:

- 13 1. Public Notification
- 14 2. Proof of Notification Form
- 15 3. Investigation Report Form

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17 Certified Mail No. 7004 2890 0002 0057 9508

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