



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

Division of Drinking Water

September 20, 2016

System No. 5010039

Mr. Patrick Garvey, District Engineer  
Western Hills Water District/Diablo Grande Water System  
9501 Morton Davis Drive  
Patterson, CA 95363

**TRANSMITTAL OF CITATION NO. 01-10-16C-011**

The Western Hills Water District/Diablo Grande Water System (hereinafter "Diablo Grande") (No. 5010039) failed to collect required repeat total coliform samples during the month of August 2016, as specified in Title 22, Section 64424, of the California Code of Regulations. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01-10-16C-011, in response to this violation. The Citation is being transmitted to Diablo Grande under cover of this letter.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at [brian.kidwell@waterboards.ca.gov](mailto:brian.kidwell@waterboards.ca.gov) or by phone at (209) 948-3963.

Sincerely,

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

Attachments:

Citation No. 01-10-16C-011

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

**TO:** Western Hills Water District/Diablo Grande Water System  
9501 Morton Davis Drive  
Patterson, CA 95363

**Attn:** Patrick Garvey, District Engineer  
Western Hills Water District/Diablo Grande Water System

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**  
**TITLE 22, SECTION 64424(a)(1)**  
**WATER SYSTEM NO. 5010039**  
**CITATION NO. 01\_10\_16C\_011**  
**Issued on September 20, 2016**

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 Western Hills Water District/Diablo Grande Water System (hereinafter, "Diablo Grande") for

1 violation of California Code of Regulations (CCR), Title 22, Section 64424 subsection  
2 (a)(1).

3  
4 **APPLICABLE AUTHORITIES**

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

6  
7 (a) If the Division determines that a public water system is in violation of this chapter  
8 or any regulation, permit, standard, citation, or order issued or adopted thereunder,  
9 the Division may issue a citation to the public water system. The citation shall be  
10 served upon the public water system personally or by certified mail. Service shall be  
11 deemed effective as of the date of personal service or the date of receipt of the  
12 certified mail. If a person to whom a citation is directed refuses to accept delivery of  
13 the certified mail, the date of service shall be deemed to be the date of mailing.

14  
15 (b) Each citation shall be in writing and shall describe the nature of the violation or  
16 violations, including a reference to the statutory provision, standard, order, citation,  
17 permit, or regulation alleged to have been violated.

18  
19 (c) A citation may specify a date for elimination or correction of the condition  
20 constituting the violation.

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

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

1 **California Code of Regulations, Title 22, Section 64424, subsection (a)(1)**  
2 **provides, in relevant part:**

3  
4 (a) If a routine sample is total coliform-positive, the water supplier shall collect a  
5 repeat sample set as described in paragraph (1) within 24 hours of being notified of  
6 the positive result. The repeat samples shall all be collected within the same 24 hour  
7 time period. A single service connection system may request that the State Board  
8 allow the collection of the repeat sample set over a four-day period.

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

14  
15 **STATEMENT OF FACTS**

16 The Diablo Grande water system is operated under Water Supply Permit No. 03-10-  
17 11P-001, which was issued on October 11, 2011.

18  
19 The Diablo Grande water system is located in Stanislaus County, approximately 10  
20 miles to the southwest of the City of Patterson in the master planned community of  
21 Diablo Grande. The community is situated in the previously undeveloped rolling  
22 foothills west of Interstate Highway 5. The water system is classified as a community  
23 water system that serves primarily residential customers living within Diablo Grande's  
24 service area. The water system serves approximately 1,123 people through 420  
25 service connections.

26

1 Diablo Grande's raw water supply is obtained from the Delta of the San Joaquin and  
2 Sacramento Rivers. The State Water Project diverts water from Old River in the Delta  
3 to the Clifton Court Forebay. From the Clifton Court Forebay, water flows through a  
4 three mile intake channel to the Harvey Banks pumping plant. The pumping plant is  
5 the head works of the California Aqueduct, which conveys water into Bethany  
6 Reservoir. From Bethany Reservoir, the source water flows 35 miles through the  
7 California Aqueduct to the turnout that serves the Diablo Grande raw water pumping  
8 plant. The intake to the surface water treatment plant (hereinafter "SWTP") is located  
9 in the California Aqueduct, at a point west of the City of Patterson. There are four  
10 pumping stations to lift the water from the turnout at the California Aqueduct to the  
11 SWTP. These four pumping stations move the water a horizontal distance of  
12 approximately 43,800 feet, and lift the water a vertical distance of 960 feet to the  
13 Diablo Grande SWTP. The installed treatment equipment includes two parallel  
14 ACTIFLO water clarification and filtration systems with rated capacities of 1.0 MGD  
15 per system; however, one system provides required redundant treatment capacity.  
16 Aluminum sulfate 48%, or an alternate coagulant combination, is added to the water  
17 as it enters the coagulation stage of the ACTIFLO water treatment plants. After  
18 clarification and filtration of the water, it is chlorinated as it flows into the clearwell at  
19 the treatment plant. From the clearwell, the water is pumped to a 1.0 MG treated  
20 water storage tank on a hill at an elevation of 1,484 feet. Ammonia is added as the  
21 water flows out of the clearwell to chloramine the water. From the 1.0 MG tank,  
22 water flows to the distribution system by gravity.

23

24 According to Section 64424(a)(1) of the California Code of Regulations Diablo Grande  
25 is required to collect three repeat samples for every total coliform positive routine  
26 sample. The laboratory data supplied in the August 2016 Monthly Report showed one  
27 total coliform positive sample. The total coliform positive sample was collected on

1 August 3, 2016. Diablo Grande failed to collect the three required repeat  
2 bacteriological samples.

3  
4 It should also be noted that the Division was not notified of the total coliform positive.  
5 The Division was made aware during the review of the monthly report. Due to the fact  
6 that the Division was not notified, the Level 1 Assessment, as required by the Federal  
7 Revised Total Coliform Rule, was not completed within 30 days of the total coliform  
8 positive.

9  
10 **DETERMINATION**

11 The Division has determined that Diablo Grande failed to comply with the  
12 requirements of Section 64424(a)(1) due to the fact that Diablo Grande failed to  
13 collect the required repeat bacteriological samples for the total coliform positive  
14 sample that was collected on August 3, 2016.

15  
16 **DIRECTIVES**

17 Diablo Grande is hereby directed to take the following actions:

- 18  
19 1. By October 10, 2016, Diablo Grande shall submit a plan which includes details  
20 to ensure the water system does not miss future repeat bacteriological  
21 monitoring. The above mentioned plan shall also include details about  
22 improving the communication between Diablo Grande and the Division. In the  
23 future, if repeat bacteriological samples are missed, Diablo Grande should  
24 contact the Division in a timely manner.
- 25  
26 2. By October 10, 2016, Diablo Grande shall submit an updated bacteriological  
27 sample siting plan. A bacteriological sample siting plan template is attached to

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this Citation. If Diablo Grande chooses not to use the template, the language from the template must be included in the revised plan.

3. Notify the consumers served by Diablo Grande of the missed repeat bacteriological sample in conformance with Section 64463.4, Title 22, CCR. The notification shall be provided in accordance with the following:

a. Provide written notice of the missed repeat bacteriological monitoring to all residents, via hand delivery or mail, and post notification in public places served by the water system. The notification shall be hand delivered or mailed and posted in public places no later than October 10, 2016. The posted notice shall remain posted for at least 7 days.

b. A sample notification form that can be used to satisfy the notification requirement is attached to this Citation. Within ten (10) days of supplying the written notification and posting of the written notification, Diablo Grande shall submit to the Division a copy of the notification, including certification of its delivery.

4. By September 30, 2016, Diablo Grande shall conduct and submit a Level 1 assessment in accordance with the Federal Revised Total Coliform Rule. An electronic copy of the Level 1 assessment form has been provided to Diablo Grande.

5. Comply with Title 22, Section 64424 in all future monitoring periods

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

5 Nothing in this Citation relieves Diablo Grande of its obligation to meet the  
6 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
7 standard, or order issued or adopted thereunder.  
8

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

11  
12 Brian Kidwell, P.E.  
13 Associate Sanitary Engineer  
14 State Water Resources Control Board  
15 Division of Drinking Water  
16 31 E. Channel Street, Room 270  
17 Stockton, CA 9202  
18

19 **PARTIES BOUND**

20 This Citation shall apply to and be binding upon Diablo Grande, its officers, directors,  
21 shareholders, agents, employees, contractors, successors, and assignees.  
22

23 **SEVERABILITY**

24 The Directives of this Citation are severable, and Diablo Grande shall comply with  
25 each and every provision thereof, notwithstanding the effectiveness of any other  
26 provision.  
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**FURTHER ENFORCEMENT ACTION**

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

9-20-2016

Date

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

Attachments:

- 1. BSSP template
- 2. Public Notification
- 3. Proof of Notification Form



Certified Mail No. 7004 2890 0002 0057 9782

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## BACTERIOLOGICAL SAMPLE SITING PLAN

<b>System No.:</b>	<b>System Name:</b>				
<b>PWS Classification:</b>	<b>Population:</b>				
<b>No. Active Service Connections:</b>	<b>Required Number of Samples (i.e xx per month or xx per week):</b>				
<b>Name of Trained Sampler:</b>	<b>Analyzing Lab:</b>				
<b>Person responsible to report coliform-positive samples to SWRCB:</b>	<b>Day/Evening Phone No.:</b>				
<b>Signature of Water System Representative:</b>	<b>Date:</b>				
<ul style="list-style-type: none"> <li>• The water supplier shall submit copies of bacteriological monitoring results for all <b>positive routine</b> samples and all <b>repeat</b> samples directly to the Division.</li> <li>• For a water supplier that normally collects <b>more than one</b> routine sample a month, a repeat sample set shall be at least <b>three</b> samples for each total coliform-positive sample (positive site, upstream, downstream).</li> <li>• If the water system utilizes groundwater, triggered source water monitoring must be conducted in the event of a routine positive.</li> <li>• If a public water system for which <b>fewer than five routine</b> samples per month are collected has one or more total coliform-positive samples, the water supplier shall collect at least <b>five routine</b> samples the following month.</li> <li>• Laboratory reports shall be retained by the water supplier for a period of at least <b>five</b> years and shall be made available to the Division upon request.</li> </ul>					
Sample ID	Sample Type	Sample Point (i.e. hose bib, faucet, dedicated sample tap)	Sample Point Pressure Zone (if only one zone then enter a 1)	Address of Sample Point	Sampling Frequency (i.e. when will the routine site be sampled)
	Routine				
	Repeat				Repeat Sample Only
	Repeat				Repeat Sample Only
	Routine				
	Repeat				Repeat Sample Only
	Repeat				Repeat Sample Only
	Routine				
	Repeat				Repeat Sample Only
	Repeat				Repeat Sample Only



## 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.

### Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was 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 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 our 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 our drinking water during that time.*

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being 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 [system].

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

---

**Drinking Water Notification to Consumers**

**PROOF OF NOTIFICATION**

Name of Water System: \_\_\_\_\_

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. \_\_\_\_\_

Consumers Notified \_\_\_\_\_ Yes \_\_\_\_\_ No

If not, Explain: \_\_\_\_\_

Date of Notification: \_\_\_\_\_

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

\_\_\_\_\_ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

\_\_\_\_\_ Newspaper (if the problem has been corrected). Attach a copy of Notice.

\_\_\_\_\_ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

\_\_\_\_\_ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

**I hereby declare the forgoing to be true and correct under penalty of perjury.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person Serving Notice

**\*\*Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of giving public notice.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 fine of not more than twenty-five thousand dollars (\$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.