



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

December 11, 2014
Certified Mail/Return
7012 3460 0003 1113 1007

Barry Elementary School
1512 Stewart Road
Yuba City, CA 95993

**RE: Barry Elementary School, Public Water System No. 5100149 – Citation No. 21-14C-023
for Exceedance of the Bacteriological Maximum Contaminant Level in November 2014**

Dear Thomas Butcher,

Enclosed is a citation issued to Barry Elementary School (School). The citation is being issued because the School failed to achieve the drinking water standard for bacteria during November 2014. Please read this citation carefully, public notification is required to inform consumers and parents that the standard was not achieved in November 2014. As per our conversation, the School will translate the notification into Spanish and Punjabi.

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the public water system for costs incurred for preparing and issuing a citation. In accordance with Section 116577, the System will be billed for the preparation and issuance of this citation. The current reimbursement rate is approximately \$128 per hour.

If you have any questions regarding this matter, please call Paul Rowe at (530) 224-4866 or me at (530) 224-4861.

Sincerely,

A handwritten signature in black ink, appearing to read "Reese B. Crenshaw".

Reese B. Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations Branch

Enclosures

1 **Citation No. 21-14C-023**

2
3 **STATE OF CALIFORNIA**
4 **WATER RESOURCES CONTROL BOARD**
5 **DIVISION OF DRINKING WATER**
6

7 **Public Water System:** Barry Elementary School

8 **Water System No.:** 5100149

9
10 **To:** Barry Elementary School

11 Attn: Thomas Butcher
12 1512 Stewart Road
13 Yuba City, CA 95993
14

15 **Issued:** November 8, 2014

16 VIA CERTIFIED MAIL
17

18 **CITATION FOR NONCOMPLIANCE**
19 **With Title 22 California Code of Regulations**
20 **Section 64426.1(b)**
21

22 Section 116650 of the California Health and Safety Code (CHSC) authorizes the
23 issuance of a citation for failure to comply with a requirement of the California Safe
24 Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with
25 Section 116270), or any regulation, standard, permit, or order issued thereunder.
26

27 The State Water Resources Control Board (hereinafter "Board"), acting by and
28 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director

1 for the Division, hereby issues a citation to Barry Elementary School (School) for
2 failure to comply with Section 64426.1(b), Title 22, of the California Code of
3 Regulations (CCR).

4
5 **APPLICABLE AUTHORITIES**

6 Section 116650 of the CHSC states:

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

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

22
23 *(c) A citation may specify a date for elimination or correction of the*
24 *condition constituting the violation.*

25
26 *(d) A citation may include the assessment of a penalty as specified in*
27 *subdivision (e).*

1
2 (e) *The department may assess a penalty in an amount not to exceed*
3 *one thousand dollars (\$1,000) per day for each day that a violation*
4 *occurred, and for each day that a violation continues to occur. A*
5 *separate penalty may be assessed for each violation.*
6

7 Section 64426.1(b), Title 22, of the CCR states:

8
9 (b) *A public water system is in violation of the total coliform MCL*
10 *[maximum contaminant level] when any of the following*
11 *occurs:*

12
13 (1) *For a public water system which collects at least 40*
14 *samples per month, more than 5.0 percent of the*
15 *samples collected during any month are total coliform-*
16 *positive; or*

17
18 (2) *For a public water system which collects fewer than*
19 *40 samples per month, more than one sample*
20 *collected during any month is total coliform-positive; or*

21
22 (3) *Any repeat sample is fecal coliform-positive or E. coli-*
23 *positive; or*

24
25 (4) *Any repeat sample following a fecal coliform-positive*
26 *or E. coli-positive routine sample is total coliform-*
27 *positive.*

1

2 STATEMENT OF FACTS

3 The Barry Elementary School, domestic water system (School) is classified as a
4 non-transient non-community water system serving approximately 650 persons. In
5 accordance with Section 64423 of Title 22, the System is required to collect one
6 routine bacteriological sample per month, unless there was a positive bacteriological
7 sample, in which case, five routine bacteriological samples are required the following
8 month. On November 18, 2014, the System collected one routine sample from the
9 distribution system, which contained escherichia-coli (e-coli) bacteria. Four repeat
10 samples were collected on November 20, 2014. All four repeat samples showed the
11 presence of e-coli bacteria. The cause of the contamination is believed to have
12 originated from repair work being conducted on the well earlier in the month.

13

14 DETERMINATIONS

15 The Division has determined that the System violated Section 64426.1(b)(2), Title
16 22, of the CCR, in that the System exceeded the total coliform MCL during the
17 month of November 2014.

18

19 DIRECTIVES

20 The System is hereby directed to take the following actions:

21

22 1. Comply with Section 64426.1, Title 22, of the CCR in all future monitoring
23 periods.

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25 2. **Immediately upon the of the issuance of this Citation**, notify all persons
26 served by the School of the MCL violation as required by Section 64463.4

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and Section 64465, Title 22, of the CCR. Notification shall be completed in accordance with each of the following:

(A) Hand or mail delivery to persons served by the water system

3. Changes and/or modifications to Attachment 'A' shall not be made unless approved by the Division.
4. Complete and return Attachment 'B' "Certification of Completion of Public Notification" form **within 10 days** of giving public notice. A copy of the notice used to provide public notification shall be attached to the form.

1 The completed and signed copy of Attachment 'B' shall be submitted to the following
2 address:

3
4 Reese B. Crenshaw, P. E.
5 Valley District Engineer
6 Drinking Water Field Operations
7 Division of Drinking Water
8 State Water Resources Control Board
9 364 Knollcrest Drive, Suite 101
10 Redding, CA 96002
11 (530) 224-4800
12

13 Nothing in this Citation relieves the School of its obligation to meet the requirements
14 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
15 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
16 thereunder.

17
18 The Division reserves the right to make such modifications to this Citation, as it may
19 deem necessary to protect public health and safety. Such modifications may be
20 issued as amendments to this Citation and shall be effective upon issuance.

21
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
25 of the requirements of the California SDWA or any permit, regulation, permit or order

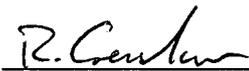
1 issued or adopted thereunder including, but not limited to, failure to correct a
2 violation identified in a citation or compliance order. The California SDWA also
3 authorizes the Board to take action to suspend or revoke a permit that has been
4 issued to a public water system if the system has violated applicable law or
5 regulations or has failed to comply with an order of the Board; and to petition the
6 superior court to take various enforcement measures against a public water system
7 that has failed to comply with violates an order of the Board. The Board does not
8 waive any further enforcement action by issuance of this citation.

9
10 **PARTIES BOUND**

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

13
14 **SEVERABILITY**

15 The directives of this Citation are severable, and Barry Elementary School shall
16 comply with each and every provision thereof notwithstanding the effectiveness of
17 any other provision.

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22 Reese B. Crenshaw, P.E., District Engineer
23 Valley District
24 Drinking Water Field Operations Branch

21 

22 Date

25
26 **Attachments:**

- 27 'A' Public Notification Template
28 'B' Certification of Completion
29

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

The Barry Elementary School water system did not meet Bacteriological Drinking Water Standards in November 2014

As a mandate of the State Water Board you are receiving this message because our water system violated the bacteriological drinking water standard for November 2014. As our customers, you have a right to know what happened, what we are doing to correct this situation and what you should do.

By law we are required to routinely monitor for the presence of drinking water contaminants. We took samples on November 18th, 20th and December 2nd. Each test showed the presence of coliform and E-coli bacteria. The standard is that no more than one (1) sample per month may have total coliform, and no samples should have E-coli.

What happened? What is being done?

In November 2014 water samples tested positive for total coliform and *E. coli* organisms. The well and water distribution system was chlorinated and flushed during the Thanksgiving break, and samples were collected a few days later.

As you were informed in early December, these samples tested positive for total coliform and *E. coli*. The bottled water and the other mitigation measures will remain in effect. Our treatment of this well continues while we seek results that the well source is free of coliform bacteria.

What should I do?

- **Continue use of bottled water which has historically been served at the school for consumption. Continue use of hand washing stations which have been set up near the bathrooms. Continue food preparation at Riverbend School.**
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we test for total coliform bacteria in any sample, we also test to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did find these E. Coli bacteria in our testing.**
- Fecal coliforms and *E. coli* are bacteria whose presence indicates the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms.

- 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.

We will continue to update you through this process and inform you when our sampling shows that no coliform bacteria are present.

For more information, please contact Thomas Butcher at (530) 822-5252.

State Water System ID#: 5100149.

December 12, 2014

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Division with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Barry Elementary School

Public Water System No. 5100149

Public notification for the November 2014 bacteriological failure was performed by the following method:

Hand delivery to faculty and other staff served by the water system. Please indicate the date(s) the notice was hand delivered: _____

Mail, email, or hand delivery to parents of students. Please indicate the date(s) the notice was sent or delivered to parents: _____

I hereby certify that the above information is factual.

Printed Name

Signature

Date