CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

February 25, 2015
System No.: 5403127

Ms. Lela Walker, Research Manager
Monrovia Venice Hills Nursery
P.O. Box 489
Woodlake, CA 93286

RE: **Citation No. 03-24-15C-016**
Violation of Title 22, California Code of Regulations, Section 64426.1
For January 2015

Dear Ms. Walker:

Enclosed is a Citation issued to the Monrovia Venice Hills Nursery (Water System) public water system.

The Water System will be billed at the Division's hourly rate (currently estimated at $128.00) for the time spent on issuing this Citation. The 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 specific 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.

The Water System will receive a bill sent from the 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 Monrovia Venice Hills Nursery for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact the Tulare District office at (559) 447-3300.

Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CJF/MRC
cc: Tulare County Environmental Health Department

Citation No. 03-24-15C-016

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **MONROVIA VENICE HILLS NURSERY**
Water System No. 5403127

TO: Lela Walker, Research Manager
Monrovia Venice Hills Nursery
P.O. Box 489
Woodlake, CA 93286

CC: Tulare County Environmental Health Services Department

CITATION FOR VIOLATION OF
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64426.1
January 2015

Issued on February 25, 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 Monrovia Venice Hills Nursery (hereinafter "Water System") (P.O. Box 489, Woodlake CA 93286) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1.

APPLICABLE AUTHORITIES

The applicable statutes and regulations are provided in Appendix A, attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is a nontransient noncommunity water system serving a population of approximately 30 persons through 6 service connections.

The Water System is required to collect a minimum of one distribution system bacteriological sample per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in six of six samples collected by the Water System in January 2015. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria.

Upon being informed of the presence of total coliform bacteria in one routine sample collected on January 20, 2015, the Water System collected a total of four repeat samples on January 23, 2015. All of the repeat samples were positive for total coliform bacteria. The samples were negative for *E.coli* or fecal coliform bacteria. A set of five routine samples were collected on February 3, 2015 which were negative for coliform bacteria. All water samples for coliform bacteria collected during January 2015 are summarized in Attachment A.

The cause of the contamination is believed to be from a broken well seal. A source sample collected on January 23, 2015, was positive for total coliform bacteria. The sample was negative for *E.coli* or fecal coliform bacteria.

Public notification to the Division and consumers of a water system is required whenever a violation of the Total Coliform MCL occurs. Notification to the Division is required by the end of

the business day on which the violation has been determined. If the Division is closed, notification shall be within 24 hours of the determination. The Division was not notified within 24 hours of the MCL violation.

Public notification to the consumers of the water system was conducted on January 30, 2015. The Water System submitted a copy of the public notice, proof of notification, and the total coliform investigation forms to the Division on February 18, 2015.

DETERMINATION

Title 22, CCR, Section 64426.1, Total Coliform Maximum Contaminant Level (MCL) provides that a public water system that collects fewer than 40 bacteriological samples per month has violated the regulation if more than one sample collected during any month is total coliform positive.

The Division has determined that the Water System failed to comply with Title 22, CCR, Section 64426.1, Total Coliform MCL for the month of January 2015 due to the presence of total coliform bacteria in three of nine samples collected in January 2015.

The Division has also determined that the Water System failed to comply with Title 22, CCR, Section 64426.1(c) which requires a public water system to notify the Division and the consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) the total coliform MCL occurs. Notification to the Division is required by the end of the business day on which the violation has been determined. If the Division is closed, notification shall be within 24 hours of the determination.

DIRECTIVES

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

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

2. The Water System shall notify the Division of any further violations of the total coliform MCL by the end of the business day on which the violation has been determined, or, if the Division is closed, within 24 hours of the determination.

The Division reserves the right to make such modifications to the 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 effective upon issuance.

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

All submittal required by this Citation shall be submitted to the Division at the following address:

Chad Fischer, P.E.
Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

PARTIES BOUND

This Citation shall apply to and be binding upon the Monrovia Venice Hills Nursery, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

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 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 an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

2/25/15
Date

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
DRINKING WATER FIELD OPERATIONS BRANCH

CJF/MRC
Attachments:
Attachment A: Summary of Bacteriological Samples for January 2015

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APPENDIX A

Applicable Statues and Regulations for Citation No. 03-24-15C-016

Section 116650 of the CHSC states in relevant part:

§116650. Citations

(a) If the Division 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 Division 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 Division 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.

Section 64424 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64424. Repeat Sampling.

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Division allow the collection of the repeat sample set over a four-day period.
   (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.
   (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as

specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in §64426.1 has been exceeded and notifies the Department.

(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.

Section 64426.1 of Title 22, California Code of Regulations (CCR) states in relevant part:
§64426.1. Total Coliform Maximum Contaminant Level (MCL).

(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in §64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:
   (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
   (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.

Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:
§64463.4. Tier 2 Public Notice.

(a) A water system shall give public notice pursuant to this section if any of the following occurs:
  (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
    (A) Where a Tier 1 public notice is required under section 64463.1; or
    (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
  (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

. . . .

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
  (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
  (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

. . . . .

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
  (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;
    (A) Mail or direct delivery 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; and
    (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
      1. Publication in a local newspaper;
      2. Posting in conspicuous public places served by the water system, or on the Internet; or
      3. Delivery to community organizations.
  (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and
(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:
§64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
(2) The date(s) of the violation or occurrence;
(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
(5) Whether alternative water supplies should be used;
(6) What actions consumers should take, including when they should seek medical help, if known;
(7) What the water system is doing to correct the violation or occurrence;
(8) When the water system expects to return to compliance or resolve the occurrence;
(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public 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"; and
(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "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 your 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 your drinking water during that time."

. . . . .

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or
(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:
(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
(3) Not contain language that minimizes or contradicts the information being given in the public notice.

Ground Water Rule

Section 64430. of Title 22, California Code of Regulations (CCR) states in relevant part:

§64430. Requirements.

A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Ground Water Rule published in 71 Federal Register 65574 (November 8, 2006) and amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009), which are hereby incorporated by reference: Sections 141.21(d)(3), 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B to Subpart Q (Public Notification), and 141.400 through 141.405, except that in:

(a) sections 141.402(a)(1)(ii), (a)(2), (a)(2)(ii), (a)(4), (a)(4)(ii)(A), (a)(5)(i), and (a)(5)(ii), the phrase —§141.21(a)‖ is replaced by —22 California Code of Regulations sections 64422 and 64423‖,
(b) sections 141.402(a)(1)(ii) and 141.405(b)(4), the phrase —§141.21(c)‖ is replaced by —22 California Code of Regulations section 64425‖, and
(c) section 141.402(a)(2)(iii), the phrase —§141.21(b)‖ is replaced by —22 California Code of Regulations section 64424‖.

[Note: The text reflecting this section is provided in Addendum A of this book.]

Addendum A

§141.402. Ground water source microbial monitoring and analytical methods.

(a) *Triggered source water monitoring* —
(1) *General requirements.* A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.
(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and
(ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.
(2) *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

(i) The State may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the State must specify how much time the system has to collect the sample.
(ii) If approved by the State, systems with more than one ground water source may meet the requirements of this paragraph (a)(2) by sampling a representative ground water source or sources. If directed by the State, systems must submit for State approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under 22 California Code of Regulations sections 64422 and 64423 and that the system intends to use for representative sampling under this paragraph.
(iii) A ground water system serving 1,000 people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of 22 California Code of Regulations section 64424 and to satisfy the monitoring requirements of paragraph (a)(2) of this section for that ground water source only if the State approves the use of *E. coli* as a fecal indicator for source water monitoring under this paragraph (a). If the repeat sample collected from the ground water source is *E.coli* positive, the system must comply with paragraph (a)(3) of this section.

(3) *Additional requirements.* If the State does not require corrective action under §141.403(a)(2) for a fecal indicator-positive source water sample collected under paragraph (a)(2) of this section that is not invalidated under paragraph (d) of this section, the system must collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator-positive sample.

(4) *Consecutive and wholesale systems* —
(i) In addition to the other requirements of this paragraph (a), a consecutive ground water system that has a total coliform-positive sample collected under 22 California Code of Regulations sections 64422 and 64423 must notify the wholesale system(s) within 24 hours of being notified of the total coliform-positive sample.
(ii) In addition to the other requirements of this paragraph (a), a wholesale ground water system must comply with paragraphs (a)(4)(ii)(A) and (a)(4)(ii)(B) of this section.

(A) A wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive must, within 24 hours of being notified, collect a sample from its ground water source(s) under paragraph (a)(2) of this section and analyze it for a fecal indicator under paragraph (c) of this section.

(B) If the sample collected under paragraph (a)(4)(ii)(A) of this section is fecal indicator-positive, the wholesale ground water system must notify all consecutive systems served by that ground water source of the fecal indicator source water positive within 24 hours of being notified of the ground water source sample monitoring result and must meet the requirements of paragraph (a)(3) of this section.

(5) *Exceptions to the triggered source water monitoring requirements.* A ground water system is not required to comply with the source water monitoring requirements of paragraph (a) of this section if either of the following conditions exists:

(i) The State determines, and documents in writing, that the total coliform-positive sample collected under 22 California Code of Regulations sections 64422 and 64423 is caused by a distribution system deficiency; or
(ii) The total coliform-positive sample collected under 22 California Code of Regulations sections 64422 and 64423 is collected at a location that meets State criteria for distribution system conditions that will cause total coliform-positive samples.

Bacteriological Distribution Monitoring Report

5403127 Monrovia Venice Hills Nursery

Distribution System Freq: 1/M

Sample Date	Location	T Coli	E Coli	F Coli	HPC	Type	Cl2	Cl2 Avg	Viol. Type	GWR Satisfied?	Comments
2/3/2015	Well 27	A	A			Source Repeat					
2/3/2015	Lunch Area	A	A			Repeat					Samples after Chlorination
2/3/2015	Restroom	A	A			Repeat					
2/3/2015	Office	A	A			Repeat					
1/23/2015	Lunch Area	P	A			Repeat					Seal at Well head broke. System chlorinated then flushed
1/23/2015	Restroom 1	P	A			Repeat			MCL	Yes	
1/23/2015	Office	P	A			Repeat					
1/23/2015	Well 27	P	A			Source Repeat					Notified Bryan on 2/9/15
1/20/2015	Lunch Area	P	A			Routine					

Violation Key

MCL	Exceeds the maximum contaminant level
MR1	No monthly sample for the report month
MR2	No quarterly sample for the report month
MR3	Incorrect number of routine samples for the report month
MR4	Did not collect 5 routine samples for previous month's positive sample
MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR6	No source sample
MR7	No summary report submitted
MR8	Other comments and/or info
MR9	Cl2 not reported