COUNTY OF MONTEREY
HEALTH DEPARTMENT
Elsa Jimenez, Director of Health

Administration
Behavioral Health
Clinic Services
Emergency Medical Services
Environmental Health/Animal Services
Public Health
Public Administrator/Public Guardian

Recipient of The California Endowment's 2017 Arnold X. Perkins Award for Outstanding Health Equity Practice

September 15, 2017

VISTA DEL TORO
ATTN: PAUL UHRICH
27441 VISTA DEL TORO PLACE
SALINAS, CA 93908

CITATION LETTER, CITATION #17-~~065~~ 068
VISTA DEL TORO MWC, I. D. No. 2700799

Coliform Bacteria MCL Violations for **March 2017**
Community Water System

Dear Mr. Uhrich,

Section 116650, Chapter 4 of Part 12 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard permit, or order issued thereunder. The Monterey County Health Department, Environmental Health Bureau (hereinafter EHB) under its Delegation agreement with the State Water Resources Control Board and pursuant to Section 116650 of CHSC, hereby issues this citation to the Vista del Toro MWC (hereinafter Water System) for violation of CHSC, Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64426.1(b)(2). Specifically:

1. The Water System was in violation of the Total Coliform Maximum Contaminant Level (MCL) set forth in Section 64426.1(b)(2), Title 22, CCR for the months of March 2017. The MCL was exceeded since two or more samples were total coliform positive in the same month. Specifically
    a. In March 2017, 2 of the 17 samples collected were total coliform positive.

History
In March 2017, the Water System notified EHB and the users that the water system failed the total coliform MCL and did an investigation and disinfected the system. The initial investigation revealed that contamination may have been due to a large storm in February and power outage. The system was disinfected again and follow-up samples met standards.

Directives
Pursuant to Section 116655 of the Health and Safety Code, the EHB hereby orders the Water System to do the following to ensure the water supplied by the Vista del Toro MWC shall at all times be pure, wholesome, potable, and healthful:

1. The Water System shall comply with Section 64426.1, Title 22, CCR in all future monitoring periods.

2. The Water System shall complete and provide the proof of notification to EHB by October 15, 2017.

3. The Water System shall complete the attached total coliform investigation for the March 2017 by October 15, 2017 to document the investigation and include any additional findings.

The EHB 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 effective upon issuance.

All submittals required by this order shall be addressed to:

Environmental Health Bureau
1270 Natividad Road
Salinas, CA 93906-3198

Subparts (c) and (e) (1) of Section 116650 of the H & S Code allow for the assessment of a civil penalty for failure to comply with the requirements in any citation issued by the EHB for the violation of any primary drinking water standard.

In the event the Water System fails to comply with the Directive of this citation within the time period specified, a citation shall be issued seeking civil penalties in an amount not to exceed one thousand dollars ($1000) per day for each day the violation continues beyond the date specified for correction in the citation.

If the Water System fails to perform the directive specified in this citation by the times described herein, the Water System shall be deemed to have not complied and may be subject to additional action, including bringing an action in the Superior Court for an order requiring the Water System to achieve compliance, including the appointment of a competent person who shall take charge of and operate the system as specified in the H & S Code, Section 116665.

The Health and Safety Code, Section 116577, requires that each water system shall reimburse EHB for actual cost incurred by EHB for any enforcement activity related to that water system.

Please note that any further MCL violations or failure to comply with sampling, reporting, and notification requirements could result in additional enforcement action against the water system, which may be billed at the EHBs' current hourly rate. If you have any questions, please contact me at (831)755-4552 or sandovalcl@co.monterey.ca.us.

Sincerely,

Cheryl Sandoval, REHS
Environmental Health Specialist

APPENDIX

APPLICABLE AUTHORITIES

CHSC, Section 116650 states:

(a) If the state board 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 state board 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 state board 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 and shall be in addition to any liability or penalty imposed under any other law.

CHSC, Section 116555(a)(1) 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.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.
(2) Directing compliance in accordance with a time schedule set by the department.
(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.
(2) That purification or treatment works be installed.
(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, Section 64426.1 **(hereinafter "Section** 64426.1**"), states in relevant part:**

...

(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.

PROOF OF NOTIFICATION
Total Coliform MCL

As required by Section 116450 of the California Health and Safety Code (H&SC), I notified all users of water supplied by the
Vista Del Toro MWC, I. D. 270-0799

of the maximum contaminant level (MCL) failure for the **March 2017** according to California Code of Regulations(CCR), Title 22, Section 64426.1

Notification was performed on _____ by
(Date)

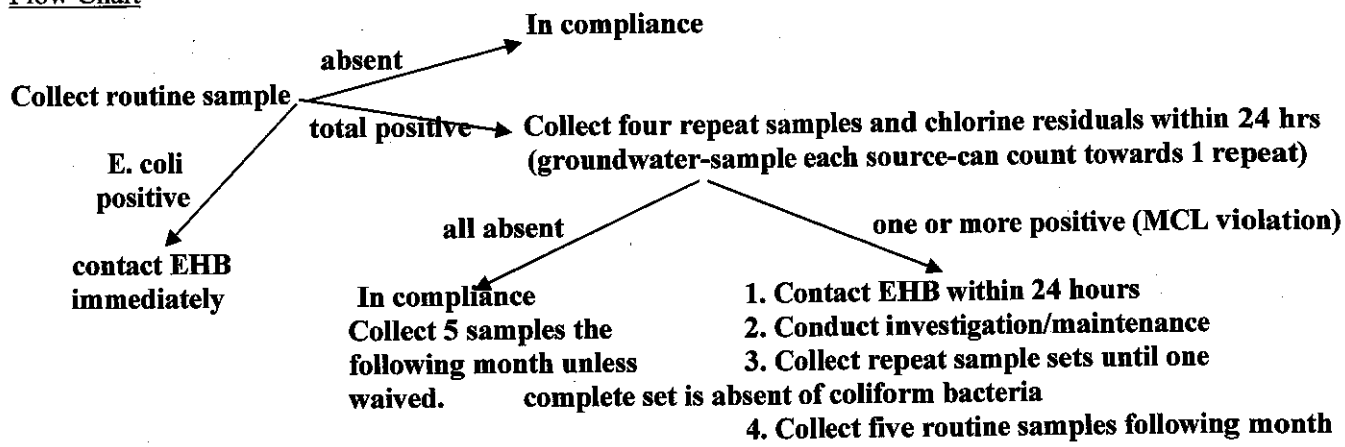
_____.
(method of distribution)

_____
Signature and Title of Water System Representative

Disclosure: Be advised that Sections 116725 and 116730 of the H&SC state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the California Safe Drinking Water Act may be liable for a civil penalty not to exceed five thousand dollars ($5,000) for 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 the county jail not to exceed one year, or both the fine and imprisonment.

Monterey County Health Department, Environmental Health Bureau
Bacteriological Monitoring Requirements

Flow Chart



DETAILS (See Title 22, California Code of Regulations)

Sampling Frequency-Routine Samples (section 64423)
Community and Nontransient-Noncommunity water system - minimum of one sample per month
Transient-Noncommunity water system – groundwater-minimum of one sample per quarter, except one sample per month in which 1,000 or more persons can be served by the water system
Transient-Noncommunity water system – surface water-minimum of one sample per month
If any samples are E.coli positive, the water system must notify EHB immediately.

Repeat Sampling Requirements – Required when Routine Sample is total coliform positive
The water system must require the laboratory to notify the system within 24 hours whenever any coliforms are present in a sample. A repeat sample set must be collected by the system within 24 hours of notification. This set must consist of at least four samples for each total coliform-positive sample and be collected in accordance with an approved sample siting plan. Generally, repeat samples shall be collected from:

- the site of the original positive (required),
- the well,
- the storage tank(s),
- another point in the distribution system within 5 service connections of the original positive
- Goundwater systems must sample each source-sample may count towards 1 repeat sample
- If well is E. coli/fecal positive, contact EHB within 24 hrs for New Groundwater rule guidance

This collection scheme is designed to identify the origin of the contamination. Systems with multiple wells and tanks may sample within 5 service connections upstream and downstream of the original positive or from combined well and tank taps, if available.

The samples shall be collected prior to disinfection of the water system and the water system shall be inspected by the water system during the sampling to identify any potential causes of the original positive sample. Chlorine residual readings shall be analyzed and reported for all repeat samples.

Maximum Contaminant Level Exceedence (MCL) (64426.1)
If one or more samples in the repeat sample set are total coliform-positive, the water system has exceeded the MCL for coliform bacteria and must notify this office within 24 hours. The system must investigate the cause of the positive samples and continue to collect a set of repeat samples until one set has no coliform positive samples. The system must also submit a report of findings including the following (64426):

- Current operating procedures that are or could potentially be related to the increase in bacterial count, such as main repairs or well work conducted without disinfection,
- System pressure loss to less than 5 psi,
- Potential cross connections,
- Physical evidence indicating bacteriological contamination of facilities (such as openings in the well casing, storage tank or evidence of animal activity in the vicinity of the well),
- Analytical results of any additional investigative samples collected, including well samples,
- residents' illness suspected of being waterborne.
- Records of the investigation and any action taken.

Follow-up Sampling
The water system must collect five routine samples the month following any total coliform sample (64424). May be waived if the Department conducts a site visit and determines why the sample(s) were positive and established that the problem has been corrected.

Additional Sampling Requirements
Samples for bacteriological testing must also be collected whenever either of the following conditions apply:
- loss of water pressure below 5 psig within the distribution system
- upon completion of construction, installation, or repair of wells, water mains, or storage facilities.

Samples are to be collected in accordance with an approved Sample Siting Plan (SSP). The sample must be tested by a laboratory certified by the State of California. The water system must direct the laboratory to submit copies of all required bacteriological monitoring directly to this office by the tenth day of the following month.

Collecting Bacteriological Water Samples

Collect samples at cold water faucets that are free of contaminating devices such as screens, aeration devices, hoses, point-of-use devices, or swiveled faucets. To prevent contamination, do not obtain samples from taps that leak around the valve stem and allow water to flow over the outside of the tap. Faucets must be high enough to put the bottle underneath without contacting the mouth of the container with the faucet.

Taking the sample:
1. Open the faucet and thoroughly flush the line for at least two to five minutes. The longer the water runs the better the chance of flushing out bacteria that may be in the building plumbing.
2. Reduce the flow until the water leaving the tap has a continuous, gentle flow without any turbulence.
3. Sterile containers provided by your laboratory must be used. Do not rinse the bottle prior to taking the sample. The powder in the bottle is sodium thiosulfate which inactivates any chlorine-based disinfectant. Be sure this substance stays in the bottle.
4. Remove the cap from the sample bottle and keep it in your hand facing down. Do not touch the inside of the cap or the bottle's inner surface as these actions can contaminate the sample.
5. Carefully place the sample bottle under the running water. Fill the bottle just to the fill-line; do not overfill the sample bottle or allow the water to splash.
6. Quickly replace the cap on the bottle and label the sample clearly. If samples cannot be delivered to the lab immediately, place samples in a cooler with cold packs. If ice is used, at no time should the sample container be immersed or submerged in the ice or melted ice water. The sample must be delivered to the laboratory within 24 hours from the time of collection.