STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **Semi Tropic School Water System**
Water System No. 1502244

TO: Dr. Felix Garcera, District Superintendent
Semi Tropic School Water System
25300 Hwy 46
Wasco, CA 93280

BY REGISTERED MAIL

CITATION FOR NONCOMPLIANCE -- Water System No. 1502244
TOTAL COLIFORM MCL VIOLATION – July 2011
Citation No. 03-19-13C-016

Issued on April 10, 2013

STATEMENT OF FACTS

Semi Tropic School Water System (hereinafter Water System) is classified as a non-transient non-community water system and serves a population of approximately 320 persons through six service connections. The Water System has one active source of supply, Well 01 (PS Code: 1502244-001) one 9000-gallon storage tank, and two pressure tanks. Continuous chlorination treatment (PS Code: 1502244-002) is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 03-12-97P-017 issued on November 12, 1997, by the California Department of Health Services (now California Department of Public Health).

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public Health (hereinafter "Department") is responsible for enforcing the Safe Drinking Water Act and regulations promulgated pursuant thereto.

- The Semi Tropic School (hereinafter Water System) is required to collect one routine bacteriological sample per month. Please refer to the Water System's approved Bacteriological Sample Siting Plan (BSSP) or Table 64423-A.
- One (1) routine bacteriological quality sample collected on July 7, 2011, from the distribution system, tested positive for total coliform bacteria.
- Two (2) out of four (4) repeat bacteriological quality samples collected on July 11, 2011, from the distribution system, tested positive for total coliform bacteria.
- One (1) Ground Water Rule trigger source sample collected on July 11, 2011, from Well 01 tested negative for total coliform bacteria.
- **Repeat samples were not collected within 24 hours of being notified of the positive result(s) [Section 64424(a), *Authorities*].**
- One (1) investigative sample collected on July 13, 2011, from the distribution system tested negative for total coliform bacteria.
- None of the bacteriological quality samples collected in July 2011, from the distribution system or the system well, tested positive for *E.coli* bacteria.
- **Semi Tropic School Water System failed the total coliform maximum contaminant level (MCL) for July 2011 [Section 64426.1(b)(2), *Authorities*].**

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- On July 12, 2011, Charlie Howell from Seaco Technologies Inc., (the Water System's contract sampler and certified distribution operator) notified the Department that the Water System failed the total coliform MCL for July 2011.
- On August 11, 2011, a public notice and Proof of Notification were emailed to the Water System for the July 2011 total coliform MCL failure.
- On September 9, 2011, the Department received signed and dated copies of the public notice and Proof of Notification from the Water System. According to these documents, public notification was completed on August 23, 2011.
- On August 11, 2011, an investigation report was emailed to the Water System for the August 2011 total Coliform MCL failure.
- On August 29, 2011, the Department received a completed copy of the investigation report in response to the July 2011 total coliform MCL failure. The investigation report was completed by Mr. Howell on behalf of the Water System.
- According to the investigation report, the passible cause of failure was low chlorine residual in the distribution system and a small service line leak. The investigation report indicates that the raw well water has a substantial amount of hydrogen sulfide, and sulfide concentration in the raw water varies at times. The report further states that the reaction rate of chlorine depends upon the sulfide level in the raw water and that the increase in sulfide level would cause the chlorine residual to drop in the distribution system. As a result of the total coliform MCL failure, the chlorine dosage was significantly increased.
- To clear bacteriological contamination, the Water System repaired the service line leak, increased the chlorine dosage and flushed the distribution system.
- Five (5) routine samples collected on August 3, 2011, from the distribution system, tested negative for total coliform bacteria.

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- One (1) routine distribution system sample collected on September 8, 2011, tested negative for total coliform bacteria.
- One (1) routine distribution system sample collected on October 5, 2011, tested positive for total coliform bacteria, and negative for *E.coli* bacteria.
- Three (3) repeat samples collected on October 10, 2011, from the distribution system tested negative for total coliform bacteria. In addition, one (1) Ground Water Rule sample collected on the same day from Well 01 tested negative for total coliform bacteria.
- **Repeat samples were not collected within 24 hours of being notified of the positive result(s) [Section 64424(a), *Authorities*].**
- The Water System did not fail the total coliform maximum contaminant level in October 2011.
- All five (5) routine distribution system samples collected on November 3, 2011, tested negative for total coliform bacteria.
- All monthly routine distribution system samples collected from December 2011 to February 2013, tested negative for total coliform bacteria. In addition, all quarterly bacteriological quality samples collected from Well 01 have tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2011 to February 2013 are summarized in **Attachment A.**

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

(1) Preparing, issuing, and monitoring compliance with, an order or citation.

(2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and

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the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:
"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.
(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.
(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).
(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).
(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:
(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars ($1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.
(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars ($1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.
(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars ($200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, 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 preventative 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:
(2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

Monthly Population Served	*Service Connections*	*Minimum Number of Samples*
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month

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Monthly Population Served	*Service Connections*	*Minimum Number of Samples*
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

"(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 Department 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 the 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 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 coliform 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 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."

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CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(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 with 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."

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Semi Tropic School Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for July 2011 when more than one sample collected in July 2011, tested positive for total coliform bacteria.

2. CCR, Title 22, Section 64424; Specifically, during the months of July 2011 and October 2011, the Water System failed to collected repeat samples within 24 hours of notification by the contract laboratory.

The above violations are classified as non-continuing violations.

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DIRECTIVES

Semi Tropic School is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64424 of Title 22, California Code of Regulations (CCR).

2. In the future, the Water System shall collect repeat bacteriological quality samples within 24 hours of notification by the contract laboratory.

3. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; 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 orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

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PARTIES BOUND

This citation shall apply to and be binding upon Semi Tropic Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Semi Tropic School Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than $200 (two hundred dollars)for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

April 10, 2013
Date

Jaswinder Dhaliwal

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

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Attachment

Attachment A: Bacteriological Summary January 2011 through February 2013

cc: Kern County Environmental Health Services Department (w/o attachments)
Charles Howell, Seaco Technologies, Inc.

JSD/an/kre

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ATTACHMENT A

Semi Tropic School Water System

1502244 Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/4/2011	9:35	Semi Tropic Scho	A	A		Routine	0.1		
2/3/2011	9:15	Maintenance Build	A	A		Routine	0.4		
3/3/2011	9:25	Maintenance HB	A	A		Routine	1.64		
4/6/2011	8:35	Maintenance HB	A	A		Routine	0.19		
5/4/2011	9:05	Maintenance HB	P	A		Routine	0.3		
5/6/2011	9:10	Maintenance HB	A	A		Repeat	3.6		
5/6/2011	9:20	Classroom HB	A	A		Repeat	3.2		
5/6/2011	9:30	Administrative Buil	A	A		Repeat	3.6		
5/6/2011	9:40	Caretaker HB	A	A		Repeat	3.5		
6/8/2011	9:15	Maintenance	A	A		Routine	0.5		
6/8/2011	9:20	Caretaker House	A	A		Routine	0.5		
6/8/2011	9:30	Classroom	A	A		Routine			
6/8/2011	9:35	Admin	A	A		Routine	0.4		
6/8/2011	9:45	West Maintenance	A	A		Routine			
7/7/2011	9:15	Classroom HB	P	A		Routine	0.2		
7/11/2011	10:50	Maintenance Offic	A	A		Repeat	3.5	MR5	Citation No. 03-19-13C-016 issued.
7/11/2011	11:00	Classroom HB	A	A		Repeat	2.0		
7/11/2011	11:05	Custodian House	P	A		Repeat	1.7		
7/11/2011	11:10	Front Office HB	P	A		Repeat	1.8	MCL	Citation No. 03-19-13C-016 issued.
7/13/2011	10:00	Office HB	A	A		Investiga	2.0		
8/3/2011	9:15	Maintenance HB	A	A		Routine	0.4		
8/3/2011	9:20	Classroom HB	A	A		Routine	0.3		
8/3/2011	9:25	Maintenance / Bac	A	A		Routine	0.4		
8/3/2011	9:30	Managers House	A	A		Routine	0.2		
8/3/2011	9:35	Admin. HB	A	A		Routine	0.2		
9/8/2011	10:00	Maintenance	A	A		Routine	3.4		
10/5/2011	9:15	Maintenance	P	A		Routine	0.3		
10/10/2011	10:35	Maintenance Build	A	A		Repeat	3.8	MR5	Citation No. 03-19-13C-016 issued.
10/10/2011	10:40	Custodian House	A	A		Repeat	3.7		
10/10/2011	10:45	Classroom	A	A		Repeat	3.0		
11/3/2011	9:00	Maintenance HB	A	A		Routine	0.7		
11/3/2011	9:05	Classroom 7	A	A		Routine	0.6		
11/3/2011	9:10	Building 3	A	A		Routine	0.6		
11/3/2011	9:15	Building 9	A	A		Routine	0.4		
11/3/2011	9:20	Admin Building	A	A		Routine	0.4		

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/11/2012	9:05	Maintenance HB	A	A		Routine			
2/9/2012	9:20	Maintenance HB	A	A		Routine	0.2		
3/1/2012	9:15	Maintenance HB	A	A		Routine	0.2		
4/11/2012	9:30	Maintenance	A	A		Routine	1.1		
5/3/2012	8:55	Maintenance	A	A		Routine	0.3		
6/6/2012	8:50	Maintenance HB	A	A		Routine	0.6		
7/5/2012	9:30	Maintenance HB	A	A		Routine	0.3		
8/7/2012	9:00	Maintenance HB	A	A		Routine	0.2		
9/6/2012	10:00	Maint. HB	A	A		Routine	0.2		
10/3/2012	9:30	Maint. HB	A	A		Routine	0.1		
11/6/2012	9:00	Maintenance HB	A	A		Routine	0.2		
12/5/2012	9:30	Maint. HB	A	A		Routine	0.5		
1/8/2013	10:30	Maint. HB	A	A		Routine	0.2		
2/6/2013	9:05	Maint. Office	A	A		Routine	1.0		

Semi Tropic School Water System

1502244

Source Monitoring Freq:

Sample Date	Time	Source	T Coli	E Coli	F Coli	Violation	Comment
5/6/2011	9:50	Well / Repeat	A	A			
7/11/2011	10:45	Well / Repeat	A	A			
10/5/2011	9:10	Well / Routine	P	A			
10/10/2011	10:25	Well / Repeat	A	A			
1/11/2012	9:15	Well / Routine	A	A			
4/11/2012	9:45	Well / Routine	A	A			
7/5/2012	9:40	Well / Routine	A	A			
10/3/2012	9:40	Well / Routine	A	A			
1/8/2013	10:40	Well / Routine	A	A			