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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Murray Family Farms Fruit Stand Water System**
Water System No. 1503565

TO: Steve Murray, Owner
Murray Family Farms
P.O. Box 70460
Bakersfield, CA 93387

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503565
TOTAL COLIFORM MCL VIOLATION
July 2011, August 2011, and September 2011
Citation No. 03-19-13C-036**

Issued on May 20, 2013

STATEMENT OF FACTS

Murray Family Farms Fruit Stand Water System (hereinafter Water System) is classified as a transient non-community water system and mainly serves a transient population of approximately 50 persons through one service connection. The Water System has one active source of supply, Well 02 (PS Code: 1503565-002) and a 500-gallon pressure tank. No treatment is provided to the well water. Well 02 is a replacement well for Well 01 (PS Code: 1503565-001) with a history of nitrate contamination. Well 02 was drilled in 2011 and approval to use Well 02 was granted by a letter dated August 28, 2012. The Water System was still using Well 01 when it failed the total coliform MCL in July, August, and September 2011. The Water System operates under the authority of a domestic water supply permit No. 03-19-07P-007 issued on March 14, 2007, by the California Department of Health Services, now

1 known as California Department of Public Health. Due to addition of Well 02, the
2 Department plans to issue a permit amendment to the Water System.

3
4 The Southern California Drinking Water Field Operations Branch, Division of
5 Drinking Water and Environmental Management, California Department of Public
6 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
7 Water Act and regulations promulgated pursuant thereto.

- 8
- 9 • The Water System is required to collect one (1) routine bacteriological sample
10 per quarter. Please refer to the Water System's approved Bacteriological
11 Sample Siting Plan (BSSP) or Table 64423-A.
 - 12 • One (1) routine bacteriological quality sample collected on July 27, 2011, from
13 the distribution system, tested positive for total coliform bacteria.
 - 14 • All three (3) repeat bacteriological quality samples collected on July 29, 2011,
15 from the distribution system, tested positive for total coliform bacteria.
 - 16 • One (1) repeat source sample (also counted towards the Ground Water Rule
17 trigger source sample) collected on July 29, 2011, from Well 01, tested
18 negative for total coliform bacteria.
 - 19 • None of the bacteriological quality samples collected in July 2011 from the
20 distribution system or Well 01, tested positive for *E.coli* bacteria.
 - 21 • **Murray Family Farms Fruit Stand Water System failed the total coliform**
22 **maximum contaminant level (MCL) for July 2011 [Section 64426.1(b)(2),**
23 ***Authorities*].**
 - 24 • On July 30, 2011, Steve White of skOO'kum h₂O Monitoring, Inc. (the Water
25 System's contract sampler and a certified distribution operator), notified the
26 Department that the Water System failed the total coliform MCL for July 2011.
- 27

- 1 • On August 24, 2011, a public notice and Proof of Notification were emailed to
2 the Water System for the July 2011 total coliform MCL failure.
- 3 • The Department received signed and dated copies of the public notice and
4 Proof of Notification from the Water System. According to these documents,
5 public notification was completed on August 25, 2011.
- 6 • On August 24, 2011, an investigation report was emailed to the Water System
7 for the July 2011 total coliform MCL failure.
- 8 • On April 23, 2013, the Department received a completed copy of the
9 investigation report in response to the July 2011 total coliform MCL failure.
10 The investigation report was completed by Dan Sackett of skOO'kum h₂O
11 Monitoring, Inc. on behalf of the Water System.
- 12 • The investigation report indicates the possible cause of contamination as
13 unknown but identified the Storage Tank as the main source of contamination.
14 The Water System disinfected the Storage Tank and flushed the distribution
15 system help clear bacteriological contamination from the distribution system.
- 16 • One (1) out of five (5) routine samples collected on August 5, 2011, from the
17 distribution system, tested positive for total coliform bacteria.
- 18 • Two (2) out of three (3) repeat bacteriological quality samples collected on
19 August 8, 2011, from the distribution system, tested positive for total coliform
20 bacteria.
- 21 • One (1) repeat source sample (also counted towards the Ground Water Rule
22 Trigger sample) collected on August 8, 2011, from Well 01, tested negative for
23 total coliform bacteria.
- 24 • One (1) special bacteriological quality sample collected on August 8, 2011,
25 from the storage tank, tested positive for total coliform bacteria.
- 26
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- 1 • None of the bacteriological quality samples collected in August 2011 from the
2 distribution system or Well 01, tested positive for *E.coli* bacteria.
- 3 • **Murray Family Farms Fruit Stand Water System failed the total coliform**
4 **MCL for August 2011 [Section 64426.1(b)(2), *Authorities*].**
- 5 • On August 11, 2011, Steve White of skOO'kum h₂O Monitoring, Inc. notified
6 the Department that the Water System failed the total coliform MCL for
7 August 2011.
- 8 • On August 24, 2011, a public notice and Proof of Notification were emailed to
9 the Water System for the August 2011 total coliform MCL failure.
- 10 • The Department received signed and dated copies of the public notice and
11 Proof of Notification from the Water System. According to these documents,
12 public notification was completed on August 24, 2011.
- 13 • On August 24, 2011, an investigation report was emailed to the Water System
14 for the August 2011 total coliform MCL failure.
- 15 • On April 23, 2013, the Department received a completed copy of the
16 investigation report in response to the August 2011 total coliform MCL failure.
17 The investigation report was completed by Dan Sackett of skOO'kum h₂O
18 Monitoring, Inc. on behalf of the Water System.
- 19 • The investigation report indicates the possible cause of contamination as
20 unknown but identified the Storage Tank as the main source of contamination.
21 The Water System disinfected the Storage Tank and flushed the distribution
22 system to help clear bacteriological contamination from the distribution
23 system.
- 24 • All five (5) routine samples collected on September 12, 2011, from the
25 distribution system, tested positive for total coliform bacteria.
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- 1 • No source sample was collected in September 2011, to comply with the
2 Ground Water Rule's requirement of triggered source sample, following a
3 routine total coliform positive sample in the distribution system.
- 4 • None of the bacteriological quality samples collected in September 2011 from
5 the distribution system, tested positive for *E.coli* bacteria.
- 6 • **Murray Family Farms Fruit Stand Water System failed the total coliform**
7 **MCL for September 2011 [Section 64426.1(b)(2), *Authorities*].**
- 8 • On September 14, 2011, Tami Welker of skOO'kum h₂O Monitoring, Inc.
9 notified the Department that the Water System failed the total coliform MCL
10 for September 2011.
- 11 • On October 12, 2011, a public notice and Proof of Notification were emailed to
12 the Water System for the September 2011 total coliform MCL failure.
- 13 • On October 19, 2011, the Department received signed and dated copies of the
14 public notice and Proof of Notification from the Water System. According to
15 these documents, public notification was completed on October 12, 2011.
- 16 • On October 12, 2011, an investigation report was emailed to the Water System
17 for the October 2011 total coliform MCL failure.
- 18 • On November 29, 2011, the Department received a completed copy of the
19 investigation report in response to the October 2011 total coliform MCL
20 failure. The investigation report was completed by Dan Sackett of skOO'kum
21 h₂O Monitoring, Inc. on behalf of the Water System.
- 22 • The investigation report indicates the possible cause of contamination as
23 unknown but identified the Storage Tank as the main source of contamination.
24 The Water System disinfected, sand blasted and applied new coating to the
25 Storage Tank to help clear bacteriological contamination from the distribution
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1 system. The distribution system was also flushed to help clear the
2 contamination.

- 3 • Five (5) routine samples collected on October 12, 2011, from the distribution
4 system on October 12, 2011, tested negative for total coliform bacteria.
- 5 • One (1) source sample collected on October 10, 2011, from Well 01, tested
6 negative for total coliform bacteria.
- 7 • One (1) special sample collected on December 29, 2011, from the Storage
8 Tank tested positive for total coliform bacteria. The Water System did not fail
9 the total coliform MCL in December 2011.
- 10 • All routine distribution and well bacteriological quality samples collected from
11 January 2012 to January 2013 have tested negative for total coliform bacteria.
- 12 • All bacteriological results collected from January 2011 to January 2013 are
13 summarized in **Attachment A**.

14
15 **AUTHORITIES**

16 Section 116577 of the CHSC, states in relevant part:

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

- 18 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

19 ...

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

22 Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

23 “(a) If the department determines that a public water system is in violation of this chapter or any
24 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.

25 (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.

26 (c) For continuing violations, the citation shall fix the earliest feasible time for elimination or
27 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:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
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
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

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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 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.”

DETERMINATIONS

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

- 1. CHSC Section 116555(a)(3): Specifically, the Water System failed to ensure that the water system is provided with a reliable and adequate supply for pure, wholesome, healthful, and potable water.
- 2. CCR, Title 22, Section 64426.1(b)(2): Specifically, the Water System violated the total coliform MCL for July 2011, August 2011 and September 2011 when more than one sample collected in July 2011, August 2011 and September 2011, tested positive for total coliform bacteria.

The above violations are classified as non continuing violations.

DIRECTIVES

1
2 Murray Family Farms Fruit Stand Water System is hereby directed to take the
3 following actions:

- 4
- 5 1. Cease and desist from failing to comply with Section 116555(a) of the
6 California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) of Title
7 22, California Code of Regulations (CCR).
 - 8 2. The Water System shall reimburse the Department, in accordance with an
9 invoice that shall be provided to the Water System, the costs for enforcement
10 activities, and such reimbursement shall be made prior to September 1 (or by a
11 different date if specified by the Department) of the fiscal year following the
12 fiscal year in which such costs are incurred as described in CHSC Section
13 116577(a)(1-2) and 116577(b).
 - 14 3. In the future, the Water System shall comply with the Ground Water Rule
15 requirements by collecting source sample(s) in follow-up to a routine total
16 coliform positive sample.

FURTHER ENFORCEMENT ACTIONS

17
18 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the
19 Department to: issue additional citations with assessment of penalties if the public
20 water system continues to fail to correct a violation identified in a citation; take action
21 to suspend or revoke a permit that has been issued to a public water system if the
22 system has violated applicable law or regulations or has failed to comply with orders
23 of the Department; and petition the superior court to take various enforcement
24 measures against a public water system that has failed to comply with orders of the
25 Department. The Department does not waive any further enforcement action by
26 issuance of this citation.
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PARTIES BOUND

This citation shall apply to and be binding upon Murray Family Farms Fruit Stand Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Murray Family Farms Fruit Stand 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.

May 20, 2013
Date

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

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Attachments

Attachment A: Bacteriological Summary January 2011 through January 2013

cc: Kern County Environmental Health Services Department (w/o attachments)
Dan Sackett, skOO'kum h₂O Monitoring, Inc. (via email)

JSD/kre/ak

ATTACHMENT A

Murray Family Farms Fruit Stand

1503565

Distribution System Freq: 1/Q

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/6/2011	12:05	1ROU	A	A		Routine			
5/2/2011	11:15	2ROU	A	A		Routine			
7/27/2011	11:30	1ROU	P	A		Routine			
7/29/2011	9:25	1REP1	P	A		Repeat	MCL		Citation No. 03-19-13C-036 issued.
7/29/2011	9:35	1REP2	P	A		Repeat			
7/29/2011	9:45	1REP3	P	A		Repeat			
8/5/2011	8:45	1ROU	A	A		Routine			
8/5/2011	8:55	2ROU	P	A		Routine			
8/5/2011	9:00	3ROU	A	A		Routine			
8/5/2011	9:10	4ROU	A	A		Routine			
8/5/2011	9:20	5ROU	A	A		Routine			
8/8/2011	8:50	STORAGE TANK/	P	A		Other			
8/8/2011	9:00	1REP4	P	A		Repeat			
8/8/2011	9:10	1REP2	P	A		Repeat	MCL		Citation No. 03-19-13C-036 issued.
8/8/2011	9:20	1REP1	A	A		Repeat			
9/12/2011	13:35	1ROU	P	A		Routine			
9/12/2011	13:40	2ROU	P	A		Routine			
9/12/2011	13:50	3ROU	P	A		Routine	MCL		Citation No. 03-19-13C-036 issued.
9/12/2011	13:55	4ROU	P	A		Routine			
9/12/2011	14:05	5ROU	P	A		Routine			
10/12/2011	10:00	1ROU	A	A		Routine			
10/12/2011	10:05	2ROU	A	A		Routine			
10/12/2011	10:10	3ROU	A	A		Routine			
10/12/2011	10:20	4ROU	A	A		Routine			
10/12/2011	10:30	5ROU	A	A		Routine			
12/29/2011	6:55	STORAGE TANK	P	A		Other			
3/27/2012	11:45	1ROU	A	A		Routine			
5/17/2012	10:30	1ROU	A	A		Routine			
7/19/2012	13:10	1ROU	A	A		Routine			
10/18/2012	9:00	1ROU	A	A		Routine			
1/17/2013	13:20	1ROU	A	A		Routine			

Murray Family Farms Fruit Stand

1503565

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
7/29/2011	10:00	WELL #1	A	A			
8/8/2011	9:30	WELL #1	A	A			
10/10/2011	7:15	WELL #1	A	A			
12/29/2011	6:50	WELL #2	A	A			
