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California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH
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EDMUND G. BROWN JR.
Governor

November 9, 2012

Water System No. 4900850

Rick Williams
Bodega Water Company
P.O. Box 87
Bodega, CA 94922

**CITATION NO. 02-18-12C-048
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL
AND MONITORING AND REPORTING VIOLATION FOR JULY 2012**

Enclosed is a citation issued to the Bodega Water Company (System) water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately two hours on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento by August 1, 2013. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Karen Bolan of my staff at (707) 576-2730.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

Enclosures

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Bodega Water Company

Water System No: 4900850

To: Bodega Water Company
P.O. Box 87
Bodega, CA 94922

Issued: November 9, 2012

CITATION FOR NONCOMPLIANCE

TOTAL COLIFORM BACTERIA

**Failure to Comply with the Maximum Contaminant Level and
Failure to Conduct Repeat Monitoring and Reporting**

July 2012

Chapter 4, Article 9, Section 116650 of Part 1 of Division 104 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.

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1 **Applicable Authorities**
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3 Section 116650 of the CHSC states in relevant part:
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5 (a) If the department determines that a public water system is in
6 violation of this chapter or any regulation, permit, standard, citation,
7 or order issued or adopted thereunder, the department may issue a
8 citation to the public water system. The citation shall be served upon
9 the public water system personally or by certified mail. Service shall
10 be deemed effective as of the date of personal service or the date of
11 receipt of the certified mail. If a person to whom a citation is directed
12 refuses to accept delivery of the certified mail, the date of service
13 shall be deemed to be the date of mailing.
14

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

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

23 (d) A citation may include the assessment of a penalty as specified in
24 subdivision (e).
25

26 (e) The department may assess a penalty in an amount not to
27 exceed one thousand dollars (\$1,000) per day for each day that a



1 violation occurred, and for each day that a violation continues to
2 occur. A separate penalty may be assessed for each violation.
3

4 **Violation**

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6 The Division of Drinking Water and Environmental Management of the
7 Department of Public Health (Department) hereby issues a citation to the
8 Bodega Water Company (Water System) for failure to comply with Section
9 116555(a) of the CHSC, and with Sections 64426.1 and 64424, Title 22 of
10 the California Code of Regulations (CCR). Specifically, the Water System
11 (mailing address: P.O. Box 87, Bodega, CA 94922) failed to comply with
12 the maximum contaminant level (MCL) for total coliform bacteria during the
13 month of July 2012. The Water System also failed to collect and report a
14 complete repeat sample set within 24 hours of being notified of the positive
15 result, pursuant to Section 64424, Title 22, of the CCR, in response to the
16 positive sample(s) collected during the month of July 2012 .
17

18 Section 64426.1(b)(2) specifies that a water supplier collecting fewer than
19 40 samples per month is in violation of the total coliform MCL when more
20 than one sample collected during any month is total coliform positive.
21

22 Section 64424, Title 22, of the CCR specifies that in the event of a positive
23 routine bacteriological sample, a water supplier shall collect a repeat sample
24 set within 24 hours of being notified by the laboratory of the positive result.
25 For a water supplier that normally collects one or fewer samples per month,
26 the repeat sample set must consist of at least four samples.
27



1 On July 10, 2012, the routine set of bacteriological samples was taken and
2 resulted in one sample positive for total coliform (*E. coli* absent). One
3 repeat sample was taken on July 17, 2012. This repeat sample was
4 positive for total coliform (*E. coli* absent). The Department was notified on
5 July 25 of these positive samples. A full set of four repeat samples was
6 taken on July 26, 2012. Of these, two were positive for total coliform (*E. coli*
7 absent). The Department was notified on July 27 of these positive samples.
8 Another full set of four repeat samples was taken on July 30, 2012. Of
9 these, one was positive for total coliform (*E. coli* absent). Another full set of
10 four repeat samples was taken on August 2, 2012. All August 2 samples
11 were negative for both total coliform and *E. coli*. The Department was
12 notified on August 4, and the Water System was instructed to take a routine
13 sample for August. The August 9, 2012 sample was negative for both total
14 coliform and *E. coli*. The multiple total coliform positive samples and
15 incomplete first repeat sample set resulted in violations of Sections 64424
16 and 64426.1, Title 22 of the CCR.

17
18 Section 64426.1(c) requires the water supplier to notify the Department and
19 its consumers when a violation of subsections (b)(1) through (4) occurs.
20 Notification of the consumers shall take place as soon as possible and
21 within 30 days of the water system learning of this violation. Notification to
22 the Department shall be by the end of the business day on which the
23 violation has been determined. If the determination occurs after the
24 Department office is closed, notification shall be within 24 hours of the
25 determination. The Water System notified the Department of this MCL
26 violation in accordance with Section 64426.1(c).

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Directives



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The Bodega Water Company is hereby directed to take the following actions:

1. Comply with Sections 64426.1 and 64424 in all future monitoring periods.
2. Notify all persons served by the Water System of the MCL violation and the failure to collect samples, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:
 - a) Completion of Attachment A to include the name, address, and telephone number of a water system official as a source of additional information concerning the public notice. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided on page 2 of Attachment A for this written description.**
 - b) By mail or direct delivery of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, to each customer receiving a bill, including those that provide their drinking water to others. This notice must also be given to all other service connections which receive water from this Water System. This notice must be delivered to each customer/service connection by **December 7, 2012.**

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c) By publication of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper. This notice must be published for one day. The publication in a local newspaper must be completed by **December 7, 2012**.

d) The water system must provide public notice for this violation in accordance with Section 64465(c), Title 22 of the CCR. This section requires that 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. In addition, Section 64465(c) also requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less), the public notice must contain information in the appropriate language(s) regarding the importance of the notice, or it must contain a telephone number or address where such residents may contact the water system to receive a translated copy of the notice or to receive assistance in the appropriate language. The Spanish language requirement is already included in the notice attached to this citation, Attachment A.

4. A representative of Bodega Water Company shall complete the attached Compliance Certification form and return it to the Department by December 7, 2012. **A copy of the notice published**

1 in the newspaper and a copy of the notice delivered to the
2 customers/service connections must be attached to the form.
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4 All documents required by this Citation shall be submitted to the Department
5 at the following address:
6

7 Janice M. Thomas, P.E., District Engineer
8 Department of Public Health
9 Drinking Water Field Operations Branch
10 50 D Street, Suite 200
11 Santa Rosa, CA 95404

12 **Civil Penalty**

13 Sections 116650(d) and 116650(e) of the California Health and Safety Code
14 allow for the assessment of a civil penalty for failure to comply with
15 requirements of Chapter 4. Failure to comply with any provision of this
16 citation may result in the Department imposing a civil penalty of up to two
17 hundred dollars (\$200.00) per day as of the date of violation of the
18 provision.
19

20 
21 _____
22 Janice M. Thomas, P.E.
23 Sonoma District Engineer
24 Drinking Water Field Operations Branch

20 *November 9, 2012*
21 _____
22 Date

24 Attachments

25 Certified Mail No. 7012 1010 0000 3984 0330

26 4900850/compliance

27 12110902-18-12C-048-4900850-22.doc/KAB



COMPLIANCE CERTIFICATION

Citation Number 02-18-12C-048

Name of Water System: **Bodega Water Company**

System Number: **4900850**

Certification

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of July 2012. In addition, I certify that the Bodega Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Complete Attachment A, as required in Directive 2(a)	_____
Public Notification - Mail or Direct Delivery to Customers	_____
Public Notification - Newspaper	_____
_____	_____
Signature of Water System Representative	Date

Attach a copy of the notice published in the newspaper, and a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN December 7, 2012**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each 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 county jail not to exceed one year, or by both the fine and imprisonment.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

Bodega Water Company Had Levels of Coliform Bacteria Above the Drinking Water Standard and Bodega Water Company Failed to Collect All Required Bacteriological Samples

Our water system recently violated two drinking water regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We routinely monitor for drinking water contaminants. We took 11 water samples to test for the presence of coliform bacteria during July 2012. Five of our samples showed the presence of coliform bacteria. The standard is that no more than 1 sample per month may test positive for bacteria. The positive samples were tested further for fecal coliform. **No fecal coliform or E. coli were found.** However, our drinking water exceeded the maximum level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22, of the California Code of Regulations (CCR). Furthermore, the regulations require that we collect four follow up samples (or repeat samples) within 24 hours of being notified that any routine water sample tests positive for coliform bacteria. We failed to collect all four repeat samples within 24 hours of being notified. That was a violation of Section 64424, Title 22, of the CCR.

What does this mean?

The California Department of Public Health (Department) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more drinking water samples than allowed. This was a warning of potential problems and a violation of the regulations.

What should I do?

You do not need to boil your water or take other corrective actions. This is not an emergency. If it had been, you would have been notified immediately.

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 EPA's Safe Drinking Water Hotline at (800) 426-4791.

If you have other health concerns related to the consumption of this water, you may wish to consult your doctor.

Has the problem been resolved? What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

_____ *(name)*

_____ *(address)*

_____ *(phone number)*

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of this notice from **Bodega Water Company** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors). **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable). **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS** (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).