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3 **STATE OF CALIFORNIA**  
4 **DEPARTMENT OF PUBLIC HEALTH**

5  
6 **IN RE: LATON COMMUNITY SERVICES DISTRICT**  
7 Water System No. 1010020

8  
9 **TO: Mr. Russel W. Dill, Operator**  
10 Laton Community Services District  
11 P.O. Box 447  
12 Laton, CA 93242

13  
14 **CC: Fresno County Division of Environmental Health**

15 **CITATION FOR NONCOMPLIANCE**  
16 **TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION**

17 **February 2013**

18 **Issued on April 23, 2013**

19 Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code  
20 (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the  
21 California Safe Drinking Water Act, or any regulation, standard, permit, or order issued  
22 hereunder.

23 **VIOLATION**

24 The Drinking Water Field Operations Branch of the California Department of Public Health  
25 (hereinafter 'Department') hereby issues a Citation to Laton Community Services District  
26 (hereinafter 'District'), for failure to comply with Section 116555(a)(1) of the CHSC and  
27 Section 64426.1(b)(2) of Title 22, California Code of Regulations (CCR). Specifically, the

1 District (mailing address: P.O. Box 447, Laton, CA 93242) failed to comply with the total  
2 coliform Maximum Contaminant Level (MCL) for the month of February 2013.

3  
4 Section 64426.1(b)(2) specifies that a public water system collecting fewer than 40 samples  
5 per month is in violation of the total coliform MCL when more than one sample collected  
6 during any month is total coliform-positive.

7  
8 The District is required to collect a minimum of two (2) distribution system bacteriological  
9 samples per month. The bacteriological water analysis results submitted by the District  
10 reported the presence of total coliform bacteria in seven (7) of twenty-four (24) samples  
11 collected by the District in February 2013. None of the positive samples showed the  
12 presence of fecal coliform or *E. coli* bacteria.

13  
14 Due to the above-mentioned total coliform positive samples, the Water System failed the  
15 total coliform MCL for the month of February 2013. All water samples for coliform  
16 bacteria collected during and since February 2013 are summarized in Attachment A.

17  
18 Upon being informed of the presence of total coliform bacteria in two routine samples  
19 collected on February 6, 2013, District staff collected a total of ten repeat samples on  
20 February 7, 2013. Five (5) out of the ten (10) samples were positive for total coliform and  
21 absent for *E. coli* and fecal coliform. Twelve (12) additional repeat samples were collected  
22 on February 13, 2013 and all were negative for total coliform bacteria. The proper number  
23 of repeat samples were collected. Due to the above-mentioned total coliform positive  
24 samples, the District failed the total coliform MCL for the month of February 2013. All  
25 water samples for coliform bacteria collected during February 2013 are summarized in  
26 Attachment A.

27

1 Following the initial round of repeat samples, the District staff and California Water  
 2 Services (CWS) personnel immediately began to disinfect and flush the distribution system.  
 3 District staff and CWS personnel also conducted a brief field investigation looking for  
 4 potential sources of contamination. Investigation efforts focused in the northern area of the  
 5 community where the positive samples were clustered. CWS reported that the investigation  
 6 identified two private wells that may have been unknown cross-connections to the District's  
 7 distribution system. The Department understands that backflow protection for the private  
 8 well located at the Lion's Club has been addressed. It is not clear whether the second  
 9 private well is indeed connected to the District's distribution system and whether backflow  
 10 protection has been addressed. The Directives of this Citation require the Water System to  
 11 submit a Positive Total Coliform Investigation Form, which shall describe the results of the  
 12 field investigation and document whether all identified cross-connections are equipped with  
 13 appropriate backflow prevention.

14  
 15 The five routine samples required the month following a month with one or more total  
 16 coliform-positive samples were collected on March 13, 2013, and were negative for total  
 17 coliform bacteria.

18  
 19 The above violation is classified as a non-continuing violation.

20  
 21 The Groundwater Rule adopted by the Department, effective August 18, 2011, requires the  
 22 collection of a sample for bacteriological evaluation from wells serving the system in  
 23 response to a coliform positive distribution sample. This requirement was met with the  
 24 round of repeat sampling conducted by the Water System in February 2013.

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2 **NOTIFICATION REQUIREMENTS**

3 Section 64426.1(c) requires a public water system to notify the Department and the  
4 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4) the  
5 total coliform MCL occurs. Notification to the Department shall be by the end of the  
6 business day on which the violation has been determined. If the Department is closed,  
7 notification shall be within 24 hours of the determination. The Department was notified on  
8 February 8, 2013, in accordance with the above-referenced section.

9  
10 A Tier 2 Public Notice for violation of paragraph 64426.1(b)(2) shall be given pursuant to  
11 Section 64463.4 and 64465. The Tier 2 Public Notice shall include the mandatory health  
12 effects language from Appendix 64465-A for a total coliform MCL failure.

13  
14 Section 64463.4 allows community water systems to use mail or direct delivery to each  
15 customer and the use of one or more of the following methods: publication in a daily or  
16 weekly newspaper, posting the public notice in a conspicuous public place within the water  
17 system or on the internet, or by delivery to community organizations. The Tier 2  
18 notification methods are included Attachment B along with instructions on completing the  
19 public notice.

20  
21 The District shall either mail or conduct direct delivery of the public notice to all customers  
22 served within the general service area. Section 116450(g) requires that upon receipt of  
23 notification from a public water system, schools must notify school employees, students,  
24 and parents (if the students are minors), residential rental property owners or managers  
25 (including nursing homes and care facilities) must notify their tenants and business property  
26 owners, managers or operators must notify employees of businesses located on the property.  
27 These secondary notification requirements are included in the public notice. The

1 Department hereby waives public notification by newspaper, posting or delivery to  
2 community organizations.

3  
4 Section 116450(g) requires that upon receipt of notification from a public water system,  
5 schools must notify school employees, students, and parents (if the students are minors),  
6 residential rental property owners or managers (including nursing homes and care facilities)  
7 must notify their tenants and business property owners, managers or operators must notify  
8 employees of businesses located on the property. These secondary notification  
9 requirements are also included in the public notice.

10  
11 Proof of notification is required. The District shall complete Attachment C and return it to  
12 the Department by May 15, 2013.

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14  
15 **DIRECTIVES**

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17 The District is hereby directed to take the following actions:

- 18  
19 1. By **May 5, 2013** the **District** shall provide public notification of the total coliform  
20 Maximum Contaminant Level failure by mail or conduct direct delivery of the  
21 public notice to all customers served within the general service area.

22  
23 By **May 15, 2013** the District shall provide proof of notification of the total coliform  
24 MCL violation notification to each consumer using Attachment C, to:

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Betsy S. Lichti, Senior Sanitary Engineer  
Department of Public Health  
Drinking Water Field Operations Branch  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

2. By May 15, 2005, the District shall complete and submit the enclosed "Positive Total Coliform Investigation" form to the Department that describes the incident and all corrective actions taken, and the results of the investigation. The appropriate investigation report is provided as Attachment D.

**CIVIL PENALTIES**

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of violation of any provision of this Citation.

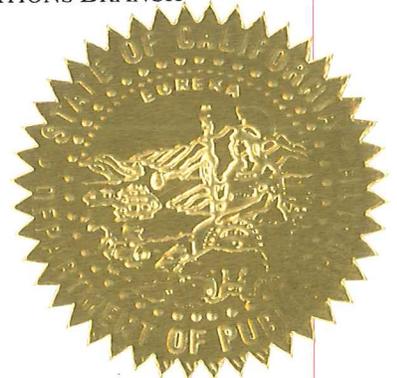
4/23/13  
Date

Betsy S. Lichti  
Betsy S. Lichti, P.E.  
Senior Sanitary Engineer, Fresno District  
DRINKING WATER FIELD OPERATIONS BRANCH

BSL/MH

Attachments:

- Attachment A: Summary of Bacteriological Samples collected in February 2013
- Attachment B: Public Notification Methods
- Attachment C: Proof of Notification Form
- Attachment D: Investigation Report for Bacteriological MCL Failure form



# Bacteriological Distribution Monitoring Report

**1010020      Laton Community Services District      Distribution System Freq: 2/M**

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
2/6/2013	8:10	Site 3	P	A		Routine			
2/6/2013	8:30	Site 4	P	A		Routine		MCL	
2/7/2013	15:16	4-rou	P	A		Repeat			
2/7/2013	15:42	4-rep	P	A		Repeat			
2/7/2013	16:00	3-rep	P	A		Repeat			
2/7/2013	16:00	4-rep	P	A		Repeat			
2/7/2013	16:16	3-repd	P	A		Repeat			
2/7/2013	16:16	4-rep	A	A		Repeat			
2/7/2013	16:27	3-repU	A	A		Repeat			
2/7/2013	16:34	3-rou	A	A		Repeat			
2/7/2013	16:50	Well 4	A	A		Source Repeat			
2/7/2013	16:50	Well r	A	A		Source Repeat			
2/13/2013	10:07	3 rep	A	A		Repeat			
2/13/2013	10:30	3 rou	A	A		Repeat			
2/13/2013	10:30	3 rou	A	A		Repeat			
2/13/2013	11:07	3-rep	A	A		Repeat			
2/13/2013	11:07	4 rep and 3 rep	A	A		Repeat			
2/13/2013	11:07	4-rep and 3 rep	A	A		Repeat			
2/13/2013	11:24	3-rep	A	A		Repeat			
2/13/2013	11:24	4 rep	A	A		Repeat			
2/13/2013	11:43	4 rep	A	A		Repeat			
2/13/2013	12:01	4 rou	A	A		Repeat			
2/13/2013	12:20	well 6	A	A		Source Repeat			
2/13/2013	12:20	Well 6	A	A		Source Repeat			
3/13/2013	9:05	Site 1	A	A		Routine			
3/13/2013	9:28	Site 2	A	A		Routine			
3/13/2013	9:50	Site 3	A	A		Routine			
3/13/2013	10:15	Site 4	A	A		Routine			
3/13/2013	10:38	Site 5	A	A		Routine			

**Violation Key**

<table border="0"> <tr><td style="width: 20px;">MCL</td><td>Exceeds the maximum contaminant level</td></tr> <tr><td>MR1</td><td>No monthly sample for the report month</td></tr> <tr><td>MR2</td><td>No quarterly sample for the report month</td></tr> <tr><td>MR3</td><td>Incorrect number of routine samples for the report month</td></tr> <tr><td>MR4</td><td>Did not collect 5 routine samples for previous month's positive sample</td></tr> </table>	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	<table border="0"> <tr><td style="width: 20px;">MR5</td><td>Incorrect number of repeat samples as follow-up to a positive sample</td></tr> <tr><td>MR6</td><td>No source sample</td></tr> <tr><td>MR7</td><td>No summary report submitted</td></tr> <tr><td>MR8</td><td>Other comments and/or info</td></tr> <tr><td>MR9</td><td>Cl2 not reported</td></tr> </table>	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
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