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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Sun World International Inc. – Com Center**
Water System No. 1502273

TO: Sonny Velazquez, Environmental and Safety Tech
Sun World International Inc. – Com Center
P.O. Box 80298
Bakersfield, CA 93380

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1502273
TOTAL COLIFORM MCL VIOLATION – April 2011
Citation No. 03-19-13C-013**

Issued on April 16, 2013

STATEMENT OF FACTS

Sun World International Inc. – Com Center (hereinafter Water System) is classified as a non-transient non-community water system and serves a population of approximately 80 persons through six service connections. The Water System has one active source of supply, Well 99-2 (PS Code: 1502273-001), one 10,000-gallon pressure tank, and two 20,300-gallon storage tanks. No treatment is currently provided to the well water. Due to ongoing violation of the nitrate and dibromochloropropane (DBCP) maximum contaminant levels (MCLs), the Water System provides bottled water for drinking. The Water System operates under the authority of a domestic water supply permit No. 2273 issued on June 10, 1993, by the Kern County Environmental Health Services Department.

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

- 5
- 6 • The Water System is required to collect one (1) routine bacteriological sample
7 per month. Please refer to the Water System's approved Bacteriological
8 Sample Siting Plan (BSSP) or Table 64423-A.
- 9 • One (1) routine bacteriological quality sample collected on April 15, 2011,
10 from the distribution system tested positive for total coliform bacteria.
- 11 • All three (3) repeat bacteriological quality samples collected on April 18, 2011,
12 from the distribution system, tested positive for total coliform bacteria.
- 13 • One (1) repeat sample collected on April 18, 2011, from Well 99-2 (also
14 counted towards the Ground Water Rule's trigger source sampling
15 requirement), also tested positive for total coliform bacteria.
- 16 • None of the bacteriological quality samples collected in April 2011 from the
17 distribution system or the system well, tested positive for *E.coli* bacteria.
- 18 • **Sun World International Inc. – Com Center Water System failed the total**
19 **MCL for April 2011 [Section 64426.1(b)(2), *Authorities*].**
- 20 • On April 19, 2011, McMor Chlorination, Inc. (the Water System's contract
21 sampler and certified distribution operator) notified the Department that the
22 Water System failed the total coliform MCL for April 2011.
- 23 • On May 16, 2011, a public notice and Proof of Notification were emailed to
24 the Water System for the April 2011 total coliform MCL failure.
- 25 • On May 17, 2011, the Department received signed and dated copies of the
26 public notice and Proof of Notification from the Water System. According to
27 these documents, public notification was completed on May 17, 2011.

- 1 • On May 16, 2011, an investigation report was emailed to the Water System for
2 the April 2011 total coliform MCL failure.
- 3 • On April 2, 2013, the Department received a completed copy of the
4 investigation report in response to the April 2011 total coliform MCL failure.
5 The investigation report was completed by Dennis Gatson from McMor
6 Chlorination, Inc.
- 7 • According to the investigation report, the cause of contamination may be Well
8 99-2 since the well tested positive for total coliform bacteria in March 2011.
9 To help clear bacteriological contamination, the Water System disinfected and
10 flushed the well, both storage tanks, and distribution system.
- 11 • Five (5) routine samples were collected on May 17, 2011, from the distribution
12 system and they all tested negative for total coliform bacteria.
- 13 • One (1) sample collected on May 17, 2011, from Well 99-2 also tested
14 negative for total coliform bacteria.
- 15 • All routine distribution and well bacteriological quality samples collected from
16 June 2011 to February 2013 have tested negative for total coliform bacteria.
- 17 • Results of all bacteriological samples collected from January 2011 to February
18 2013 are summarized in **Attachment A**.

AUTHORITIES

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

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

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

26 ...

27 (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
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:

<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

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
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 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 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 April 2011 when more than one sample collected in April 2011, tested positive for total coliform bacteria

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

DIRECTIVES

1 Sun World International, Inc. – Com Center is hereby directed to take the following
2 actions:
3

- 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
 - 9 2. The Water System shall reimburse the Department, in accordance with an
10 invoice that shall be provided to the Water System, the costs for enforcement
11 activities, and such reimbursement shall be made prior to September 1 (or by a
12 different date if specified by the Department) of the fiscal year following the
13 fiscal year in which such costs are incurred as described in CHSC Section
14 116577(a)(1-2) and 116577(b).
15

16
17 **FURTHER ENFORCEMENT ACTIONS**

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 Sun World International Inc. – Com Center, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Sun World International, Inc. – Com Center 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 16, 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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Attachment

Attachment A: Bacteriological Summary January 2011 through February 2013

cc: Kern County Environmental Health Services Department (w/o attachments)
McMor Chlorination, Inc.

JSD/kre/ak

ATTACHMENT A

Sun World International, Inc - Com Center

1502273

Distribution System Freq: 1/M

<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>
1/7/2011	8:48	1ROU	A	A		Routine			
2/11/2011	11:00	2ROU	A	A		Routine			
3/18/2011	11:16	3ROU	A	A		Routine			
4/15/2011	11:25	5ROU	P	A		Routine			
4/18/2011	9:05	5ROU	P	A		Repeat	MCL		Citation No. 03-19-13C-013 issued.
4/18/2011	9:15	5REP1	P	A		Repeat			
4/18/2011	9:40	5REP2	P	A		Repeat			
5/17/2011	9:15	1ROU	A	A		Routine			
5/17/2011	9:25	4ROU	A	A		Routine			
5/17/2011	9:30	2ROU	A	A		Routine			
5/17/2011	9:35	3ROU	A	A		Routine			
5/17/2011	9:40	5ROU	A	A		Routine			
6/3/2011	10:55	2ROU	A	A		Routine			
7/22/2011	10:38	3ROU	A	A		Routine			
8/19/2011	11:17	5ROU	A	A		Routine			
9/16/2011	10:53	1ROU	A	A		Routine			
10/14/2011	10:57	2ROU	A	A		Routine			
11/21/2011	13:48	3ROU	A	A		Routine			
12/9/2011	10:28	5ROU	A	A		Routine			
1/12/2012	13:00	1ROU	A	A		Routine			
2/16/2012	13:43	2ROU	A	A		Routine			
3/13/2012	9:45	3ROU	A	A		Routine			
4/24/2012	8:34	5ROU	A	A		Routine			
5/18/2012	11:14	1ROU	A	A		Routine			
6/26/2012	8:50	2ROU	A	A		Routine			
7/5/2012	9:02	3ROU	A	A		Routine			
8/14/2012	9:20	5ROU	A	A		Routine			
9/7/2012	11:30	1ROU	A	A		Routine			
10/19/2012	10:34	2ROU	A	A		Routine			
11/30/2012	11:30	2ROU	A	A		Routine			
12/26/2012	14:02	5ROU	A	A		Routine			
1/25/2013	8:22	1ROU	A	A		Routine			
2/1/2013	11:07	2ROU	A	A		Routine			

Sun World International, Inc - Com Center

1502273

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Violation</i>	<i>Comment</i>
4/18/2011	9:15	001	6.9		<1.1		
5/17/2011	9:46	001	<1.1	<1.1			
