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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:           **Western Milling Water System**  
                    Water System No. 1503585

TO:               Jim Alves  
                    Western Milling  
                    P.O. Box 1029  
                    Goshen, CA 93227

**BY REGISTERED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503585  
TOTAL COLIFORM MCL VIOLATION – July 2011 and October 2011  
Citation No. 03-19-13C-020**

**Issued on March 12, 2013**

**STATEMENT OF FACTS**

Western Milling Water System (hereinafter Water System) is classified as a transient non-community Water System and serves a population of approximately forty five (45) persons through one (1) service connection. The Water System has one (1) active source of supply, Well 02 (PS Code: 1503585-002), one 15,500-gallon storage tank, and one pressure tank. No treatment is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 03-19-12P-011 issued on April 26, 2012, by the 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.

- 1 • The Water System is required to collect one (1) routine bacteriological sample  
2 per quarter. Please refer to the Water System's approved Bacteriological  
3 Sample Siting Plan (BSSP) or Table 64423-A.
- 4 • One (1) routine bacteriological quality sample collected on July 7, 2011, from  
5 the distribution system, tested positive for total coliform bacteria.
- 6 • One (1) out of three (3) repeat bacteriological quality samples collected on July  
7 14, 2011, from the distribution system, tested positive for total coliform  
8 bacteria.
- 9 • **Repeat samples were not collected within 24 hours of being notified of the**  
10 **total coliform positive sample result [Section 64424(a), *Authorities*].**
- 11 • One (1) repeat sample (also counted towards the Ground Water Rule's trigger  
12 source sampling requirement) collected on July 14, 2011, from Well 02, tested  
13 positive for total coliform bacteria.
- 14 • None of the bacteriological quality samples collected in July 2011, from the  
15 distribution system or the system well, tested positive for *E.coli* bacteria.
- 16 • **Western Milling Water System failed the total coliform maximum**  
17 **contaminant level (MCL) for July 2011 [Section 64426.1(b)(2) *Authorities*].**
- 18 • On July 15, 2011, Steve White, the Water System's contract sampler from  
19 skOO'kum h<sub>2</sub>O Monitoring, Inc., notified the Department that the Water  
20 System failed the total coliform MCL for July 2011.
- 21 • On August 12, 2011, a public notice and Proof of Notification were emailed to  
22 the Water System for the July 2011 total coliform MCL failure.
- 23 • On August 15, 2011, the Department received signed and dated copies of the  
24 public notice and Proof of Notification. According to these documents, public  
25 notification was completed on August 15, 2011.
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- 1 • On August 12, 2011, an investigation report was emailed to the Water System  
2 for the July 2011 total coliform MCL failure.
- 3 • On September 6, 2011, the Department received a completed copy of the  
4 investigation report in response to the July 2011 total coliform MCL failure.  
5 The investigation report was completed by skOO'kum h<sub>2</sub>O Monitoring, Inc., on  
6 behalf of the Water System.
- 7 • The investigation report indicated the storage tank being the possible cause of  
8 contamination. According to the report, it was very difficult to disinfect the  
9 storage tank since chlorine in the water would cause damage to the  
10 manufacturing facility, requiring shut down of the production to disinfect the  
11 tank. Also some physical deficiencies (such as no vent, no sample tap, and no  
12 pump-to-waste valve) were identified at the well site.
- 13 • The Water System flushed Well 02 and the distribution system to clear  
14 bacteriological contamination.
- 15 • Five (5) routine samples collected from the distribution system on August 17,  
16 2011, tested negative for total coliform bacteria.
- 17 • One (1) out of five (5) routine bacteriological quality sample collected on  
18 September 7, 2011, from the distribution system, tested positive for total  
19 coliform bacteria.
- 20 • All three (3) repeat bacteriological quality samples collected on September 15,  
21 2011, from the distribution system, tested negative for total coliform bacteria.
- 22 • One (1) repeat sample (also counted towards the Ground Water Rule's trigger  
23 source sampling requirement) collected on September 15, 2011, from Well 02,  
24 tested negative for total coliform bacteria.
- 25 • Repeat samples were not collected within 24 hours of being notified of the  
26 total coliform positive sample result [Section 64424(a), *Authorities*].  
27

- 1 • None of the bacteriological quality samples collected in September 2011, from  
2 the distribution system or the system well, tested positive for *E.coli* bacteria.
- 3 • Due to a total coliform positive sample collected from the distribution system  
4 on September 7, 2011, the Water System was required to collect five (5)  
5 routine samples in October 2011.
- 6 • All five (5) routine bacteriological quality samples collected on October 10,  
7 2011, from the distribution system, tested positive for total coliform bacteria.
- 8 • **Western Milling Water System failed the total coliform MCL for October**  
9 **2011 [Section 64426.1(b)(2) *Authorities*].**
- 10 • One (1) investigative bacteriological quality sample collected on October 10,  
11 2011, from the storage tank, also tested positive for total coliform bacteria.
- 12 • One (1) repeat sample (also counted towards the Ground Water Rule's trigger  
13 source sampling requirement) collected on October 13, 2011, from Well 02,  
14 tested negative for total coliform bacteria.
- 15 • None of the bacteriological quality samples collected in October 2011, from  
16 the distribution system or the system well, tested positive for *E.coli* bacteria.
- 17 • On October 12, 2011, Tami Welker from skOO'kum h<sub>2</sub>O Monitoring, Inc.,  
18 notified the Department that the Water System failed the total coliform MCL  
19 for October 2011.
- 20 • On November 9, 2011, a public notice and Proof of Notification were emailed  
21 to the Water System for the October 2011 total coliform MCL failure.
- 22 • On November 9, 2011, the Department received signed and dated copies of the  
23 public notice and Proof of Notification from the Water System. According to  
24 these documents, public notification was completed on November 8, 2011.
- 25 • On November 9, 2011, an investigation report was emailed to the Water  
26 System for the October 2011 total coliform MCL failure.
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- 1 • On December 29, 2011, the Department received a completed copy of the  
2 investigation report in response to the October 2011 total coliform MCL  
3 failure. The investigation report was completed by skOO'kum h<sub>2</sub>O Monitoring,  
4 Inc., on behalf of the Water System.
- 5 • The investigation report indicates the storage tank being the possible cause of  
6 contamination.
- 7 • To help clear bacteriological contamination, a missing vent screen cover from  
8 the storage tank was replaced and the tank was cleaned on November 12, 2011,  
9 by a professional tank cleaning company. Following completion of the above-  
10 mentioned work, the tank was disinfected and the distribution system was  
11 flushed.
- 12 • Five (5) routine samples collected on November 17, 2011, from the  
13 distribution system, and one (1) sample collected from the storage tank, tested  
14 negative for total coliform bacteria.
- 15 • One (1) routine distribution bacteriological quality sample collected on  
16 December 13, 2011, tested negative for total coliform bacteria.
- 17 • One (1) routine bacteriological quality sample collected on February 7, 2012,  
18 from the distribution system, tested positive for total coliform bacteria.
- 19 • All three (3) repeat bacteriological quality samples collected on February 27,  
20 2012, from the distribution system, tested negative for total coliform bacteria.
- 21 • One (1) repeat sample (also counted towards the Ground Water Rule's trigger  
22 source sampling requirement) collected on February 27, 2012, from Well 02,  
23 also tested negative for total coliform bacteria.
- 24 • Repeat samples were not collected within 24 hours of being notified of the  
25 total coliform positive sample result [Section 64424(a), *Authorities*].  
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- 1 • The Water System did not fail the total coliform maximum contaminant level
- 2 for February 2012.
- 3 • Five (5) routine samples collected from the distribution system on March 27,
- 4 2012, tested negative for total coliform bacteria.
- 5 • All routine quarterly distribution bacteriological quality samples collected from
- 6 April 2012 to October 2012, tested negative for total coliform bacteria.
- 7 • Results of all bacteriological samples collected from January 2011 to October
- 8 2012 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 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.

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(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

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

1 supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least  
2 four samples for each total coliform-positive sample.

3 (2) If the water supplier is unable to collect the samples within the 24-hour time period specified  
4 in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection  
5 because of circumstances beyond its control, the water supplier shall notify the Department within  
6 24 hours. The Department will then determine how much time the supplier will have to collect the  
7 repeat samples.

8 (b) When collecting the repeat sample set, the water supplier shall collect at least one repeat  
9 sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat  
10 samples shall be collected within five service connections upstream or downstream unless there is no  
11 upstream and/or downstream service connection.

12 (c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier  
13 shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and  
14 (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat  
15 sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been  
16 exceeded and notifies the Department.

17 (d) If a public water system for which fewer than five routine samples/month are collected has one  
18 or more total coliform-positive samples, the water supplier shall collect at least five routine samples the  
19 following month. If the supplier stops supplying water during the month after the total-coliform  
20 positive(s), at least five samples shall be collected during the first month the system resumes operation.  
21 A water supplier may request the Department waive the requirement to collect at least five routine  
22 samples the following month, but a waiver will not be granted solely on the basis that all repeat samples  
23 are total coliform-negative. To request a waiver, one of the following conditions shall be met:

24 (1) The Department conducts site visit before the end of the next month the system provides  
25 water to the public to determine whether additional monitoring and/or corrective action is  
26 necessary to protect public health.

27 (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."

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

1 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A  
2 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section  
3 64463.1.”

4 **DETERMINATIONS**

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

- 7
- 8 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated  
9 the total coliform MCL for July 2011 and October 2011 when more than one  
10 sample collected in July 2011 and October 2011, tested positive for total  
11 coliform bacteria.
  - 12 2. CCR, Title 22, Section 64424(a); Specifically, during the months of July 2011,  
13 September 2011, and February 2012, the Water System failed to collect repeat  
14 samples within 24 hours of notification by the contract laboratory.

15 The above violations are classified as non-continuing violations.

16 **DIRECTIVES**

17 Western Milling Water System is hereby directed to take the following actions:

- 18
- 19 1. Cease and desist from failing to comply with Section 116555(a) of the  
20 California Health and Safety Code (CHSC) and Sections 64424(a) and  
21 64426.1(b)(2) of Title 22, California Code of Regulations (CCR).
  - 22
  - 23 2. **In the future, the Water System shall collect the required number of**  
24 **repeat samples within 24 hours of receipt of notification from its contract**  
25 **laboratory.**
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1 water system continues to fail to correct a violation identified in a citation; take action  
2 to suspend or revoke a permit that has been issued to a public water system if the  
3 system has violated applicable law or regulations or has failed to comply with orders  
4 of the Department; and petition the superior court to take various enforcement  
5 measures against a public water system that has failed to comply with orders of the  
6 Department. The Department does not waive any further enforcement action by  
7 issuance of this citation.

### 8 9 PARTIES BOUND

10 This citation shall apply to and be binding upon Western Milling Water System, its  
11 officers, directors, agents, employees, contractors, successors, and assignees.

### 12 13 SEVERABILITY

14 The directives of this citation are severable, and Western Milling Water System shall  
15 comply with each and every provision thereof, notwithstanding the effectiveness of  
16 any other provision.

### 17 18 CIVIL PENALTY

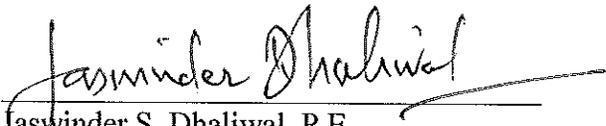
19 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil  
20 penalty for the failure to comply with the requirements of the Safe Drinking Water  
21 Act. Failure to comply with any Directive of this Citation may result in the  
22 Department imposing an administrative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

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

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March 12, 2013

Date



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

**Attachments**

Attachment A: Bacteriological Summary January 2011 through October 2012

cc: Kern County Environmental Health Services Department (w/o attachments)  
skOO'kum h<sub>2</sub>O Monitoring, Inc.

JSD/an/kre

# Attachment A

# Western Milling Water System

1503585

Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coll	E Coli	F Coll	Type	CI2	Violation	Comment
2/17/2011	10:15	1ROU	A	A		Routine			
4/21/2011	7:15	2ROU	A	A		Routine			
7/7/2011	12:00	1ROU	P	A		Routine			
7/14/2011	12:50	1REP2	A	A		Repeat			
7/14/2011	12:55	1REP3	A	A		Repeat			
7/14/2011	13:05	1REP4	P	A		Repeat		MCL	Citation 03-19-13C-020 issued.
8/17/2011	6:30	1ROU	A	A		Routine			
8/17/2011	6:35	2ROU	A	A		Routine			
8/17/2011	6:40	3ROU	A	A		Routine			
8/17/2011	6:50	4ROU	A	A		Routine			
8/17/2011	7:00	5ROU	A	A		Routine			
9/7/2011	13:50	1ROU	P	A		Routine			
9/7/2011	14:00	2ROU	A	A		Routine			
9/7/2011	14:10	3ROU	A	A		Routine			
9/7/2011	14:20	4ROU	A	A		Routine			
9/7/2011	14:30	5ROU	A	A		Routine			
9/15/2011	7:10	1REP3	A	A		Repeat			
9/15/2011	7:50	1REP1	A	A		Repeat			
9/15/2011	8:00	1REP2	A	A		Repeat			
10/10/2011	8:10	1ROU	P	A		Routine			
10/10/2011	8:15	2ROU	P	A		Routine		MCL	Citation 03-19-13C-020 issued.
10/10/2011	8:25	3ROU	P	A		Routine			
10/10/2011	8:35	4ROU	P	A		Routine			
10/10/2011	8:45	5ROU	P	A		Routine			
10/13/2011	13:25	STORAGE TANK	P	A		Other			
11/17/2011	13:00	STORAGE TANK	A	A		Other			
11/17/2011	13:10	1ROU	A	A		Routine			
11/17/2011	13:20	2ROU	A	A		Routine			
11/17/2011	13:30	3ROU	A	A		Routine			
11/17/2011	13:35	4ROU	A	A		Routine			
11/17/2011	13:45	5ROU	A	A		Routine			
12/13/2011	10:22	1ROU	A	A		Routine			
2/7/2012	11:28	1ROU	P	A		Routine			
2/27/2012	12:25	1REP1	A	A		Repeat			
2/27/2012	12:32	1REP2	A	A		Repeat			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2 Violation</i>	<i>Comment</i>
2/27/2012	12:39	1REP3	A	A		Repeat		
3/27/2012	10:43	1ROU	A	A		Routine		
3/27/2012	10:48	2ROU	A	A		Routine		
3/27/2012	10:54	3ROU	A	A		Routine		
3/27/2012	11:06	4ROU	A	A		Routine		
3/27/2012	11:15	5ROU	A	A		Routine		
5/8/2012	10:50	1ROU	A	A		Routine		
8/7/2012	11:45	1ROU	A	A		Routine		
10/26/2012	9:46	1ROU	A	A		Routine		

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# *Western Milling Water System*

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**1503585**

*Source Monitoring Freq:*

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<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>
7/14/2011	12:40	WELL #1	P	A			
9/15/2011	8:10	WELL #1	A	A			
10/13/2011	13:15	WELL #1	A	A			
2/27/2012	13:05	WELL #1	A	A			

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