

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

IN RE: POND MUTUAL WATER COMPANY
Water System No. 1502620

TO: Ms. Vivian Blevins
Pond Mutual Water Company
29305 2nd Street
Wasco, Ca 93280

CC: Seaco Technologies, Inc.
Kern County Department of Environmental Health

**COMPLIANCE ORDER
FOR NONCOMPLIANCE WITH THE
ARSENIC MAXIMUM CONTAMINANT LEVEL**

Issued on July 9, 2014

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The Pond Mutual Water Company (hereinafter Water System) is a community water system located to the east of Highway 43 in Wasco. The Water System serves a population of approximately 48 persons through 16 service connections and operates under a domestic water supply permit issued by the State Water Resources Control Board, Division of



1 Drinking Water (hereinafter "Division") in May of 2013. The Water System is supplied by
 2 one groundwater well; Well No 01.

3
 4 The maximum contaminant level (MCL) for arsenic is 0.010 mg/L. Compliance with the
 5 MCL is based on a running annual average (RAA) of four quarterly samples. The
 6 analytical data submitted to the Division for Well No. 01 shows the running annual average
 7 (RAA) for the first quarter of 2014 to be 0.014 mg/L. As a result, the Water System failed
 8 to comply with Section 64431.(a) of Title 22, California Code of Regulations (CCR) which
 9 establishes the MCL for arsenic.

10
 11 The historical results for arsenic from Well No. 01 are appended as Attachment A. The
 12 most recent analytical results for arsenic sampling from Well No. 01 are tabulated below:

13
 14

Table 1 – Arsenic Concentrations		
Sample Date	Well No. 1 (mg/L)	RAA (mg/L)
5/7/13	0.015	
8/8/13	0.014	
11/7/13	0.013	
2/5/14	0.015	0.014
5/6/14	0.015	0.015

15
 16
 17
 18
 19
 20

21
 22 The running annual average arsenic concentration of the most recent four quarterly sample
 23 results ending with the second quarter of 2014 is 0.015 mg/L for Well No. 01.
 24 Specifically, Well No. 01 exceeds the arsenic MCL as specified in Section 64431.(a), Title
 25 22, California Code of Regulations (CCR).



1 **CONCLUSIONS OF LAW**

2 Based on the above Findings, the Division has determined that the Pond Mutual Water
3 Company has violated provisions contained in Title 22, California Code of Regulations
4 (CCR) and in the California Health and Safety Code (CHSC). These violations include,
5 but are not limited to the following:

- 6
- 7 1. CHSC Section 116555(a)(1). Specifically, the Pond Mutual Water Company is a
8 public water system that produces water that does not comply with a primary
9 drinking water standard.
- 10
- 11 2. CHSC Section 116555(a)(3). Specifically, the Pond Mutual Water Company has
12 failed to ensure that a reliable and adequate supply of pure, wholesome, healthful,
13 and potable water is provided to all of its consumers.
- 14
- 15 3. CCR Section 64431(a). Specifically, the water produced by Pond Mutual Water
16 Company has exceeded the arsenic maximum contaminant level of 0.010 mg/L, as
17 shown in Table 1 above and therefore does not comply with a primary drinking
18 water standard.

19

20 **ORDER**

21 In order to ensure that the water supplied by the Pond Mutual Water Company water
22 system is at all times safe, wholesome, healthful, and potable, and pursuant to Section
23 116655 of the CHSC, the Pond Mutual Water Company is ordered to take the following
24 actions:

- 25
- 26 1. Cease and Desist from failing to comply with CHSC Section 116555(a)(1) and (3) by
27 ensuring that the system is provided with a reliable and adequate source of pure,



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.

2. The Pond Mutual Water Company System shall prepare a Corrective Action Plan for improvements to the Water System to correct the water quality problem (noncompliance with the arsenic MCL) and eliminate the need to deliver water to the customers of the Water System that does not meet the primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project, such as evaluation of alternatives, design, construction, and start-up. The Corrective Action Plan shall be submitted to the Division for review by August 1, 2014.
3. The Pond Mutual Water Company shall submit quarterly progress reports to the Division, beginning in the third quarter (deadline of September 30, 2014). The quarterly progress reports shall discuss the progress the Water System has made to comply with the arsenic MCL, as detailed in the plan to be submitted pursuant to Order No. 2.
4. Since the Water System must use the well to meet system demand, public notification shall be provided in accordance with CCR Section 64463 of its inability to meet the arsenic MCL until a project is completed that will provide water meeting drinking water standards.
5. The Water System shall provide the following:
 - a) Public notification shall be conducted informing the Water System's customer of its inability to meet the arsenic MCL. The Division-approved notice appended as Attachment B shall be provided to all consumers of the Water System. An



1 electronic copy of this attachment is available upon request. The notification shall
2 be provided to consumers by mail or direct delivery to each customer and the use of
3 one or more of the following methods: publication in a daily or weekly newspaper,
4 posting the public notice in a conspicuous public place within the water system or
5 on the internet, or by delivery to community organizations.

6 b) Public notification to all water users shall be conducted on a quarterly basis
7 (repeated every three months) until a project is completed to correct the problem.
8 The first notice shall be distributed by September 30, 2014.

9 c) Proof of public notification shall be submitted to the Division by the 10th day of the
10 month following the issuance of the initial notification and each subsequent
11 quarterly notification. Attachment C shall be used to satisfy this requirement. The
12 first proof of public notification shall be submitted by October 10, 2014.

13
14 6. Quarterly monitoring of the well for arsenic shall be conducted, preferably before each
15 quarterly notice is released, so the notice can reflect the most recent sample results.
16 The arsenic results must be submitted to the Division via electronic data transfer (EDT)
17 using the following primary station code (PS-Code): 1502620-001.
18

19
20 7. The Pond Mutual Water Company shall submit a written response by July 25, 2014,
21 indicating its willingness to comply with the directives of this Compliance Order.
22

23 8. The Pond Mutual Water Company shall complete a project to resolve the arsenic MCL
24 violation no later than December 31, 2016.
25
26
27

1 9. The Division reserves the right to make such modifications to this Order as it may
2 deem necessary to protect public health and safety. Such modifications may be issued
3 as amendments to this Order and shall be effective upon issuance. All submittals
4 required by this Order shall be addressed to:

5
6 Tricia A. Wathen, P.E.
7 Senior Sanitary Engineer
8 State Water Resources Control Board, Division of Drinking Water
9 Southern California Branch
10 Drinking Water Field Operations
11 265 W. Bullard Avenue, Suite 101
12 Fresno, CA 93704

13 10. If Pond Mutual Water Company is unable to perform the tasks specified in this Order
14 for any reason, whether within or beyond its control, and if Pond Mutual Water
15 Company notifies the Division in writing no less than five days in advance of the due
16 date, the Division may extend the time for performance if Pond Mutual Water
17 Company demonstrates that it has used its best efforts to comply with the schedule and
18 other requirements of this Order.

19 11. If Pond Mutual Water Company fails to perform any of the tasks specified in this Order
20 by the time described herein or by the time subsequently extended pursuant to Item 10
21 above, Pond Mutual Water Company shall be deemed to have not complied with the
22 obligations of this Order and may be subject to additional judicial action, including
23 civil penalties specified in CHSC Section 116725 and 116730.

24 12. The State of California shall not be liable for any injuries or damages to persons or
25 property resulting from acts or omissions by the Pond Mutual Water Company, its
26 employees, agents, or contractors in carrying out activities pursuant to this Order, nor
27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

shall the State of California be held as a party to any contract entered into by Pond Mutual Water Company or its agents in carrying out activities pursuant to this Order.

PARTIES BOUND

This Order shall apply to and be binding upon Pond Mutual Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and Pond Mutual Water Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

7-9-2014
Date

Carl L. Carlucci
Carl L. Carlucci, P.E.,
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CLC/TAW/LR

- Attachments:
- Attachment A: Historical arsenic data
- Attachment B: Public Notification Notice
- Attachment C: Proof of Notification Form

03-12-14R-022-1502620-02b ArsenicCO 2014 ID 7.9.14



DATE: 07/08/14
 REPORT: R-040/2-3

STATE OF CALIFORNIA
 DRINKING WATER PROGRAM

PAGE: 1

DRINKING WATER ANALYSES RESULTS REPORT
 ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS
 FOR SAMPLE DATE RANGE OF 19800101 THRU 20140708
 REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1502620 NAME: POND MUTUAL WATER COMPANY COUNTY: KERN
 SOURCE NO: 001 NAME: WELL 01 PSCODE: 1502620-001 CLASS: CTGA STATUS: AU

GROUP IDENTIFICATION CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT	MCL	DLR	TRIGGER	UNIT
IO INORGANIC						
01002 ARSENIC	05/23/1989	18.0000	50.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/21/2002	14.0000	50.0000	2.0000	5.0000	UG/L
01002 ARSENIC	09/21/2005	5.2000	50.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/07/2013	15.0000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/08/2013	14.0000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	11/07/2013	13.0000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	02/05/2014	15.0000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/06/2014	15.0000	10.0000	2.0000	5.0000	UG/L

NOTE1: = RESULT IS EQUAL TO OR GREATER THAN TRIGGER
 NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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

**Pond Mutual Water Company Has Levels of Arsenic
Above Drinking Water Standards**

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results collected during 2014 shows that our system exceeds the standard, or maximum contaminant level (MCL), for arsenic which is 0.010 mg/L. Compliance is based on a running annual average (RAA) of four consecutive quarterly samples for each well. Based on data gathered from May 2013 through May 2014, the arsenic RAA for Well No. 01 is 0.015 mg/L for the 2nd quarter of 2014.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action.] _____
We anticipate resolving the problem within [estimated time frame] _____.

For more information, please contact _____ [insert name of contact]
at _____ [insert phone number] or at the following mailing
address: [insert mailing address] _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Pond MWC.

Date distributed: _____.

PROOF OF NOTIFICATION
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Pond Mutual Water Company** of the failure to meet the **Arsenic MCL** for the:

Circle one: 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____
(date)

To summarize report delivery used and good-faith efforts used, please check all items below that apply and fill-in where appropriate:

The notice was distributed by mail or direct delivery (*please circle delivery method used*) to each customer served by the water system. Specify any other direct delivery method(s) used: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____

Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

Posted the notice on the Internet at www. _____

Other method used to notify customers. _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state 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 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by: Name _____
Signature _____
Title _____
Date _____

Due to the Dept. of Public Health within 10 days of notification to the public
Arsenic MCL Exceedance / Enforcement Action No.: 03-12-14R-002