



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 17, 2014
System No. 1500571

Danny Doustan, Owner
Lucky 18 on Rosamond, LLC Water System
65 Dianas Trail
Roslyn, NY 11576

**RE: Non Compliance with the 2013 Consumer Confidence Report (CCR)
Lucky 18 on Rosamond, LLC Water System**

Dear Mr. Doustan:

Attached you will find Citation No. 03-19-14C-023 that the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) is issuing to the Lucky 18 on Rosamond, LLC Water System Water System (hereinafter Water System) to document the Water System's noncompliance with the Consumer Confidence Report (CCR) requirements, as specified in the California Health & Safety Code (CHSC) and Title 22, California Code of Regulations (details provided in Citation No. 03-19-14C-023).

Based on a review of the Division's records, the Lucky 18 on Rosamond, LLC Water System has failed to submit the Certification to the Division of distribution of 2013 CCR to the customers. By a letter dated October 14, 2014, the Division previously notified the Lucky 18 on Rosamond, LLC Water System about this noncompliance issue and requested submittal of the 2013 Certification Form by October 31, 2014.

Please note that a written response to the Citation is required by November 25, 2014. In addition, the Citation includes several directives and deadlines. Failure to comply with the citation directives will result in additional enforcement action, including assessment of a civil penalty. If you have any questions concerning any directive of the Citation, please call the Tehachapi District Office of the Division at (661) 335-7315.

Sincerely,

A handwritten signature in black ink that reads "Jaswinder S. Dhaliwal".

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03-19-14C-023

CC: Kern County Environmental Health Services Department (w/o enclosure)
Daniel W. Sackett, skOO'kum h20 monitoring, inc. (via e-mail)

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

IN RE: **LUCKY 18 ON ROSAMOND, LLC WATER SYSTEM**
Water System No. 1500571

TO: Danny Doustan, Owner
Lucky 18 on Rosamond, LLC
65 Dianas Trail
Roslyn, NY 11576

BY CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64480(a), 64483(a) and 64483(c)
2013 CONSUMER CONFIDENCE REPORT
CITATION NO. 03-19-14C-023
Issued on November 17, 2014**

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA") or any regulation, standard, permit or order issued or adopted thereunder.

STATEMENT OF FACTS

Lucky 18 on Rosamond, LLC Water System (hereinafter Water System) is classified as a community water system and serves a population of approximately 73 persons through 60 service connections. The Water System operates under the authority of Permit No. 03-12-95P-047, issued on December 19, 1995, by the California Department of Health Services (now State Water Resources Control Board).



1 **VIOLATION**

2 The State Water Resources Control Board, acting by and through its Division of Drinking
3 Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter
4 "Deputy Director") hereby issues a citation to Lucky 18 on Rosamond, LLC Water System
5 for failure to comply with Section 116470 of the CHSC, and Sections 64480(a), 64483(a)
6 and 64483(c) of Title 22, California Code of Regulations. Specifically, the Water System
7 failed to distribute by July 1, 2014, a Consumer Confidence Report (CCR) to its customers,
8 providing specific information on the water quality, served to consumers during the year
9 2013.

10
11 **Section 116470(a) Consumer Confidence Report**

12 Section 116470.(a), CHSC, specifies that as a condition of its operating permit, every public
13 water system shall annually prepare a consumer confidence report and mail or deliver a
14 copy of that report to each customer.

15
16 **Section 64480(a) Consumer Confidence Report – Applicability and Distribution**

17 Section 64480.(a), Title 22, California Code of Regulations, specifies that each community
18 and nontransient-noncommunity water system shall prepare and deliver the first Consumer
19 Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter.

20
21 **Section 64483(a) Consumer Confidence Report Delivery and Record Keeping**

22 Specifies that each water system shall mail or directly deliver one copy of the Consumer
23 Confidence Report to each customer.

24
25 **Section 64483(c) Consumer Confidence Report Delivery and Record Keeping**

26 Specifies that no later than the date the water system is required to distribute the Consumer
27 Confidence Report to its customers, each water system shall mail a copy of the report to the



1 Division, followed within three (3) months by a certification that the report has been
2 distributed to customers, and that the information is correct and consistent with the
3 compliance monitoring data, previously submitted to the Division.
4

5 As described in Section 64481, Title 22, California Code of Regulations, the CCR is to
6 provide, as a minimum, source of water purveyed by the public water system, specific
7 information on concentrations of microbiological contaminants, minerals, physical agents,
8 inorganic chemicals, organic chemicals, radioactivity, sodium, hardness, disinfection by-
9 products, detected in the water supply, origin of contaminants detected in the water;
10 explanation of any MCL violation of the primary drinking water standard, enforcement
11 actions, monitoring & reporting violations, statement of health concerns, terms of a
12 variance or exemption (if any granted to the water system), contact information of water
13 system designee for additional information concerning the report. Regulations requiring
14 community and nontransient noncommunity water supply systems in California to provide a
15 CCR to customers were adopted and effective on May 26, 2001.
16

17 By a letter dated October 14, 2014, the Division requested a copy of the 2013 Certification
18 Form from the Lucky 18 on Rosamond, LLC Water System. A review of the Division's
19 records indicates that the Division has **not** received a copy of the 2013 Certification Form
20 (2013 CCR provided to customers by the Lucky 18 on Rosamond, LLC Water System and
21 certification to the Division that 2013 CCR has been distributed to customers). **Therefore,**
22 **the Division has determined that the Lucky 18 on Rosamond, LLC Water System is in**
23 **violation of the CCR requirement.** In addition, the Lucky 18 on Rosamond, LLC Water
24 System is still required to provide a CCR to its customers and mail a copy along with the
25 CCR Certification Form to the Division for the year 2014, which are due no later than July
26 1, 2015 and July 31, 2015, as described under the Directives.
27



1 The above violations are classified as non-continuing violations.
2

3 **DIRECTIVES**

4 Lucky 18 on Rosamond, LLC Water System is hereby directed to take the following
5 actions:

- 6
- 7 1. Cease violating the reporting requirements of Section 116470 of the CHSC, and
8 Sections 64480(a), 64483(a), and 64483(c) of Title 22, California Code of
9 Regulations.
- 10 2. By **November 25, 2014**, Lucky 18 on Rosamond, LLC Water System shall submit a
11 written response to the Division acknowledging that it has received this citation and
12 will comply with all the directives listed herein. A copy of the 2013 Certification
13 Form shall be included with the response **if** the Water System previously issued the
14 2013 CCR to its customers.
- 15
- 16 3. By **July 1, 2015**, Lucky 18 on Rosamond, LLC Water System shall distribute a
17 Division approved Consumer Confidence Report to each customer, reporting the
18 water quality for the year 2014. The following website will serve as a guide to
19 complete the 2014 CCR accurately.
20 http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml
- 21
- 22 4. By **July 31, 2015**, Lucky 18 on Rosamond, LLC Water System shall submit to the
23 Division certification of distribution to customers of the 2014 CCR, along with a
24 copy of the 2014 CCR.
- 25
- 26 5. In the future, Lucky 18 on Rosamond, LLC Water System shall distribute a
27 Consumer Confidence Report to each customer by July 1 of each year, reporting
water quality information for the prior year. A copy of each year's consumer



1 confidence report shall be provided to the Division within 30 days of issuance of the
2 Consumer Confidence Report and no later than October 1 each year, with proof of
3 distribution, using the CCR Certification form.

4
5 All submittals required by this citation shall be addressed to:

6 Jaswinder S. Dhaliwal, P.E.,
7 Senior Sanitary Engineer
8 State Water Resources Control Board
9 Division of Drinking Water
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309

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11 **FURTHER ENFORCEMENT ACTIONS**

12 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division to:
13 issue additional citations with assessment of penalties if the public water system continues
14 to fail to correct a violation identified in a citation; take action to suspend or revoke a
15 permit that has been issued to a public water system if the system has violated applicable
16 law or regulations or has failed to comply with orders of the Division; and petition the
17 superior court to take various enforcement measures against a public water system that has
18 failed to comply with orders of the Division. The Division does not waive any further
19 enforcement action by issuance of this citation.

20
21 **PARTIES BOUND**

22 This citation shall apply to and be binding upon Lucky 18 on Rosamond, LLC Water
23 System, its officers, directors, agents, employees, contractors, successors, and assignees.
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1 **SEVERABILITY**

2 The directives of this citation are severable, and Lucky 18 on Rosamond, LLC Water
3 System shall comply with each and every provision thereof, notwithstanding the
4 effectiveness of any other provision.

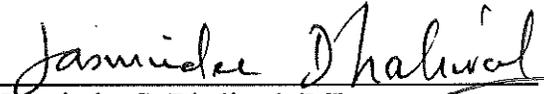
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6 **CIVIL PENALTY**

7 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil
8 penalty for the failure to comply with the requirements of the Safe Drinking Water Act.

9
10 Failure to comply with any Directive of this Citation may result in the Division imposing an
11 administrative penalty of not less than \$200 (two hundred dollars) for each day that the
12 violation continues beyond the date set for correction in this Citation. Lucky 18 on
13 Rosamond, LLC Water System has been billed at the current hourly rate of \$128.00 since
14 this is an enforcement action for noncompliance with the regulations.

15
16 The Division does not waive any further enforcement action by issuance of this citation,
17 and expressly reserves the right to issue a citation with penalties for the violations on which
18 the Directives of this citation are based.

19
20 November 17, 2014
21 Date


22 Jaswinder S. Dhaliwal, P.E.
23 Senior Sanitary Engineer
24 Tehachapi District
25 SOUTHERN CALIFORNIA BRANCH

26 cc: Kern County Environmental Health Services Department
27 Daniel W. Sackett, skOO'kum h20 monitoring, inc.

