



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. 1503431

Frank Costa, Office Manager
Costa Dairy Farm
13008 Plumas Wood Lane
Bakersfield, CA 93314

**RE: Non Compliance with the 2013 Consumer Confidence Report (CCR)
Costa Dairy Farm**

Dear Mr. Costa:

Attached you will find Citation No. 03-19-14C-026 that the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) is issuing to the Costa Dairy Farm 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-026).

Based on a review of the Division's records, the Costa Dairy Farm has failed to provide its customers with the Consumer Confidence Report for the year 2013 and also 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 Costa Dairy Farm about this noncompliance issue and requested submittal of the 2013 CCR and 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,

Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03-19-14C-026

CC: Kern County Environmental Health Services Department (w/o enclosure)
Steve Williams, Bear Mountain Water Works (via e-mail)

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

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

IN RE: **COSTA DAIRY FARM WATER SYSTEM**
Water System No. 1503431

TO: Frank Costa, Office Manager
Costa Dairy Farm
13008 Plumas Wood Lane
Bakersfield, CA 93314

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-026
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

Costa Dairy Farm Water System (hereinafter Water System) is classified as a nontransient noncommunity water system and serves a population of approximately 40 persons through 7 service connections. The Water System operates under the authority of Permit No. 03-19-02P-004, issued on January 24, 2002, 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 Costa Dairy Farm for failure to comply with
5 Section 116470 of the CHSC, and Sections 64480(a), 64483(a) and 64483(c) of Title 22,
6 California Code of Regulations. Specifically, the Water System failed to distribute by July
7 1, 2014, a Consumer Confidence Report (CCR) to its customers, providing specific
8 information on the water quality, served to consumers during the year 2013.

9
10 **Section 116470(a) Consumer Confidence Report**

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

14
15 **Section 64480(a) Consumer Confidence Report – Applicability and Distribution**

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

19
20 **Section 64483(a) Consumer Confidence Report Delivery and Record Keeping**

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

23
24 **Section 64483(c) Consumer Confidence Report Delivery and Record Keeping**

25 Specifies that no later than the date the water system is required to distribute the Consumer
26 Confidence Report to its customers, each water system shall mail a copy of the report to the
27 Division, followed within three (3) months by a certification that the report has been

1 distributed to customers, and that the information is correct and consistent with the
2 compliance monitoring data, previously submitted to the Division.

3
4 As described in Section 64481, Title 22, California Code of Regulations, the CCR is to
5 provide, as a minimum, source of water purveyed by the public water system, specific
6 information on concentrations of microbiological contaminants, minerals, physical agents,
7 inorganic chemicals, organic chemicals, radioactivity, sodium, hardness, disinfection by-
8 products, detected in the water supply, origin of contaminants detected in the water;
9 explanation of any MCL violation of the primary drinking water standard, enforcement
10 actions, monitoring & reporting violations, statement of health concerns, terms of a
11 variance or exemption (if any granted to the water system), contact information of water
12 system designee for additional information concerning the report. Regulations requiring
13 community and nontransient noncommunity water supply systems in California to provide a
14 CCR to customers were adopted and effective on May 26, 2001.

15
16 By a letter dated October 14, 2014, the Division requested a copy of the 2013 CCR and
17 Certification Form from the Costa Dairy Farm. A review of the Division's records
18 indicates that the Division has not received a copy of the 2013 CCR and Certification Form
19 (2013 CCR provided to customers by the Costa Dairy Farm and certification to the Division
20 that 2013 CCR has been distributed to customers). **Therefore, the Division has**
21 **determined that the Costa Dairy Farm is in violation of the CCR requirement.** In
22 addition, the Costa Dairy Farm is still required to provide a CCR to its customers and mail a
23 copy along with the CCR Certification Form to the Division for the year 2014, which are
24 due no later than July 1, 2015 and July 31, 2015, as described under the Directives.



1 It is also noted that the Water System also failed to issue the 2012 CCR to its customers and
2 the Department issued Citation No. 03-19-13C-060 on December 9, 2013, to document
3 noncompliance with the CCR Regulations.

4
5 The above violations are classified as non-continuing violations.

6
7 **DIRECTIVES**

8 Costa Dairy Farm is hereby directed to take the following actions:

9
10 1. Cease violating the reporting requirements of Section 116470 of the CHSC, and
11 Sections 64480(a), 64483(a), and 64483(c) of Title 22, California Code of
12 Regulations.

13 2. By **November 25, 2014**, Costa Dairy Farm shall submit a written response to the
14 Division acknowledging that it has received this citation and will comply with all
15 the directives listed herein. A copy of the 2013 CCR and Certification Form shall
16 be included with the response **if** the Water System previously issued the 2013 CCR
17 to its customers.

18
19 3. By **July 1, 2015**, Costa Dairy Farm shall distribute a Division approved Consumer
20 Confidence Report to each customer, reporting the water quality for the year 2014.
21 The following website will serve as a guide to complete the 2014 CCR accurately.
22 http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml

23 4. By **July 31, 2015**, Costa Dairy Farm shall submit to the Division certification of
24 distribution to customers of the 2014 CCR, along with a copy of the 2014 CCR.

25
26 5. In the future, Costa Dairy Farm shall distribute a Consumer Confidence Report to
27 each customer by July 1 of each year, reporting water quality information for the

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

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

6
7 Jaswinder S. Dhaliwal, P.E.,
8 Senior Sanitary Engineer
9 State Water Resources Control Board
10 Division of Drinking Water
11 4925 Commerce Drive, Suite 120
12 Bakersfield, CA 93309

13 **FURTHER ENFORCEMENT ACTIONS**

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

22 **PARTIES BOUND**

23 This citation shall apply to and be binding upon Costa Dairy Farm, its officers, directors,
24 agents, employees, contractors, successors, and assignees.
25
26
27



1 **SEVERABILITY**

2 The directives of this citation are severable, and Costa Dairy Farm shall comply with each
3 and every provision thereof, notwithstanding the effectiveness of any other provision.

4
5 **CIVIL PENALTY**

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

8
9 Failure to comply with any Directive of this Citation may result in the Division imposing an
10 administrative penalty of not less than \$200 (two hundred dollars) for each day that the
11 violation continues beyond the date set for correction in this Citation. Costa Dairy Farm
12 has been billed at the current hourly rate of \$128.00 since this is an enforcement action for
13 noncompliance with the regulations.

14
15 The Division does not waive any further enforcement action by issuance of this citation,
16 and expressly reserves the right to issue a citation with penalties for the violations on which
17 the Directives of this citation are based.

18
19 November 17, 2014
20 Date


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

23 cc: Kern County Environmental Health Services Department
24 Steve Williams, Bear Mountain Water Works