CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 8, 2014
System No. 1502449

Larry Schuppan, Board President
Cypress Canyon Water Association Water System
P. O. Box 82
Lake Isabella, CA 93240

RE: Non Compliance of Cypress Canyon Water Association Water System with the Distribution Operator Requirements

Dear Mr. Schuppan:

Attached you will find Citation No. 03-19-14C-028 that the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) is issuing to the Cypress Canyon Water Association Water System (hereinafter Water System) to document the Cypress Canyon Water Association Water System's noncompliance with the distribution operator 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-028).

Per Section 64413.3 of the California Code of Regulations (CCR), the distribution system of the Cypress Canyon Water Association Water System is classified as a **D1** facility, and per Section 63770 of the CCR, the minimum required certification for the distribution operator is **D1**. The Division previously sent a reminder letter dated March 24, 2014, to the Cypress Canyon Water Association Water System with a deadline of **July 1, 2014**, to either employ or contract a distribution operator with the adequate certification level. **Based on current review of the Division's records, the Cypress Canyon Water Association Water System has failed to comply.**

Please note that a written response to the citation is required by December 22, 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 Dhaliwal

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

Enclosure: Citation No. 03-19-14C-028

CC: Kern County Environmental Health Services Department (w/o enclosure)

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

IN RE: Cypress Canyon Water Association Water System
P. O. Box 82
Lake Isabella, CA 93240

TO: Larry Schuppan
Board President

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,

TITLE 22, SECTION 63770 (b), (c), and (d)

WATER SYSTEM NO. 1502449

CITATION NO. 03-19-14C-028

Issued on: December 8, 2014

Section 116650 of Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the issuance of a citation for the failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit or order issued thereunder.

VIOLATION

Section 116650 of the California Health and Safety Code 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.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Cypress Canyon Water Association Water System (hereinafter Water System) (mailing address: P. O. Box 82, Lake Isabella, CA 93240) for violation of the California H&S Code, Sections 106885 (b) and 116555 (b), and California Code of Regulations (CCR), Title 22, Sections 63770 (b), (c), and (d), as described below. Excerpts from the H&S Code and CCR are provided as **Attachments A and B**.

1. Section 106885 (b), Article 3, Chapter 4, Part 1, Division 104, H&S Code – All persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system shall possess a valid and current water distribution operator certificate of the appropriate grade in accordance with the regulations referred to in Section 106910. Specifically, the Cypress Canyon Water Association Water System is currently being operated and maintained without a valid water distribution operator certificate (issued by the Division) to comply with the Operator Certification Regulations (Regulations) that became effective on January 2001.

2. Section 116555 (b), Article 7, Chapter 4, Part 12, Division 104, H&S Code – Any person who owns a community water system or a nontransient noncommunity water system shall do all of the following:

   (1) Employ or utilize only water distribution system operators who have been certified by the department at the appropriate grade for positions in responsible charge of the distribution system.

   (2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an

operator or operators holding a valid certification equal to or greater than the classification of the treatment plant and the distribution system.

Specifically, the Cypress Canyon Water Association Water System does not currently employ or utilize certified water distribution operators for positions in responsible charge of the distribution system and has failed to comply with the operator certification requirements in the past. In addition, the direct supervision of the distribution system of the Water System has been under the responsible charge of persons without a valid distribution operator certification.

3. Subsections 63770 (b), (c), and (d), Article 2, Chapter 13, Division 4, Title 22, California Code of Regulations (CCR) – An individual who makes decisions addressing the operational activities identified in Subsections 63770 (b), (c), and (d) must possess a distribution operator certificate. Specifically, the Association members have been making decisions in the operation and maintenance of the water system without a valid water distribution operator certificate issued by the Division since the Regulations became effective on January 2001.

In accordance with Section 116650 (c) of Article 9 of the H&S Code, the above violations are classified as continuing violations.

BACKGROUND

The Cypress Canyon Water Association Water System is a small community water system. The Cypress Canyon Water Association Water System provides domestic water to its customers in the service area near Lake Isabella in Kern County. The Water System serves a population of approximately 50 via 34 service connections.

The Cypress Canyon Water Association Water System operates under the authority of Water Supply Permit No. 03-19-11P-001 issued on March 4, 2011. There have been no amendments to the original permit to date.

Records show that the Division has informed the Water System on several occasions of the Regulations that require the Water System to employ a certified distribution operator to operate and maintain the water system. In a letter dated February 7, 2001, the Division (previously Department of Health Services) notified the Water System of the then newly adopted Regulations that the Cypress Canyon Water Association Water System is classified as a D1 system. The Division sent another letter dated March 24, 2014 (copy provided as **Attachment C**), to the Water System about noncompliance with the distribution operator requirements, with a deadline of July 1, 2014, to obtain the services of a certified operator with D1 or higher certification.

Based on aforementioned information, the Cypress Canyon Water Association Water System is being operated without a designated certified distribution operator.

DIRECTIVES

The Cypress Canyon Water Association Water System is hereby directed to take the following actions:

1) Cease violating the requirements of H&S Code, Division 104, Part 1, Chapter 4, Article 3, Subsection 106885 (b). Specifically, by **January 31, 2015**, the Cypress Canyon Water Association Water System must employ or have a written contract with a water distribution system operator who has been certified by the Division at the appropriate grade for positions in responsible charge of the distribution system.

2) Submit a plan to the Division by **December 22, 2014,** describing how the Water System will comply with the requirements of H&S Code, Division 104, Part 1, Chapter 4, Article 3, Subsection 106885 (b). The Water System may contract with a certified water distribution system operator, have one of its employees become a certified water distribution system operator, or consolidate with another public water system.

3) Should the plan in Directive No. 2 above include having one of its employees become a certified water distribution system operator, the Cypress Canyon Water Association Water System shall ensure that the member submits a completed application and filing fee to the Division for the operator certification exam by the final filing date of January 2, 2015, for the test date of March 21, 2015. Additional information about the operator certification exam is also available on the Division's website.

http://www.waterboards.ca.gov/drinking_water/certlic/occupations/DWopcert.shtml

4) Submit the items required in Directive Nos. 2 and 3 above to the State Water Resources Control Board, Division of Drinking Water, to the attention of Jaswinder S. Dhaliwal, Senior Sanitary Engineer, at 4925 Commerce Drive, Suite 120, Bakersfield, CA 93309.

5) Update the Division in writing of the Water System's progress in complying with the Directives of this citation, every quarter beginning **April 1, 2015**.

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the H&S Code authorizes the Division to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with the Directives of the Division; and petition the superior

court to take various enforcement measures against a public water system that has failed to comply with the Directives of the Division. The Division 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.

PARTIES BOUND

This citation shall apply to and be binding upon Cypress Canyon Water Association Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Cypress Canyon Water Association Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsections (d) and (e) of the H&S Code 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 Division 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 Cypress Canyon Water Association Water System has been billed at the current hourly rate of $128.00 since this is an enforcement action for noncompliance with the regulations.

Dec. 8, 2014
Date

Jaswinder Dhaliwal
Jaswinder S. Dhaliwal, P.E.,
Senior Sanitary Engineer
Division of Drinking Water
State Water Resources Control Board

Attachments:

Attachment A: Excerpts from California Health & Safety Code

Attachment B: Excerpts from Title 22, California Code of Regulations

Attachment B: Letter dated March 24, 2014

cc: Kern County Environmental Health Services Department (w/o attachments)

(JSD/jsd)

ATTACHMENT A – CALIFORNIA HEALTH & SAFETY CODE

Section 106885 of the CHSC, states in relevant part:

"(a) All persons who operate or supervise the operation of water treatment plants shall possess a valid and current water treatment operator certificate or water treatment operator-in-training certificate of appropriate grade in accordance with the regulations referred to in Section 106910.

(b) All persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system shall possess a valid and current water distribution operator certificate of the appropriate grade in accordance with the regulations referred to in Section 106910."

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.

(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."

ATTACHMENT B – TITLE 22, CALIFORNIA CODE OF REGULATIONS

§63770. Distribution System Staff Certification Requirements.

(a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.

Table 63770-A
Minimum Certification Requirements for Chief and Shift Operators

Distribution System Classification	*Minimum Certification of Chief Operator*	*Minimum Certification of Shift Operator*
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

(b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

(1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.

(2) Shutdown, repair, disinfect and test broken water mains.

(3) Oversee the flushing, cleaning, and pigging of existing water mains.

(4) Pull, reset, rehabilitate, disinfect and test domestic water wells.

(5) Stand-by emergency response duties for after hours distribution system operational emergencies.

(6) Drain, clean, disinfect, and maintain distribution reservoirs.

(c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:

(1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.

(2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

(1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.

(2) Investigate water quality problems in the distribution system.

§64413.3. Classification of Distribution Systems.

The distribution system for each community and nontransient- noncommunity water system shall be classified pursuant to Table 64413.3-A unless modified pursuant to subsection(b). For a wholesaler, the population served shall include the customers served by its retailers.

Table 64413.3-A.
Distribution System Classifications

Population Served	*Class*
1,000 or less	D1
1,001 through 10,000	D2
10,001 through 50,000	D3
50,001 through 5 million	D4
Greater than 5 million	D5

(b) The class determined pursuant to (a) shall be upgraded by one level if the population served is 5 million or less and the sum of all the points from paragraphs (1) through (6) exceeds 20.

(1) The points for pressure zones shall be zero for up to three zones, 4 for four to ten zones, or 6 for more than ten zones.

(2) The points for disinfectants used shall be zero if no disinfectant is applied in the distribution system and no more than one type of disinfectant residual is entering the distribution system. The points shall be 5 if a single disinfectant or ammonia is applied in the distribution system. The points shall be 8 if there are multiple disinfectants in the system.

(3) The points based on the largest single pump in the system for which the distribution operator is responsible shall be 4 for up to fifty horsepower, or 6 for fifty or more horsepower.

(4) The points for distribution storage reservoirs in the system shall be 4 for one to five reservoirs, or 6 for greater than five.

(5) The points for one or more existing uncovered distribution reservoirs shall be 10.

(6) The points to be added if any of the distribution system customers are also served by a non-potable water distribution system shall be 6. This does not apply to wholesalers if the only customers receiving non-potable water are served by its retailers.

Attachment C

State of California—Health and Human Services Agency
California Department of Public Health

RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

March 24, 2014
System No. 1502449

Larry Schuppan, President
Cypress Canyon Water System
P.O. Box 82
Lake Isabella, CA 93240

RE: Distribution Operator Compliance

Dear Mr. Schuppan:

The purpose of this letter is to notify you that per Section 106885(b) of the California Health and Safety Code, Cypress Canyon Water System (Water System) is required to have a certified distribution operator. A review of our records indicates the Water System does not have a certified distribution operator with adequate certification. Per Section 64413.3 of the California Code of Regulations (CCR) (attached) the distribution system is classified as a **D1** facility, and per Section 63770 of the CCR (attached), the minimum required certification for the distribution operator is **D1**.

By July 1, 2014, the Water System shall employ or contract a distribution operator with the adequate certification level, or ensure that the current operator obtains a distribution operator certificate with the adequate certification level. A copy of the distribution operator's certificate shall be submitted to this office. If the operator is contracted, a copy of the contract shall also be submitted. **Failure to comply will result in formal enforcement action document issued by the Department.**

If you have any questions regarding this letter, please contact our office at (661) 335-7315.

Sincerely,

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

Attachment: Section 64413.3 & 63770 of the California Code of Regulations

cc: Kern County Environmental Health Services (w/o attachment)

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The distribution system for each community and nontransient- noncommunity water system shall be classified pursuant to Table 64413.3-A unless modified pursuant to subsection(b). For a wholesaler, the population served shall include the customers served by its retailers.

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(4) The points for distribution storage reservoirs in the system shall be 4 for one to five reservoirs, or 6 for greater than five.

(5) The points for one or more existing uncovered distribution reservoirs shall be 10.

(6) The points to be added if any of the distribution system customers are also served by a non-potable water distribution system shall be 6. This does not apply to wholesalers if the only customers receiving non-potable water are served by its retailers.

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(b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

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(4) Pull, reset, rehabilitate, disinfect and test domestic water wells.

(5) Stand-by emergency response duties for after hours distribution system operational emergencies.

(6) Drain, clean, disinfect, and maintain distribution reservoirs.

(c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:

(1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.

(2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

(1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.

(2) Investigate water quality problems in the distribution system.