



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

March 3, 2015
System No.: 1500585

Mr. Vince Trino, President
Oasis Property Owners Association
P.O. Box 70843
Bakersfield, CA 93387

RE: Compliance Order No. 03-12-15R-003
Violation of Title 22, California Code of Regulations, Section 1166555 (a)(1),
For 2015 Year

Dear Mr. Trino:

Enclosed is a Compliance Order issued to the Oasis Property Owners Association (Water System) public water system.

The Water System will be billed at the Division's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one and ½ hours on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact Shen Huang or me at (559) 447-3300.

Sincerely,

A handwritten signature in cursive script that reads "Tricia A. Wathen".

Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

TAW/LR
Enclosures
cc: Kern County Environmental Health Department
Mr. Scott Moore, Seaco Technologies, Inc.

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2
3 CALIFORNIA
4 STATE WATER RESOURCES CONTROL BOARD
5 DIVISION OF DRINKING WATER
6

7 TO: Oasis Property Owners Association
8 ATTN: Mr. Vince Trino, President
9 P.O. Box 70843
10 Bakersfield, CA 93387
11

12 COMPLIANCE ORDER NO. 03-12-15R-003
13 FOR
14 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)
15 AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC
16 Dated March 3, 2015

17 The State Water Resources Control Board (hereinafter "Board"), acting by and
18 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
19 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order
20 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety
21 Code (hereinafter "CHSC") to Oasis Property Owners Association for violation of
22 CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter
23 "CCR"), Section 64431.
24
25
26
27

1 **APPLICABLE AUTHORITIES**

2 **CHSC, Section 116555(a)(1) states in relevant part:**

- 3 (a) Any person who owns a public water system shall ensure that the system does
4 all of the following:
5 (1) Complies with primary and secondary drinking water standards.

6 **CHSC, Section 116655 states in relevant part:**

- 7 (a) Whenever the department determines that any person has violated or is violating
8 this chapter, or any permit, regulation, or standard issued or adopted pursuant
9 to this chapter, the director may issue an order doing any of the following:
10 (1) Directing compliance forthwith.
11 (2) Directing compliance in accordance with a time schedule set by the
12 department.
13 (3) Directing that appropriate preventive action be taken in the case of a
14 threatened violation.
15 (b) An order issued pursuant to this section may include, but shall not be limited to,
16 any or all of the following requirements:
17 (1) That the existing plant, works, or system be repaired, altered, or added to.
18 (2) That purification or treatment works be installed.
19 (3) That the source of the water supply be changed.
20 (4) That no additional service connection be made to the system.
21 (5) That the water supply, the plant, or the system be monitored.
22 (6) That a report on the condition and operation of the plant, works, system, or
23 water supply be submitted to the department.

24 **Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant
25 part:**

26 Public water systems shall comply with the primary MCLs in table 64431-A as
27 specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432 (hereinafter "Section 64432") provides in relevant part:

Section 64432

...

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

1 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within
2 48 hours of receipt of the result the water supplier shall notify the Department and
3 resample as confirmation. The water supplier shall notify the Department of the
4 result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation
5 result(s).

6 (1) If the average concentration of the original and confirmation sample(s) is less
7 than or equal to ten times the MCL, the water supplier shall monitor quarterly
8 beginning in the quarter following the quarter in which the exceedance occurred.

9 (2) If the average concentration of the original and confirmation sample(s) exceeds
10 ten times the MCL, the water supplier shall, if directed by the Department;

11 (A) Immediately discontinue use of the contaminated water source; and

12 (B) Not return the source to service without written approval from the Department.

13 (i) Compliance with the MCLs shall be determined by a running annual average; if
14 any one sample would cause the annual average to exceed the MCL, the system is
15 immediately in violation. If a system takes more than one sample in a quarter, the
16 average of all the results for that quarter shall be used when calculating the running
17 annual average. If a system fails to complete four consecutive quarters of
18 monitoring, the running annual average shall be based on an average of the
19 available data.

20 **STATEMENT OF FACTS**

21 The Oasis Property Owners Association water system (hereinafter "Water System")
22 is a community water system located in Kern County that supplies water for
23 domestic purposes to approximately 100 individuals through approximately 39
24 service connections. The Water System operates under Domestic Water Supply
25 Permit No. 03-19-P01-006, issued on August 24, 2001. The Water System is a
26 community public water system as defined in CHSC, section 116275.
27

28 The Water System utilizes two groundwater wells as its source of domestic water;
29 Well No. 03 and Well No. 02-Standby. Title 22, CCR, Division 4, Chapter 15, Article
30 4, establishes primary drinking water standards and monitoring and reporting

1 requirements for inorganic constituents. Community and nontransient
 2 noncommunity water systems must comply with the maximum contaminant level for
 3 arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.
 4

5 Samples collected from the Water System on September 12, 2007, showed an
 6 arsenic concentration of 0.013 mg/L in Well No. 03. Therefore, in accordance with
 7 Section 64431 (g), the Water System was required to begin quarterly arsenic
 8 monitoring from Well No. 03, which it has been doing since 2007. Section 64431 (i)
 9 provides that compliance with the arsenic MCL is based on a "running annual
 10 average" (RAA) of the quarterly monitoring samples, computed each quarter.
 11 Further, Section 64431 (i) states: "if any one sample would cause the annual
 12 average to exceed the MCL, the system is immediately in violation."
 13

14 A summary of the Water System's most recent arsenic monitoring is presented in
 15 Table 1 below. All results are as reported to the Division by the laboratory that
 16 performed the analysis.
 17

18 **Table 1: Well No. 03 Arsenic Monitoring Results**

19 Sample Quarter	Well No. 03
20 1 st Quarter of 2014	0.012 mg/L
21 2 nd Quarter of 2014	0.009 mg/L
22 3 rd Quarter of 2014	0.010 mg/L
23 4 th Quarter of 2014	0.011 mg/L
24 1 st quarter of 2015	0.013 mg/L
1st Quarter 2015 Running Annual Average	0.011 mg/L

25
 26 The 1st quarter 2015 RAA for Well No. 03, calculated as the 4 quarterly sample
 27 results averaged over a four quarter period, is 0.011 mg/L, which exceeds the

1 arsenic MCL of 0.010 mg/L. Results of samples taken from water produced from
2 Well No. 03 since 2007 show the RAA for arsenic in said Well continues to exceed
3 the arsenic MCL.
4

5 The Water System was previously in violation of the Arsenic MCL. Compliance
6 Order No. 03-19-09O-018 was issued to the Water System on January 23, 2009, for
7 that violation. This compliance order replaces and voids Compliance Order No. 03-
8 19-09O-018, and its directives.
9

10 **DETERMINATIONS**

11 Based on the above Statement of Facts, the Division has determined that the Water
12 System has violated CHSC, Section 116555 and Section 64431 in that the water
13 produced by Well No. 03, during the 1st quarter of 2015, exceeded the arsenic MCL
14 as shown in Table 1 above, and further has determined that said violation has
15 continued from 2007 and through the date of this Order.
16

17 **DIRECTIVES**

18 Water System is hereby directed to take the following actions:

- 19
- 20 1. On or before March 31, 2018, comply with Title 22, CCR, Section 64431 and
21 remain in compliance.
 - 22 2. On or before April 1, 2015, submit a written response to the Division indicating
23 its agreement to comply with the directives of this Order and with the Corrective
24 Action Plan addressed herein.
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3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment A, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment B, hereto.
5. Commencing on the date of service of this Order collect quarterly samples for arsenic from each well, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.
6. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than March 31, 2018.

- 1 7. On or before April 15, 2015, present the Corrective Action Plan required under
2 Directive No. 6, above, to the Division in person at the Division's offices located
3 at (address) 265 W. Bullard, Suite 101, Fresno, CA 93704.
4
- 5 8. Timely perform the Division approved Corrective Action Plan and each and
6 every element of said plan according to the time schedule set forth therein.
7
- 8 9. On or before April 10, 2015 and every three months thereafter, submit a report
9 to the Division in the form provided as Attachment C, hereto, showing actions
10 taken during the previous calendar three months to comply with the Corrective
11 Action Plan.
12
- 13 10. Not later than ten (10) days following the date of compliance with the arsenic
14 MCL, demonstrate to the Division that the water delivered by Water System
15 complies with the arsenic MCL.
16
- 17 11. Notify the Division in writing no later than five (5) days prior to the deadline for
18 performance of any Directive set forth herein if Water System anticipates it will
19 not timely meet such performance deadline.
20

21 All submittals required by this Order shall be addressed to:

22
23 Tricia Wathen, Senior Sanitary Engineer
24 State Water Resources Control Board
25 Division of Drinking Water, Visalia District
26 265 W. Bullard Ave, Suite 101
27 Fresno, CA 93704

1 As used in this Order, the date of issuance shall be the date of this Order; and the
2 date of service shall be the date of service of this Order, personal or by certified
3 mail, on the Water System.
4

5 The Division reserves the right to make such modifications to this Order and/or to
6 issue such further order(s) as it may deem necessary to protect public health and
7 safety. Such modifications may be issued as amendments to this Order and shall be
8 deemed effective upon issuance.
9

10 Nothing in this Order relieves Water System of its obligation to meet the
11 requirements of the California SDWA, or any regulation, standard, permit or order
12 issued thereunder.
13

14 **PARTIES BOUND**

15 This Order shall apply to and be binding upon Water System, its owners,
16 shareholders, officers, directors, agents, employees, contractors, successors, and
17 assignees.
18

19 **SEVERABILITY**

20 The Directives of this Order are severable, and Water System shall comply with
21 each and every provision hereof, notwithstanding the effectiveness of any other
22 provision.
23

24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Board to: issue a citation with assessment of
26 administrative penalties to a public water system for violation or continued violation
27

1 of the requirements of the California SDWA or any regulation, permit, standard,
2 citation, or order issued or adopted thereunder including, but not limited to, failure to
3 correct a violation identified in a citation or compliance order. The California SDWA
4 also authorizes the Board to take action to suspend or revoke a permit that has been
5 issued to a public water system if the public water system has violated applicable
6 law or regulations or has failed to comply with an order of the Board; and to petition
7 the superior court to take various enforcement measures against a public water
8 system that has failed to comply with an order of the Board. The Board does not
9 waive any further enforcement action by issuance of this Order.
10

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13 

14 Carl L. Carlucci, P.E., Chief
15 Central Valley Section
16 State Water Resources Control Board
17 Division of Drinking Water

13 3/3/2015

14 Date

17 Certified Mail No. 7010 3090 0002 0396 3782

18 Cc: Mr. Scott Moore, Seaco Technologies, Inc.
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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.

**Oasis Property Owners Association Has Levels
of Arsenic Above Drinking Water Standards**

Our water system of 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 _____ [date] show 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 _____ through _____, the arsenic RAA for Well(s) No. ____ is _____ mg/L for the _____ quarter of 2009.

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 Oasis POA.

Date distributed: _____.

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Visalia District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Oasis Property Owners Association

Public Water System No.: 1500585

Public notification for failure to comply with the Arsenic MCL was conducted on:

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

Notification was made on _____ (date).

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

The notice was distributed by mail or direct delivery to each customer on: _____

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. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____

Signature _____

Title _____

Date _____

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.

Due to the Division of Drinking Water within 10 days of notification to the public Arsenic MCL Exceedance / Enforcement Action No.: _____

Quarterly Progress Report

Water System:	Oasis POA	Water System No.:	1500585
Compliance Order No.:	03-12-15R-003	Violation:	
Calendar Quarter:		Date Prepared:	

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date