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

**TO:** Sierra Breeze Mutual Water Company  
5238 Nolina Avenue  
Ridgecrest, CA 93555

**Attn:** Michael Bizon, Operator  
Sierra Breeze Mutual Water Company

**CERTIFIED MAIL**

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1500447**

**CITATION NO. 03-19-15C-002**

**Issued on April 14, 2015**

**STATEMENT OF FACTS**

Sierra Breeze Mutual Water Company (hereinafter Water Company) Water System is classified as a community water system and serves a population of approximately 140 persons through 57 service connections.

The Water Company operates under the authority of permit No. 03-19-03P-002 issued on March 14, 2003, by the State of California, Department of Health Services (now State Water Resources Control Board).



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

6  
7 The State Water Resources Control Board, acting by and through its Division of  
8 Drinking Water (hereinafter "Division") and the Deputy Director for the Division  
9 (hereinafter "Deputy Director"), hereby issues a citation to Sierra Breeze Mutual  
10 Water Company (mailing address: 5238 Nolina Avenue, Ridgecrest, CA 93555) for  
11 violation of California Code of Regulations (CCR), Title 22, Section 64426.1  
12 subsection (b)(2).

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- 15 • The Water Company is required to collect a minimum of one (1) distribution  
16 system bacteriological sample per month, in accordance with its approved  
17 Bacteriological Sample Siting Plan.
  - 18 • One (1) routine bacteriological quality sample collected on February 2, 2015,  
19 from the distribution system, tested positive for total coliform bacteria.
  - 20 • Three (3) repeat bacteriological samples collected on February 5, 2015, from  
21 the distribution system, tested negative for total coliform bacteria.
  - 22 • One (1) repeat bacteriological sample collected on February 5, 2015, from Well  
23 02 (also counted towards the Ground Water Rule's trigger source sampling  
24 requirement), tested positive for total coliform bacteria.
  - 25 • One (1) repeat bacteriological sample collected on February 5, 2015, from Well  
26 03 (also counted towards the Ground Water Rule's trigger source sampling  
27 requirement), tested negative for total coliform bacteria.



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- **Sierra Breeze Mutual Water Company failed the total coliform maximum contaminant level (MCL) for February 2015 [Section 64426.1(b)(2), *Authorities*].**
  - On February 6, 2015, Dan Sackett of skOO'kum h2o monitoring, inc., the Water Company's contract sampler, notified the Division by email that the Water Company failed the total coliform MCL for February 2015.
  - On February 7 and 8, 2015, Well 02 and the distribution system were disinfected and flushed thoroughly.
  - Five (5) special bacteriological samples, collected on February 11, 2015, from the distribution system, tested negative for total coliform bacteria.
  - One (1) bacteriological quality sample collected on February 11, 2015, from Well 02, tested **positive** for total coliform bacteria.
  - On February 17, 2015, Well 02 was again disinfected and was shut down as a precaution until verification of bacteriological quality of the water produced by the well.
  - After flushing Well 02, one (1) bacteriological sample, collected on February 23, 2015, from the well, tested negative for total coliform bacteria.
  - Five (5) special bacteriological samples, collected on February 23, 2015, from the distribution system, also tested negative for total coliform bacteria.
  - On February 23, 2015, a public notice and Certification of Public Notification were emailed to the Water Company for the February 2015 total coliform MCL failure.
  - On March 3, 2015, the Division received signed and dated copies of the Certification of Public Notification and the public notice. According to these documents, public notification was completed on February 23, 2015.
  - On February 23, 2015, an investigation report was emailed to the Water Company, for the February 2015 total coliform MCL failure.



- 1 • On March 3, 2015, the Division received a completed copy of the investigation
- 2 report. The investigation report was completed by Mr. Bizon. A possible
- 3 cause of the total coliform positive samples was described as a heavy rain
- 4 event in early February 2015.
- 5 • All five (5) routine samples collected on March 3, 2015 tested negative for
- 6 total coliform bacteria.
- 7 • Results of all (source and distribution) bacteriological samples collected from
- 8 January 2014 to March 2015 are summarized in **Attachment A**.

**AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public water system shall reimburse the Division for the actual costs incurred by the Division 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 Division 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 Division. The costs set forth in the invoice shall not exceed the total actual costs to the Division 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 Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the Division 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 Division may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the Division 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 Division 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)



1 for each day that the violation continues beyond the date specified for correction in the citation  
or order.

2 (3) For failure to comply with any citation or order issued for noncompliance with any Division  
3 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.”

4 **Section 116655 of the CHSC**, states in relevant part:

5 “(a) Whenever the Division 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  
6 order doing any of the following:

- 7 (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the Division.
- 8 (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:

- 9 (2) That purification or treatment works be installed.”

10 **California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A**  
11 **establishes the minimum routine sampling requirements, and states in relevant part:**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

21 **CCR, Title 22, Section 64426.1** establishes the total coliform maximum contaminant level and  
states in relevant part:

22 “(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and  
64425 that are not invalidated by the Division or the laboratory shall be included in determining  
23 compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and  
samples collected by the water supplier during special investigations shall not be used to determine  
compliance with the total coliform MCL.

24 (b) A public water system is in violation of the total coliform MCL when any of the following  
occurs:

- 25 (1) For a public water system which collects at least 40 samples per month, more than 5.0  
percent of the samples collected during any month are total coliform-positive; or
- 26 (2) For a public water system with collects fewer than 40 samples per month, more than one  
sample collected during any month is total coliform-positive; or
- 27 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is

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total coliform-positive.  
(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Division by the end of the business day on which this is determined, unless the determination occurs after the Division office is closed, in which case the supplier shall notify the Division within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

**DETERMINATIONS**

Based upon the above *Statement of Facts and Authorities*, the Division has determined that the Sierra Breeze Mutual Water Company has violated the following:

- 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water Company violated the total coliform MCL for February 2015, when more than one sample collected in February 2015, tested positive for total coliform bacteria.

The above violation is classified as a non-continuing violation.

**DIRECTIVES**

Sierra Breeze Mutual Water Company is hereby directed to take the following actions:

- 1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title 22, California Code of Regulations.
- 2. The Water Company shall reimburse the Division, in accordance with an invoice that shall be provided to the Water Company, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Division) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

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**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Division to: issue additional citations with assessment of penalties if a public water system continues to fail or 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 orders of the Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

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

**SEVERABILITY**

The directives of this citation are severable, and Sierra Breeze Mutual Water Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Division imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

April 14, 2015  
Date

Jaswinder S. Dhaliwal  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

Certified Mail No. 7014 3490 0001 7640 4871

**ATTACHMENT**

Attachment A: Summary of Bacteriological Samples Collected from January 2014 – March 2015

CC: Kern County Environmental Health Services Department (w/o attachment)  
Dan Sackett, sKOO'kum h2o monitoring, inc., Contract Sampler

JSD/dc



## **Attachment A**

# Sierra Breeze Mutual Water Company

1500447

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/13/2014	13:21	1ROU	A	A		Routine			
2/10/2014	14:42	1ROU	A	A		Routine			
3/5/2014	11:24	3ROU	A	A		Routine			
4/8/2014	11:20	4ROU	A	A		Routine			
5/13/2014	13:47	5ROU	A	A		Routine			
6/9/2014	11:47	1ROU	A	A		Routine			
7/7/2014	10:45	2ROU	A	A		Routine			
8/5/2014	12:56	3ROU	A	A		Routine			
9/3/2014	12:09	4ROU	A	A		Routine			
10/13/2014	12:43	5ROU	A	A		Routine			
11/17/2014	13:02	1ROU	A	A		Routine			
12/4/2014	12:11	2ROU	A	A		Routine			
1/6/2015	12:52	1ROU	A	A		Routine			
2/2/2015	12:34	2ROU	P	A		Routine			
2/5/2015	11:57	2REP3	A	A		Repeat			
2/5/2015	12:03	2REP1	A	A		Repeat			
2/5/2015	12:09	2REP2	A	A		Repeat			
2/5/2015	12:20	2REP4	P	A		Repeat	MCL	Cit 03-19-15C-002 Issued	
2/5/2015	12:28	Well 03	A	A		Repeat			
2/11/2015	9:10	1ROU	A	A		Other			
2/11/2015	9:15	4ROU	A	A		Other			
2/11/2015	9:25	3ROU	A	A		Other			
2/11/2015	9:31	2ROU	A	A		Other			
2/11/2015	9:48	5ROU	A	A		Other			
2/23/2015	11:48	1ROU	A	A		Other			
2/23/2015	11:57	2ROU	A	A		Other			
2/23/2015	12:05	5ROU	A	A		Other			
2/23/2015	12:12	4ROU	A	A		Other			
2/23/2015	12:20	3ROU	A	A		Other			
3/3/2015	12:23	1ROU	A	A		Routine			
3/3/2015	12:31	5ROU	A	A		Routine			
3/3/2015	12:37	2ROU	A	A		Routine			
3/3/2015	12:43	4ROU	A	A		Routine			
3/3/2015	12:52	3ROU	A	A		Routine			

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# *Sierra Breeze Mutual Water Company*

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**1500447**

*Source Monitoring Freq:*

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
2/5/2015	12:20	WELL #2	P	A		MCL	
2/5/2015	12:28	WELL #3	A	A			
2/11/2015	9:00	WELL #2	P	A			
2/23/2015	11:40	WELL #2	A	A			

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