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

**TO:** Lake of the Woods Mutual Water Company  
P. O. Box 205  
Frazier Park, CA 93225

**Attn:** Diane Gustafson, Office Manager  
Lake of the Woods Mutual Water Company

**CERTIFIED MAIL**

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1510023**

**July 2015**

**C I T A T I O N N O . 03-19-15C-014**

**Issued on September 28, 2015**

**STATEMENT OF FACTS**

Lake of the Woods Mutual Water Company Water System (hereinafter Water System) is classified as a community water system and serves a population of approximately 945 persons through 378 service connections. The Water System operates under the authority of Permit Number 03-19-11P-025, issued on December 30, 2011, by the California Department of Public Health, Division of Drinking Water and Environmental Management (now State Water Resources Control Board).

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

1 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit  
2 or order issued or adopted thereunder.

3  
4 The State Water Resources Control Board (hereinafter "State Board"), acting by and  
5 through its Division of Drinking Water and the Deputy Director for the Division of  
6 Drinking Water (hereinafter "Deputy Director"), hereby issues a citation to Lake of the  
7 Woods Mutual Water Company (mailing address: P. O. Box 205, Frazier Park, CA  
8 93225) for violation of California Code of Regulations (CCR), Title 22, Section  
9 64426.1 subsection (b)(2).

- 10 • The Water System collects six (6) routine distribution system bacteriological  
11 samples per month.
- 12  
13 • Three (3) routine bacteriological quality samples collected on July 7, 2015,  
14 from the distribution system, tested positive for total coliform bacteria.
- 15 • **Lake of the Woods Mutual Water Company Water System failed the total**  
16 **coliform maximum contaminant level (MCL) for July 2015 [Section**  
17 **64426.1(b)(2), Authorities].**
- 18  
19 • After inspection of the domestic water supply facilities, increasing the chlorine  
20 dosage, and flushing of the distribution system, eleven (11) repeat  
21 bacteriological quality samples were collected on July 9, 2015, from the  
22 distribution system, and they all tested negative for total coliform bacteria.
- 23  
24 • All four (4) samples collected on July 9, 2015, one from each of the system  
25 wells (Well #1, Well #2, Well #4, and Dark Canyon Well), in response to the  
26 Ground Water Rule's triggered source sampling requirement, tested negative  
27 for total coliform bacteria.

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- Three (3) routine bacteriological quality samples collected on July 27, 2015, from the distribution system, tested negative for total coliform bacteria.
  - None of the total coliform positive samples collected in July 2015, tested positive for *E. coli* bacteria.
  - On July 8, 2015, Rafael Molina, Designated Operator and sampler for the Water System, notified the State Board by telephone that the Water System failed the total coliform MCL for July 2015.
  - On August 6, 2015, a public notice and *Certification of Completion of Public Notification* were emailed to the Water System for the July 2015 total coliform MCL failure.
  - On August 11, 2015, the State Board received signed and dated copies of the *Certification of Completion of Public Notification* and the public notice. According to these documents, public notification was completed on August 10, 2015.
  - On August 6, 2015, an investigation report was emailed to the Water System, for the July 2015 total coliform MCL failure.
  - On August 24, 2015, the State Board received a completed copy of the investigation report. The investigation report was completed by Rafael Molina. According to the investigation report, possible causes of the total coliform positive samples were described as sampler error, improper storage of bacteriological quality samples before delivering to laboratory, and/or supplemental supplies of hauled water.

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- One (1) out of the three (3) routine bacteriological quality samples collected on August 18, 2015, from the distribution system, tested positive for total coliform bacteria.
- All four (4) repeat bacteriological quality samples collected on August 20, 2015, from the distribution system, tested negative for total coliform bacteria.
- Two (2) bacteriological quality samples collected on August 20, 2015, from Well 04 and Dark Canyon Well, for complying with the Ground Water Rule’s triggered source sampling requirement, tested negative for total coliform bacteria.
- Three (3) routine bacteriological quality samples collected on August 26, 2015, from the distribution system, tested negative for total coliform bacteria.
- It is noted that by Permit Provision No. 18 of its December 2011 domestic water supply permit (No. 03-19-11P-025), the Water System is required to conduct quarterly bacteriological monitoring of raw water from the wells. A review of the State Board records indicates that this monitoring is not being conducted consistently.
- Results of all (source and distribution) bacteriological samples collected from January 2015 to August 2015 are summarized in **Attachment A**.

**AUTHORITIES**

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

“(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board 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 State Board 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 State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

**Section 116650 of the CHSC, states in relevant part:**

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

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

(a) Whenever the State Board 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 State Board.
- (3) Directing that appropriate preventive 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:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A 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

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
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

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

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining 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.

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

- (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
- (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
- (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 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 State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board 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 State Board has determined that the Lake of the Woods Mutual Water Company Water System has violated the following:

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

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

**DIRECTIVES**

Lake of the Woods Mutual Water Company Water System 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 System shall conduct quarterly bacteriological monitoring of raw water from each active well and report the results to the State Board by the 10<sup>th</sup> day of the month following the sampling. Quarterly bacteriological monitoring of the raw water is required by Provision No. 18 of the Water System’s December 2011 domestic water supply permit.
3. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) 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).

**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board 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 State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board.

1 The State Board does not waive any further enforcement action by issuance of this  
2 citation.

3  
4 **PARTIES BOUND**

5 This citation shall apply to and be binding upon Lake of the Woods Mutual Water  
6 Company Water System, its officers, directors, agents, employees, contractors,  
7 successors, and assignees.

8  
9 **SEVERABILITY**

10 The directives of this citation are severable, and Lake of the Woods Mutual Water  
11 Company Water System shall comply with each and every provision thereof,  
12 notwithstanding the effectiveness of any other provision.

13  
14 **CIVIL PENALTIES**

15 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a  
16 civil penalty for failure to comply with the requirements of the Safe Drinking Water  
17 Act. Failure to comply with any provision of this Citation may result in the State  
18 Board imposing an administrative penalty in an amount not to exceed \$1000 (one  
19 thousand dollars) per day as of the date of violation of any provision of this Citation.

20  
21 Sep. 28, 2015  
22 Date

23 Jaswinder S. Dhaliwal  
24 Jaswinder S. Dhaliwal, P.E.  
25 Senior Sanitary Engineer  
26 Drinking Water Field Operations Branch  
27

Certified Mail No. 7013 3020 0002 2497 9579

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**ATTACHMENT**

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

CC: Kern County Environmental Health Services Department (w/o attachment)  
Rafael Molina, Designated Operator (via e-mail)

JSD/dc

# Attachment A

# Lake of the Woods MWC

1510023

Distribution System Freq: 6/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/1/2015		6 Samples	A	A		Routine	0.4		
2/1/2015		6 Samples	A	A		Routine	0.4		
3/1/2015		6 Samples	A	A		Routine	0.40		
3/2/2015	8:35	Dark Canyon Water Line	A	A		Other	1.0		
4/1/2015		6 Samples	A	A		Routine	0.4		
5/1/2015		6 Samples	A	A		Routine	0.4-0.6		
6/1/2015		6 Samples	A	A		Routine	0.40-0.05		
7/7/2015	12:20	6517 Lakewood	P	A		Routine	0.4		
7/7/2015	12:26	7065 Lakeview	P	A		Routine	0.4	MCL	Citation 03-19-15C-014 Being Issued
7/7/2015	12:34	233 Lakewood	P	A		Routine	0.4		
7/9/2015	6:10	6517 Lakewood Dr.	A	A		Routine	0.4		
7/9/2015	7:42	233 Lakewood	A	A		Repeat	1.0		
7/9/2015	7:56	212 Lakewood	A	A		Repeat	1.0		
7/9/2015	8:05	340 Lakewood	A	A		Repeat	1.0		
7/9/2015	8:20	7064 Lakeview	A	A		Repeat	0.8		
7/9/2015	8:27	7061 Lakeview	A	A		Repeat	0.8		
7/9/2015	8:40	7140 Lakeview	A	A		Repeat	0.8		
7/9/2015	8:58	6517 Lakewood Dr.	A	A		Repeat	1.0		
7/9/2015	9:07	6501 Lakewood Dr.	A	A		Repeat	1.0		
7/9/2015	9:15	6537 Lakewood Dr.	A	A		Repeat	1.0		
7/9/2015	9:30	North Tank #1	A	A		Repeat	1.2		
7/9/2015	9:50	South Tank	A	A		Repeat	1.0		
7/27/2015	6:00	233 Lakewood Dr.	A	A		Routine	0.4		
7/27/2015	6:10	6517 Lakewood Dr.	A	A		Routine	0.4		
7/27/2015	6:17	7065 Lakeview Dr.	A	A		Routine	0.4		
8/1/2015		5 Samples	A	A		Routine	0.6		
8/18/2015	6:37	7065 Lakeview	P	A		Routine	0.40		
8/20/2015	6:20	7065 Lakeview	A	A		Repeat	1.0		
8/20/2015	6:28	7061 Lakeview	A	A		Repeat	1.0		
8/20/2015	6:40	7140 Lakeview	A	A		Repeat	1.0		
8/20/2015	6:50	South Tank	A	A		Repeat	1.0		

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# Lake of the Woods MWC

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1510023

Source Monitoring Freq: Qtrly.

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Sample Date	Time	Source	T Coli	E Coli	F Coli	Violation	Comment
1/26/2015		Well #1, #2, #4	A	A			Qtrly Compliance
3/2/2015	8:50	Dark Canyon Well	A	A			
3/9/2015	8:00	Dark Canyon Well	<1.0	<1.1			
7/9/2015		Well 01, 02, 04, Dark Canyon w	A	A			GWR Samples
8/20/2015		Well 04 & Dark Canyon Well	A	A			GWR Samples