



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 29, 2015

Chuck Tuey, President
Hungry Gulch Mutual Water Company
P.O. Box 85
Lake Isabella, CA 93240

**RE: HUNGRY GULCH MUTUAL WATER COMPANY (WATER SYSTEM NO. 1500436)
COMPLIANCE ORDER FOR VIOLATION OF ARSENIC MCL**

Enclosed is Compliance Order No. 03-19-15R-006 that the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) is issuing to the Hungry Gulch Mutual Water Company (hereinafter Water Company) for a violation of the California Safe Drinking Water Act. The Water Company has been serving water to consumers that fails the primary maximum contaminant level (MCL) for arsenic of 0.010 milligrams-per-liter. As discussed in the compliance order, the Water Company shall develop and implement a plan to resolve the arsenic MCL violation and ensure that water served to consumers meets all drinking water standards.

Please note that on or before May 15, 2015, the Water Company is required to submit a written response to the Division indicating its agreement to comply with the directives of the compliance order and with the Corrective Action Plan addressed in the said compliance order. **On or before July 1, 2015, the Water Company is required to present the Corrective Action Plan required under Directive No. 6 of the compliance order, to the Division in person at the Division's office located at 4925 Commerce Drive, Suite 120, Bakersfield, California 93309. Deadline to achieve compliance with the arsenic MCL is April 30, 2018.** Until the Division determines that the Water Company is in compliance with the arsenic MCL, you must continue to provide quarterly public notification for arsenic. After providing quarterly public notification, a copy of the public notice along with a completed Certification of Public Notification form (Attachment C of the compliance order) should be submitted to the Division's Bakersfield Office. **Failure to comply with deadlines and directives specified in the compliance order will result in further enforcement action by the Division.**

If you have any questions regarding this matter, please contact me at (661) 335-7318 or Carl Carlucci, Supervising Sanitary Engineer at (559) 447-3132.

Sincerely,

A handwritten signature in blue ink that reads "Jaswinder S. Dhaliwal".

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
Southern California Drinking Water Field Operations Branch
DIVISION OF DRINKING WATER

Enclosure: Compliance Order No. 03-19-15R-006

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

1 CALIFORNIA

2 STATE WATER RESOURCES CONTROL BOARD

3 DIVISION OF DRINKING WATER

4
5
6 TO: Hungry Gulch Mutual Water Company Water System
7 (System No. 1500436)
8 ATTN: Chuck Tuey, Board President
9 P.O. Box 85
10 Lake Isabella, CA 93240

11 AND

12 Hungry Gulch Mutual Water Company

13 CERTIFIED MAIL

14
15 COMPLIANCE ORDER NO. 03-19-15R-006

16 FOR

17 VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555 (a)(1)

18 AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC

19 Dated April 29, 2015

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21
22 The State Water Resources Control Board (hereinafter "Board"), acting by and through its
23 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
24 (hereinafter "Deputy Director"), hereby issues this compliance order (hereinafter "Order")
25 pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to
26
27

1 Hungry Gulch Mutual Water Company for violation of CHSC section 116555(a)(1) and Title 22,
2 California Code of Regulations (hereinafter "CCR"), Section 64431.

3
4 **APPLICABLE AUTHORITIES**

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

6 (a) Any person who owns a public water system shall ensure that the system does all of the
7 following:

8 (1) Complies with primary and secondary drinking water standards.

9
10 **CHSC, Section 116655 states in relevant part:**

11 (a) Whenever the department determines that any person has violated or is violating this
12 chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the
13 director may issue an order doing any of the following:

14 (1) Directing compliance forthwith.

15 (2) Directing compliance in accordance with a time schedule set by the department.

16 (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

17 (b) An order issued pursuant to this section may include, but shall not be limited to, any or all
18 of the following requirements:

19 (1) That the existing plant, works, or system be repaired, altered, or added to.

20 (2) That purification or treatment works be installed.

21 (3) That the source of the water supply be changed.

22 (4) That no additional service connection be made to the system.

23 (5) That the water supply, the plant, or the system be monitored.

24 (6) That a report on the condition and operation of the plant, works, system, or water supply
25 be submitted to the department.

1 Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

2 Public water systems shall comply with the primary MCLs in table 64431-A as
 3 specified in this article.
 4

5 **Table 64431-A**
 6 **Maximum Contaminant Levels**
 7 **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.
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 nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

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

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

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 21
 22
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 26
 27

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

3
4 (2) Inform the Department within seven days from the receipt of the analysis and, as
5 confirmation, collect one additional sample within 14 days from receipt of the analysis. If the
6 average of the two samples collected exceeds the MCL, this information shall be reported to
7 the Department within 48 hours and the water supplier shall monitor quarterly beginning in the
8 next quarter after the exceedance occurred.

9
10 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of
11 receipt of the result the water supplier shall notify the Department and resample as
12 confirmation. The water supplier shall notify the Department of the result(s) of the confirmation
13 sample(s) within 24 hours of receipt of the confirmation result(s).

14
15 (1) If the average concentration of the original and confirmation sample(s) is less than or equal
16 to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter
17 following the quarter in which the exceedance occurred.

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

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

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

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

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3 **STATEMENT OF FACTS**

4 The Division is informed by the Water System and believes that the Hungry Gulch Mutual
5 Water Company Water System (hereinafter "Water System") is a community water system
6 located in Kern County that supplies water for domestic purposes to approximately 33
7 individuals through approximately 16 service connections. The Water System operates under
8 Domestic Water Supply Permit No. 436, issued on May 11, 1987, by the Kern County
9 Environmental Health Services Department. The Water System is a community public water
10 system as defined in CHSC, section 116275.

11
12 The Water System utilizes one groundwater well (Well 02) as its source of domestic water.
13 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards
14 and monitoring and reporting requirements for inorganic constituents. Community and
15 nontransient noncommunity water systems must comply with the maximum contaminant level
16 for arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.

17 A sample collected from the Water System on January 10, 2002, showed an arsenic
18 concentration of 0.062 mg/L in Well 02 (PS Code: 1500436-002), which was higher than the
19 old arsenic MCL of 0.050 mg/L. To document the violation with the 0.050 mg/L arsenic MCL,
20 the Water System was issued Compliance Order No. 03-19-02O-001 on October 1, 2002.
21 Therefore, in accordance with Section 64431 (g), the Water System was required to begin
22 quarterly arsenic monitoring of Well 02, unless it chose to submit an additional sample, which it
23 did not do. Section 64431 (i) provides that compliance with the arsenic MCL is based on a
24 "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter.
25 Further, Section 64431 (i) states: "if any one sample would cause the annual average to
26 exceed the MCL, the system is immediately in violation."
27

1 A summary of the arsenic monitoring of Well 02 is presented in Table 1 below. All results are
 2 as reported to the Division by the laboratory that performed the analysis.

3 **Table 1: Well 02 Arsenic Monitoring Results and RAA**

4

5 Sample Quarter	Well 02 Result (mg/L)	Well 02 RAA (mg/L)
6 1 st Quarter of 2002	0.067	No RAA
7 2 nd Quarter of 2002	No Sample	No RAA
8 3 rd Quarter of 2002	0.140	0.052
9 4 th Quarter of 2002	No Sample	0.104
10 1 st Quarter of 2003	No Sample	0.104
11 2 nd Quarter of 2003	No Sample	0.104
12 3 rd Quarter of 2003	No Sample	0.104
13 4 th Quarter of 2003	0.056	0.056
14 1 st Quarter of 2004	0.089	0.073
15 2 nd Quarter of 2004	0.078	0.074
16 3 rd Quarter of 2004	0.083	0.077
17 4 th Quarter of 2004	0.051	0.075
18 1 st Quarter of 2005	0.058	0.068
19 2 nd Quarter of 2005	0.068	0.065
20 3 rd Quarter of 2005	0.020	0.049
21 4 th Quarter of 2005	0.039	0.046
22 1 st Quarter of 2006	0.080	0.052
23 2 nd Quarter of 2006	No Sample	0.046
24 3 rd Quarter of 2006	0.065	0.061
25 4 th Quarter of 2006	0.091	0.079

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Sample Quarter	Well 02 Result (mg/L)	Well 02 RAA (mg/L)
1 st Quarter of 2007	0.068	0.075
2 nd Quarter of 2007	0.190	0.104
3 rd Quarter of 2007	0.170	0.130
4 th Quarter of 2007	No Sample	0.143
1 st Quarter of 2008	0.077	0.146
2 nd Quarter of 2008	No Sample	0.124
3 rd Quarter of 2008	0.091	0.084
4 th Quarter of 2008	0.081	0.083
1 st Quarter of 2009	No Sample	0.086
2 nd Quarter of 2009	0.067	0.080
3 rd Quarter of 2009	0.040	0.063
4 th Quarter of 2009	0.160	0.089
1 st Quarter of 2010	0.053	0.080
2 nd Quarter of 2010	0.083	0.084
3 rd Quarter of 2010	0.039	0.084
4 th Quarter of 2010	0.068	0.061
1 st Quarter of 2011	0.091	0.070
2 nd Quarter of 2011	0.000	0.066
3 rd Quarter of 2011	0.037	0.065
4 th Quarter of 2011	0.060	0.063
1 st Quarter of 2012	0.064	0.054
2 nd Quarter of 2012	No Sample	0.054

Sample Quarter	Well 02 Result (mg/L)	Well 02 RAA (mg/L)
3 rd Quarter of 2012	0.083	0.069
4 th Quarter of 2012	0.075	0.074
1 st Quarter of 2013	0.069	0.076
2 nd Quarter of 2013	0.053	0.070
3 rd Quarter of 2013	0.091	0.072
4 th Quarter of 2013	0.085	0.075
1 st Quarter of 2014	0.088	0.079
2 nd Quarter of 2014	0.084	0.087
3 rd Quarter of 2014	0.070	0.082
4 th Quarter of 2014	0.080	0.081
1 st Quarter of 2015	0.078	0.078

The federal arsenic MCL was lowered to 0.010 mg/L effective January 23, 2006 and the state adopted the 0.010 mg/L arsenic MCL effective December 2008. The Water System has been in violation of the revised MCL of 0.010 mg/L since the first quarter of 2006. Results of samples taken from water produced by Well 02 since 2002, show the RAA for arsenic in said well continues to exceed the arsenic MCL. This compliance order replaces and voids Compliance Order No. 03-19-02O-001, and its directives.

1 **DETERMINATIONS**

2 Based on the above Statement of Facts, the Division has determined that the Water System
3 has violated CHSC, Section 116555 and Section 64431 in that the water produced by Well 02,
4 since the third quarter of 2002, exceeded the arsenic MCL as shown in Table 1 above, and
5 further has determined that said violation has continued from 2002 and through the date of this
6 Order.
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10 **DIRECTIVES**

11 Hungry Gulch Mutual Water Company Water System is hereby directed to take the following
12 actions:

- 13 1. On or before **April 30, 2018**, comply with Title 22, CCR, Section 64431 and remain in
14 compliance.
- 15 2. On or before **May 15, 2015**, submit a written response to the Division indicating its
16 agreement to comply with the directives of this Order and with the Corrective Action Plan
17 addressed herein.
- 18 3. Commencing on the date of service of this Order, provide quarterly public notification in
19 accordance with **Attachment A**, hereto, of Water System's failure to meet the arsenic MCL
20 during any calendar quarter that the four-quarter running annual average exceeds the MCL.
21
- 22 4. Commencing on the date of service of this Order, submit proof of each public notification
23 conducted in compliance with Directive No. 3, herein above, within 10 days following each
24 such notification, using the form provided as **Attachment B**, hereto.
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- 1 5. Commencing on the date of service of this Order collect quarterly samples for arsenic from
2 Well 02, as required by Section 64432(g), and ensure that the analytical results are
3 reported to the Division electronically by the analyzing laboratory no later than the 10th day
4 following the month in which the analysis was completed.
- 5
6 6. Prepare for Division approval a Corrective Action Plan identifying improvements to the
7 Water System designed to correct the water quality problem (violation of the arsenic MCL)
8 and ensure that the Water System delivers water to consumers that meets primary drinking
9 water standards. The plan shall include a time schedule for completion of each of the
10 phases of the project such as design, construction, and startup, and a date as of which the
11 Water System will be in compliance with the arsenic MCL, which date shall be no later than
12 **April 30, 2018**.
- 13
14 7. On or before **July 1, 2015**, present the Corrective Action Plan required under Directive No.
15 6, above, to the Division in person at the Division's offices located at 4925 Commerce
16 Drive, Suite 120, Bakersfield, California 93309.
- 17
18 8. Timely perform the Division approved Corrective Action Plan and each and every element
19 of said plan according to the time schedule set forth therein.
- 20
21 9. On or before **October 1, 2015**, and every three months thereafter, submit a report to the
22 Division in the form provided as **Attachment C**, hereto, showing actions taken during the
23 previous calendar three months to comply with the Corrective Action Plan.
- 24
25 10. Not later than ten (10) days following the date of compliance with the arsenic MCL,
26 demonstrate to the Division that the water delivered by Water System complies with the
27 arsenic MCL.

1 11. Notify the Division in writing no later than five (5) days prior to the deadline for performance
2 of any Directive set forth herein if Water System anticipates it will not timely meet such
3 performance deadline.

4 All submittals required by this Order shall be addressed to:
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6
7 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
8 State Water Resources Control Board
9 Division of Drinking Water, Tehachapi District
4925 Commerce Drive, Suite 120
Bakersfield, California 93309

10 As used in this Order, the date of issuance shall be the date of this Order; and the date of
11 service shall be the date of service of this Order, personal or by certified mail, on the Water
12 System.
13

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

18 Nothing in this Order relieves Water System of its obligation to meet the requirements of the
19 California SDWA, or any regulation, standard, permit or order issued thereunder.
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22 **PARTIES BOUND**
23

24 This Order shall apply to and be binding upon Water System, its owners, shareholders,
25 officers, directors, agents, employees, contractors, successors, and assignees.
26
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1 **SEVERABILITY**

2 The Directives of this Order are severable, and Water System shall comply with each and
3 every provision hereof, notwithstanding the effectiveness of any other provision.
4

5 **FURTHER ENFORCEMENT ACTION**

6 The California SDWA authorizes the Board to: issue a citation with assessment of
7 administrative penalties to a public water system for violation or continued violation of the
8 requirements of the California SDWA or any regulation, permit, standard, citation, or order
9 issued or adopted thereunder including, but not limited to, failure to correct a violation identified
10 in a citation or compliance order. The California SDWA also authorizes the Board to take
11 action to suspend or revoke a permit that has been issued to a public water system if the public
12 water system has violated applicable law or regulations or has failed to comply with an order of
13 the Board; and to petition the superior court to take various enforcement measures against a
14 public water system that has failed to comply with an order of the Board. The Board does not
15 waive any further enforcement action by issuance of this Order.
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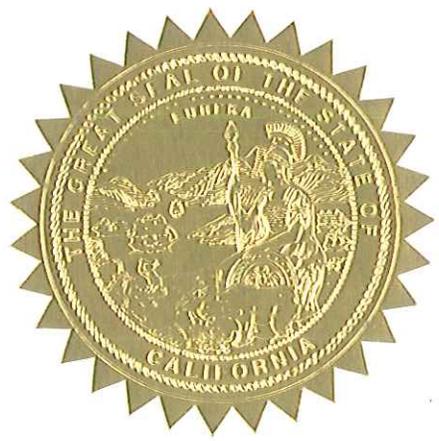
19 
20 Carl L. Carlucci, P.E., Chief
21 Central California Section
22 State Water Resources Control Board
23 Division of Drinking Water

4-29-2015
Date

24 Certified Mail No. 7010 3090 0002 0396 4550

25 Attachments

- 26 Attachment A: Public Notification Template
27 Attachment B: Certification of Public Notification Template



1 Attachment C: Quarterly Progress Report Template

2 Cc: Board of Directors, Hungry Gulch Mutual Water Company

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

4 Dan Sackett, skOO'kum h2o monitoring, inc., Contract Sampler & Distribution Operator

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Instructions for Tier 2 Arsenic MCL Notice Template

Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

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.

Hungry Gulch Mutual Water Company Has Levels of Arsenic Above the Drinking Water Standard

Our water system recently violated 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. Based on the samples collected from _____ (___ Quarter _____) to _____ (___ Quarter _____), water produced Well 02 contained an average of _____ milligrams per liter of arsenic. Well 02 produce water that is above the arsenic maximum contaminant level (MCL) of 0.010 mg/L. This standard is based upon the running annual average of the most recent quarterly arsenic monitoring.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- 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 to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Hungry Gulch Mutual Water Company is working with the State Water Resources Control Board, Division of Drinking Water to resolve the high arsenic problem.

For more information, please contact _____ at _____

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 public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Hungry Gulch Mutual Water Company.

State Water System ID#: 1500436 . Date distributed: _____.

Quarterly Progress Report

Water System: Hungry Gulch MWC	Water System No.: 1500436
Compliance Order No.: 03-19-15R-006	Violation: Arsenic MCL
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, Tehachapi District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date