



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 14, 2015

David Jackson, Board President
Lands of Promise Mutual Water Association
P.O. Box 338
Rosamond, CA 93560

**RE: LANDS OF PROMISE MUTUAL WATER ASSOCIATION WATER SYSTEM (SYSTEM NO.1500424),
COMPLIANCE ORDER FOR VIOLATION OF MAXIMUM CONTAMINANT LEVEL (MCL) FOR ARSENIC**

Dear Mr. Jackson:

Enclosed is Compliance Order No. 03_19_15R_015 that the State Water Resources Control Board (State Board)-Division of Drinking Water is issuing to the Lands of Promise Mutual Water Association Water System (hereinafter Water System) for a violation of the California Safe Drinking Water Act. The Water System has been serving water to consumers that violates the primary maximum contaminant level (MCL) for arsenic of 0.010 milligrams-per-liter (mg/L). As discussed in the compliance order, the Water System shall develop and implement a plan to resolve the MCL violation for arsenic to ensure compliance with the drinking water standards.

Please note that on or before January 31, 2016, the Water System 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 March 31, 2016, the Water System is required to present the Corrective Action Plan, required under Directive No. 6 of the compliance order, to the State Board in person at the State Board's office, located at 4925 Commerce Drive, Suite 120, Bakersfield, California 93309. Deadline to achieve compliance with the arsenic MCL is May 29, 2018.** Until the State Board determines that the Water System is in compliance with the arsenic MCL, you must continue to provide quarterly public notification for arsenic and also conduct quarterly arsenic monitoring of Well 03, Well 04, Well 05, and Well 06. After providing quarterly public notification, a copy of the public notice along with a completed Certification of Public Notification form (**Attachment B** of the compliance order) should be submitted to the State Board's Bakersfield office. **Failure to comply with deadlines and directives specified in the compliance order will result in further enforcement action by the State Board.**

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 black ink, appearing to read "Jaswinder S. Dhaliwal".

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
Southern California Branch
DRINKING WATER FIELD OPERATIONS

Enclosure: Compliance Order No. 03-19-15R-015

CC: Kern County Department of Environment Health
Mario Cervantes, Contract Sampler

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

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TO: Lands of Promise Mutual Water Association Water System; System No.1500424
ATTN: David Jackson, Board President
Lands of Promise Mutual Water Association
P.O. Box 338
Rosamond, CA 93560

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CERTIFIED MAIL

**COMPLIANCE ORDER NO. 03_19_15R_015
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555 (a)(1)
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC
Issued December 14, 2015**

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The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Lands of Promise Mutual Association Water System for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

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

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

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

CHSC, Section 116655 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.

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

Public water systems shall comply with the primary MCLs in table 64431-A as 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. |
| 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. |

| <i>Chemical</i> | <i>Maximum Contaminant Level, mg/L</i> |
|-----------------------|--|
| 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 State Board within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the State Board 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 State Board within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

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

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

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

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

(B) Not return the source to service without written approval from the State Board.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results

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2 for that quarter shall be used when calculating the running annual average. If a system fails to
3 complete four consecutive quarters of monitoring, the running annual average shall be based
4 on an average of the available data.

5 **STATEMENT OF FACTS**

6 The State Board is informed by the Lands of Promise Mutual Water Association Water System
7 (hereinafter "Water System") and believes that the Water System is a community water
8 system, located in Kern County that supplies water for domestic purposes to approximately
9 190 individuals through approximately 65 service connections. The Water System utilizes four
10 groundwater wells ((Well 03; PS Code: 1500424-003), (Well 04; PS Code: 1500424-004),
11 (Well 05; PS Code: 1500424-005), and (Well 06; PS Code: 1500424-006)). The Water
12 System operates under Domestic Water Supply Permit No. 03-19-07P-007, issued on July 27,
13 2007, by the California Department of Public Health, Division of Drinking Water and
14 Environmental Management. The Water System is a community public water system as
15 defined in CHSC, section 116275, and has been under the regulatory jurisdiction of the State
16 Board, effective July 1, 2014.

17
18 The Water System utilizes four groundwater wells as its source of domestic water. Title 22,
19 CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and
20 monitoring and reporting requirements for inorganic constituents. Community and nontransient
21 noncommunity water systems must comply with the maximum contaminant level for arsenic of
22 0.010 mg/L, as established in Title 22 CCR Section 64431.

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25 Samples collected from Well 03 and Well 04 on April 22, 2008, showed an arsenic
26 concentration of 0.018 and 0.020 mg/L, respectively. Samples collected from Well 05 and Well
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06 on December 26, 2007, showed an arsenic concentration of 0.011 and 0.015 mg/L, respectively. Therefore, in accordance with Section 64431 (g), the Water System was required to begin quarterly arsenic monitoring of Well 03, Well 04, well 05, and Well 06 unless it chose to submit an additional sample, which it did not do. Section 64432(i) provides that compliance with the arsenic MCL is based on a running annual average (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64432 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

A summary of the Water System's quarterly arsenic monitoring is presented in Table 1 below. All results are as reported to the State Board by the laboratory that performed the analysis.

Table 1: The Water System's Wells Arsenic Monitoring Results and RAA Values (mg/L)

| <i>Sample Date</i> | <i>Well 03 Result</i> | <i>Well 03 RAA</i> | <i>Well 04 Result</i> | <i>Well 04 RAA</i> | <i>Well 05 Result</i> | <i>Well 05 RAA</i> | <i>Well 06 Result</i> | <i>Well 06 RAA</i> |
|---------------------------------|-----------------------|--------------------|-----------------------|--------------------|-----------------------|--------------------|-----------------------|--------------------|
| 4 th Quarter of 2007 | No Sample | N/A | No Sample | N/A | 0.011 | N/A | 0.015 | N/A |
| 1 st Quarter of 2008 | No Sample | N/A | No Sample | N/A | 0.012 | N/A | 0.017 | N/A |
| 2 nd Quarter of 2008 | 0.018 | N/A | 0.02 | N/A | 0.018 | N/A | 0.018 | N/A |
| 3 rd Quarter of 2008 | 0.016 | N/A | 0.017 | N/A | 0.015 | 0.014 | 0.015 | 0.016 |
| 4 th Quarter of 2008 | 0.015 | N/A | 0.018 | N/A | No Sample | 0.015 | No Sample | 0.017 |
| 1 st Quarter of 2009 | 0.020 | 0.017 | 0.017 | 0.018 | 0.014 | 0.016 | 0.015 | 0.016 |
| 2 nd Quarter of 2009 | 0.013 | 0.016 | 0.016 | 0.017 | 0.005 | 0.011 | 0.014 | 0.015 |
| 3 rd Quarter of 2009 | 0.015 | 0.016 | 0.016 | 0.017 | 0.013 | 0.011 | 0.016 | 0.015 |
| 4 th Quarter of 2009 | 0.015 | 0.016 | 0.019 | 0.017 | 0.015 | 0.012 | 0.015 | 0.015 |
| 1 st Quarter of 2010 | 0.017 | 0.015 | 0.016 | 0.017 | 0.015 | 0.012 | 0.016 | 0.015 |
| 2 nd Quarter of 2010 | 0.015 | 0.016 | 0.018 | 0.017 | 0.014 | 0.014 | 0.016 | 0.016 |
| 3 rd Quarter of 2010 | 0.015 | 0.016 | 0.013 | 0.017 | 0.013 | 0.014 | 0.014 | 0.015 |

Compliance Order No. 03_19_15R_015

| Sample Date | Well 03 Result | Well 03 RAA | Well 04 Result | Well 04 RAA | Well 05 Result | Well 05 RAA | Well 06 Result | Well 06 RAA |
|---------------------------------|----------------|-------------|----------------|-------------|----------------|-------------|----------------|-------------|
| 4 th Quarter of 2010 | 0.017 | 0.016 | 0.014 | 0.015 | 0.018 | 0.015 | 0.013 | 0.015 |
| 1 st Quarter of 2011 | 0.014 | 0.015 | 0.017 | 0.016 | 0.017 | 0.016 | 0.015 | 0.015 |
| 2 nd Quarter of 2011 | 0.013 | 0.015 | 0.015 | 0.015 | 0.012 | 0.015 | 0.014 | 0.014 |
| 3 rd Quarter of 2011 | 0.016 | 0.015 | 0.018 | 0.016 | 0.014 | 0.015 | 0.016 | 0.015 |
| 4 th Quarter of 2011 | 0.014 | 0.014 | 0.018 | 0.017 | 0.016 | 0.015 | 0.017 | 0.016 |
| 1 st Quarter of 2012 | 0.013 | 0.014 | 0.018 | 0.017 | 0.014 | 0.014 | 0.016 | 0.016 |
| 2 nd Quarter of 2012 | 0.018 | 0.015 | 0.01 | 0.016 | 0.014 | 0.015 | 0.019 | 0.017 |
| 3 rd Quarter of 2012 | 0.017 | 0.016 | 0.017 | 0.016 | 0.015 | 0.015 | 0.016 | 0.017 |
| 4 th Quarter of 2012 | 0.011 | 0.015 | 0.016 | 0.015 | 0.014 | 0.014 | 0.014 | 0.016 |
| 1 st Quarter of 2013 | 0.014 | 0.015 | 0.016 | 0.015 | 0.018 | 0.015 | 0.015 | 0.016 |
| 2 nd Quarter of 2013 | 0.017 | 0.015 | 0.016 | 0.016 | 0.016 | 0.016 | 0.016 | 0.015 |
| 3 rd Quarter of 2013 | 0.017 | 0.015 | 0.016 | 0.016 | 0.013 | 0.015 | 0.015 | 0.015 |
| 4 th Quarter of 2013 | 0.016 | 0.016 | 0.011 | 0.015 | 0.023 | 0.018 | 0.017 | 0.016 |
| 1 st Quarter of 2014 | 0.009 | 0.015 | 0.018 | 0.015 | 0.013 | 0.016 | 0.015 | 0.016 |
| 2 nd Quarter of 2014 | 0.015 | 0.014 | 0.023 | 0.017 | 0.016 | 0.016 | 0.014 | 0.015 |
| 3 rd Quarter of 2014 | 0.015 | 0.014 | 0.013 | 0.016 | 0.014 | 0.017 | 0.014 | 0.015 |
| 4 th Quarter of 2014 | 0.015 | 0.013 | 0.013 | 0.017 | 0.020 | 0.016 | 0.011 | 0.014 |
| 1 st Quarter of 2015 | 0.015 | 0.015 | 0.014 | 0.016 | 0.010 | 0.015 | 0.016 | 0.014 |
| 2 nd Quarter of 2015 | 0.016 | 0.015 | 0.015 | 0.014 | 0.011 | 0.014 | 0.014 | 0.014 |
| 3 rd Quarter of 2015 | 0.015 | 0.015 | 0.024 | 0.017 | 0.009 | 0.012 | 0.014 | 0.014 |
| 4 th Quarter of 2015 | 0.014 | 0.015 | 0.016 | 0.017 | 0.011 | 0.010 | 0.016 | 0.015 |

As shown in Table 1 above, the calculated RAA values from the 1st quarter of 2009 to the 4th quarter of 2015, for the results of arsenic samples collected from Well 03 and Well 04, exceed the arsenic MCL of 0.010 mg/L. In addition, the calculated RAA values from the 3rd quarter of 2008 to the 4th quarter of 2015, for the results of arsenic samples collected from Well 05 and

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2 Well 06, exceed the arsenic MCL of 0.010 mg/L.
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4 **DETERMINATIONS**

5 Based on the above Statement of Facts, the State Board has determined that the Water
6 System has violated CHSC, Section 116555 and Section 64431 in that the water produced by
7 Well 03, Well 04, Well 05, and Well 06 exceeded the arsenic MCL, as shown in Table 1
8 above. Furthermore, the State Board has determined that said violation has continued from
9 the 1st quarter of 2009 to the 4th quarter of 2015 for Well 03 and Well 04 and from the 3rd
10 quarter of 2008 to the 4th quarter of 2015 for Well 05 and Well 06.
11

12 **DIRECTIVES**

13 The Lands of Promise Mutual Water System is hereby directed to take the following actions:
14

- 15 1. On or before May 29, 2018, comply with Title 22, CCR, Section 64431 and remain in
16 compliance.
17
- 18 2. On or before **January 31, 2016**, submit a written response to the State Board
19 indicating its agreement to comply with the directives of this Order and with the
20 Corrective Action Plan addressed herein.
21
- 22 3. Commencing on the date of service of this Order, provide quarterly public notification
23 in accordance with **Attachment A**, hereto, of Water System's failure to meet the
24 arsenic MCL during any calendar quarter that the four-quarter running annual average
25 exceeds the MCL.
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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 Well 03, Well 04, Well 05, and Well 06, as required by Section 64432(g), and ensure that the analytical results are reported to the State Board electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

6. Prepare for State Board 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 May 29, 2018.

7. On or before March 31, 2016, present the Corrective Action Plan required under Directive No. 6, above, to the State Board in person at the State Board's offices located at 4925 Commerce Drive, Suite 120, Bakersfield, CA 93309.

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8. Timely perform the State Board approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

9. On or before June 1, 2016, and every three months thereafter, submit a report to the State Board in the form provided as **Attachment C**, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the State Board that the water delivered by Water System complies with the arsenic MCL.

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

All submittals required by this Order shall be addressed to:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Tehachapi District
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309

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

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2 The State Board reserves the right to make such modifications to this Order and/or to issue
3 such further order(s) as it may deem necessary to protect public health and safety. Such
4 modifications may be issued as amendments to this Order and shall be deemed effective
5 upon issuance.

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

11 This Order shall apply to and be binding upon the Water System, its owners, shareholders,
12 officers, directors, agents, employees, contractors, successors, and assignees.
13

14 **SEVERABILITY**

15 The Directives of this Order are severable, and the Water System shall comply with each and
16 every provision hereof, notwithstanding the effectiveness of any other provision.
17

18 **FURTHER ENFORCEMENT ACTION**

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

_____ Date

12
13 Certified Mail No. 7015 1660 0000 0781 9524

14 Attachments

15 Attachment A: Arsenic Public Notification Template
16 Attachment B: Certification of Completion of Public Notification Template
17 Attachment C: Quarterly Progress Report Template

18 cc: Kern County Environmental Health Services Department (w/o attachments)
19 Mario Cervantes, Contract Sampler & Distribution Operator
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