

## State Water Resources Control Board

Division of Drinking Water

January 12, 2016

Danny Doustan, Owner  
Lucky 18 on Rosamond, LLC  
65 Dianas Trail  
Roslyn, NY 11576

RE: Non-Submittal of Permit Application For Change of Ownership of Lucky 18 on Rosamond, LLC  
Water System, Water System No. 1500571  
Citation No. 03\_19\_16C\_003

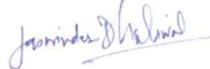
Dear Mr. Doustan:

The State Water Resources Control Board (hereinafter State Board), Division of Drinking Water has issued Citation No. 03\_19\_16C\_003, for failure to comply with the provisions of the California Health & Safety Code. Specifically, Lucky 18 on Rosamond, LLC Water System (hereinafter Water System) has failed to submit a permit application due to change of ownership of the Water System. The Citation is **enclosed. The citation includes a penalty of \$1,000 (one thousand dollars).** Please note that Directives Nos. 3 and 4 of the Citation describe how to pay the penalty and further provide that if the Water System complies with Directives Nos. 1 and 2 before the payment becomes due, and upon a written request from the Water System, the State Board will consider, at its sole discretion, terminating the requirement to pay the penalty.

The California Safe Drinking Water Act, Section 116577, provides for the State Board to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, the Water System has been billed for the preparation and issuance of this citation. The State Board's current billing rate for enforcement activities is \$153 per hour. The hourly rate is subject to review and change upon approval. You will receive a bill for these costs following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

If you have any questions regarding this matter, please contact our office at (661) 335-7315.

Sincerely,



Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer, Tehachapi District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

Enclosure: Citation No. 03\_19\_16C\_003

CC: Kern County Environmental Health Services Department (w/out enclosure)  
Daniel Sackett, skOO'kum h20 monitoring, inc., Contract Sampler and Distribution Operator

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

**IN RE: LUCKY 18 ON ROSAMOND, LLC**  
Water System No. 1500571

**TO: Mr. Danny Douston, Owner**  
Nahat El, LLC.  
65 Dianas Trail  
Roslyn, NY 11576

**CITATION FOR NONCOMPLIANCE**  
**FAILURE TO SUBMIT PERMIT APPLICATION AND APPLICATION FEE**  
**LUCKY 18 ON ROSAMOND, LLC WATER SYSTEM, SYSTEM NO. 1500571**  
**CITATION NO. 03\_19\_16C\_003**  
**Issued on January 12, 2016**

Section 116650, Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (hereinafter "CHSC") authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

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 a citation to Lucky 18 on

1 Rosamond, LLC Water System (hereinafter “Water System”), for failure to comply with  
2 Section 116525(a) of the CHSC.

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4 **APPLICABLE AUTHORITIES**

5 A copy of the applicable authorities is provided in **Attachment A** which is attached hereto  
6 and incorporated by reference.

7  
8 **STATEMENT OF FACTS**

9 The Water System is not currently operating under a valid domestic water supply permit.  
10 Lucky 18 on Rosamond, LLC is a community water system serving a population of  
11 approximately 73 residents through 60 service connections. The Water System’s current  
12 Domestic Water Supply Permit No. 03-12-95P-047 was issued on December 19, 1995.  
13 The State Board became aware of a change in ownership of the Water System in early  
14 2013. On July 2, 2013, the State Board sent a permit application package to the Water  
15 System, requesting the Water System to submit a domestic water supply permit application  
16 for change in ownership of the Water System. The State Board issued Citation No. 03-19-  
17 13C-050 on September 12, 2013, to the Water System for non-compliance with the  
18 bacteriological monitoring and reporting regulations for the months of July and August of  
19 2013. By Directive No. 6 of the above-mentioned citation, the State Board directed the  
20 Water System to submit a permit application for the change in ownership by September 30,  
21 2013. Moreover, Enforcement Letter No. 03-19-14E-006 was issued on February 14,  
22 2014, to the Water System for the failure to submit the permit application for change in  
23 ownership and permit fee of \$155. Due to non-receipt of the permit application, the State  
24 Board issued Citation No. 03-19-15C-011 on August 12, 2015, and again directed the  
25 Water System to submit a permit application for change of ownership by September 30,  
26 2015. A copy of the citation is provided as **Attachment B**.

1 **DETERMINATION**

2 Section 116525 (a) states that no person shall operate a public water system unless he or  
3 she first submits an application to the department and receives a permit as provided in this  
4 chapter. A change in ownership of a public water system shall require the submission of a  
5 new application.

6  
7 The State Board has not received the permit application, permit fee, and other required  
8 documents needed as part of the permit process. The Water System is in violation of  
9 Section 116525 (a) of the CHSC.

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11 **ADMINISTRATIVE PENALTIES**

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13 Section 116650(a) of the CHSC allows for the issuance of a citation for failure to comply  
14 with the requirements of the California Safe Drinking Water Act, or any regulation, permit,  
15 standard, citation, or order issued thereunder. Section 116650(d) and (e) allow for the  
16 assessment of a penalty not to exceed one thousand dollars (\$1,000) per day for each day  
17 that a violation continues to occur. A separate penalty may be assessed for each violation.

18

19 Despite the State Board's efforts to work with the Water System, the Water System has  
20 failed to comply with the provisions of the CHSC, by not submitting a permit application  
21 due to change of ownership of the Water System. Therefore, the State Board hereby  
22 assesses an administrative penalty of one thousand dollars (\$1,000) upon the Lucky 18 on  
23 Rosamond, LLC Water System. Directives Nos. 3 and 4 below describe the requirements

1 for payment of the Penalty and conditions under which the State Board may waive the  
2 requirement to pay the penalty.

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4 **DIRECTIVES**

5 The Water System is hereby directed to take the following actions:

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7 1. By no later than **January 22, 2016**, submit a written response to the State Board  
8 indicating its willingness to comply with the directives of this Citation.

9

10 2. By **February 12, 2016**, the Water System shall complete and submit the permit  
11 application (along with all necessary enclosures including Technical, Managerial,  
12 and Financial Capacity Assessment document) provided in **Attachment B**, along  
13 with the permit fee. The appropriate fee is \$150.00 for a permit for change in  
14 ownership.

15

16 3. Pay the Penalty of one thousand dollars (\$1,000) within 90 days of the receipt of  
17 this Citation. Payment shall be made payable to the State Water Resources Control  
18 Board – Division of Drinking Water. Further instruction on submittal of the  
19 payment is provided in **Attachment C**, *Notice of Citation Issuance*.

20

21 4. **If the Water System complies with Directives Nos. 1 and 2 before the payment**  
22 **becomes due, and upon a written request from the Water System, the State**  
23 **Board will consider, at its sole discretion, terminating the requirement to pay**  
24 **the penalty.**

1 All submittals required by this Citation shall be addressed to:

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

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

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The State Board reserves the right to make such modifications to the Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

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Nothing in this Citation relieves Lucky 18 on Rosamond, LLC of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

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**PARTIES BOUND**

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This Citation shall apply to and be binding upon the Lucky 18 on Rosamond, LLC, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

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1 **SEVERABILITY**

2 The Directives of this Citation are severable, and the Lucky 18 on Rosamond, LLC Water  
3 System and its owner of record shall comply with each and every provision hereof,  
4 notwithstanding the effectiveness of any other provision.

5  
6 **FURTHER ENFORCEMENT ACTION**

7 The California SDWA authorizes the State Board to: issue a citation with assessment of  
8 administrative penalties to a public water system for violation or continued violation of the  
9 requirements of the California SDWA or any regulation, permit, standard, citation, or order  
10 issued or adopted thereunder including, but not limited to, failure to correct a violation  
11 identified in a citation or compliance order. The California SDWA also authorizes the  
12 State Board to take action to suspend or revoke a permit that has been issued to a public  
13 water system if the public water system has violated applicable law or regulations or has  
14 failed to comply with an order of the State Board; and to petition the superior court to take  
15 various enforcement measures against a public water system that has failed to comply with  
16 an order of the State Board. The State Board does not waive any further enforcement  
17 action by issuance of this Citation.

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Carl L. Carlucci, P.E., Chief  
Central California Section  
State Water Resources Control Board  
Division of Drinking Water

1-12-2016  
Date



Via Certified Mail No. 7015 1660 0000 0781 9548

**Attachments:**

- Attachment A: Copy of the Applicable Authorities
- Attachment B: Copy of Citation No. 03-19-15C-011, Issued August 12, 2015
- Attachment C: Notice of Citation Issuance

CC: Kern County Environmental Health Services Department (w/o attachments)  
Dan Sackett, skOO'kum h<sub>2</sub>o monitoring, inc. (via e-mail)

## **Attachment A**

### **Copy of the Applicable Authorities**

## Applicable Authorities

### *California Health and Safety Code*

#### *Article 7. Requirements and Compliance*

##### **116525. Permits**

(a) No person shall operate a public water system unless he or she first submits an application to the state board and receives a permit as provided in this chapter. A change in ownership of a public water system shall require the submission of a new application.

(b) The state board may require a new application whenever a change in regulatory jurisdiction has occurred.

(c) The state board may renew, reissue, revise, or amend any domestic water supply permit whenever the state board deems it to be necessary for the protection of public health whether or not an application has been filed.

##### **116540. Issue, deny, or conditional permits**

Following completion of the investigation and satisfaction of the requirements of subdivisions (a) and (b), the state board shall issue or deny the permit. The state board may impose permit conditions, requirements for system improvements, and time schedules as it deems necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.

(a) No public water system that was not in existence on January 1, 1998, shall be granted a permit unless the system demonstrates to the department that the water supplier possesses adequate financial, managerial, and technical capability to ensure the delivery of pure, wholesome, and potable drinking water. This section shall also apply to any change of ownership of a public water system that occurs after January 1, 1998.

(b) No permit under this chapter shall be issued to an association organized under Title 3 (commencing with Section 18000) of the Corporations Code. This section shall not apply to unincorporated associations that as of December 31, 1990, are holders of a permit issued under this chapter.

#### *Article 9. Remedies*

##### **116650. Citations**

(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 and shall be in addition to any liability or penalty imposed under any other law.

**Attachment B**

**Copy of Citation No. 03-19-15C-011, Issued August 12, 2015**



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

August 12, 2015  
System No. 1500571

Danny Doustan, Owner  
Lucky 18 on Rosamond, LLC Water System  
65 Dianas Trall  
Roslyn, NY 11576

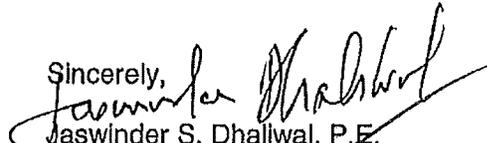
**RE: NONCOMPLIANCE WITH THE DOMESTIC WATER SUPPLY PERMIT REQUIREMENTS**  
**Lucky 18 on Rosamond, LLC Water System**

Dear Mr. Doustan:

Attached you will find Citation No. 03-19-15C-011 that the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) is issuing to the Lucky 18 on Rosamond, LLC Water System (hereinafter Water System) to document the Water System's noncompliance with the Domestic Water Supply Permit requirements, as specified in the California Health & Safety Code (CHSC) (details provided in Citation No. 03-19-15C-011).

**Based on a review of the Division's records, the Lucky 18 on Rosamond, LLC Water System has failed to submit the submit the permit application for change in ownership and permit fee of \$155 to the Division. On July 2, 2013, the Division sent a permit application package to the Water System, requesting the Water System to submit a domestic water supply permit application for change in ownership of the Water System. Furthermore, the Division issued Citation No. 03-19-13C-050 on September 12, 2013, to the Water System, for non-compliance with the bacteriological monitoring and reporting regulations for the months of July and August of 2013. By Directive No. 6 of the above-mentioned citation, the Water System was directed to submit a permit application for the change in ownership. Moreover, Enforcement Letter No. 03-19-14E-006 was issued on February 14, 2014, to the Water System, for the failure to submit the permit application for change in ownership and permit fee of \$155.**

**Please note that by September 30, 2015, the Water System shall complete and submit the permit application (along with all necessary enclosures including Technical, Managerial, and Financial Capacity Assessment document) provided in Attachment B of the Citation, along with the permit fee. The appropriate fee is \$155.00 for a permit for change in ownership. Failure to comply with the citation directives will result in additional enforcement action, including assessment of a civil penalty. If you have any questions concerning any directive of the Citation, please call the Tehachapi District Office of the Division at (661) 335-7315.**

Sincerely,  
  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03-19-15C-011  
CC: Kern County Environmental Health Services Department (w/o enclosure)  
Daniel W. Sackett, skOO'kum h20 monitoring, inc. (via e-mail)

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

5 IN RE: LUCKY 18 ON ROSAMOND, LLC  
6 Water System No. 1500571

7 TO: Mr. Danny Douston, Owner  
8 Nahat El, LLC.  
9 65 Dianas Trail  
10 Roslyn, NY 11576

11 CITATION FOR NONCOMPLIANCE

12 FAILURE TO SUBMIT PERMIT APPLICATION AND APPLICATION FEE

13 LUCKY 18 ON ROSAMOND, LLC WATER SYSTEM, SYSTEM NO. 1500571

14 CITATION NO. 03-19-15C-011

15 Issued on August 12, 2015

16  
17 Section 116650, Article 9, Chapter 4, Part 12, Division 104 of the California Health  
18 and Safety Code (CHSC) authorizes the issuance of a citation to a public water system  
19 for violation of the California Safe Drinking Water Act (hereinafter "California  
20 SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

21  
22 The State Water Resources Control Board, acting by and through its Division of  
23 Drinking Water (hereinafter "Division") and the Deputy Director for the Division  
24 (hereinafter "Deputy Director"), hereby issues a citation to Lucky 18 on Rosamond,  
25 LLC Water System (hereinafter 'Water System'), for failure to comply with Section  
26 116525(a) of the CHSC.  
27

1 A copy of the applicable authorities is provided in **Attachment A** which is attached  
2 hereto and incorporated by reference.

3  
4 **STATEMENT OF FACTS**

5 The Water System is not currently operating under a valid domestic water supply  
6 permit. Lucky 18 on Rosamond, LLC is a community water system serving a  
7 population of approximately 73 residents through 60 service connections. The Water  
8 System's current Domestic Water Supply Permit No. 03-12-95P-047 was issued on  
9 December 19, 1995. The Division became aware of a change in ownership of the  
10 Water System in early 2013. On July 2, 2013, the Division sent a permit application  
11 package to the Water System, requesting the Water System to submit a domestic water  
12 supply permit application for change in ownership of the Water System. A copy of  
13 the permit application package dated July 2, 2013, is provided in **Attachment B**. The  
14 Division issued Citation No. 03-19-13C-050 on September 12, 2013, to the Water  
15 System, for non-compliance with the bacteriological monitoring and reporting  
16 regulations for the months of July and August of 2013. By Directive No. 6 of the  
17 above-mentioned citation, the Water System was directed to submit a permit  
18 application for the change in ownership. Moreover, Enforcement Letter No. 03-19-  
19 14E-006 was issued on February 14, 2014, to the Water System, for the failure to  
20 submit the permit application for change in ownership and permit fee of \$155.

21  
22 **DETERMINATION**

23 Section 116525 (a) states that no person shall operate a public water system unless he  
24 or she first submits an application to the department and receives a permit as provided  
25 in this chapter. A change in ownership of a public water system shall require the  
26 submission of a new application.

27



1 The Division has not received the permit application, permit fee, and other required  
2 documents needed as part of the permit process. The Water System is in violation of  
3 Section 116525 (a) of the CHSC.

4 This is classified as a non-continuing violation.

5  
6 **DIRECTIVES**

7 The Water System is hereby directed to take the following actions:

8  
9 1. By September 30, 2015, the Water System shall complete and submit the  
10 permit application (along with all necessary enclosures including Technical,  
11 Managerial, and Financial Capacity Assessment document) provided in  
12 Attachment B, along with the permit fee. The appropriate fee is \$155.00 for a  
13 permit for change in ownership.

14  
15 2. All submittals required by this Citation shall be submitted to the Division at  
16 the following address:

17 Jaswinder S. Dhaliwal, P.E.  
18 State Water Resources Control Board  
19 Division of Drinking Water, Tehachapi District  
20 4925 Commerce Drive, Suite 120  
21 Bakersfield, CA 93309

22 The Division reserves the right to make such modifications to the Citation as it may  
23 deem necessary to protect public health and safety. Such modifications may be issued  
24 as amendments to this Citation and shall be effective upon issuance.

25 Nothing in this Citation relieves Lucky 18 on Rosamond, LLC of its obligation to  
26 meet the requirements of the California SDWA (CHSC, Division 104, Part 12,  
27



1 Chapter 4, commencing with Section 116270), or any regulation, standard, permit or  
2 order issued or adopted thereunder.

3

4 **PARTIES BOUND**

5 This Citation shall apply to and be binding upon the Lucky 18 on Rosamond, LLC, its  
6 owners, shareholders, officers, directors, agents, employees, contractors, successors,  
7 and assignees.

8

9 **SEVERABILITY**

10 The Directives of this Citation are severable, and the Lucky 18 on Rosamond, LLC  
11 shall comply with each and every provision hereof, notwithstanding the effectiveness  
12 of any other provision.

13

14 **FURTHER ENFORCEMENT ACTION**

15 The California SDWA authorizes the Board to: issue a citation with assessment of  
16 administrative penalties to a public water system for violation or continued violation  
17 of the requirements of the California SDWA or any regulation, permit, standard,  
18 citation, or order issued or adopted thereunder including, but not limited to, failure to  
19 correct a violation identified in a citation or compliance order. The California SDWA  
20 also authorizes the Water Board to take action to suspend or revoke a permit that has  
21 been issued to a public water system if the public water system has violated applicable  
22 law or regulations or has failed to comply with an order of the Water Board; and to  
23 petition the superior court to take various enforcement measures against a public water  
24 system that has failed to comply with an order of the Water Board. The Water Board  
25 does not waive any further enforcement action by issuance of this Citation.

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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 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.

August 12, 2015  
Date

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

Certified Mail No. 7015 0920 000 3175 8433

Attachments:

- Attachment A: Copy of the Applicable Authorities
- Attachment B: Copy of the Permit Application Package Dated July 2, 2013

CC: Kern County Environmental Health Services Department (w/o attachments)  
Dan Sackett, skOO\*kum h<sub>2</sub>O Monitoring, Inc. (via e-mail)

**Attachment C**

**Notice of Citation Issuance**

**DRINKING WATER FIELD OPERATIONS BRANCH**

**NOTICE OF CITATION ISSUANCE  
PENALTY**

**BACKGROUND STATEMENT**

The State Water Resources Control Board, Division of Drinking Water, issued **Citation No. 03\_19\_16C\_003** for **Lucky 18 on Rosamond, LLC Water System** (Public Water System No. 1500571).

This Citation carries a penalty of \$1,000.00 (one thousand dollars).

**METHOD OF PAYMENT**

Within 90 days of date of issuance of this Citation, submit a check in the amount of \$1,000.00 made payable to:

**SWRCB – Division of Drinking Water**

and mail to:

**SWRCB Accounting Office  
ATTN: Drinking Water Program Fees  
P.O. Box 1888  
Sacramento, CA 95812-1888**

(Please indicate the Citation No. 03\_19\_16C\_003 on the Check)

(Attach Check Here)