CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 22, 2016
System No. 1500405

Ronald Buck, President
Aerial Acres Water Company, Inc.
18130 Avenue B
Ridgecrest, CA 93523

RE: Monitoring & Reporting Violation – Failure to Conduct Nitrate Monitoring in 2015 - Aerial Acres Water Company, Inc. Water System

Dear Mr. Buck:

Attached you will find Citation No. 03-19-16C-017 that the State Water Resources Control Board (hereinafter State Board), Division of Drinking Water is issuing to the Aerial Acres Water Company, Inc. Water System (hereinafter Water System) to document the Water System's failure to conduct nitrate monitoring of Well 02 (PS Code: 1500405-002) and Well 03 (PS Code: 1500405-003) in 2015 and noncompliance with Section 64432.1(a) of Title 22, California Code of Regulations (details provided in Citation No. 03-19-16C-017).

The State Board previously sent a reminder email to the Water System on November 18, 2015 and requested that a nitrate sample be collected from each of the above mentioned wells by December 31, 2015, and the results electronically reported to the State Board's water quality database. **Based on a review of the State Board's records and water quality database, the Aerial Acres Water Company, Inc. Water System failed to conduct nitrate monitoring of the above mentioned wells in 2015.**

Please carefully review the directives of the citation and take necessary actions to comply with the directives and deadlines. 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 contact the Tehachapi District Office of the State Board at (661) 335-7315 or via email at dwpdist19@waterboards.ca.gov.

Sincerely,

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

Enclosure: Citation No. 03-19-16C-017

CC: Kern County Environmental Health Services Department (w/o enclosure)
Paul Parra, Certified Distribution Operator, Aerial Acres Water Company (via email)

CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Aerial Acres Water Company, Inc. Water System
PWS ID No. 1500405

ATTN: Ronald Buck, President
Aerial Acres Water Company, Inc.
18130 Avenue B
Ridgecrest, CA 93523

CITATION NO. 03-19-16C-017
FOR
VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 116650(a) and TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64432.1(a)
ANNUAL NITRATE MONITORING AND REPORTING VIOLATION
CALENDAR YEAR 2015
April 22, 2016

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 citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to Aerial Acres Water Company, Inc. Water System for violation of CHSC Section 116550(a) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64432.1(a).

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 116550 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.

CCR, Title 22, 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.

Title 22, CCR, Section 64432.1 (a) states in relevant part:

(b) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems ...shall monitor annually ..."

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.

Chemical	*Maximum Contaminant Level, mg/L*
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 NO3)**	45.**
Nitrate+Nitrite (sum as	10.
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.
**Effective January 1, 2016, the MCL for nitrate is now expressed as nitrogen (N) with a value of 10 mg/L.

STATEMENT OF FACTS

The Aerial Acres Water Company, Inc. Water System (hereinafter "Water System") has failed to report a nitrate result for the calendar year 2015 for the following active sources:

TABLE 1

Source Name	Status	Primary Station Code	Last Sample Date
Well 02	Active	1500405-002	12/15/2014
Well 03	Active	1500405-003	7/10/2014

The Aerial Acres Water Company, Inc. Water System is a public water system located in Kern County that supplies water for domestic purposes to approximately 172 individuals through approximately 52 service connections. The Water System is a community public water system as defined in CHSC, section 116275.

The Water System utilizes groundwater as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. All public water systems must comply with the monitoring and reporting requirement for nitrate, as established in Title 22 CCR Section 64432.1, in order to determine if they are in compliance with the maximum contaminant level for nitrate of 45 mg/L. Effective January 1, 2016, the State Board revised the nitrate maximum contaminant level to 10 mg/L as nitrogen (N), which is equivalent to 45 mg/L nitrate as nitrate (NO_3). While the expression of the nitrate MCL has changed, the MCL expressed as nitrogen (N) is no more or less stringent that the prior MCL expressed as nitrate (NO_3). For subsequent nitrate monitoring, the Water System should have the analyzing laboratory report nitrate results in mg/L as nitrogen (N), using the storet code 00618.

DETERMINATIONS

Based on the above Statement of Facts, the State Board has determined that the Water System has violated CHSC, Section 116550 and Section 64432.1(a) in that the Water System failed to report a Nitrate result for Well 02 (PS Code 1500405-002), and Well 03 (PS Code 1500405-003) for the calendar year of 2015.

DIRECTIVES

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

1. By **May 20, 2016,** the Aerial Acres Water Company, Inc. Water System shall provide public notification of the nitrate monitoring and reporting procedural failure by **mail or direct delivery to each customer receiving a bill** including those that provide water 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. The Water System is additionally required to use one or more of the following notification methods: 2015 consumer confidence report, publication in a local newspaper, posting in conspicuous public places served by the water system or on the Internet, or delivery to community organizations.

2. By **May 30, 2016**, the Water System shall provide to the State Board proof of notification of the nitrate monitoring and reporting procedural violation using **Attachment B**. Upon completion of the public notification, **Attachment B** shall be completed and submitted to:

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

3. The Water system shall ensure that monitoring is conducted annually for nitrate from all its active sources.

4. Unless already done, the Water System shall collect the 2016 annual nitrate sample from each active source by **May 31, 2016**.

5. The Water system shall ensure that the laboratory submits the analytical results to the State Board using the Electronic Data Transfer (EDT) no later than the 10th day of the month following completion of the analyses.

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, by personal delivery or by certified mail, on the Water System

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

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order

issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.

April 22, 2016
Date

Jasvinder S. Dhaliwal, P.E.,
Senior Sanitary Engineer, Tehachapi District
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. 7015 1520 0000 4433 1792

Attachments:

Attachment A: Public Notification Template
Attachment B: Certification of Completion of Public Notification Form

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

ATTACHMENT A

Public Notification Template

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [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.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
Community Water System [64463.7(c)(1)]	Mail or direct delivery [(a)]	Publication in a local newspaper
		Posting [(b)] in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(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 [(b)] on the Internet or intranet
		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, insertion in an annual notice, or included in the Consumer Confidence Report[2]. 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 standard language for monitoring and testing

[2] CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

Contaminant	*Required Sampling Frequency*	*Number of Samples Taken*	*When All Samples Should Have Been Taken*	*When Samples Were or Will Be Taken*
VOCs [(a)]	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system 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 Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- "We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards."
- "We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]"
- "We plan to take the required samples soon, as described in the last column of the table above."

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 DDW 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 DDW 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.

Monitoring Requirements Not Met for Annual Nitrate Sampling for 2015

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the calendar year 2015, we did not monitor or test Well 02 or Well 03 for nitrate and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during 2015, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Source Name	***Contaminant***	***Required Sampling Frequency***	***Number of Samples Taken in 2015***	***When Samples were taken***
Well 02	Nitrate	1 per year (annually)	0 (None)	12/15/2014
Well 03	Nitrate	1 per year (annually	0 (None)	7/10/2014

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We will collect a nitrate sample from Well 02 and Well 03 in 2016. For more information, please contact Ronald Buck with Aerial Acres Water Company, Inc. at 760-769-4786.

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.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Aerial Acres Water Company, Inc.

_____
Date distributed/posted:

_____
Ronald Buck, President
Aerial Acres Water Company, Inc. (#1500405)

ATTACHMENT B

Certification of Completion of Public Notification Form

Certification of Completion of Public Notification
(Include a Copy of Public Notice with the Certification of Completion of Public Notification)

This form, when completed and returned to the Division of Drinking Water – Tehachapi District (4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 or fax to 661-335-7316), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Aerial Acres Water Company, Inc. Water System

Public Water System No.: **1500405**

Public notification for **nitrate monitoring & reporting violation for the calendar year 2015**

was performed by the following method(s) (check and complete those that apply):

☐ The notice was mailed to users on: _____
A copy of the notice is attached.

☐ The notice was hand delivered to water customers on: _____
A copy of the notice is attached.

☐ The notice was published in the local newspaper on: _____
A copy of the newspaper notice is attached.

☐ The notice was posted at conspicuous places on: _____
A copy of the notice is attached.
A list of locations the notice was posted is attached.

☐ The notice was delivered to community organizations on: _____
A copy of the notice is attached.
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

_____
Printed Name

_____
Title

_____
Signature

_____
Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars ($5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than $25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers and no later than **May 30, 2016.**

Nitrate M & R Enforcement Action No. **03-19-16C-017**