



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

October 10, 2016

System No. 4600017

Certified Mail/Return Receipt

No. 7012 3460 0003 1112 8243

Larry Ostrom, Manager  
R.R. Lewis Small Water Company  
4500 E. Fremont Street  
Stockton, CA 95215

TRANSMITTAL OF COMPLIANCE ORDER NO. 01-02-16R-003

The State Water Resources Control Board Division of Drinking Water has issued the R.R. Lewis Small Water Company a compliance order, which is attached.

If you have any questions regarding this matter, please call Stephen Rooklidge at (530) 224-2413 or me at (530) 224-4800.

A handwritten signature in black ink, appearing to read "Mike McNamara, for".

Michael J. McNamara, P.E.  
Lassen District Engineer  
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations  
Richard L. Hinrichs, Chief, Northern California Section

Enclosure: Compliance Order 01-02-16R-003

SJR \ 4600017 RR Lewis \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

**TO:** R.R. Lewis Small Water Company  
4500 E. Fremont Street  
Stockton, CA 95215

**Attn:** Larry Ostrom, Manager

**COMPLIANCE ORDER NO. 01-02-16R-003**  
**FOR**  
**VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**  
**TITLE 22, SECTION 64426.1(b) – WATER SYSTEM NO. 4600017**

**Issued on October 10, 2016**

The State Water Resources Control Board (hereinafter "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(a)(3) of the California Health and Safety code (hereinafter "CHSC") to R.R. Lewis Small Water Company (hereinafter "Company") for threatened violation of CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64426.1(b).

**APPLICABLE AUTHORITIES**

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

(a) Whenever the department 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 department.
- (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 department.

**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.

**California Code of Regulations, Title 22, Section 64426.1, subsection (b) provides, in relevant part:**



1  
2 (b) A public water system is in violation of the total coliform MCL [maximum contaminant  
3 level] when any of the following occurs:

4 (1) For a public water system which collects at least 40 samples per month, more than  
5 5.0 percent of the samples collected during any month are total coliform-positive; or

6 (2) For a public water system which collects fewer than 40 samples per month, more  
7 than one sample collected during any month is total coliform-positive; or

8 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

9 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine  
10 sample is total coliform-positive.

11  
12 **STATEMENT OF FACTS**

13  
14 The Company operates a community water system which serves a population of  
15 approximately 324 people through 123 service connections. The water system includes two  
16 gravity springs, known as Anderson Spring and Wixson Spring. The Anderson Spring system  
17 includes five raw water storage reservoirs and a continuous sodium hypochlorite disinfection  
18 treatment system. The Wixson Spring system includes one storage reservoir known as the  
19 Wixson Tank, and delivers untreated water to the distribution system. The distribution system  
20 contains four pressure zones. Water from the Anderson Spring water supply system can  
21 serve the entire distribution system. Water from the Wixson Spring water supply system can  
22 serve one of the pressure zones in the distribution system and part of a second zone. The  
23 Company operates under a Water Supply Permit No. 01-02-93(P)46023, issued on December  
24 31, 1993.

25  
26 The Wixson Spring is formed by water flowing from an abandoned mine shaft. The mine  
27 shaft extends into the rock face approximately 15 feet to where the opening is sealed with a



1 cinder block wall. The wall has a hinged wooden door that provides access to the intake.  
2 The door is equipped with a lock and a large V-notch opening with a wide-spaced screen to  
3 allow excess water to exit the mine shaft over the concrete footing. Beyond the cinder block  
4 wall, the mine shaft proceeds approximately 15 feet until it is blocked by collapsed rubble.  
5 Water flows out of this rubble at the end of the mine shaft and is collected in a screened pipe  
6 that extends through the wall at the bottom of the concrete footing, and serves as the intake  
7 for the water distribution system.

8  
9 Due to repeated total coliform being present in the water from Wixson Spring, the Division  
10 directed the Company to collect turbidity samples during the years 2002 through 2004.  
11 During that time, no direct correlation was made between precipitation events and turbidity  
12 levels, indicating the Wixson Spring may not be influenced by surface water. Due to the  
13 repeated presence of total coliform bacteria in the water from the spring since that time, and  
14 the most recent presence of E.coli bacteria in the spring during April 2015, as described  
15 below, the influence of surface water on Wixson Spring needed to be reevaluated.

16  
17 On April 3, 2015, an inspection was completed of the R.R. Lewis water system by Division  
18 engineering staff. The subsequent inspection report and cover letter, issued on July 15,  
19 2015, required a report from the Company that outlined the plan of action to repair the leaking  
20 concrete water storage tank, due on September 1, 2015. The requirement to submit a report  
21 was delayed due to bacteriological sampling events described below.

22  
23 On April 6, 2015, five routine bacteriological samples were collected from the following  
24 sample site locations: 2A, 4A, 5A, 6W, and 7W. The samples from 2A, 4A, and 5A, were all  
25 absent of total coliform bacteria. These sample sites represent water from the Anderson  
26 Spring. Samples from sites 6W and 7W were found to show the presence of total coliform



1 bacteria. Both of these sample sites were being served water from the Wixson Spring.  
2 These sample results were reported by Cranmer Laboratory on April 7, 2015.

3  
4 Due to a significant rise in bacterial count, on April 10, 2015, including an E. coli positive  
5 result from Wixson Spring, the Division directed the Company to issue a Boil Water Advisory  
6 to its customers instructing them to boil their water or use bottled water for domestic  
7 purposes. On the same day, the Company reportedly issued this advisory. Since the  
8 contamination appeared to be originating from the Wixson Spring, the Company also  
9 immediately discontinued its use and began serving the entire distribution system with water  
10 from the Anderson Spring, which is continuously disinfected with sodium hypochlorite.

11  
12 Between April 11, 2015, and April 12, 2015, the Company reportedly flushed the distribution  
13 system with disinfected water from the Anderson Spring. On April 13, 2015, the Company  
14 collected six additional samples in order to determine if the contamination had been  
15 eliminated, and the results indicated no samples were positive for total coliform or E. coli.

16  
17 On April 14, 2015, the Division notified the Company that based on these results the Boil  
18 Water Advisory issued to their customers could be cancelled. As reported by the Company,  
19 the Wixson Spring source has not been used as a domestic water supply since that time.

20  
21 In addition to this contamination event during April 2015, Division records show that the water  
22 from the Wixson Spring supply system has been contaminated with total coliform bacteria on  
23 six other occasions from 2002 to 2015. These events have resulted in the Company being in  
24 violation of the total coliform MCL on four separate occasions during this time period,  
25 including a violation associated with the presence of E.coli bacteria in the Wixson Spring in  
26 August 2008.

27



1 On May 8, 2015, Compliance Order No. 01-02-15R-003 was issued to the Company which  
2 included seven directives. Directive 3 of Compliance Order No. 01-02-15R-003 required the  
3 Company to submit for Division approval, on or by July 1, 2015, a Corrective Action Plan  
4 identifying improvements to the water system designed to continuously and reliably disinfect  
5 the water from the Wixson Spring water supply system in order to ensure compliance with the  
6 primary standard for total coliform bacteria at all times. The plan was to include a time  
7 schedule for completion of the improvements. On June 30, 2015, the Division received a  
8 letter from the Company which met the deadline of this directive. The Division notified the  
9 Company by way of certified letter on July 15, 2015, that Directive 3 had been completed.

10  
11 On August 14, 2015, the Division issued Compliance Order 01-02-15R-007, which  
12 established directives of 1) Comply with Section 64426.1, Title 22, of the CCR in all future  
13 monitoring periods; 2) On or before November 1, 2015, the Company shall provide  
14 continuous, reliable chlorination of the Wixson Spring water supply; 3) Until compliance with  
15 Directive 2 is achieved, the Company shall submit a monthly progress report by the tenth day  
16 of each month, describing the activities performed to complete Directive 2; 4) Beginning  
17 September 1, 2015, on each and every Monday the Company shall collect and analyze  
18 turbidity samples from the Wixson Spring at Sample Site 9W, which is located prior to the  
19 Wixson Tank, and analyze for turbidity. This sampling shall continue until June 1, 2016, or  
20 otherwise instructed by the Division; 5) Prior to June 1, 2016, the Company shall collect at  
21 least two samples from the Wixson Spring (sample site 9W or 10W) to be tested according to  
22 the Microscopic Particulate Analysis (MPA) test method for determining groundwater under  
23 the direct influence of surface water; 6) Prior to August 28, 2015, the Company shall contact  
24 the Division to schedule an office hearing between the Division and the Company in order to  
25 discuss the Company's progress in compliance with the directives of this Order.

26

1 The Company has substantially complied with all the directives, except the chlorination as  
2 required under Directive 2 has not been permitted by the Division because of the lack of  
3 approval from the local authority and the Company has not maintained monthly progress  
4 reports as required under Directive 3. Due to non-compliance with Directives 2 and 3, the  
5 Company may be subject to further actions under Compliance Order 01-02-15R-007.

6  
7 MPA samples were collected on October 13, 2015, April 9, 2016, and July 25, 2016. Results  
8 indicated a moderate potential for atmospheric contamination due to a rise of secondary bio-  
9 indicator contaminants in the wet-weather sample, although no definitive cause of additional  
10 contamination from surface water was indicated. These results have raised the Division's  
11 concern about the Company's use of the Wixson Spring source without adequate disinfection.

12  
13 Repairs to erosion and rock slide damage of the spring entry way during 2016 indicate the  
14 Wixson Spring area is prone to structural decay.

15  
16 The V-notch Spring bulkhead door is constructed near the base of the bulkhead in a manner  
17 that allows contaminants to enter the Spring collection area. The bulkhead door is wood, and  
18 the hinge and clasp fixtures are rusted.

19  
20 On June 3, 2016, the Division notified the Company by certified letter that use of the Wixson  
21 Spring was not approved unless the following actions were taken:

- 22  
23 1. Comply with Directive No. 2 of Compliance Order No. 01-02-15R-007.  
24 2. Submit a report prepared by a qualified engineer describing the sanitary and structural  
25 deficiencies at the Wixson Spring and recommending improvements needed to correct  
26 those deficiencies.



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- 3. Complete the necessary improvements described in the aforementioned engineering report.
- 4. Submit results of a MPA performed of the Wixson Spring showing the source is at low risk to surface water influence.

Division records show that the Company has not taken any of the actions necessary to receive approval to use the Wixson Spring source. The Wixson Spring remains out of service. However, system production records submitted for the years 2009 through 2012 show a total annual production of 56, 81.5, 73,3 and 71.3 acre-feet, respectively. This water demand is greater than the Company water right from its Anderson Spring source of 40.1 acre-feet (Permit 12221). Therefore, to ensure that the Company has adequate supply to reliably meet user demands at all times, the Wixson Spring needs to be brought back into service at least as an emergency standby source.

**DETERMINATIONS**

Based on the above Statement of Facts, the Division has determined that Wixson Spring water supply source is susceptible to total coliform bacteria contamination and may be vulnerable to the direct influence of surface water.

**DIRECTIVES**

Pursuant to Section 116655, Article 9, Chapter 4, Part 12, Division 104 of the CHSC, the Division and its Director hereby orders and directs the Company:

- 1. By **December 1, 2016**, a report by a registered engineer must be submitted that summarizes the existing condition of the Wixson Spring. Root intrusion in the Wixson Spring

1 must be evaluated to determine both the extent of intrusion and its potential to cause surface  
2 water channeling to the spring. Safety concerns for future inspections must also be  
3 addressed because the overburden at the spring entrance appears to be unstable.

4 2. By **January 1, 2017**, the Wixson Spring bulkhead door must be replaced with a sealed  
5 door of suitable material that allows for overflow through a vent screened with material having  
6 openings no greater than ¼-inch.

7 3. By **January 1, 2017**, a report by a registered engineer must be submitted that  
8 summarizes the design and construction schedule to repair or replace the deteriorated  
9 concrete water storage tank.

10 4. Prior to **April 1, 2017**, the Company shall collect at least one sample from the Wixson  
11 Spring, at the same location as previous samples, to be tested according to the Microscopic  
12 Particulate Analysis test method for determining groundwater under the direct influence of  
13 surface water. The sample shall be collected during or within 24 hours of a period of  
14 significant daily rainfall of at least ¼ inch. Along with the analysis result, the Company shall  
15 also submit a written description of the daily weather conditions that occurred 7 days prior to  
16 the sampling event, and during the sampling event. The MPA sample results shall be  
17 submitted to the Division within 10 days of the Company receiving the results from the  
18 laboratory.

19 5. The Company must submit the total monthly production for each source by the 10<sup>th</sup>  
20 day of the following month starting with the month of November 2016 and continuing each  
21 month thereafter.

22  
23 All submittals required by this Order shall be submitted to the Division at the following  
24 address:

25  
26 Michael J. McNamara, P. E.

27 Lassen District Engineer



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Division of Drinking Water  
State Water Resources Control Board  
364 Knollcrest Drive, Suite 101  
Redding, CA 96002

As used in the 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 Company.

This Compliance Order does not supersede any prior Compliance Orders issued to R.R. Lewis Small Water Company.

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

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

The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the Company, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Company or its agents in carrying out activities pursuant to this Order.

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**FURTHER ENFORCEMENT ACTION**

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

15

16 The Company's failure to comply with any directive set forth in the Order by the time  
17 prescribed herein may result in further administrative penalties in the amount of \$1,000 per  
18 day per violation, pursuant to CHSC, Section 116650, and/or civil penalties in the amount of  
19 up to \$25,000 per day per violation pursuant to CHSC, Section 116725.

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21

**PARTIES BOUND**

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23 This Order shall apply to and be binding upon the Company, its officers, directors, agents,  
24 employees, contractors, successors, and assignees.

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**SEVERABILITY**

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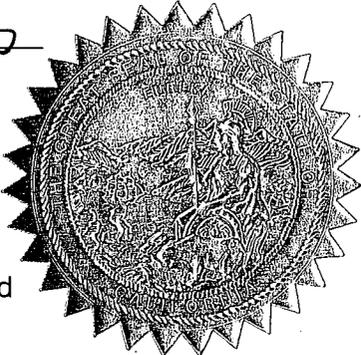
The directives of this Order are severable, and the Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

10/10/16

*Richard L. Hinrichs*

Date

Richard L. Hinrichs, P.E., Chief  
Northern California Section  
Division of Drinking Water  
State Water Resources Control Board



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