



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

Water System No. 4900584

February 17, 2016

Sharon Lynn  
Timber Cove County Water District  
P.O. Box 204  
Cazadero, CA 95421

### COMPLIANCE ORDER NO. 02\_18\_16R\_001

The State Water Resources Control Board (Water Board), Division of Drinking Water is issuing the Timber Cove County Water District public water system a compliance order (Order) for a threatened violation of Section 116555 of the California Health and Safety Code. Section 116555 requires each public water system to have a reliable supply of water to serve its customers. Because of the vulnerability of Timber Cove Creek to drought conditions, the low production of Well 01 (Ruoff Well), and the failure of the source capacity test on Well 05, the Division of Drinking Water has made the determination that the Timber Cove County Water District may not able to meet the requirements of Section 116555.

This Order requires that you provide specific information to ensure a reliable source(s) that can provide sufficient capacity and to demonstrate that the System will meet its long-term water demand. Please read the Order carefully and contact me or George Chien of my staff at (707) 576-2145 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Janice M. Thomas".

Janice M. Thomas, P.E., Sonoma District Engineer  
Division of Drinking Water  
STATE WATER RESOURCES CONTROL BOARD

Enclosures

CC (w/ Enclosures): Brian Todd, P.O. Box 204, Cazadero, CA 95421

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STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

TO: TIMBER COVE COUNTY WATER DISTRICT  
ATTN: SHARON LYNN  
P.O. BOX 204  
CAZADERO, CA 95421

COMPLIANCE ORDER NO. 02\_18\_16R\_001  
FOR  
THREATENED VIOLATION OF CALIFORNIA HEALTH AND SAFETY  
CODE SECTION 116555(a)(3)  
TIMBER COVE COUNTY WATER DISTRICT  
4900584

Issued on February 17, 2016

Section 116655 of the California Health and Safety Code (hereinafter "CHSC") authorizes the issuance of a compliance order to a public water system for violations or threatened violations of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, (commencing with



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Section 116270) (hereinafter “California SDWA”), or any permit, regulation, or standard issued or adopted thereunder.

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 a compliance order (hereinafter “Order”) to the Timber Cove County Water District (hereinafter “the System”), for failure to comply with CHSC Section 116555 (a)(3).

A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated herein by this reference.

**STATEMENT OF FACTS**

The System is a community public water system serving a population of approximately 113 through 165 service connections. The System is located approximately 20 miles west of Healdsburg, California.

The System relies on the water supply source, Timber Cove Creek, and collects water from an infiltration gallery located underneath Timber Cove

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Creek, then pumps water to a raw water reservoir. Due to drought conditions since 2010, the flow in the Timber Cove Creek diminished and the reservoir level decreased. In January 2014, the Division was informed that the Timber Cove Creek had virtually zero flow. On January 24, 2014, Division staff conducted a site visit and verified that there was almost no flow after the infiltration gallery and the reservoir level was extremely low. The System implemented water conservation measures but based on the water level in the reservoir and the water consumption rate, the System estimated the existing volume was only able to sustain demand for six months. On March 26, 2014, the System submitted an emergency funding request for interim and long-term potable water deliveries and reactivation of Well 01 (Ruoff Well) as a permanent water supply for the System.

On June 24, 2014, a funding agreement between the state of California and the System, for a grant under the Public Water System Drought Emergency Response Program, was executed and issued to the System.

According to a supplemental engineering report dated November 1992, the estimated yield of Well 01 (Ruoff Well) was 3,960 gallons per day. Due to the urgent need to secure additional supplies, the Division did not request a new pump test before reactivating the well. On May 6, 2015, a permit

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application acceptance letter was issued to the System to allow the use of Well 01 (Ruoff Well).

Based on the most recent 10 years of production data, the maximum day demand was reported as 97,828 gallons per day. California Code of Regulations, Title 22, Section 64554 requires that a water system must have adequate source capacity to meet the system's maximum day demand and that the source capacity of a surface water supply is determined by the lowest anticipated daily yield. According to the supplemental engineering report dated November 1992, the yield of Timber Cove Creek was estimated to be 15,840 gallons per day. The total yield of both Well 01 (Ruoff Well) and Timber Cove Creek was estimated to be 19,800 gallons per day, which is insufficient to meet the System's maximum day demand.

Diversion and Use of Water Permit 20460 limited the maximum diversion amount from the Timber Cove Creek to be 0.0826 cubic foot per second from January 1 to December 31 of each year (which is equivalent to 53,386 gallons per day). The amount is also insufficient to meet the System's maximum day demand.

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The System drilled a new well in the proximity to the Timber Cove Creek in 2014; however, the Division was informed that the pump test was unable to maintain a constant flow for the eight-hour minimum testing period requirement.

**DETERMINATIONS**

The Division has determined that without additional source capacity, the System may not be able to provide an adequate and reliable supply of water to its customers.

**DIRECTIVES**

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

1. By **August 17, 2016**, the System shall provide to the Division, for its review and approval, a Source Capacity Planning Study pursuant to Title 22, CCR, Section 64558. The Study shall be prepared by a Civil Engineer, registered in the State of California, or another qualified person approved by the Division. The Study shall include a plan for meeting the *projected system demand* identified in the approved Source

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Capacity Planning Study, including a schedule for implementation of said plan. The System shall comply with the schedule in the approved plan.

The Division reserves the right to make such modifications to this Order 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 System of its obligation to meet the requirements of the California SDWA, or any regulation, permit, standard, or order issued or adopted thereunder.

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

Janice M. Thomas, P.E.  
Sonoma District Engineer  
State Water Resources Control Board  
Division of Drinking Water  
50 D Street, Suite 200  
Santa Rosa, CA 95404

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**PARTIES BOUND**

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

**SEVERABILITY**

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

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**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the 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 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 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 Board. The Board does not waive any further enforcement action by issuance of this compliance order.

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Stefan Cajina, P.E., Chief  
North Coastal Section  
State Water Resources Control Board  
Division of Drinking Water

\_\_\_\_\_  
Feb. 17, 2016  
Date

Appendix: Applicable Authorities

Certified Mail No. 7014 1200000111677112

4900584/Compliance  
02\_18\_16R\_001\_4900584\_WW/GC



## APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR COMPLIANCE ORDER NO. 02\_18\_16R\_001

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

### **Section 116275(s) of the Health and Safety Code states in relevant part:**

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance.

### **Section 116555 of the Health and Safety Code 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.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

### **Section 116655 of the Health and Safety Code 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:

Appendix 1. Applicable Statutes and Regulations for  
Compliance Order No. 02\_18\_16R\_001

- (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.

**Title 22, CCR, Section 64554 states in relevant part:**

(a) At all times, a public water system's water source(s) shall have the capacity to meet the system's maximum day demand (MDD). MDD shall be determined pursuant to subsection (b).

(b) A system shall estimate MDD and PHD for the water system as a whole (total source capacity and number of service connections) and for each pressure zone within the system (total water supply available from the water sources and interzonal transfers directly supplying the zone and number of service connections within the zone), as follows:

- (1) If daily water usage data are available, identify the day with the highest usage during the past ten years to obtain MDD; determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain the PHD.

(e) The capacity of a well shall be determined from pumping data existing prior to March 9, 2008, or in accordance with subsection (f) or (g). Prior to conducting a well capacity test pursuant to subsection (g), a system shall submit the information listed below to the State Board for review and approval. For well capacity tests conducted pursuant to subsection (f), the information shall be submitted to the State Board if requested by the State Board.

(k) The source capacity of a surface water supply or a spring shall be the lowest anticipated daily yield based on adequately supported and documented data.

**Title 22, CCR, Section 64558 states in relevant part:**

(a) If directed by the State Board to do so based on its determination that there is an existing or potential problem with the system's source capacity or a proposed expansion pursuant to section 64556(a)(5), a water system shall submit a Source Capacity Planning Study (Study) containing the following information:

- (1) The anticipated growth of the water system over a projected period of at least ten years in terms of the population and number and type of residential, commercial, and industrial service connections to be served by the water system.

Appendix 1. Applicable Statutes and Regulations for  
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(2) Estimates of the amount of water needed to meet the total annual demand and the MDD over the projected ten-year growth period (projected system demand). Methods, assumptions, and calculations used to estimate the projected system demand shall be included.

(3) A map and description of the entire existing and proposed service area, showing:

(A) The location of each water source, including wells that are abandoned, out-of-service, destroyed, standby, or inactive;

1. Any valid water rights owned by the system for surface water sources, including information on any limitations or restrictions of those rights;
2. For a groundwater aquifer, the groundwater levels and drawdown patterns;
3. Permits or approvals for groundwater extraction if pumping from an adjudicated groundwater basin;
4. Existing and planned source pumping capability and distribution storage capacity for the system as a whole and for each pressure zone;
5. The calculated sustained well yields of existing wells if groundwater sources are used;
6. Permits, if required, for any waters proposed for use to offset potable water demand; and
7. A Source Water Assessment for each potable water source.

(B) Distribution system piping, pressure zones, hydropneumatic tanks, and reservoirs;

(C) Valves, sample taps, flow meters, unmetered service connections, and other system appurtenances;

(D) Conveyance facilities;

(E) Any flood plains in the projected service area; and

(F) The 100 year flood or highest recorded flood level, whichever is higher.

b) If directed by the State Board to do so based on its determination that a study is out of date, a water system shall update and submit the Study to the State Board.

(c) Water systems that have submitted an Urban Water Management Plan to the Department<sup>1</sup> of Water Resources pursuant to Water Code Part 2.6 commencing with

Appendix 1. Applicable Statutes and Regulations for  
Compliance Order No. 02\_18\_16R\_001

section 10610, may submit a copy of that report in lieu of some or all of the requirements of subsection (a) to the extent such information is included in the plan.