CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

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

May 26, 2017

Michael Hightower, Board President
Lebec County Water District
P.O. Box 910
Lebec, CA, 93243

RE: Failure to Conduct Stage 2 Disinfection Byproduct Rule (DBPR) Monitoring in 2016 – Lebec County Water District, Water System No. 1510051
Citation No. 03_19_17C_021

Dear Mr. Hightower:

Enclosed is a Citation issued to the Lebec County Water District Water System (hereinafter "Water System"). The State Water Resources Control Board (hereinafter State Board), Division of Drinking Water has issued Citation No. 03_19_17C_021, to the Water System, for failure to comply with the provisions of the California Health & Safety Code and Title 22, California Code of Regulations. Specifically, the Water System failed to conduct annual Stage 2 Disinfection Byproduct Rule (DBPR) monitoring which was due during the summer months of 2016, in accordance with the Water System's approved Stage 2 DBP Monitoring Plan. By Directive No. 02 of the citation, the Water System is required to conduct the annual Stage 2 DBP sampling, consisting of one (1) sample, to be collected between July 1 and September 30, 2017, from the location, identified in the Water System's Stage 2 DBP Monitoring Plan,. **Failure to comply will result in additional enforcement action by the State Board, including assessment of a civil penalty.**

The Water System has been billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate (currently estimated at ($161.00) for the time spent on issuing this citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. The Water System will receive a bill from the State Board, sometime after July 2017, during the next fiscal year (2017-18). This bill will contain fees for any and all enforcement time spent on the Water System for the current fiscal year (2016-17).

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact our office at (661) 335-7315 or via email at dwpdist19@waterboards.ca.gov.

Sincerely,

Jaswinder Dhaliwal

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

Enclosure: Citation No. 03_19_17C_021

CC: Kern County Dept. of Public Health, Env. Health Division (w/out enclosure)
Michael Hightower, Jr., Designated Operator, Water Quality Contact (via email)

Citation No. 03_19_17C_021

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

**Name of Public Water System:** Lebec County Water District Water System
**Water System No.:** 1510051

**Attention:** Michael Hightower Sr., Board President
Lebec County Water District
P.O. Box 910
Lebec, CA 93243

**Issued:** May 26, 2017

## CITATION FOR NONCOMPLIANCE

## DISINFECTION BYPRODUCT MONITORING AND REPORTING VIOLATION

## CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64534.2(d) AND 64537

## COMPLIANCE PERIOD 2016

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Board, acting by and through its Division of Drinking Water and the Deputy Director for the Division (hereinafter "Division"), hereby issues this citation pursuant to

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Section 116650 of the CHSC to the Lebec County Water District (hereinafter "Water System") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (CCR), Title 22, Sections 64534.2(d) and 64537.

A copy of the applicable statutes and regulations are included in **Attachment A**, which is attached hereto and incorporated by reference.

## STATEMENT OF FACTS

Lebec County Water District Water System is classified as a non-transient non-community water system and mainly serves a non-transient non-community population of approximately 1486 persons through 298 service connection(s).

The Water System operates under the authority of a domestic water supply permit 03_19_14P_004, issued on March 21, 2014, by the California Department of Public Health. Effective July 1, 2014, regulatory jurisdiction of the Water System was transferred from the California Department of Public Health to the State Water Resources Control Board.

The Water System is a non-transient non-community water system that provides disinfected groundwater obtained from its ground water source(s). Water for the well(s) is injected with sodium hypochlorite solution to provide disinfection treatment.

The Water System is required to monitor for total trihalomethanes (hereinafter "TTHM") and haloacetic acids (five) (hereinafter "HAA5") from one (1) location, at a frequency of

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annual in accordance with an approved monitoring plan, and report the results via Electronic Data Transfer (EDT) to the State Board.

During the 2016 compliance period, the Water System failed to collect and report Stage 2 (hereinafter "ST2") Disinfection Byproduct TTHM and HAA5 samples from the site(s) listed in Table 1 below.

**Table 1 – ST2 DBP Monitoring Sites**

| ST2 Monitoring Site | PS Code |
|---|---|
| ST2S1-401 FRAZIER MOUNTAIN PARK ROAD | 1510051-901 |

## DETERMINATION

The State Board has determined that the Lebec County Water District has failed to comply with Stage 2 Disinfection Byproduct TTHM and HAA5 monitoring and reporting requirements for the calendar year 2016, pursuant to CCR, Title 22, Sections 64534.2(d) and 64537.

## NOTIFICATION REQUIREMENTS

Section 116450 of the California SDWA, specifies that whenever a monitoring requirement specified in the State Board's regulations is not performed, the person operating the public water system shall notify the State Board and shall give notice to the users of that fact in the manner prescribed by the State Board.

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Public notification for violation of any requirement of Sections 64534.2(d) and 64537 shall be in accordance with Sections 64463.4(a)(3) and 64463.7(b) which outline the prescribed methods and information to be included in the public notice to the customers.

This notice shall be given pursuant to CCR, Title 22, Section 64463.4(a)(3), *Tier 2 Public Notice* and Section 64463.7, *Tier 3 Public Notice*. The public notification template is provided in **Attachment B.** An electronic copy of **Attachment B** is available from the State Board upon request. Section 64463.7 describes how the Water System may include Tier 3 public notifications in its annual Consumer Confidence Report.

CCR, Title 22, Section 64463.7(c) allows water systems to give public notification by mail or direct delivery and with the use of one or more of the following methods in order to reach persons not likely to be reached by a mailing or direct delivery: publication in a local newspaper or newsletter distributed to customers, posting the notice in conspicuous places served by the Water System, or delivery to community organizations.

California SDWA, Section 116450(g), requires that upon receipt of notification from a public water system, 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 their tenants and business property owners, managers or operators must notify employees of businesses located on the property. These secondary notification requirements are included in the public notice.

Proof of notification is required. The Water System shall complete the Proof of Public Notification form, provided in **Attachment C**, and return it to the State Board.

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Annual public notification is required for each year that the monitoring violation continues. The Water System may satisfy the requirement for annual public notification by including the language from **Attachment B** in the Consumer Confidence Report for 2016 (due on July 1, 2017).

## DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, Lebec County Water District Water System is hereby directed to take the following actions:

19. Comply with CCR, Title 22, Sections 64534.2(d) and 64537, in all future monitoring periods.

20. Collect the required TTHM and HAA5 samples between July 1, 2017 and September 30, 2017, in accordance with an approved Disinfection Byproduct Monitoring Plan and continuing annually thereafter, or as otherwise approved or directed by the State Board. Report the 2017 annual Stage 2 Disinfection Byproduct TTHM and HAA5 sample results from their ST2 monitoring sites by the 10th day of the month following sampling and no later than October 10, 2017.

21. The Water System shall ensure that monitoring is conducted in accordance with its approved Disinfection Byproduct Monitoring Plan for TTHMs and HAA5s from all of its ST2 monitoring sites and that the laboratory submits the analytical results to the State Board via EDT no later than the 10th day of the month following completion of the analyses.

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22. On or before **June 15, 2017**, notify all persons served by the Water System of the violation of Sections 64534.2(d) and 64537, in conformance with Sections 64463.4(b)&(c) and 64465. Copies of Sections 64463.4 and 64465 are included in **Attachment 1**. **Attachment B** Notification Template shall be used to fulfill this directive unless otherwise approved by the State Board. An electronic version of **Attachment B** is available upon request.

23. Complete **Attachment C**: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 4 to the State Board on or before **June 25, 2017**.

24. The Water System shall also include this violation in the 2016 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).

All submittals required by this Citation shall be electronically submitted to the State Board at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Jaswinder S. Dhaliwal, P.E.
State Water Resources Control Board
Division of Drinking Water, Tehachapi District
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309
Dwpdist19@waterboards.ca.gov

The State Board reserves the right to make such modifications to this 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 the Lebec County Water District of its obligation to meet the requirements of the California SDWA, SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

## PARTIES BOUND

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

## SEVERABILITY

The Directives of this Citation are severable, and the Lebec County Water District shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

## FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue 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 permit, regulation, permit 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 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 violates an order of the State

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Board. The State Board does not waive any further enforcement action by issuance of this citation.

## 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 State Board 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

May 26, 2017
Date

Jaswinder Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District (#19)
State Water Resources Control Board
Division of Drinking Water

**Attachments:**

Attachment A: Applicable Authorities
Attachment B: Public Notification Form
Attachment C: Certification of Completion of Public Notification

Sent Via Certified Mail: 7015 0640 0006 0208 6818

cc: Kern County Dept. of Public Health, Environmental Health Division (w/out attachments)
Michael Hightower, Jr., Designated Operator (via email)

(JSD/zm)

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# Attachment A

# Applicable Authorities

**Attachment A**

## Applicable Statutes and Regulations for

## Citation No. 03_19_17C_021
## Disinfection Byproduct Monitoring and Reporting Violation

*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.*

## California Health and Safety Code (CHSC):

**Section 116271 states in relevant part**:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).

(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.

(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.

(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).

(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.

(6) Chapter 7 (commencing with Section 116975).

(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).

(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).

(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.

(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water

Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

**Section 116555 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 116650 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 and shall be in addition to any liability or penalty imposed under any other law.

**Section 116701. Petitions to Orders and Decisions states**

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

## California Code of Regulations, Title 22 (CCR):

**Section 64534.2. Disinfection Byproducts Monitoring states in relevant part . . .**

(d) By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):

(1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8;

**Table 64534.2-C**
**Routine Monitoring Frequency for TTHM and HAA5**

| Source water type | Persons served | Minimum monitoring frequency[1] | |
|---|---|---|---|
| | | Number of distribution system monitoring locations | Monitoring period[2] |
| Systems using approved surface water | ≥5,000,000 | 20 dual sample sets | per quarter |
| | 1,000,000 – 4,999,999 | 16 dual sample sets | per quarter |
| | 250,000 – 999,999 | 12 dual sample sets | per quarter |
| | 50,000 – 249,999 | 8 dual sample sets | per quarter |
| | 10,000 – 49,999 | 4 dual sample sets | per quarter |
| | 3,301 – 9,999 | 2 dual sample sets | per quarter |

| | | | |
|---|---|---|---|
| | 500 – 3,300 | 1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement | per quarter |
| | <500 | 1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement[3] | per year |
| **Systems using ground water not under direct influence of surface water** | ≥500,000 | 8 dual sample sets | per quarter |
| | 100,000 – 499,999 | 6 dual sample sets | per quarter |
| | 10,000 – 99,999 | 4 dual sample sets | per quarter |
| | 500 – 9,999 | 2 dual sample sets | per year |
| | <500 | 1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement[3] | per year |

[1] All systems shall monitor during the month of highest disinfection byproduct concentrations.

[2] Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.

[3] Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

(2) Undisinfected systems that begin using a disinfectant other than UV light after the applicable dates in 40 Code of Federal Regulations, part 141.600 (71 Fed. Reg. 388 January 4, 2006), which is incorporated by reference, shall consult with the State Board to identify compliance monitoring locations for this subsection. Systems shall then develop a monitoring plan in accordance with section 64534.8 that includes those monitoring locations;

(3) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-D, any time the LRAA is ≤0.040 mg/L for TTHM and ≤0.030 mg/L for HAA5 at all monitoring locations. In addition, the source water annual average TOC level, before any treatment shall be ≤4.0 mg/L at each treatment plant treating approved surface water, based on source water TOC monitoring conducted pursuant to section 64534.6. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-D;

Table 64534.2-D

Reduced Monitoring Frequency for TTHM and HAA5

| Source water type | Persons served | Minimum monitoring frequency | |
|---|---|---|---|
| | | Number of distribution system monitoring locations | Monitoring period[1] |
| Systems using approved surface water | ≥5,000,000 | 10 dual sample sets: at the locations with the five highest TTHM and five highest HAA5 LRAAs | per quarter |
| | 1,000,000 – 4,999,999 | 8 dual sample sets: at the locations with the four highest TTHM and four highest HAA5 LRAAs | per quarter |
| | 250,000 – 999,999 | 6 dual sample sets: at the locations with the three highest TTHM and three highest HAA5 LRAAs | per quarter |
| | 50,000 – 249,999 | 4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs | per quarter |
| | 10,000 – 49,999 | 2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs | per quarter |
| | 3,301 – 9,999 | 2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement | per year |
| | 500 – 3,300 | 1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter | per year |
| Systems using only | ≥500,000 | 4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 | per quarter |

| | | | |
|---|---|---|---|
| **ground water not under direct influence of surface water** | | LRAAs | |
| | 100,000 – 499,999 | 2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs | per quarter |
| | 10,000 – 99,999 | 2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement | per year |
| | 500 – 9,999 | 1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter | per year |
| | <500 | 1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set every third year if the highest TTHM and HAA5 measurements occurred at the same location and quarter | every third year |

[1] Systems on quarterly monitoring shall take dual sample sets every 90 days.

(4) Systems on reduced monitoring shall resume routine monitoring pursuant to table 64534.2-C or conduct increased monitoring pursuant to paragraph (5) (if applicable), if the TTHM LRAA is >0.040 mg/L or the HAA5 LRAA is >0.030 mg/L at any monitoring location (for systems with quarterly reduced monitoring); a TTHM sample is >0.060 mg/L or a HAA5 sample is >0.045 mg/L (for systems with annual or less frequent monitoring); or the source water annual average TOC level, before any treatment, is >4.0 mg/L at any treatment plant treating an approved surface water;

(5) Systems that are required to monitor at a particular location annually or less frequently than annually pursuant to table 64534.2-C or 64534.2-D shall increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location. Systems on increased monitoring may return to routine monitoring specified in table 64534.2-C if, after at least four consecutive quarters of monitoring, the LRAA for every monitoring location is ≤0.060 mg/L for TTHM and ≤0.045 mg/L for HAA5;

(6) If the operational evaluation level (OEL) exceeds 0.080 mg/L for TTHM or 0.060 mg/L for HAA5 at any monitoring location, systems shall conduct an operational evaluation. The operational evaluation shall include the examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or

problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances. Systems that are able to identify the cause of the OEL exceedance may submit a written request to the State Board to limit the scope of the evaluation. The request to limit the scope of the evaluation shall not extend the schedule in section 64537(d) for submitting the written report to the State Board;

(7) Systems on reduced monitoring pursuant to table 64534.2-B may remain on reduced monitoring after the applicable date in table 64530-A for compliance with this subsection provided the system meets IDSE requirements under section 64530(c) by qualifying for a 40/30 certification (40 CFR part 141.603) or receiving a very small system waiver (40 CFR part 141.604), meets the reduced monitoring criteria in paragraphs (3) and (4), and does not change or add monitoring locations from those used for compliance monitoring under subsection (a); and

(8) Systems on increased monitoring pursuant to table 64534.2-A shall remain on increased monitoring and conduct increased monitoring pursuant to paragraph (5) at the locations in the monitoring plan developed under section 64534.8 beginning at the applicable date in table 64530-A for compliance with this subsection. Systems on increased monitoring may return to routine monitoring specified in table 64534.2-C pursuant to paragraph (5).

**Section 64534.8. Monitoring Plans states**
(a) A system shall develop and submit to the State Board a monitoring plan. The system shall implement the plan after State Board review and approval. The system shall maintain the plan and make it available for inspection by the general public no later than 30 days following the applicable compliance date in sections 64530(a) or (b), and (d).

(b) The State Board will evaluate the plan based on the following required elements:

(1) Specific locations and schedules for collecting samples for any parameters included in this chapter, including seasonal variations if applicable;

(2) How the system will calculate compliance with MCLs, MRDLs, and treatment techniques; and

*(3) For compliance monitoring pursuant to section 64534.2(d), monitoring dates and the elements specified in paragraphs (1) and (2).*
(c) Systems that submitted an IDSE report pursuant to section 64530(c) shall monitor for TTHM and HAA5 under section 64534.2(d) at the locations and months recommended in the IDSE report, unless the State Board requires other locations or additional locations after its review of the IDSE report.

*(d) Systems not required to submit an IDSE report pursuant to section 64530(c) and that:*
(1) Do not have sufficient TTHM and HAA5 compliance monitoring locations under section 64534.2(a) to identify the required number of TTHM and HAA5 compliance monitoring locations indicated in 40 Code of Federal Regulations part 141.605(b) (71 Fed. Reg. 388 (January 4, 2006)), as amended at 74 Fed. Reg. 30953 (June 29, 2009)), which is incorporated by reference, shall:

(A) Identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified; and

(B) Provide the rationale in the plan for identifying the locations as having high levels of TTHM or HAA5.

(2) Have more TTHM and HAA5 compliance monitoring locations under section 64534.2(a) than required for TTHM and HAA5 compliance monitoring indicated in 40 Code of Federal Regulations part 141.605(b) (71 Fed. Reg. 388 (January 4, 2006)), as amended at 74 Fed. Reg. 30953 (June 29, 2009)), which is incorporated by reference, shall identify the locations to use by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified.

(e) The plan developed for compliance monitoring pursuant to section 64534.2(d) may be revised to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for State Board -approved reasons, after consultation with the State Board regarding the need for changes and the appropriateness of changes. Systems shall comply with the requirements of subsection (a) for the revised plan. If monitoring locations are changed, systems shall replace existing compliance monitoring locations having the lowest LRAA with new locations that reflect the current distribution system locations having expected high TTHM or HAA5 levels.

**Section 64537.2. Disinfection Byproducts Reporting states in relevant part**
Systems shall report to the State Board the information specified in tables 64537.2-A and 64537.2-B.

**Table 64537.2-B**

**TTHM and HAA5 Reporting**

| If the system is monitoring under the requirements of section 64534.2(d) for... | The system shall report... |
|---|---|
| TTHM and HAA5 | (a) For each monitoring location:<br><br>(1) The number of samples taken during the last quarter;<br><br>(2) The date and results of each sample taken during the last quarter;<br><br>(3) The arithmetic average of quarterly results for the last four quarters (LRAA);<br><br>(4) Whether the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters;<br><br>(5) Whether, based on section 64535.2(e), the MCL was violated at any monitoring location; and<br><br>(6) Any operational evaluation levels that were exceeded during the quarter and, if so, the location and date, and the calculated TTHM and HAA5 levels. |
| | (b) For a supplier using approved surface water and seeking to qualify for or remain on reduced TTHM/HAA5 monitoring, source water TOC information for each treatment plant that treats approved surface water:<br><br>(1) The number of source water TOC samples taken each month during the last quarter;<br><br>(2) The date and result of each sample taken during the last quarter;<br><br>(3) The quarterly average of monthly samples taken during the last quarter or the result of the quarterly sample; and<br><br>(4) The running annual average (RAA) of quarterly averages from the past four quarters; and<br><br>(5) Whether the RAA exceeded 4.0 mg/L. |

**Section 64463.4 (Tier 2 Public Notice) states:**

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery 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; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;

2. E-mail message to employees or students;

3. Posting on the Internet or intranet; or

4. Direct delivery to each customer.

**Section 64463.7. (Tier 3 Public Notice) states**

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

(1) Monitoring violations;

(2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or

(3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

(1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

(2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by

(A) Mail or direct delivery 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; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

(1) Is given no later than one year after the water system learns of the violation or occurrence;

(2) Includes the content specified in section 64465; and

(3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

**Section 64465 (Public Notice Content and Format) states in relevant part:**

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public 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; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "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 your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-D. Health Effects Language – Disinfection Byproducts states in relevant part**

| Contaminant | Health Effects Language |
|---|---|
| TTHMs [Total Trihalomethanes]: | Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer. |
| Haloacetic Acids | Some people who drink water containing halocetic acids in excess of the MCL over many years may have an increased risk of getting cancer. |

**Section 64469 (Reporting Requirements) states in relevant part:**

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

**Section 64481 (Content of the Consumer Confidence Report) states in relevant part:**

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

# Attachment B

# Public Notification Template

Date Distributed: _____ ATTACHMENT B

# 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.**

## Disinfection Byproduct Monitoring and Reporting (DBPR) Requirements Not Met for Lebec County Water District Water System During 2016

Our water system failed to monitor as required for a drinking water monitoring standard during 2016 and, therefore, was in violation of State 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.

### What happened?

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. We did not monitor or test for disinfection byproducts as required in 2016 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 the last year, how many samples we are required to take and how often, how many samples we many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

| Contaminant | Required sampling frequency | Number of samples taken | When all samples should have been taken | When samples were or will be taken |
|---|---|---|---|---|
| TTHM and HAA5 | Minimum is one sample annually | None | During calendar year 2016 | 2017 |

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

### What was done?

We plan to collect the required DBPR samples in 2017 in accordance with our ST2 DBPR Monitoring Plan. For more information, please contact Michael Hightower, Board President with Lebec County Water District at phone number 661-248-6872 or mailing address P.O. Box 910, Lebec, CA 93243. You may also contact the State Water Resources Control Board, Division of Drinking Water at (661) 335-7315.

*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 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 Lebec County Water District System ID#: 1510051

# Attachment C

## Certification of Completion of Public Notification Form

# Certification of Completion of Public Notification
## (Include a Copy of Public Notice with the Certification 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 or via email: dwpdist19@waterboards.ca.gov), 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:** Lebec County Water District Water System

**Public Water System No.:** 1510051

Public notification for **failure to comply with the TTHM and HAA5 monitoring and reporting requirements for Calendar year 2016** 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 June 25, 2017**