March 1, 2019

System No. 1502771

Melinda Hicks, EHS Manager
Kern Oil and Refining Company
7724 E. Panama Lane
Bakersfield, CA 93307

CITATION NO. 03_12_19C_011
FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS
FOR 2018 CALENDAR YEAR

Enclosed is Citation No. 03_12_19C_011 (hereinafter "Citation"), issued to the Kern Oil and Refining Company (hereinafter "Water System"), public water system. **Please note there are legally enforceable deadlines starting on page 3 of the Citation.**

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued <u>under authority delegated to an officer or employee of the State Water Board</u> under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. 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 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 Shawn Demmers of my staff at (559) 447-3136 or me at (559) 447-3300.

Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7016 3010 0000 0446 0938

CJF/LR
Enclosures
cc: Kern County Environmental Health Department
Ben Palmer, Env. Advisor, Kern Oil & Refining Co., 7724 E. Panama Lane, Bakersfield, CA 93307

Citation No. 03_12_19C_011

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Kern Oil and Refining Company

Water System No: 1502771

Attention: Melinda Hicks, EHS Manager
7724 E. Panama Lane
Bakersfield, CA 93307

Issued: March 1, 2019

CITATION FOR NONCOMPLIANCE

CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64534.2

FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS

2018 Calendar Year

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a citation to a public water system when the State Water 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 Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 03_12_19C_011 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to Kern Oil and Refining Company (hereinafter "Water System"), for violation of CHSC, Section 116555 and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64534.2.

STATEMENT OF FACTS

The Water System is classified as a non-transient non-community public water system with a population of 150 persons served through 9 connections. The Water System is using one groundwater source to supply potable water to the distribution system, Well No. 02.

CHSC, Section 116555 requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

Pursuant to CHSC, CCR, Title 22, Section 64534.2, the Water System is required to collect samples for Total Trihalomethanes (hereinafter "TTHM") and Haloacetic Acids (hereinafter "HAA5") analysis testing on triennial monitoring frequency from distribution locations approved by the State Water Board for compliance with the Disinfection Byproduct Rule (hereinafter "DBPR").

As of the date of this Citation, the State Water Board has not received TTHM and HAA5 analysis results from sampling location(s) listed in the table below:

Table 1. Sampling Site Information

Approved TTHM/HAA5 Site	Primary Station Code
ST2S1-Main Office BR	1502771-901

DETERMINATION

The State Water Board has determined that the Water System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555 and DBPR monitoring requirements pursuant to CCR, Title 22, Sections 64534.2 during the 2018 Calendar Year.

DIRECTIVES

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

1. By **July 1, 2019,** notify all persons served by the Water System of the violation of CCR, Title 22, 64534.2 in conformance with Sections 64463.7 and 64465. The notification must be completed in accordance with the following:
   - Section 64463.7 allows the Water System to utilize the 2018 Consumer Confidence Report to meet the requirement of notification within a one-year period. In addition to the required information for the Consumer Confidence Report, the Water System must include the following language in the Consumer Confidence Report: "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 the calendar year 2018, we did not monitor for total trihalomethanes and haloacetic acids from the distribution system and

therefore, cannot be sure of the quality of your drinking water during that time."

- Posting of the Public Notification in conspicuous places within the area served by the water system. The notice must remain posted for a minimum of seven (7) consecutive days and;
- By one of the following secondary methods to reach persons not likely to be reached by posting;
  - By publication in a local newspaper or newsletter distributed to customers, by internet posting of the notice or by direct delivery to each customer served by the Water System. If the water system opts to issue the notice via internet website, the public notice must remain posted for a minimum of seven (7) consecutive days.

The Water System must determine which option will be used to conduct the secondary distribution of the notice.

2. Complete Appendix 1: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 1 to the State Water Board by **July 10, 2019.**

3. The Water System shall collect TTHM and HAA5 samples by **March 30, 2019** from the approved Disinfection Byproduct sites and ensure that the laboratory, which conducts the analysis, submits the analytical results to the State Water Board electronically by a State Water Board approved method no later than the 10th day of the month following completion of the analyses.

All submittals required by this Citation, unless otherwise specified in the directives above, must be electronically submitted to the State Water 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.

Chad Fischer, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Visalia District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

Dwpdist12@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation 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.

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

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

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

3/1/19

Chad Fischer, P.E.
Visalia District Engineer

Date

Appendices:

1. Compliance Certification Form

Certified Mail No. 7016 3010 0000 0446 0938

APPENDIX 1. COMPLIANCE CERTIFICATION

Citation Number: 03_12_19C_011

Name of Water System: Kern Oil and Refining Company

System Number: 1502771

Certification

I certify that the users of the water supplied by this water system were notified of the disinfection byproducts monitoring violation of California Code of Regulations, Title 22, Section 64534.2 for the 2018 Calendar Year and the required actions listed below were completed.

Required Action	Date Completed
*(Citation Directive 1) Public Notification Method(s) Used:*_____	
*(Citation Directive 3) TTHM and HAA5 Sample Collection Date:*_____	

_____ _____

Signature of Water System Representative Date

Attach a copy of the public notice distributed to the water system's customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN July 10, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.