State Water Resources Control Board

February 6, 2019

Mike Pierce, Board President
East Inyokern Mutual Water Company
P.O. Box 1026
Inyokern, CA 93527

RE: EAST INYOKERN MUTUAL WATER COMPANY (WATER SYSTEM NO. 1500554)
CITATION FOR USING WELL 04 (PS CODE 1500554-004) WITHOUT A PERMIT

Dear Mr. Pierce:

Enclosed is Citation No. 03_19_19C_006 that the State Water Resources Control Board, Division of Drinking Water (hereinafter State Water Board) is issuing to the East Inyokern Mutual Water Company (hereinafter Water Company) for a violation of the California Safe Drinking Water Act. Please note that there are legally enforceable deadlines associated with this Citation. The Water Company used Well 04 (PS Code: 1500554-004) from December 7, 2018 to January 8, 2019, without obtaining a valid permit from the State Water Board. As discussed in the Citation, the Water Company shall submit a complete permit amendment application for Well 04 and obtain written approval from the State Water Board to continue using the well for domestic supply.

Please note that on or before February 15, 2019, the Water Company is required to submit a written response to the State Water Board indicating its agreement to comply with the directives of the citation. By March 28, 2019, the Water Company is required to submit a complete permit amendment application for Well 04. The Water Company is also required to notify the persons, served by the Water Company, of the violation, and actions being taken, to achieve compliance and submit a completed Certification of Public Notification form to the State Water Board. Until the State Water Board issues written approval to use Well 04, the Water Company shall keep the well offline and not use the well for domestic supply. Failure to comply with deadlines and directives specified in the citation will result in further enforcement action by the State Water Board.

One hour of enforcement time was spent on preparaton of the Citation. The Water Company 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 Company for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board 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 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 me at (661) 335-7318.

Sincerely,

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
State Water Resources Control Board
DIVISION OF DRINKING WATER

Enclosure: Citation No. 03_19_19C_006

CC: Kern County Dept. of Public Health, Environmental Health Division (w/out enclosure)
Shon Sackett, skOO’kum h20 monitoring, inc., Contract Operator & Sampler (via email)
Jane Fisher, Secretary, East Inyokern Mutual Water Company (via email)

JSD/jsd
STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: EAST INYOKERN MUTUAL WATER COMPANY
Water System No.: 1500554

TO: Mr. Mike Pierce, Operations Manager
East Inyokern Mutual Water Company
P.O. Box 1026
Inyokern, CA 93527

CITATION FOR VIOLATION OF
CALIFORNIA HEALTH AND SAFETY CODE SECTION 116550(a) CHANGES REQUIRING
AMENDED PERMIT; AND CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION
64556(a) (3)(A) PERMIT AMENDMENTS

December 7, 2018 to January 8, 2019
Issued on February 6, 2019

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to
a public water system for violation of the California Safe Drinking Water Act (Health and Safety
Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter
"California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter “State Water 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 citation to the East Inyokern Mutual
Water Company (hereinafter “Water Company”) located in Inyokern, Kern County, CA for
violation of California Health and Safety Code Section 116550(a) and California Code of
Regulations (CCR), Title 22, Section 64556(a)(3)(A).
STATEMENT OF FACTS

The Water Company operates a community public water system ("Water System") with a population of approximately 87 persons through 28 service connections. The Water System operates under a domestic water supply permit (No. 03-19-17P-008), issued on June 6, 2017. Per Permit Provision No. 2, Well 01-Nadine West (PS Code 1500554-002) and Well 02-Nadine East (PS Code 1500554-001) are the approved source of supply for domestic water.

Per Permit Provision No. 4, "The Water Company shall not use any source or storage tank other than those specified in this permit without permit approval from the State Water Board. No changes, additions, or modifications shall be made to the approved sources without obtaining the approval of the State Water Board." After Well 02-Nadine East collapsed in September 2017, the Water Company contacted the State Water Board to obtain a permit amendment application package to drill a replacement well. On September 15, 2017, the State Water Board sent the requested permit application documents to the Water Company. After receiving and reviewing the initial Drinking Water Source Assessment and Protection (DWSAP) documents for the new well (Well 04), design specifications, and the environmental documents, the State Water Board issued approval to drill Well 04 (PS Code 1500554-004), by a letter dated October 18, 2017 (copy provided in Appendix 1). In the letter, the State Water Board directed the Water Company to submit a copy of the well construction permit (to be issued by the Kern County), Department of Water Resources Well Completion Report, copies of Title 22 chemical and bacteriological results from the well, copies of the pump test reports showing yield of the well, updated DWSAP documents, and completed data sheet for the well.

On November 27, 2018, the Water Company submitted a permit amendment application dated November 27, 2018, to the State Water Board, requesting inactivation of Well 02-Nadine East. The Water Company also submitted a copy of the well destruction report for Well 02. After reviewing the application, the State Water Board requested documentation to show physical separation of the domestic water supply system from Well 02. In response, the Water Company
submitted some pictures on January 8, 2019. The pictures also showed the new Well 04 with its piping connected to the domestic water supply system of the Water Company. On January 8, 2019, the State Water Board staff called Mr. Mike Pierce to discuss the status of Well 04. He stated that Well 04 was placed in service in early December 2018 and was not aware that approval to use the well had not been granted by the State Water Board. Until January 8, 2019, the State Water Board staff was not aware of completion of drilling of Well 04 and its usage. Since Well 04 was being used without obtaining a permit from the State Water Board, on January 8, 2019, the State Water Board staff directed the Water Company to immediately remove the well from service and keep the well offline until the Water Company obtains written approval from the State Water Board to use Well 04. This was reiterated in a follow-up email to Mr. Pierce on January 8, 2019.

Public notification to the customers of the Water Company is required to notify them of the violation. Appendix 2 is a copy of a public notice that the Water Company may use to notify its customers. This notice fulfills the Tier 2 notification requirements and includes the mandatory language. Proof of notification is required, and Appendix 3 may be used to comply.

DETERMINATION
The State Water Board has determined that the Water Company failed to comply with CHSC, Section 116550(a), which specifies no person operating a public water system shall modify, add to or change his or her source of supply or method of treatment of, or change his or her distribution system as authorized by a valid existing permit issued to him or her by the State Water Board unless the person first submits an application to the State Water Board and receives an amended permit. The Water Company failed to submit a complete application for an amendment to the water supply permit prior to use of the unapproved source (Well 04).

The Water Company also failed to comply with Permit Provision Nos. 1 and 4 of its 2017 domestic water supply permit by using an unapproved source, Well 04.
Further, the Water Company failed to comply with CCR, Title 22, Section 64560(b), which requires the submittal of the following additional items, after obtaining approval of the State Water Board of the initial permit amendment application and after constructing the well:

1. A copy of the well construction permit if required by the county or local agency;
2. Department of Water Resources well completion report;
3. A copy of any pump tests required by the State Water Board;
4. Results of all required water quality analyses; and
5. As-built plans.

With destruction of Well 02-Nadine East, Well 01-Nadine West is the only permitted active source for the Water Company. The State Water Board must permit all other sources before they can be used in the Water System. Well 04 shall not be used for domestic supply until the Water Company obtains written approval from the State Water Board to use Well 04.

PUBLIC NOTIFICATION REQUIREMENTS

This violation of using an unapproved requires public notification. Since the Water System failed to submit a permit amendment application for Well 04 and used the well for domestic supply for over one month without approval of the State Water Board, Tier 2 public notification shall be provided because there is no basis to determine whether the source water met the applicable bacteriological and chemical standards. Public notification can be completed by using one of the following methods using the attached template (Appendix 2) and by the following methods:

- Hand deliver or by direct mail to all customers, and
- Post at conspicuous locations within service area of the Water Company that all customers have access, to read the notice.
Proof of notification is required. Please use Appendix 3 to provide this information and submit to the State Water Board by March 15, 2019.

**DIRECTIVES**

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

1. The Water Company shall keep Well 04 offline and not place it back in service until written approval is obtained from the State Water Board to use this well for domestic supply.

2. By **February 15, 2019**, the Water Company shall submit a written response to the State Water Board acknowledging that it has received this citation and will comply with all of the directives listed herein. The Water Company shall complete Appendix 4, and submit a completed and signed copy to the State Water Board, to comply with this directive.

3. By **February 15, 2019**, the Water Company shall submit an incident report outlining the events surrounding the use of the unpermitted water source and a plan for ensuring unpermitted water sources are not used as active sources of supply in the domestic water supply system.

4. By **March 28, 2019**, the Water Company shall submit a complete permit amendment application for Well 04, along with necessary enclosures: a copy of well construction permit issued by Kern County, a copy of the pump test, copies of all water quality results from the well, as-built plans, a completed well data sheet, updated DWSAP document. On January 11, 2019, the State Water Board staff sent an email to Mr. Pierce, with details of the outstanding items, needed for the permit amendment application of Well 04.
5. By March 6, 2019, the Water Company shall provide Tier 2 public notice as required by CCR, Title 22, Section 64463.4. Notification procedures and format are provided in Appendix 2. Proof of notification shall be provided to the Division by March 16, 2019, using the form provided in Appendix 3.

The State Water Board reserves the right to make such modifications to the 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.

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

All submittal required by this Citation shall be submitted to the State Water Board at the following address:

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

PARTIES BOUND
This Citation shall apply to and be binding upon the East Inyokern Mutual Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY
The Directives of this Citation are severable, and the East Inyokern Mutual Water Company 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 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 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 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.

Jaswinder S. Dhalwal, P.E.
Senior Sanitary Engineer, Merced District
DRINKING WATER FIELD OPERATIONS BRANCH

Certified Mail No.: 7012 1010 0001 3880 1997

Appendices (4):

Appendix 1: State Water Board’s Letter dated October 18, 2017
Appendix 2: Public Notice
Appendix 3: Proof of Notification Form
Appendix 4: Certification of Receipt of Citation

CC: Kern County Dept. of Public Health, Env. Health Division (w/out attachments)
Shon Sackett, skOO’kum h2o monitoring, inc., Contract Sampler & Operator (via email)
Jane Fisher, secretary, East Inyokern Mutual Water Company (via email)
APPENDIX 1

State Water Board's Letter dated October 18, 2017
State Water Resources Control Board  
Division of Drinking Water

October 18, 2017

Mike Pierce, President  
East Inyokern Mutual Water Company  
P.O. Box 1717  
Inyokern, CA 93527

SUBJECT: APPROVAL TO DRILL WELL 4 EAST INYOKERN MUTUAL WATER COMPANY (SYSTEM NO. 1500554)

Dear Mr. Pierce:

The State Water Resources Control Board (State Board), Division of Drinking Water has reviewed the draft Drinking Water Source Assessments and Protection (DWSAP) documents, well specifications, and the environmental documents, for the drilling of Well 4 for East Inyokern Mutual Water Company (Water Company). The State Board granted clearance for the California Environmental Quality Act (CEQA) on October 16, 2017.

The Water Company may proceed with the drilling of Well 4. Before providing domestic water from Well 4 to the consumers, the Water Company shall submit a copy of the well construction permit (to be issued by the Kern County), Department of Water Resources Well Completion Report, copies of Title 22 chemical and bacteriological results from the well, copies of the pump test reports showing yield of the well, updated source water assessment documents, and completed data sheet for the well. As part of the permitting process, Osiel Jaime from our office will conduct a site inspection before we grant approval to use the well.

If you have any questions concerning the issues discussed in this letter, please contact Osiel Jaime at (661) 335-7347.

Sincerely,

Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

cc: Kern County Dept. of Public Health, Env. Health Division  
Lori Schmitz, Environmental Scientist, State Water Resources Control Board, Environmental Review Section (via e-mail)  
skOOkum h2o monitoring, Inc., Contract Sampler (via e-mail)
APPENDIX 2

Public Notification Template
Instructions for Tier 2 Notice Template

Template Attached

Considering that this is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<table>
<thead>
<tr>
<th>If You Are a...</th>
<th>You Must Notify Consumers by...</th>
<th>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Water System [64463.4(c)(1)]</td>
<td>Mail or direct delivery (a)</td>
<td>Publication in a local newspaper</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Posting in conspicuous public places served by the water system on the Internet (b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delivery to community organizations</td>
</tr>
<tr>
<td>Non-Community Water System [64463.4(c)(2)]</td>
<td>Posting in conspicuous locations throughout the area served by the water system (b)</td>
<td>Publication in a local newspaper or newsletter distributed to customers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Email message to employees or students</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Posting on the Internet or intranet (b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Direct delivery to each customer</td>
</tr>
</tbody>
</table>

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

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

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

**Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

**Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with monitoring and reporting violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with [local/state agency] to correct the problem. [provide details of the actions taken].”

**After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.
East Inyokern Mutual Water Company
Used an Unapproved Source For Drinking Water

Our water system recently violated our permitting requirements by using an unapproved source (Well No. 04). Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an emergency. If it had been, you would have been notified immediately.

What happened? What is being done?

East Inyokern Mutual Water Company (Water Company) drilled Well 04 in October 2018, and had been using this well for domestic supply since December 7, 2018, without the approval of the State Water Resources Control Board (State Water Board), Division of Drinking Water. The State Water Board became aware of use of Well 04 on January 8, 2019 and directed the Water Company to immediately remove Well 04 from service. Well 04 was removed from service on January 8, 2019, and will remain out of service until the Water Company obtains written approval from the State Water Board to use the well again. We are working with the State Water Board to obtain a permit for Well 04 and are in the process of testing the water from the well to ensure that it complies with the applicable standards.

For more information, please contact Mike Pierce, Board President, East Inyokern Mutual Water Company at (760) 939-6-9353 or State Water Resources Control Board 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 public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

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

- Residential Rental Property Owners: Must notify tenants (Customers).
- Business Property Owners: Must notify employees of businesses located on the property.

This notice is being sent to you by East Inyokern Mutual Water Company.

State Water System ID#: 1500554. Date distributed: __________
APPENDIX 3

Certification of Completion of Public Notification
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 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: East Inyokern Mutual Water Company

Public Water System No.: 1500554

Public notification for failure to submit a permit amendment application for Well 04 and using the well without permit approval 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 March 16, 2019.

Enforcement Action No. 03-19-19C-006
APPENDIX 4 – NOTIFICATION OF RECEIPT

Citation Number: 03_19_19C_006
Name of Water System: East Inyokern Mutual Water Company Water System
System Number: 1500554

Certification

I certify that I am an authorized representative of the Anthony Vineyards Water System and that Citation No. 03_19_19C_006 was received on ________________. Further I certify that the Citation has been reviewed by the appropriate management staff of the East Inyokern Mutual Water Company and it is clearly understood that Citation No. 03_19_19C_006 contains legally enforceable directives with specific due dates.

__________________________________________  ______________
Signature of Water System Representative      Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN FEBRUARY 15, 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.