



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN  
Governor

January 22, 2014  
System No. 1000615

Mary Airola  
Rock Haven, Inc.  
3841 W. Locust  
Fresno, CA 93711

**RE: Compliance Order No. 03-23-14R-001**

Dear Ms. Airola:

The purpose of this letter is to inform you that the California Department of Public Health (Department) has issued Compliance Order No. 03-23-14R-001 (Compliance Order) to Rock Haven, Inc. on January 22, 2014. The Compliance Order has been issued for violation of California Health and Safety Code Sections 116525(a) and 116570(a); specifically, Rock Haven Inc. has failed to submit a Domestic Water Supply Permit Application and application fee.

**The Compliance Order directs Rock Haven, Inc. to comply with all statutory and regulatory requirements pertaining to the ownership and operation of a public water system. Further, the Compliance Order directs Rock Haven, Inc. to submit a complete permit application and application fee by February 28, 2014.**

Department personnel can assist you in preparing the permit application, upon request. If you have any questions regarding this matter, please contact our office at (559) 447-3300.

Sincerely,

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer, Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

BSL/PD

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **ROCK HAVEN, INC.**  
WATER SYSTEM NO. 1000615

TO: Rock Haven, Inc.  
Attn: Mary Airola  
3841 W. Locust  
Fresno, CA 93711

**COMPLIANCE ORDER FOR VIOLATION OF  
  
CALIFORNIA HEALTH AND SAFETY CODE  
SECTIONS 116525(a) AND 116570(a)**

Issued on January 22, 2014

Section 116655 of the California Health and Safety Code (CHSC) authorizes the director of the California State Department of Public Health, (“Director”) to issue a compliance order when the California State Department of Public Health (“Department”) determines that any person has violated or is violating the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any permit, regulation, or standard issued or adopted thereunder.

1 The Director hereby issues a Compliance Order to Rock Haven, Inc. which owns and  
2 operates Public Water System No. 1000615, (“Water System”) for failure to comply with  
3 CHSC Section 116525(a) and Section 116570(a).

4  
5 **APPLICABLE AUTHORITIES**  
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7  
8 **CHSC Section 116275 states in relevant part:**  
9

10 As used in this chapter:

11 ...

12 (h) “Public water system” means a system for the provision of water for human  
13 consumption through pipes or other constructed conveyances that has 15 or more  
14 service connections or regularly serves at least 25 individuals daily at least 60 days  
15 out of the year. A public water system includes the following:

16 (1) Any collection, treatment, storage, and distribution facilities under control  
17 of the operator of the system that are used primarily in connection with the  
18 system.

19 (2) Any collection or pretreatment storage facilities not under the control of the  
20 operator that are used primarily in connection with the system.

21 (3) Any water system that treats water on behalf of one or more public water  
22 systems for the purpose of rendering it safe for human consumption.

23 (i) “Community water system” means a public water system that serves at least 15  
24 service connections used by yearlong residents or regularly serves at least 25  
25 yearlong residents of the area served by the system.

26 (j) “Noncommunity water system” means a public water system that is not a  
27 community water system.

(k) “Nontransient noncommunity water system” means a public water system that is  
not a community water system and that regularly serves at least 25 of the same  
persons over six months per year.

...  
22

(o) “Transient noncommunity water system” means a noncommunity water system that  
does not regularly serve at least 25 of the same persons over six months per year.  
23

24 **CHSC Code Section 116525 states in relevant part:**  
25

26 (a) No person shall operate a public water system unless he or she first submits an  
27 application to the department and receives a permit as provided in this chapter. A  
change in ownership of a public water system shall require the submission of a new  
application.

1 **CHSC Code Section 116570 states in relevant part:**

- 2
- 3 (a) Each public water system serving less than 1,000 service connections applying for  
 4 a domestic water supply permit pursuant to Section 116525 or 116550 shall pay a  
 permit application processing fee to the department. Payment of the fee shall  
 accompany the application for the permit or permit amendment.
- 5 (b) The amount of the permit application fee required under subdivision (a) shall be as  
 follows:
- 6 (1) A new community water system for which no domestic water supply  
 7 permits have been previously issued by the department shall pay an  
 application fee of five hundred dollars (\$500).
- 8 (2) A new noncommunity water system for which no domestic water supply  
 9 permits have been previously issued by the department shall pay an  
 application fee of three hundred dollars (\$300).

10 **CHSC Code section 116655 states in relevant part:**

- 11
- 12 (a) Whenever the department determines that any person has violated or is violating  
 13 this chapter, or any permit, regulation, or standard issued or adopted pursuant to  
 this chapter, the director may issue an order doing any of the following:
- 14 (1) Directing compliance forthwith.
- 15 (2) Directing compliance in accordance with a time schedule set by the  
 16 department.
- (3) Directing that appropriate preventive action be taken in the case of a  
 threatened violation.
- 17 (b) An order issued pursuant to this section may include, but shall not be limited to,  
 any or all of the following requirements:
- 18 (1) That the existing plant, works, or system be repaired, altered, or added to.
- 19 (2) That purification or treatment works be installed.
- 20 (3) That the source of the water supply be changed.
- 21 (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or  
 water supply be submitted to the department.

22 **STATEMENT OF FACTS**

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25 The Water System is an existing public water system, as defined by CHSC Section

26 116275(h) that is unpermitted. The Water System's services are provided in the Shaver

27 Lake area of California and include sixteen cabins assigned to shareholders of Rock

1 Haven, Inc. and one cabin occupied by an onsite caretaker. Rock Haven, Inc. is an active  
 2 California corporation registered with the Secretary of State. The Department understands  
 3 that the Water System utilizes spring sources as the source of domestic water supply and  
 4 routinely applies ozonation treatment of the raw spring water.

5  
 6  
 7 The Department became aware of the Water System when a consultant representing a  
 8 shareholder reported to the Department a potential case of giardiasis originating from the  
 9 water supplied by the Water System. A 2012 calendar year population survey, conducted  
 10 jointly by Rock Haven, Inc. and the Department, provided evidence that the Water System  
 11 satisfies the statutory definition of a public water system. Specifically, the survey showed  
 12 that the Water System regularly serves at least 25 individuals daily at least 60 days out of  
 13 the year. A summary of the survey results is presented in the table below.

14  
 15 **Table 1: 2012 Calendar Year Population Survey**  
**Days with 25 or More Individuals Reported**

16

Date	Pop.	Date	Pop.	Date	Pop.	Date	Pop.	Date	Pop.
1/01	28	6/22	42	7/8	28	8/3	25	9/3	43
1/27	28	6/23	38	7/13	31	8/4	27	9/14	25
1/28	28	6/24	36	7/14	49	8/5	27	9/15	30
1/29	28	6/29	27	7/15	33	8/8	25	9/16	29
2/18	26	6/30	31	7/21	25	8/9	30	11/22	26
2/19	26	7/1	35	7/27	29	8/10	48	11/23	25
5/25	41	7/2	33	7/28	49	8/11	52	11/24	43
5/26	74	7/3	35	7/29	48	8/12	49	11/25	28
5/27	95	7/4	47	7/30	27	8/13	26	12/26	32
5/28	70	7/5	41	7/31	27	8/18	32	12/27	39
6/16	37	7/6	40	8/1	28	9/1	53	12/28	37
6/17	31	7/7	48	8/2	26	9/2	56	12/29	29
								12/30	25

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 25  
 26 In letters from the Department dated April 11, 2013 and August 16, 2013, the Department  
 27 notified the Water System of the survey results and the requirements for a permit  
 application. The Department has determined that the Water System is a public water

1 system as it serves a population of at least 25 individuals, for more than 60 days of the  
2 year. Based upon the survey, the Water System thus meets the definition of a transient  
3 noncommunity water system. Alternatively, the Water System meets the definition of a  
4 community water system, as specified in CHSC Section 116275(i) in that it serves at least  
5 15 service connections that can be accessed year-round as residences.. The Water System  
6 has neither applied for, nor received, a permit.  
7

8  
9 **DETERMINATIONS**

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11 The Department has determined that Rock Haven, Inc. owns and operates the Water  
12 System, that the Water System is a public water system, and that the Water System is  
13 operating without a permit. Rock Haven, Inc. is in violation of CHSC Section 116525(a)  
14 and Section 116570(a).  
15

16  
17 **DIRECTIVES**

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19 Rock Haven, Inc. is hereby directed to take the following actions:  
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- 21  
22 1. At all times subsequent to this Compliance Order, comply with all statutory and  
23 regulatory requirements pertaining to the ownership and operation of a public water  
24 system, including but not limited to: submittal of an application to obtain a permit  
25 for the public water system serving the Rock Haven, Inc. property in Shaver Lake,  
26 CA.  
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2. On or before **February 28, 2014**, submit the following to the Department: a completed permit application (Attachment A) and the permit application fee required by CHSC Section 116570 for a new public water system. Additionally, the following are required for the Department to deem the permit application complete.

- (a) Technical Report, including
  - i. System Information Sheet
  - ii. Administrative Programs Data Sheet
  - iii. Source Data Sheet
  - iv. Distribution Data Sheet
  - v. Reservoir Data Sheet
  - vi. Disinfection Data Sheet
  - vii. Filter Plant Data Sheet
- (b) Source Site Plan
- (c) Source Water Assessment
- (d) Emergency Disinfection Plan
- (e) Emergency Notification Plan

The Director reserves the right to make such modifications to this Compliance Order as he may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Compliance Order, and shall be deemed effective upon issuance.

Nothing in this Compliance Order relieves Rock Haven, Inc. of its obligation to meet the requirements of the California Safe Drinking Water Act, or any regulation, permit, standard, or order issued or adopted thereunder.

1 All submittals required by this Compliance Order shall be submitted to:

2 Betsy Lichti, P.E.  
3 Fresno District Engineer  
4 Division of Drinking Water and Environmental Management  
5 California Department of Public Health  
6 265 W. Bullard Avenue, Suite 101  
7 Fresno, CA 93704

8  
9 **PARTIES BOUND**

10 This Compliance Order shall apply to and be binding upon Rock Haven, Inc., its officers,  
11 directors, shareholders, agents, employees, contractors, successors, and assignees.

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13 **SEVERABILITY**

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15 The Directives of this Compliance Order are severable, and Rock Haven, Inc. shall comply  
16 with each and every provision thereof, notwithstanding the effectiveness of any other  
17 provision.

18  
19 **FURTHER ENFORCEMENT ACTION**

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21  
22 Division 104, Part 12, Chapter 4 (commencing with Section 116270) of the California  
23 Health and Safety Code authorizes the Department to take enforcement actions, which  
24 include, but are not limited to: issuing citation with assessment of penalties to a public  
25 water system that continues to fail to correct a violation identified in a citation or  
26 compliance order and petitioning the court to take various enforcement measures against  
27 any person that operates a public water system without an unrevoked permit to do so or

1 that violates an order of the Department. Neither the Director nor the Department waives  
2 any further enforcement action with the issuance of this Compliance Order.  
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8

9 1-22-2014

10 Date



Ron Chapman, MD, MPH  
Director,  
CALIFORNIA STATE DEPARTMENT OF  
PUBLIC HEALTH  
BY: Carl L. Carlucci, P.E.  
Supervising Sanitary Engineer  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

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16 Attachments:

Attachment A: Domestic Water Supply Permit Application Form



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**STATE OF CALIFORNIA**  
**APPLICATION**  
**FOR**  
**DOMESTIC WATER SUPPLY PERMIT**  
**FROM**

Applicant: \_\_\_\_\_  
 (Enter the name of legal owner, person(s) or organization)

Address: \_\_\_\_\_

System Name: \_\_\_\_\_

System Number: \_\_\_\_\_

TO: Department of Public Health  
 Southern California Branch  
 Drinking Water Field Operations  
 Fresno District Office  
 265 W. Bullard Avenue, Suite 101  
 Fresno, California, 93704



Pursuant and subject to the requirements of the California Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 7, Section 116525, relating to domestic water supply permits, application is hereby made for a domestic water

supply permit to operate \_\_\_\_\_  
 (Applicant should state the type of system, e.g., community,

transient-noncommunity, or nontransient-noncommunity, and the proposed area of services. This application will also be used

for a change in ownership application.

I (We) declare under penalty of perjury that the statements on this application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Dated: \_\_\_\_\_