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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:        **Lucky 18 on Rosamond, LLC**  
                  Water System No. 1500571

TO:            Danny Doustan, Owner  
                  Nahatel, LLC  
                  65 Dianas Trail  
                  Roslyn, NY 11576

**BY CERTIFIED MAIL**

**CITATION FOR NONCOMPLIANCE – Water System No. 1500571  
Bacteriological Monitoring and Reporting Violations - July and August 2013  
Citation No. 03-19-13C-050**

**Issued on September 12, 2013**

Section 116650, Chapter four (4) of the California Health and Safety Code (CHSC), authorizes the issuance of a Citation for failure to comply with a requirement of any section of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

**VIOLATION**

The Drinking Water Field Operations Branch of the Department of Public Health (hereinafter “Department”) hereby issues a Citation to the Lucky 18 on Rosamond, LLC Water System (hereinafter “Water System”) for failure to comply with Section 116555(a) of the CHSC and Sections 64423(a)(1) and 64423.1(c) of Title 22, California Code of Regulations (CCR). **Specifically, the Water System failed to comply with the bacteriological monitoring and reporting regulations for the months of July and August of 2013.**



1 Section 64423(a)(1) states that the minimum number of routine bacteriological  
2 samples for community water systems using groundwater and serving 1,000 or fewer  
3 persons a month shall be one (1) in each calendar month during which the system  
4 provides water to the public. Section 64423.1(c) states that the water supplier shall  
5 require the laboratory to report directly to the Department, all analytical results of all  
6 required bacteriological samples collected for a system in a calendar month, no later  
7 than the tenth day of the following month. The Water System is required to collect a  
8 minimum of one (1) routine distribution system bacteriological sample per calendar  
9 month in accordance with an approved Bacteriological Sample Siting Plan. The Water  
10 System's current BSSP on file is dated April 20, 1991, and is outdated. In accordance  
11 with Section 64424(c) of Title 22, CCR, the Water System shall submit an updated  
12 BSSP to the Department at least once every ten years and any time the BSSP no longer  
13 ensures representative monitoring of the distribution system. **A review of the**  
14 **Department's records indicates that the Water System did not collect any routine**  
15 **bacteriological distribution system samples during the months of July and**  
16 **August 2013.**

17 The above violation is classified as a non-continuing violation.  
18

### 19 BACKGROUND

20 The Water System is classified as a community water system and serves a population  
21 of approximately 73 through 60 active service connections. The Water System  
22 operates under the authority of a domestic water supply permit (No. 03-12-095P-047)  
23 issued on December 19, 1995, by the Department of Health Services, now known as  
24 California Department of Public Health. Due to change of ownership of the Water  
25 System, the Water System's new owner is required to submit a permit application for  
26 change of ownership and obtain a new domestic water supply permit from the  
27 Department.



1  
2 On July 2, 2013, the Department sent a letter to the Water System and directed the  
3 Water System's new owner (Danny Doustan, Nahatel, LLC) to submit a permit  
4 application within 60 days of the letter. The permit application was due on September  
5 2, 2013. As of writing of this citation, the Water System has not submitted a permit  
6 application to the Department, and must submit one by **September 30, 2013**.

7 The system number noted above (1500571) is assigned to the Water System and  
8 should be used on all future correspondence or on any water quality monitoring  
9 sampling results. Routine bacteriological samples are to be collected from the  
10 distribution system for compliance purposes and not from the Water System's well(s).  
11 Please find attached the Department's guidance document for bacteriological  
12 monitoring requirements for small water systems (**Attachment A**) for your review.

#### 13 14 NOTIFICATION REQUIREMENTS

15 The above-mentioned violations of Sections 64423.1(c) and 64423.1(c)(2) of Title 22,  
16 CCR are considered monitoring and reporting (M&R) violations and requires issuing  
17 public notification to the persons served by the Water System. You are required to  
18 notify the persons served via Tier 2 public notification in accordance with the Section  
19 64463.4(a)(2) of Title 22, CCR.

20  
21 **Attachment B** is a copy of the public notice that is to be distributed to customers of  
22 the Water System and posted at conspicuous locations within service area of the Water  
23 System by **September 20, 2013**.

24 The Water System shall complete **Attachment C** (Proof of Notification) and return it  
25 to the Department (along with a signed copy of Attachment B) within 10 days of  
26 providing public notification and no later than **September 30, 2013**.  
27



**DIRECTIVES**

1  
2 The **Lucky 18 on Rosamond, LLC** Water System is hereby directed to take the  
3 following actions:

- 4
- 5 1. Cease and Desist from failing to comply with Section 116555(a) of the  
6 California Health and Safety Code (CHSC) and Section 64423(a)(1) and  
7 64423.1(c) of Title 22, California Code of Regulations (CCR).
  
  - 8 2. In the future, the Water System shall collect at least one (1) routine  
9 bacteriological sample per month in accordance with the Water System's  
10 approved Bacteriological Sample Siting Plan. Pursuant to CCR, Section 64423  
11 (a)(1), the Water System shall maintain the required bacteriological monitoring  
12 program by collection of one (1) sample in each calendar month and shall  
13 report the results to the Department at the aforementioned address no later than  
14 the tenth day of the following month. **The next bacteriological sample shall**  
15 **be collected during the month of September 2013 and copies of the results**  
16 **shall be submitted to the Department by October 10, 2013.**
  
  - 17 3. By **September 20, 2013**, notify customers of the Water System of the failure to  
18 maintain the required bacteriological monitoring and reporting requirements in  
19 conformance with Sections 64423(a)(1) and 64423.1(c) of Title 22, CCR. The  
20 procedures and notification format to be used have been specified herein.
  
  - 21 4. Signed copy of the public notice (**Attachment B**) and Proof of Notification  
22 (**Attachment C**) shall be submitted to the Department no later than **September**  
23 **30, 2013.**
  
  - 24 5. By September 30, 2013, the Water System shall submit a BSSP to the  
25 Department for review and approval.  
26  
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1 6. By **September 30, 2013**, the Water System shall submit the change of  
2 ownership permit application (for domestic water supply) to the Department.  
3 The application shall include the fee of \$155.00 (payable to the California  
4 Department of Public Health in the form of a check) and other necessary  
5 enclosures, as discussed in detail in the Department's letter dated July 2, 2013.

6  
7 7. Any document requested by the citation shall be submitted to the following  
8 address:

9 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer  
10 Department of Public Health  
11 Southern California Branch  
12 4925 Commerce Drive, Suite 120  
13 Bakersfield, CA 93309

14  
15 Phone: (661) 335-7315  
16 Fax: (661) 335-7316

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**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; 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 orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.



**PARTIES BOUND**

This citation shall apply to and be binding upon **Lucky 18 on Rosamond, LLC Water System**, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

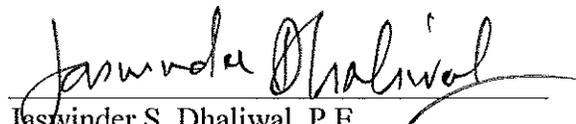
The directives of this citation are severable, and **Lucky 18 on Rosamond, LLC Water System** shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Sep. 12, 2013  
Date

  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

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**Attachments**

- Attachment A: Bacteriological Monitoring Requirements
- Attachment B: Public Notice of Bacteriological Monitoring Failure
- Attachment C: Proof of Notification

cc: Kern County Environmental Health Services Department (w/o attachments)  
Dan Sackett, skOO'kum h<sub>2</sub>o Monitoring, Inc. (via email)

JSD/ak



## **Attachment A**



RON CHAPMAN, MD, MPH  
Director & State Health Officer

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



EDMUND G. BROWN JR.  
Governor

**Attachment A**  
**BACTERIOLOGICAL MONITORING REQUIREMENTS**  
**For Small Water Systems**

**1. Minimum Monitoring Frequency**

In General the Minimum Monitoring Frequency is as follows:

<u>Monthly Population Served</u>	<u>Service Connections</u>	<u>Minimum Frequency</u>
25 to 1,000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
Community Water System		1 per month
Nontransient Noncommunity		1 per month
Transient Noncommunity (groundwater)		1 per quarter
Transient Noncommunity (surface water)		1 per month

Increased monitoring frequency may be required if there is more than one pressure zone in the distribution system or multiple sources or storage reservoirs. If your system is providing continuous chlorination treatment, closely review Item 6 below.

Increased monitoring frequency may also be required for a noncommunity system. If the average daily number of people served by a noncommunity system exceeds 1,000, then the system monitors according to Table 64423-A, Section 64423, Title 22, California Code of Regulations, as a minimum.

**2. Routine and Repeat Sampling**

All **routine samples** should be collected from the distribution system (not from the well) at locations specified in an approved Bacteriological Sample Siting Plan. If such a plan has not been prepared for your water system, contact the Department for assistance.

### **3. Repeat Monitoring After a Coliform-Positive Sample**

**Notification of a Coliform-Positive Sample** - The water system shall require the laboratory to notify the system within 24 hours if any sample is coliform-positive. The water system must collect a repeat sample set within 24 hours of notification of the coliform-positive sample. **If the sample is fecal coliform or E. Coli positive, the water system should contact the Department immediately.**

**Repeat Sampling** - *For systems collecting only one sample per month or quarter*, a repeat sample set shall consist of four (4) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) from the upstream repeat sample site, one (1) from the downstream repeat sample site and one (1) from the operating well or another location within the system that would best help to identify the source or area of contamination. *For systems collecting more than only one sample per month*, a repeat sample set shall consist of three (3) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) from the upstream repeat sample site, and one (1) from the downstream repeat sample site.

The repeat sample sites shall be located within five service connections upstream and downstream of the routine site as identified in the Bacteriological Sample Siting Plan. At least one repeat sample shall be collected from upstream and one from downstream unless there is no upstream or downstream service connection. Contact the Department as soon as the results of the repeat samples are obtained.

The following criteria should be considered when determining where to collect the fourth repeat sample:

- For systems with only one active well and do not provide continuous chlorination, the sample may be collected at the wellhead.
- For systems with more than one active well, it may not be possible to determine which well was serving the area where the positive routine sample was collected. For these systems, the fourth repeat sample should be collected at a storage tank or another point in the distribution system.
- For systems providing continuous chlorination, the system should already be conducting raw-water bacteriological monitoring at a point ahead of chlorination on at least a quarterly basis. These samples should be used to determine if the source of bacteriological contamination is from the well itself. For these systems, the fourth repeat sample should be collected at a storage tank or another point in the distribution system.
- Contact the Department for assistance.

If any of the above criteria would result in a change or revision to your existing bacteriological sample-siting plan, you must first submit a revised plan to our office for review and approval before implementing any such change or revision.

Any additional samples collected from the well(s) for investigative purposes (*not part of the repeat sample set*) should be labeled as "special" samples (or "other" samples), and will not be counted towards compliance with the monthly total coliform water quality standards.

**Sampling the Month Following a Coliform-Positive Sample** - If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. These samples can be collected on the same day from five different routine sites or from the same routine sites at 15 minute intervals (if fewer than five sites are available). If all five samples are negative for total coliform, the water system may return to the normal sampling frequency during the next sampling period.

#### **4. Determining Compliance with the Coliform Standard**

A public water system will fail the coliform maximum contaminant level (MCL) if: For a public water which collects fewer than 40 samples per month, at least two samples collected in the same month are coliform-positive. When this occurs, the water system representative shall contact the Department immediately (within 24-hours or the next business day if the office is closed). The water system will be required to conduct public notification and will be provided with an approved notification to be used. Public notification shall be conducted by direct mail, hand delivery or posting (where approved).

#### **5. Monthly Reporting of Coliform Monitoring Results**

The analytical results of all coliform monitoring shall be reported to the Department by the 10th day of the month following sample collection. The water system can request the laboratory to provide the results to the Department; however, the water system is ultimately responsible to ensure that the sample results were received. If the water delivered to your water system is provided with a disinfection treatment, the chlorine residual should be measured and reported at the same time and location(s) that the bacteriological sample(s) are collected. This residual must be provided to the Department on the laboratory analysis report at this time. Beginning January 1, 2004, EPA's Disinfectant/Disinfection By-Product (D/DBP) Rule will require this reporting to our Department.

#### **6. Bacteriological Monitoring of Wells (for systems chlorinating)**

Water systems that are routinely chlorinating the water supply are required to sample the raw well water for coliform bacteria. Initially, a minimum of six consecutive monthly samples must be collected from the well discharge. The samples must be collected at a location ahead of chlorination. After six consecutive monthly samples do not show the presence of coliform bacteria, the water system may request a reduction in sampling to one sample per quarter. The laboratory should be instructed to determine the most probable number of coliform (MPN) for well samples. The results of all samples shall be submitted to the Department.

## **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.**

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### Lucky 18 on Rosamond, LLC Water System

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Our water system recently violated monthly monitoring and reporting requirements for the primary drinking water standard for total coliform bacteria. The Lucky 18 on Rosamond, LLC Water System failed to conduct the required bacteriological monitoring during the months of July and August of 2013 and as a result may not have met the drinking water quality standards specified in the California Domestic Water Quality and Monitoring Regulations. Laboratory results of analysis of bacteriological water samples were not reported to the California Department of Public Health (Department) as required for the above-cited months.

#### **What does this mean?**

The Department establishes water quality monitoring and reporting requirements to determine that the drinking water served by public water systems is free of harmful bacteria. When a water system fails to conduct the required monitoring, there is no assurance that the water is free of harmful bacteria.

Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.*

#### ***What happened? What is being done?***

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever coliform bacteria are detected in any sample, follow-up testing is done to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. These are the bacteria that would have been detected, if present, by the required monitoring. The Department has set an enforceable drinking water quality-monitoring requirement, based on population served, to reduce the risk of adverse health effects by detecting the presence of these organisms. Systems that collect fewer than the required number of samples each month/quarter are in violation of this requirement.

We failed to collect routine monthly bacteriological samples during July and August of 2013 because our contract with our sampling service was not renewed. Effective September 2013, we have signed a contract with skOO'kum h2O Monitoring Inc., to ensure monthly bacteriological sampling.

For more information, please contact Danny Doustan, Owner of Lucky 18 on Rosamond, LLC Water System at (516) 526-2692 or California Department of Public Health, Tehachapi District 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.*

This notice is being sent to you by the Lucky 18 on Rosamond, LLC Water System in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

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

\_\_\_\_\_  
Danny Doustan, Owner  
Lucky 18 on Rosamond, LLC Water System - 1500571

## **Attachment C**

**PROOF OF NOTIFICATION**  
**(Return with a copy of the Public Notice)**

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Lucky 18 on Rosamond, LLC Water System** of the failure to collect a bacteriological sample for the months of **July and August of 2013** as directed by the Department.

Notification was made on \_\_\_\_\_  
(date)

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

The notice was distributed by mail or direct delivery to each customer served by the water system. Specify other direct delivery method(s) used: \_\_\_\_\_

At least one or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). \_\_\_\_\_

Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

Posted the notice on the Internet at www. \_\_\_\_\_

Other method used to notify customers. \_\_\_\_\_

**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 for each day that 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.

Certified by Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Due to CA Dept. of Public Health within 10 days of notification to the public, and no later than Sept. 30, 2013  
Enforcement Action No.: 03-19-13E-050