



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

December 3, 2020

System No. 3700924

Board of Directors
Lake Morena Views Mutual Water Company
P.O. Box 396
Campo, CA 91906

**COMPLIANCE ORDER NO. 05_14_20R_001
NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION,
FAILURE TO COMPLY WITH DOMESTIC WATER SUPPLY PERMIT PROVISIONS &
CERTIFIED OPERATOR REQUIREMENTS,
FAILURE TO SUBMIT THE 2019 ELECTRONIC ANNUAL REPORT**

Enclosed is Compliance Order No. 05_14_20R_001 (hereinafter "Order"), issued to Lake Morena Views Mutual Water Company (hereinafter "LMVMWC"), public water system. Please note there are legally enforceable deadlines associated with this Order.

LMVMWC will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. 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 an order. At this time, the State Water Board has spent approximately 24 hours on enforcement activities associated with this violation.

LMVMWC 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 LMVMWC 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.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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 Bill DiBiase or myself at (619) 525-4159.

Sincerely,

Sean Sterchi, P.E.
District Engineer

Enclosure: Compliance Order No. 05_14_20R_001

Certified Mail No. 7018 1830 0001 8694 9221

cc: Wellman Simmonds, Administrative Contact, Lake Morena Views Mutual Water Company (via email)
Raymond Leon, Contract Operator (via email)
Linda Turkatte, County of San Diego, Department of Environmental Health, Deputy Director (via email)

2 STATE OF CALIFORNIA
3 STATE WATER RESOURCES CONTROL BOARD
4 DIVISION OF DRINKING WATER

5 **Name of Public Water System:** Lake Morena Views Mutual Water Company

6 **Water System No:** 3700924

7 **Attention:** Board of Directors
8 Lake Morena Views Mutual Water Company
9 P.O. Box 396
10 Campo, CA 91906

11 **Issued:** December 3, 2020

12 **COMPLIANCE ORDER FOR NONCOMPLIANCE**

13 **Violation A: CALIFORNIA HEALTH AND SAFETY CODE (CHSC), SECTION 116555**
14 **AND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 22, SECTION 64431**
15 **NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**

16 **[2nd, 3rd, 4th Quarter 2020]**

17 **Violation B: CCR, TITLE 22, SECTION 64469 REPORTING REQUIREMENTS AND**
18 **PERMIT CONDITION NO. 23 OF DOMESTIC WATER SUPPLY PERMIT NO.**
19 **DEH2002-LSDWS-380924**

20 **RECORDS, REPORTING AND RECORDKEEPING VIOLATION**

21 **JUNE 2020 MONITORING RESULTS**

1 **Violation C: CCR, TITLE 22, SECTION 64556(a)(4), AND CHSC, DIVISION 104,**
2 **PART 12, CHAPTER 4, ARTICLE 7, SECTION 116550, AND PERMIT CONDITION**
3 **NO. 5 OF DOMESTIC WATER SUPPLY PERMIT NO. DEH2002-LSDWS-380924**
4 **FAILURE TO SUBMIT APPLICATION FOR PERMIT AMENDMENT**

5 **Violation D: CHSC, DIVISION 104, PART 12 CHAPTER 4, ARTICLE 7, SEC. 116530**
6 **FAILURE TO SUBMIT 2019 ANNUAL REPORT**

7 **Violation E: CCR, TITLE 22, SECTION 63770 AND CHSC, DIVISION 104, PART 12,**
8 **CHAPTER 4, ARTICLE 7, SECTION 116555 AND PERMIT CONDITION NO. 8 OF**
9 **DOMESTIC WATER SUPPLY PERMIT NO. DEH2002-LSDWS-380924**
10 **CERTIFIED OPERATOR VIOLATION**

11 **Violation F: CCR, TITLE 22, SECTION 64590**
12 **DIRECT ADDITIVES VIOLATION**

13 The California Health and Safety Code (hereinafter "CHSC"), Section 116655
14 authorizes the State Water Resources Control Board (hereinafter "State Water Board"),
15 to issue a compliance order to a public water system when the State Water Board
16 determines that the public water system has violated or is violating the California Safe
17 Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12,
18 Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or
19 order issued or adopted thereunder.

20 The State Water Board, acting by and through its Division of Drinking Water
21 (hereinafter "Division"), and the Deputy Director for the Division, hereby issues
22 Compliance Order No. 05_14_20R_001 (hereinafter "Order") pursuant to Section
23 116655 of the CHSC to the Lake Morena Views Mutual Water Company (hereinafter
24 "LMVMWC"), for violation of the following: CHSC, Section 116555(a)(1); California

1 Code of Regulations (hereinafter “CCR”), Title 22, Section 64431 - Maximum
2 Contaminant Levels (hereinafter “MCL”) – Inorganic Chemicals; CCR, Title 22, Section
3 64469 - Reporting Requirements; CCR, Title 22, Section 64556(a)(4) - Permit
4 Amendments; CHSC, Section 116530 - Technical Report ; CCR, Title 22, Section
5 63770 Distribution System Staff Certification Requirements; CCR, Title 22, Section
6 64590 – Direct Additives.

7 **STATEMENT OF FACTS**

8 LMVMWC is classified as a community public water system with a population of 360,
9 serving 120 connections. LMVMWC currently operates under Domestic Water Supply
10 Permit No. DEH2002-LSDWS-380924 issued by the County of San Diego, Department
11 of Environmental Health (DEH) on June 27, 2018. Effective May 1, 2020, regulatory
12 oversight was transferred from DEH to the Division. LMVMWC has three active
13 groundwater Wells 1, 2, and 3 and one standby groundwater Well 5 to supply potable
14 water to the distribution system.

15 Failure of the Nitrate MCL & EDT Reporting (Violations A & B):

16 In December 2019, according to Division records from DEH, LMVMWC replaced its
17 aging ISEP ion exchange nitrate removal treatment plant with a new Purolite ion
18 exchange treatment plant. The Purolite treatment plant is intended to be an interim
19 solution to provide safe drinking water while LMVMWC is working on consolidating with
20 Lake Morena Oaks Shores Mutual Water Company (LMOSMWC) as the long-term
21 solution. However, LMVMWC has not yet submitted to the Division a permit
22 amendment application and required permitting documents, such as a preliminary
23 engineering report, treatment operations plan, and environmental documents for the
24 new Purolite treatment plant, nor has it conducted a pilot study. As a result, the new
25 Purolite treatment plant remains unpermitted and not operational at the time of this
26 Compliance Order.

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

6 CCR, Title 22, Section 64431 Maximum Contaminant Levels – Inorganic Chemicals
7 states that public water systems must comply with the primary MCLs established in
8 table 64431-A. The MCL for Nitrate (as Nitrogen) is 10. milligrams per liter (hereinafter
9 “mg/L”).

10 CCR, Title 22, Sections 64469(a) and 64469(c) state that analytical results of all
11 sample analyses must be reported electronically to the Division by the 10th day of the
12 month following when analysis was completed.

13 Table 1 summarizes LMVMWC’s most recent nitrate monitoring results for its active
14 wells, if public notification in conformance with CCR, Title 22, Sections 64463.4 and
15 64465 was issued, and if the analytical results were submitted to the Division via
16 Electronic Data Transfer (EDT) in conformance with CCR, Title 22, Sections 64469(a)
17 and 64469(c).

Table 1 – Recent Nitrate Sample Results for Active Wells 1, 2, and 3

| Sample Date | Well 1 (mg/L) | Well 2 (mg/L) | Well 3 (mg/L) | Public Notice Issued? | EDT on time? |
|-------------|---------------|---------------|---------------|-----------------------|------------------|
| 10/12/2020 | Not sampled | Not sampled | Not sampled | No – Not sampled | No – Not sampled |
| 06/18/2020 | 35.4* | 9.66 | 26.1* | No | No |
| 07/21/2020 | 34.5* | 8.79 | 28.9* | Yes, 08/19/2020 | Yes |
| 08/24/2020 | 34.2 | .02 | 27.4* | Yes, 10/02/2020 | Yes |
| 09/14/2020 | 30.9 | 11.1* | 26.1* | Yes 10/02/2020 | Yes |
| 10/12/2020 | 32.6 | 12* | 25.8* | Yes 10/19/2020 | Yes |

* Exceeds the Nitrate MCL (as Nitrogen)

For the month of May 2020, LMVMWC did not conduct nitrate monitoring for the active Wells 1, 2, and 3.

On June 18, 2020, LMVMWC collected nitrate samples at active Wells 1, 2, 3, and also at standby Well 5. The nitrate concentration analysis results were reported as follows: Well 1 = 35.4 mg/L, Well 2 = 9.66 mg/L, Well 3 = 26.1 mg/L. Notification to the public of the nitrate violation for the sample results for Wells 1 and 3 was not conducted by LMVMWC in conformance with CCR, Title 22, Sections 64463.4 and 64465. LMVMWC collected nitrate samples on June 18, 2020 for standby Well 5, and the result was 21.6 mg/L. Well 5's most recent nitrate monitoring result is summarized in Table 2. Well 5 has not been in use but must be monitored annually at a minimum due to its status as a standby/emergency source.

Table 2 – Recent Nitrate Sample Result for Standby Well 5

| Sample Date | Well 5 (mg/L) | Public Notice Issued? | EDT? |
|-------------|---------------|------------------------------------|------|
| 06/18/2020 | 21.6* | No – Well 5 not in use at the time | No |

* Exceeds the Nitrate MCL (as Nitrogen)

1 LMVMWC failed to ensure that nitrate analytical results for the samples taken from
2 Well 1, 2, 3 and 5 on June 18, 2020 were sent from the laboratory to the Division via
3 EDT in accordance with CCR, Title 22, Sections 64469(a) and 64469(c) and as
4 required by Permit Condition No. 23 of the June 27, 2018 Domestic Water Supply
5 Permit. On August 28, 2020, by a telephone call the Division confirmed with the
6 Enviromatrix laboratory that the June 18, 2020 samples were not sent via EDT on time,
7 and subsequently the laboratory uploaded the June 18, 2020 samples on August 28,
8 2020 and submitted verification to the Division via email.

9 On July 21, 2020, LMVMWC collected nitrate samples at active Wells 1, 2, and 3. The
10 nitrate concentration analysis results were reported as follows: Well 1 = 34.5 mg/L,
11 Well 2 = 8.79 mg/L, Well 3 = 28.9 mg/L. Notification to the public of the nitrate violation
12 for the sample results for Wells 1 and 3 was performed by LMVMWC on August 19,
13 2020 in conformance with CCR, Title 22, Sections 64463.4 and 64465.

14 On September 17, 2019, DEH issued LMVMWC a Do Not Drink Notice that would
15 remain in effect until nitrate levels are confirmed to be below the safe drinking water
16 standard; a copy of the Do Not Drink Notice is included in Appendix 5. LMVMWC has a
17 history of sampling for nitrate at an irregular frequency and has not been able to
18 reliably and consistently provide potable water that meets drinking water standards. On
19 November 2, 2019, LMVMWC signed Board Resolution No. 2019-1015a to pursue
20 consolidation with Lake Morena Oak Shores Mutual Water Company (LMOSMWC,
21 Water System No. 3700923) as the solution to return to compliance, a copy is included
22 in Appendix 6. On August 17, 2020, the Technical Assistance Work Plan No. 6048-A
23 Agreement No. D16-12806 was signed and executed by the State Water Board,
24 Division of Financial Assistance and University Enterprises, Inc to fund a planning
25 study for the consolidation of LMVMWC and LMOSMWC through the Proposition 1
26 Technical Assistance Program.

1 Failure to Comply with Permit Ammendments, Operator Certification & Direct Additives
2 (Violations C, E, & F):

3 Domestic Water Supply Permit No. DEH2002-LSDWS-380924, Permit Provision No.
4 12 states that “the water system is approved to operate an ion exchange system (ISEP
5 system) for the purpose of reducing nitrate concentrations from the groundwater.”
6 Provision No. 5 states that no changes, additions, or modifications shall be made to the
7 sources or treatment identified in the permit, unless LMVMWC has first submitted a
8 permit amendment application to and received approval from the regulatory agency. At
9 the time of this Compliance Order, LMVMWC has not submitted a permit amendment
10 application or received approval for the new replacement Purolite treatment plant.

11 CCR, Title 22, Section 644556(a)(4) requires water suppliers to submit an application
12 for an amended domestic water supply permit prior to any addition or change in
13 treatment.

14 CCR, Title 22, Section 64591 prohibits water suppliers from adding chemicals or
15 products unless the chemical or product is certified as meeting the specifications of
16 NSF International/American National Standard Institute (NSF/ANSI 60-2005 (Drinking
17 Water Treatment Chemicals – Health Effects).

18 CHSC, Section 116555 requires all community and nontransient noncommunity water
19 systems to employ or utilize only water distribution operators that have been certified
20 by the Division at the appropriate grade for positions in responsible charge of the
21 distribution system; and to place the direct supervision of the water system, including
22 water treatment plants, water distribution systems, or both under the responsible
23 charge of an operator or operators holding a valid certification equal to or greater than
24 the classification of the treatment plant and the distribution system. Pursuant to
25 Domestic Water Supply Permit No. DEH2002-LSDWS-380924, Permit Provision No. 8
26 and CCR, Title 22, Section 64413.3, the distribution system of LMVMWC is classified

1 as a D1 class, and LMVMWC requires a minimum D1 certified operator for the
2 operation of the water system.

3 CCR, Title 22, Section 64413.7 requires each water supplier to “designate at least one
4 chief operator that meets the requirements specified in section 63770 for each
5 distribution system utilized by the water system” and “at least one shift operator that
6 meets the requirements specified in section 63770 for each distribution system utilized
7 by the water system for each operating shift.” This section also requires the chief
8 operator or shift operator to be on-site or able to be contacted within one hour.

9 CCR, Title 22, Section 63770 states that water systems shall utilize certified distribution
10 operators or certified treatment operators to make decisions regarding certain
11 operational activities. CCR, Title 22, Section 64413.1 states the classification criteria of
12 water treatment facilities. CCR, Title 22, Section 63765 states the minimum certification
13 requirements for certified chief and shift treatment operators.

14 On June 10, 2020, Mr. Rex Peters, an employee of LMVMWC at the time and is not a
15 certified operator, activated the unpermitted Purolite treatment plant, which discharged
16 treatment plant effluent water into the distribution system. The events are as follows:

- 17 • 12:05 pm: Ms. Julianna Meeks of SUSP, the certified chief operator, notified the
18 Division via email that she did a site visit that same day and noticed that the
19 Purolite treatment plant was online. She had asked Mr. Wellman Simmonds, the
20 administrative contact, if the treatment plant was feeding into the system, and he
21 said “Yes” twice that the treatment plant effluent was going into the distribution
22 system and not to waste.
- 23 • 12:25 pm: The Division requested that Ms. Meeks provide pictures from the site
24 visit that day.
- 25 • 12:47 pm: Ms. Meeks provided pictures via email, including those of the Purolite
26 treatment plant configuration and called the Division and stated that she

1 observed the flow meter was moving, indicating the treatment plant effluent
2 water was being pumped into the distribution system.

- 3 • 1:12 pm: The Division spoke with Mr. Simmonds, who confirmed that Mr. Peters
4 from LMVMWC had run the Purolite treatment plant into the distribution system
5 for approximately 3 hours and it should be off at the time of the phone call. He
6 explained LMVMWC wanted to test the performance of the plant and found that
7 the plant influent and effluent results were both 10.8 mg/L as N. He agreed not
8 to do it again and reiterated that it should be off now. Ms. Meeks, the chief
9 operator was no longer on site by this time to verify.
- 10 • 5:30 pm: Mr. Simmonds left a voicemail with the Division and said that Mr.
11 Peters had told him that the plant was not online. Mr. Simmonds did specifically
12 say that "Rex runs the plant during the day".
- 13 • 5:47 pm: The Division spoke with Mr. Simmonds and discussed that the valve
14 configuration from the picture taken by Ms. Meeks indicated that Purolite
15 treatment plant was in service and reiterated to have Mr. Peters refrain from
16 operating the system, as he is not a certified operator, and that LMVMWC must
17 wait until the Division issues a permit for the system before placing it into
18 service.

19 On June 19, 2020, the Division received information from Ms. Meeks that Mr. Peters had
20 turned the chlorinator off on June 18, 2020, counter to her direction. The events are as
21 follows:

- 22 • 2:39 pm: Ms. Meeks notified the Division that Well 2 (has not been in use) had a
23 total coliform result of 1 MPN/100 mL (*E. coli* was non-detect) and Well 3
24 (pumping at the time) had a total coliform result of 3.1 MPN/100 mL (*E. coli* was
25 non-detect) and asked for direction on follow-up action to take.
- 26 • 2:53 pm: The Division called Ms. Meeks to discuss the situation. Ms. Meeks
27 stated that the residual leaving the plant was measured to be 2.2 parts per

1 million (ppm) and in the distribution system chlorine residuals were measured at
2 three locations with the following results: 0.56, 0.66, and 0.92 ppm. Ms. Meeks
3 communicated to the Division that since SUSP became the contract operator for
4 LMVMWC, SUSP has been improving chlorination and operational practices.
5 For example, SUSP identified that the system was using non-NSF certified
6 sodium hypochlorite with 10% strength and switched out to NSF approved
7 sodium hypochlorite with 12.5% strength. Mr. Peters had been diluting the
8 sodium hypochlorite solution with approximately 4:1 and resulted in low chlorine
9 residuals. Counter to Ms. Meek's direction, Rex turned off the chlorinator on
10 June 18, 2020 without authorization.

- 11 • 3:30 pm: The Division directed Ms. Meeks via email to take confirmation
12 bacteriological samples at Wells 2 and 3, a minimum of one distribution sample,
13 and residual readings.
- 14 • 4:28pm: The Division emailed LMVMWC and reiterated that an LMVWMC
15 employee, not a certified operator, turned the chlorinator off, and this decision
16 was counter to the direction of the designated chief operator with SUSP, and
17 further exacerbated the Division's concerns regarding compliance with operator
18 certification requirements and operations of the water system. SUSP had been
19 attempting to increase the chlorine residual in the system over the last couple
20 days, and the coliform contamination of the wells indicate that there is stronger
21 need to keep the chlorinator operational.

22 On August 26, 2020, Mr. Simmonds, an employee of LMVMWC and uncertified operator,
23 attempting to make repairs to the check valve of the chlorinator, and Mr. Patrick Walsh,
24 LMVMWC's shift treatment operator, conducted batch chlorinating without authorization
25 from Ms. Meeks, LMVMWC's chief operator. The events are as follows:

1 August 26, 2020

- 2 • 5:15pm – The Division was informed that Mr. Simmonds was attempting to fix the
3 chlorinator’s check valve. The Division contacted Mr. Simmonds to confirm this
4 incident and asked if he had contacted Ms. Meeks to bring this issue to her
5 attention.
- 6 • 5:17pm – The Division had a phone call with Ms. Meeks, and she stated that Mr.
7 Simmonds had attempted to fix the chlorinator’s check valve and proposed to
8 reroute the post chlorination water line feeding the distribution system as a
9 solution to the check valve problem at the chlorine injector. Due to this issue, the
10 chlorinator was taken offline. She also shared that Mr. Patrick Walsh, LMVMWC’s
11 shift treatment operator with a T1 certification had been batch chlorinating
12 LMVMWC’s storage tank without her approval.

13 August 27, 2020

- 14 • 8:35am – The Division wrote to Mr. Simmonds summarizing the August 26, 2020
15 incident and reiterated that only the chief operator is to make decisions regarding
16 operations of the system and that when the chief operator gives direction, all
17 personnel must follow them.

18 August 29, 2020

- 19 • 9:00 am – The Division discussed with Mr. Simmonds and Mr. Walsh in person
20 regarding the batch chlorinating incident and Mr. Walsh confirmed that he had
21 batch chlorinated the storage tank without notifying or receiving approval from Ms.
22 Meeks. The Division reiterated that Ms. Meeks was LMVMWC’s chief operator on
23 record and responsible for the day to day operations of the system. Mr. Walsh
24 acknowledged that for future, he would communicate to the chief operator prior to
25 making any decisions regarding chlorination operations.

1 On August 29, 2020, at 10:12am, SUSP Executive Director Dan DeMoss notified the
2 Division about the immediate termination of SUSP contract operation services. On
3 August 31, 2020, at 10:47am, Mr. Simmonds of LMVMWC notified the Division that Mr.
4 Raymond Leon is the new certified chief operator for the water system and provided the
5 contract for contract operations between Mr. Leon and LMVMWC and also authorizing
6 Board Resolution to hire Mr. Leon.

7 Failure to Submit Annual Report to the Division by deadline (Violation D):

8 Pursuant to Section 116530 of the CHSC, LMVMWC must submit a technical report to
9 the Division when required by the Division. The Division has established a requirement
10 for public water systems to annually submit a technical report specifying contact and
11 operational information for the prior calendar year (hereinafter "Annual Report"). On
12 March 27, 2020, the Division sent to an email notification to all public water systems
13 that due to extenuating circumstances of COVID-19, the Annual Report for 2019
14 deadline was extended and for community water systems with fewer than 3,000
15 service connections, it was due to be submitted by August 1, 2020. The language from
16 the notice is included in Appendix 7. LMVMWC failed to submit the Annual Report by
17 August 1, 2020 and failed to submit the report after subsequent reminders sent on
18 August 6, 2020 and August 31,2020. The Annual Report for 2019 was submitted on
19 October 13, 2020 by the new certified operator, and after some revisions was accepted
20 by the Division on October 22, 2020. The water system did not have records indicating
21 the volume of water produced during 10 of the 12 months in 2019 which is a failure to
22 maintain adequate records.

23

DETERMINATION

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The Division has determined that LMVMWC has failed to comply with the following regulations and permit requirements:

Violation A: Primary drinking water standards pursuant to CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116555 and the nitrate MCL pursuant to CCR, Title 22, Section 64431 during the 2nd, 3rd, and 4th quarters of 2020.

Violation B: Analytical results reporting requirements pursuant to CCR, Title 22, Sections 64469(a) and 64469(c). The analytical results reporting requirements are also required by permit condition No. 23 of the Domestic Water Supply Permit No. DEH2002-LSDWS-380924.

Violation C: Failure to apply for and receive an approved Domestic Water Supply Permit Amendment prior to modifying the treatment system pursuant to CCR, Title 22, Section 64556(a)(4), and CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116550, and permit condition No. 5 of the Domestic Water Supply Permit No. DEH2002-LSDWS-380924.

Violation D: Failure to complete an Annual Report to the Drinking Water Program pursuant to CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116530.

Violation E: Failure to utilize only certified operators to make decisions addressing operational activities pursuant to CCR, Title 22, Section 63770 and CHSC, Division 104, Part 12, Chapter 4, Article 7, 116555 and permit condition No. 8 of the Domestic Water Supply Permit No. DEH2002-LSDWS-380924.

Violation F: Use of non-certified chemical disinfectant pursuant to CCR, Title 22, Section 64590.

1 The Division accepts LMVMWC's Return to Compliance (RTC) plan to pursue a
2 consolidation project with LMOSMWC and cease being a public water system as
3 outlined in the November 2, 2019, Board Resolution No. 2019-1015a, included in
4 Appendix 6.

5 **DIRECTIVES**

6 To ensure that the water supplied by LMVMWC is at all times safe, wholesome,
7 healthful, and potable, LMVMWC is hereby directed to take the following actions:

- 8 1. Complete the Proposition 1 Technical Assistance Work Plan No. 6048-A
9 Agreement No. D16-12806 (included as appendix 8) by November 1, 2021.
10 Complete a draft Consolidation Agreement (Deliverable 2d) by July 1, 2021.
- 11 2. Within 12 months of issuance of this compliance order comply with CCR, Title
12 22, Section 64431 – Maximum Contaminant Levels for Nitrate.
- 13 3. Submit Corrective Action Plan (CAP) within 45 days of issuance of this
14 compliance order. The CAP may include both interim and long-term solutions
15 and must include, at a minimum, a project schedule and proof of financing or
16 commitment to apply to the State Water Board for funds.
- 17 4. By **April 10, 2021** and every three months thereafter, submit a report to the
18 Division in the form provided as Appendix 3 showing actions taken during the
19 previous quarter (calendar three months) to comply with the CAP.
- 20 5. Public notification to the customers of LMVMWC must begin by **December 30,**
21 **2020** and continue to be included in the bi-monthly billing mailer until the
22 Division determines that the nitrate contamination is resolved. Public Notification
23 must be conducted in conformance with CCR, Title 22, Sections 64463.1 and

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64465. Appendix 1: Notification Template must be used to fulfill this Directive, unless otherwise approved by the Division.

- Public notification for new customers must be conducted in conformance with CCR, Title 22, Section 64463(e) where LMVMWC must give new customers a copy of the most recent public notice prior to or at any time service begins.

6. Complete Appendix 2: Certification of Completion of Notification Form. Submit it together with a copy of the public notification required by Directive 4 to the Division within 10 days following each public notification. The first Certification of Completion of Notification Form is due by **January 10, 2020**.

7. By **July 1, 2021**, notify all persons served by LMVMWC of all violations documented in this Compliance Order. Section 64463.7 allows LMVMWC to utilize the 2020 Consumer Confidence Report to meet the requirement of notification within a one-year period.

8. Monthly sampling for nitrate from Wells 1, 2, and 3 must begin upon issuance of this order and must continue monthly thereafter. The analytical result(s) of the sample(s) must be submitted electronically by the laboratory that conducts the analysis to the Division, using the DDW assigned PS-codes, no later than the tenth day of the month following completion of the analyses. All suitable PS-codes are listed in the table below for reference:

| PS Code | Sample Point |
|-------------|------------------------------------|
| 3700924-001 | Well 01 |
| 3700924-002 | Well 02 |
| 3700924-003 | Well 03 |
| 3700924-005 | Well 05 |
| 3700924-300 | Well Blend / Ion Exchange Influent |
| 3700924-301 | Ion Exchange Treatment Effluent |
| 3700924-302 | Chlorination Effluent |
| 3700924-303 | 100,000 Gallon Storage Reservoir |

1 9. Starting on December 10, 2020, and every month thereafter, LMVMWC must
2 record the monthly production of all wells, and submit a running report of the
3 monthly production for each source to the Division by the 10th day of the
4 following month

5 10. Notify the Division in writing no later than five (5) days prior to the deadline for
6 performance of any directive set forth herein if LMVMWC anticipates it will not
7 meet the deadline.

8 11. By **January 4, 2020**, complete and return to the Division the “Notification of
9 Receipt” form attached to this Order as Appendix 4. Completion of this form
10 confirms that LMVMWC has received this Order and understands that it
11 contains legally enforceable directives with due dates.

12 All submittals required by this Order, unless otherwise specified in the directives above,
13 must be electronically submitted to the Division at the following address. The subject
14 line for all electronic submittals corresponding to this Order must include the following
15 information: Water System name and number, compliance order number and title of
16 the document being submitted (LMVMWC-3700924-05-14-20R-001-[document title]).

17 Sean Sterchi, P.E., San Diego District Engineer

18 DDWSanDiego@Waterboards.ca.gov

1 The Division reserves the right to make modifications to this Order as it may deem
2 necessary to protect public health and safety. Such modifications may be issued as
3 amendments to this Order and will be effective upon issuance.

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

8 **PARTIES BOUND**

9 This Order applies to and is binding upon LMVMWC, its owners, shareholders, officers,
10 directors, agents, employees, contractors, successors, and assignees.

11 **SEVERABILITY**

12 The directives of this Order are severable, and LMVMWC must comply with each and
13 every provision thereof notwithstanding the effectiveness of any provision.

14 **FURTHER ENFORCEMENT ACTION**

15 The California SDWA authorizes the State Water Board to: issue a citation or order
16 with assessment of administrative penalties to a public water system for violation or
17 continued violation of the requirements of the California SDWA or any regulation,
18 permit, standard, citation, or order issued or adopted thereunder including, but not
19 limited to, failure to correct a violation identified in a citation or compliance order. The
20 California SDWA also authorizes the State Water Board to take action to suspend or
21 revoke a permit that has been issued to a public water system if the public water
22 system has violated applicable law or regulations or has failed to comply with an order
23 of the State Water Board, and to petition the superior court to take various enforcement

1 measures against a public water system that has failed to comply with an order of the
2 State Water Board. The State Water Board does not waive any further enforcement
3 action by issuance of this Order.

4 _____
5 Sean McCarthy, P.E. Date
6 South Coast Section Chief
7 Division of Drinking Water
8 State Water Resources Control Board

9 Appendices 8:

- 10 1. Notification Template
11 2. Certification of Completion of Public Notification
12 3. Quarterly Progress Report
13 4. Notification of Receipt Form
14 5. 9/17/2019 Do Not Drink Notice issued by San Diego County DEH to
15 LMVMWC
16 6. 11/2/2019 LMVMWC Board Resolution No. 2019-1015a
17 7. March 27, 2020 notification of 2019 Annual Report deadline extension
18 8. Proposition 1 Technical Assistance Work Plan No. 6048-A. Agreement No.
19 D16-12806

20 Certified Mail No. 7018 1830 0001 8694 9221

APPENDIX 1. NOTIFICATION TEMPLATE

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.

DRINKING WATER WARNING

Lake Morena Views MWC water has high levels of nitrate

**DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA**

Water sample results received [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin.* Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

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)]:

- 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 Lake Morena Views MWC.

State Water System ID#: 3700924

Date distributed: dd/mm/yyyy

INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

ADVERTENCIA SOBRE EL AGUA POTABLE

El agua de Lake Morena Views MWC tiene altos niveles de
nitratos

**NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES O A
MUJERES EMBARAZADAS. TAMPOCO USE ÉSTA AGUA
PARA PREPARAR FORMULA INFANTIL**

Los resultados de las pruebas del agua recibidas el [date] mostraron niveles de nitrato de [level and units]. Estos niveles exceden el estándar o nivel máximo de contaminante (MCL) de 10 miligramos por litro. Los nitratos en el agua potable son una preocupación seria en bebés menores de seis meses.

¿Qué debe hacer?

- **NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES.** *Los bebés menores de 6 meses que toman agua con nitrato en exceso del nivel máximo de contaminante (MCL), se pueden enfermar seriamente y rápidamente. Y si los bebés no reciben atención médica, pueden morir debido a que los altos niveles de nitratos pueden interferir con la capacidad de la sangre de los bebés para transportar oxígeno. Los síntomas incluyen falta de aire y coloración azulada de la piel. Los síntomas en los bebés se pueden desarrollar rápidamente y la salud se deteriora en cuestión de días. Si hay síntomas de intoxicación por altos niveles de nitratos, busque atención médica de inmediato.*
- **LAS MUJERES EMBARAZADAS NO DEBEN CONSUMIR AGUA CON ALTOS NIVELES DE NITRATOS.** *Los altos niveles de nitrato también pueden afectar la capacidad de la sangre de mujeres embarazadas para transportar oxígeno.*
- No use agua de la llave para preparar jugo, agua, y formula para bebés menores de 6 meses. Use agua embotellada u otra agua baja en nitratos para los bebés menores de 6 meses hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar reposar el agua, no reduce el nivel de nitratos. Hervir el agua en exceso puede causar que los nitratos se concentren más, porque los nitratos se quedan cuando el agua se evapora.
- Si tiene otros problemas de salud por el consumo de ésta agua, usted debería consultar con su doctor.

¿Qué sucedió? ¿Qué se está haciendo al respecto?

El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agrícolas (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y

fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

Para más información, por favor contacte a [name of contact] al [phone number] o [mailing address]

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

Requisitos de Notificación Secundaria

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- **ESCUELAS:** Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).
- **DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL** (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.
- **DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES:** Deben notificar a los empleados de los negocios situados en la propiedad.

Este aviso es enviado por Lake Morena Views MWC.

Núm. de Identificación del Sistema Estatal de Agua: 3710039

Fecha de distribución: dd/mm/yyyy

**APPENDIX 2
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION**

Compliance Order Number: 05_14_20R_001
Name of Water System: Lake Morena Views Mutual Water Company
System Number: 3700924

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

This form, when completed and sent to DDWSanDiego@Waterboards.ca.gov for the San Diego District, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **Nitrate MCL** was conducted on:

Notification was made on _____ (date).

For the month, year of _____, _____.

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

For Community and non-transient non-community public water systems

The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (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. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title _____

Signature _____

Date _____

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.

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APPENDIX 3: QUARTERLY PROGRESS REPORT

| | |
|---|---------------------------------|
| Water System: Lake Morena Views Mutual Water Company | Water System No: 3700924 |
| Compliance Order No: 05_14_20R_001 | Violation: Nitrate MCL |
| Calendar Quarter: | Date: |

This form should be prepared and signed by Lake Morena Views Mutual Water Company personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, San Diego District Office to the following email address:

DDWSanDiego@Waterboards.ca.gov titled appropriately (eg.3700924-LMVMWC-2020Q1-QPR).

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipated compliance date:

Printed Name

Signature

Title

Date

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APPENDIX 4 – NOTIFICATION OF RECEIPT

Compliance Order Number: 05_14_20R_001

Name of Water System: Lake Morena Views Mutual Water Company

System Number: 3700924

Certification

I certify that I am an authorized representative of Lake Morena Views Mutual Water Company and that Compliance Order No. 05_14_20R_001 was received on _____. Further, I certify that the Order has been reviewed by the appropriate management staff of the Lake Morena Views Mutual Water Company and it is clearly understood that Compliance Order No. 05_14_20R_001 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 [DUE DATE-Notice of Receipt]**

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.

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COUNTY OF SAN DIEGO NEWS RELEASE

FOR IMMEDIATE RELEASE
September 17, 2019

Contact: Joseph Palmer (858) 505-6640

DO NOT DRINK NOTICE FOR LAKE MORENA VIEWS MUTUAL WATER COMPANY *Test Results Show Elevated Nitrates in the Drinking Water Supply*

The County of San Diego, Department of Environmental Health (DEH), has issued a Do Not Drink Notice and Public Notification effective immediately for *Lake Morena Views Mutual Water Company* located at *29846 Mallard Road, Campo, CA 91906*. Recent water sample results showed nitrate levels exceeded the Maximum Contaminant Levels (MCL) in the water distribution system. The water system serves a population of approximately 123 residential connections and a general store.

The public is advised not to drink tap water from the Lake Morena Views Mutual Water Company until further notice. Boiling, freezing, filtering, or letting tap water stand will not reduce the nitrate level. Nitrates in drinking water arise from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers).

The Do Not Drink Notice will remain in effect until nitrate levels are confirmed to be below the safe drinking water standards.

For more information on the Do Not Drink Notice, please contact Wellman Simmonds, Lake Morena Views Mutual Water Company at 619-478-9194.

FOLLOW THE [COUNTY](#) ON [TWITTER](#), [FACEBOOK](#) AND [YOUTUBE](#)

COUNTY COMMUNICATIONS OFFICE
1600 PACIFIC HIGHWAY, ROOM 208 • SAN DIEGO, CA 92101-2472

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Lake Morena Views Mutual Water Company, Inc.

Resolution No. 2019-1015a

WHEREAS the Lake Morena Views Mutual Water Company, Inc. owns, operates, and maintains the water system of the Lake Morena Views Mutual Water Company, Inc.; and

WHEREAS the Lake Morena Views Mutual Water Company, Inc. has the authority to construct improvements to the water system of the Lake Morena Views Mutual Water Company, Inc.; and

WHEREAS the Lake Morena's Oak Shores Mutual Water Company owns, operates, and maintains the nearby water system of the Lake Morena's Oak Shores Mutual Water Company; and

WHEREAS a distribution system consolidation of the Lake Morena's Oak Shores Mutual Water Company and the Lake Morena Views Mutual Water Company, Inc. may be in the best interest of the Lake Morena Views Mutual Water Company, Inc.; and

WHEREAS a distribution system consolidation of the Lake Morena's Oak Shores Mutual Water Company and the Lake Morena Views Mutual Water Company, Inc. may provide greater water supply reliability and redundancy, improved water quality and conveyance capabilities, and more efficient and effective water system operation, maintenance, and administration; and

WHEREAS a distribution system consolidation would result in the dissolution of either or both corporations;

WHEREAS, technical and legal documentation needs to be developed to determine the procedures and viability of a potential public water system consolidation between Lake Morena's Oak Shores Mutual Water Company and Lake Morena Views Mutual Water Company, Inc.; therefore





BE IT RESOLVED BY THE Board of Directors of the Lake Morena Views Mutual Water Company, Inc., AS FOLLOWS

The Lake Morena Views Mutual Water Company, Inc. agrees to examine technical, financial, and managerial consideration associated with a distribution system consolidation with the Lake Morena's Oak Shores Mutual Water Company and the Lake Morena Views Mutual Water Company, Inc.; and

The Lake Morena Views Mutual Water Company, Inc. supports the examination of legal procedures and the development of the technical reports associated with implementing a distribution system consolidation of the Lake Morena's Oak Shores Mutual Water Company and the Lake Morena Views Mutual Water Company, Inc.; and

The Lake Morena Views Mutal Water Company, Inc. supports the submittal of a planning funding application to the State of California that includes the development of legal and technical documentation, investigations, and designs associated with implementing a distribution system consolidation of the Lake Morena's Oak Shores Mutual Water Company and the Lake Morena Views Mutal Water Company, Inc.

SIGNATURES

| | | |
|--------------------------------|--|----------------------|
| Wellman Simmonds, President |  | Date <u>11-2-19</u> |
| Trevor Dougherty, Board Member |  | Date <u>11/02/19</u> |
| Richard Bradbury, Board Member |  | Date <u>11/02/19</u> |
| Amy Smith, Board Member |  | Date <u>02NOV19</u> |

We agree with the above documents, providing funding and interest in addressing the current nitrate problem with our I&EP machine. Funding for consolidation and nitrate problem are addressed equally and concurrently.

TJD.
RAB
AMS

CO. SEAL



From: [DiBiase, William@Waterboards](mailto:DiBiase,William@Waterboards)
To: [DiBiase, William@Waterboards](mailto:DiBiase,William@Waterboards)
Subject: appendix 7 of LMV CO
Date: Monday, November 23, 2020 11:59:14 AM

From: lyris@swrcb18.waterboards.ca.gov <lyris@swrcb18.waterboards.ca.gov>
Sent: Friday, March 27, 2020 1:43 PM
To: Crisologo, Joseph@Waterboards <Joseph.Crisologo@waterboards.ca.gov>
Subject: DEADLINE EXTENSIONS: 2019 Electronic Annual Report (EAR)

EXTERNAL:



This is a message from the State Water Resources Control Board.

Hello Public Water Systems:

Due to the extenuating circumstances we are all facing during the COVID-19 crisis, the State Water Board's Division of Drinking Water (DDW) is extending the deadline for submission of the 2019 Electronic Annual Report (EAR) according to the following phased schedule. However, if your water system is able to submit the 2019 EAR prior to these new deadlines, the information you provide will assist in critical program implementation for the new Safe and Affordable Funding for Equity and Resilience (SAFER).

| New EAR Deadline | Who it applies to: |
|-------------------------|---|
| July 1, 2020 | Community Systems with at least 3,000 service connections |
| August 1, 2020 | Community systems with fewer than 3,000 service connections |
| September 1, 2020 | Noncommunity water systems (NTNC, TNC) |

Any specific hardships to meet these new deadlines should be discussed with your regulator, the DDW District Engineer or county LPA representative.

Thank you

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PROPOSITION 1 TECHNICAL ASSISTANCE (TA) WORK PLAN

UNIVERSITY ENTERPRISES, INC. (UEI)
AND
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

DRINKING WATER AND WASTEWATER TECHNICAL ASSISTANCE AND OUTREACH

AGREEMENT NUMBER (NO.) D16-12806

TA WORK PLAN NO. 6048-A

TA START DATE: NOVEMBER 13, 2019

AMOUNT (DIRECT COSTS): \$407,332

Whereas through the passage of various bond acts, including Proposition 1 in November 2014, the State Water Resources Control Board (State Water Board) is authorized to make available certain general obligation bond proceeds (GO Bond Proceeds) for projects meeting certain criteria; and

Whereas the State Water Board has determined that this Project is eligible for certain GO Bond Proceeds;


Therefore, the parties mutually agree to amend the Agreement, originally executed on October 26, 2016, and incorporated herein, to add:

TA WORK PLAN NO. 6048-A (5 pages attached) **


** Entire Exhibit Added

All other terms and conditions shall remain the same.

RECIPIENT:

By: 
Name: Monica F. Kauppinen
Title: Director, Sponsored Programs Administration
Date: August 4, 2020

STATE WATER RESOURCES CONTROL BOARD:

By:  Asst. Dep. Dir. for
Name: Leslie Laudon
Title: Deputy Director, Division of Financial Assistance
Date: 8/17/2020

Work Plan No. 6048-A

Proposition 1 Technical Assistance (TA) Work Plan

TA Type: Drinking Water Wastewater Storm Water Groundwater

Grant Agreement No.: D16-12806

TA Start Date: November 13, 2019

TA Recipient(s): Lake Morena Views Mutual Water Company, Inc. (MWC)

Community/System Contact: Wellman Simmonds, Board President, Lake Morena Views, wellman.simmonds.ws@gmail.com, (619) 201 - 7878

Additional Community/ System Contact (if applicable): _____

Additional Community/ System Contact (if applicable): _____

Work Plan No.: 6048-A

Work Plan Title: Lake Morena Views MWC

Work Plan Submittal Date: July 14, 2020

Scope of Technical Assistance

Water System Description and Compliance Issues:

This project involves the following two adjacent MWCs in eastern San Diego County:

- **Lake Morena Oak Shores MWC** – This MWC serves 670 people through 204 service connections. The Public Water System Number is CA 3700923. The permitting agency is State Water Board, Division of Drinking Water (DDW). The water system infrastructure includes production wells and a recently improved nitrate treatment system. The system is performing adequately with no compliance issues.
- **Lake Morena Views MWC** - This MWC serves 360 people through 120 service connections: the median household income is \$48,000 based on a 2018 income survey. The Public Water System Number is CA 3700924. The permitting agency is the San Diego County Department of Environmental Health. The water system infrastructure includes production wells and a treatment system that does not meet regulatory standards. The system has been unable to meet customer water demands. Lake Morena Views MWC is under LPA Citation No. 05-67-16C-003 to return to compliance for nitrate and uranium MCL exceedances, as well as inadequate storage capacity that does not meet Waterworks Standards.

Work Plan No. 6048-A

Stakeholders, including the two MWCs and the regulatory staff, desire that these two MWCs be consolidated into a single MWC, with treatment occurring at the Lake Morena Oak Shores MWC facilities.

TA Scope of Work:

The scope of work will consist of preparing a Drinking Water State Revolving Fund (DWSRF) Construction Financing Application for infrastructure improvements to consolidate Lake Morena Views MWC and Lake Morena Oak Shores MWC. These infrastructure improvements will likely include transmission lines/mains, Lake Morena Oak Shores MWC’s plant expansion and demolition of Lake Morena Views MWC treatment facilities. The Preliminary Engineering Report (PER) will focus on the consolidation option, though will briefly cover other potential options; and The Environmental Package will address federal cross-cutters, because there exists a potential for United States Department of Agriculture (USDA) Rural Development to fund a portion of the construction cost. USDA funding will require environmental documentation compliant with federal cross-cutters.

Other TA Providers:

No other TA providers are currently assisting this community related to this project.

A. Summary of Proposed Deliverables and Activities

| | Deliverable | Notes and Details Regarding Related Activities | Lead TA Provider staff (also list consultants, if applicable) | Due Date |
|---|--|--|---|--|
| 1 | Needs Assessment and Work Plan | Hold kickoff meeting and prepare meeting notes. Identify scope, deliverables, schedule, and budget; solicit and review proposals from team members. Prepare work plan. | CSUS: Randy Marx | Complete |
| 2 | DWSRF Construction Financing Application General and Technical Package 2a) General Package 2b) Preliminary Engineering Report 2c) 90% Plans and Specifications 2d) Consolidation Agreement 2e) Complete Technical Package | <ul style="list-style-type: none"> • Prepare General Package • Provide a recommendation for infrastructure improvements to consolidate Lake Morena Views MWC and Lake Morena Oak Shores MWC, to ensure a reliable water supply for both MWCs. • Evaluate and make recommendations for improvements to the distribution system of both MWCs. • Perform surveying and geotechnical efforts as required to support engineering tasks. • Perform evaluation of distribution system operations | NV5: James Owens | 2a) General Package – 9/31/2020 2b) Preliminary Engineering Report Draft - 10/20/2020 Final - 11/20/2020 2c) 90% Plans and |

| | | | | |
|---|--|--|-------------------------|---|
| | | <ul style="list-style-type: none"> • Propose and describe available construction alternatives • Recommend and justify the preferred construction alternative • Provide a description of project components • Prepare a Class 3 construction cost estimate • Prepare an estimate of operation and maintenance (O&M) costs • Prepare draft and final Preliminary Engineering Report (PER) in accordance with the Engineering Report Guidelines provided in the Technical Package of the DWSRF construction financing application • Prepare 90% Plans and Specifications for project, to include piping and appurtenances. • Prepare preliminary and final contract documents • Prepare a Class 1 construction cost estimate • Complete Consolidation Agreement • Complete Technical Package | | <p>Specifications - 10/20/2020</p> <p>2d) Consolidation Agreement Draft - 3/1/2021 Final - 5/1/2021</p> <p>2e) Complete Technical Package – 5/30/2021</p> |
| 3 | <p>DWSRF Construction Financing Application – Environmental Package</p> <p>3a) Biological Resources Assessment (BA)</p> <p>3b) Cultural Resources Report</p> <p>3c) Copy of CEQA documents filed with the State Clearinghouse and the County Clerk’s office</p> <p>3d) Complete Environmental Package</p> | <ul style="list-style-type: none"> • Perform biological resources literature review and conduct reconnaissance-level review of project site for BA • Prepare BA • Prepare Cultural Resources Report. • File NOE (if applicable) with the State Clearinghouse and County Clerk’s Office • Complete Environmental Package (Construction) • All documents should meet federal cross-cutter requirements | <p>NV5: James Owens</p> | <p>3a) Biological Resources Assessment (BA) – 11/31/2020</p> <p>3b) Cultural Resources Report - 11/31/2020</p> <p>3c) Copy of CEQA documents filed with the State Clearinghouse</p> |

| | | | | |
|---|--|---|------------------|---|
| | | | | and the County Clerk's office - 5/30/2021 3d) Complete Environmental Package - 5/30/2021 |
| 4 | DWSRF Construction Financing Application Financial Security Package 4a) Financial Package | Prepare DWSRF Construction Financing Application Financial Security Package | CSUS: Erik Porse | 4a) Financial Package - 5/30/2021 |
| 5 | Project Management | Provide project management services, including oversight of TA team, team coordination, conference calls and meetings, document quality, FFAST uploading, Work Plan execution, act as primary point of contact, and monitoring of project scope, schedule and budget. | CSUS: Randy Marx | 6/30/2021 |

B. Estimated Budget (direct costs, including fringe) per State Fiscal Year (SFY) *

| Budget Category | SFY 2019/20 | SFY 2020/21 | Total Amount Requested |
|---|-----------------|-------------------|------------------------|
| A. Personnel | \$ 7,857 | \$ 14,450 | \$ 23,307 |
| B. Expenses and Supplies | \$ 0 | \$ 8,400 | \$ 8,400 |
| C. Equipment (>\$5,000) | \$ 0 | \$ 0 | \$ 0 |
| D. Travel | \$ 0 | \$ 0 | \$ 0 |
| E. Professional and Consultant Services | \$ 1,550 | \$ 374,075 | \$ 375,625 |
| Total Costs | \$ 9,407 | \$ 396,925 | \$ 407,332 |

* Costs may be shifted between SFY's and line items upon written approval from the State Water Board Grant Manager. Any costs exceeding the total amount requested will require an amendment to this work plan.

Work Plan No. 6048-A

**The following estimated fees (\$8,400) are included in the project budget:

- Public notification fees paid to newspapers (Alpine Sun) and postings for IS/MND noticing and public meetings – \$1,500
- Utility mapping review fees, paid to utilities (e.g., San Diego Gas & Electric, Frontier, Verizon, AT&T) for review of drawings - \$400
- Title reports (4) purchased from a title company (e.g. Chicago Title Company) - \$3,500
- Geotechnical investigation excavation permit fee from the County’s Department of Public Works (DPW) - \$2,000.
- Recording, notary, and records search fees paid to San Diego County - \$1,000

California Environmental Quality Act (CEQA) Certification

Please indicate if all the work you will implement in connection with this work plan is consistent with one of the following CEQA exemptions:

- Feasibility and planning studies with no ground disturbing activities (CCR, Title 14, Article 18, Section 15262)
- Also includes information collection via pilot studies, test wells, boreholes, etc. (CCR, Title 14, Article 19, Section 15306)

If proposed work includes ground disturbing activities in an area(s) with a potential for environmental impacts, including riparian habitat, wetland, endangered species habitat or sensitive cultural resources areas, you must notify your GM of the nature and scope of such work and receive approval prior to commencing ground disturbing activities.