



COMMUNITY DEVELOPMENT AGENCY ENVIRONMENTAL MANAGEMENT DIVISION

<http://www.edcgov.us/EMD/>

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September 8, 2016

Latrobe School District
7900 South Shingle Road
Shingle springs, CA 95682
Attn: Natalie Miller, Superintendent

RE: MILLER'S HILL SCHOOL WATER SYSTEM (PWS NO. 0900210)

COMPLIANCE ORDER NO. 01_39_16R_004

Enclosed is the County of El Dorado, Environmental Management Local Primacy Agency Compliance Order No. 01_39_16R_004 issued to the Miller's Hill School Water System. Please note there are certain deadlines associated with this Compliance Order.

If you have any questions, please contact Bryan Vyverberg at (530) 621-5300 or via email at Bryan.Vyverberg@edcgov.us.

Sincerely,

Barbara D. Houghton, PG, CHG, REHS
Environmental Health Manager

Cc: Ali Rezvani, PE

Enc.

**EL DORADO COUNTY
COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL MANAGEMENT DIVISION**

TO: MILLER'S HILL SCHOOL

ATTN: NATALIE MILLER, SUPERINTENDENT

**COMPLIANCE ORDER FOR VIOLATION OF TITLE 22, CALIFORNIA CODE OF
REGULATIONS**

SECTION(s) 64431.

WATER SYSTEM NO: 0900210

COMPLIANCE ORDER NO: 01_39_16R_004

ISSUE DATE: September 8, 2016

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

The County of El Dorado Community Development Agency, Environmental Management Division (hereinafter "Division"), hereby issues a Compliance Order to the **MILLER'S HILL SCHOOL** for violation of Title 22 of the California Code of Regulations ("CCR"), Section 64431. Maximum Contaminant Levels – Inorganic Chemicals.

APPLICABLE AUTHORITIES

Section 116275 of the California Health and Safety code provides in part:

(b) "Department" means the state board.

(ac) "State board" means the State Water Resources Control Board.

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating 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:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(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.

California Code of Regulations, Title 22, Section 64431 (Maximum Contaminant Levels – Inorganic Chemicals) states in relevant part:

§64431. Maximum Contaminant Levels--Inorganic Chemicals.

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A

**Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system

is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

Section 64463.4 of the Title 22 CCR states in relevant part:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a). In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

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

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

STATEMENT OF FACTS

The **MILLER'S HILL SCHOOL** (Water System) is a non-transient non-community public water system located in El Dorado County that supplies water to approximately 120 people for domestic purposes. The Water System operates year-round.

Samples collected for arsenic concentration for Well #4, based upon samples collected from November 23, 2013 through February 29, 2016, exceed the arsenic maximum contaminant level (MCL) of 0.010 mg/L (10 µg/L). Compliance with the MCL is

determined by a Running Annual Average (RAA); if any one sample causes the annual average to exceed the MCL, the Water System is immediately in violation. If a Water System fails to complete quarterly monitoring, the running annual average is based on an average of the available data:

WELL 4--EAST OF SCHOOL PARCEL								
GROUP IDENTIFICATION	CONSTITUENT	DATE	RESULT	MCL	DLR	TRIGGER	UNIT	Moving Average
1002	ARSENIC	2009/01/20	12.0	10.000	2.000	5.000	UG/L	#N/A
1002	ARSENIC	2009/04/14	9.3	10.000	2.000	5.000	UG/L	#N/A
1002	ARSENIC	2009/07/31	15.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2009/10/29	12.0	10.000	2.000	5.000	UG/L	12
1002	ARSENIC	2010/02/11	8.5	10.000	2.000	5.000	UG/L	9
1002	ARSENIC	2010/05/06	7.0	10.000	2.000	5.000	UG/L	9
1002	ARSENIC	2010/08/02	12.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2011/07/31	11.0	10.000	2.000	5.000	UG/L	9
1002	ARSENIC	2011/10/20	3.8	10.000	2.000	5.000	UG/L	7
1002	ARSENIC	2011/12/30	4.8	10.000	2.000	5.000	UG/L	5
1002	ARSENIC	2012/02/14	6.0	10.000	2.000	5.000	UG/L	5
1002	ARSENIC	2012/04/30	5.1	10.000	2.000	5.000	UG/L	6
1002	ARSENIC	2012/07/30	7.4	10.000	2.000	5.000	UG/L	7
1002	ARSENIC	2012/10/30	9.7	10.000	2.000	5.000	UG/L	8
1002	ARSENIC	2013/02/28	6.3	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2013/07/16	14.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2013/11/23	13.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2014/01/30	8.9	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2014/05/16	13.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2014/08/28	14.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2015/02/27	7.1	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2015/05/31	14.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2015/07/30	13.0	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2015/12/31	8.8	10.000	2.000	5.000	UG/L	10
1002	ARSENIC	2016/02/29	6.7	10.000	2.000	5.000	UG/L	8

Per Section 64431 of the CCR, public water systems must comply with the maximum contaminant level for arsenic of 0.010 milligrams per liter (mg/L) or 10 ug/L.

DETERMINATIONS

Based on the Statement of Facts, it has been determined that the Water System violates Section 116555 of the HSC and Sections 64431 and 64432 of the CCR; in that the water produced by the Water System exceeds the MCL for arsenic.

DIRECTIVES

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

1. On or before October 15, 2016, cease and desist from failing to comply with the CHSC Section 116555(a)(1) and (3) and Section 64431 of Title 22, CCR, by ensuring that **MILLER'S HILL SCHOOL** is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards, which may include bottled water.
2. Prepare for Division approval a Corrective Action Plan identifying improvements to the Water System designed to correct the violation of the arsenic MCL and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a provision to disconnect Well 4 from the potable water supply and re-route it for irrigation use only. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than June 1, 2017.
3. On or before October 31, 2016, present the Corrective Action Plan required under Directive No. 2, above, to the Division in person at the Division's offices located at 2850 Fairlane Court, Building "C", Placerville, CA 95667.

4. Timely perform the Division approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
5. On or before October 31, 2016, and every three months thereafter, submit a report to the Division showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
6. In accordance with Section 64463.4 of Title 22, CCR, within 30 days after receiving this Order, or by no later than October 31, 2016, the Water System shall provide public notification of its failure of the arsenic MCL. This notice shall be given by direct mail to customers of the Water System's and shall be given by publication in a weekly newspaper of general circulation serving the area. The Water System's notice shall follow the format provided in Attachment A. The language and format of the notice to be used for completion of the public notification requirement shall be submitted to the Division for review and written approval prior to its distribution and publication.
7. On or before October 31, 2016, proof of public notification shall be submitted to the Division using the form provided as Attachment B.
8. Public notification shall be given each calendar quarter that the four-quarter RAA from Miller's Hill School for arsenic exceeds the MCL.
9. In accordance with Section 64442(g)(3) of Title 22, CCR, the Water System shall continue to collect quarterly samples from Well 3 and Well 4 for arsenic analyses. The analytical results shall be reported to the Division no later than the 10th day following the month in which the samples were collected.

10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Division that the water delivered by the Water System complies with the arsenic MCL.

11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be submitted to the following address:

Barbara D. Houghton, PG, CHG, REHS
Environmental Management Programs Manager
El Dorado County Community Development Agency
Environmental Management Division
2850 Fairlane Ct.
Placerville, CA 95667

The Division reserves the right to make such modifications to this Compliance Order as it 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 Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or of any regulation, permit, standard, or order issued or adopted thereunder.

This Order supersedes Compliance Order No. 2009-04.

PARTIES BOUND

This Compliance Order shall apply to and be binding upon the **MILLER'S HILL SCHOOL**, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

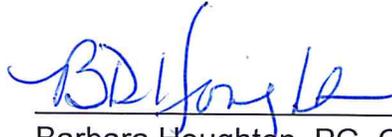
The directives of this Compliance Order are severable, and the **MILLER'S HILL SCHOOL** shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

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

9/8/2016

Date



Barbara Houghton, PG, CHG, REHS
Environmental Health Manager
El Dorado County
Community Development Agency
Environmental Management Division

Attachments:

- A. Arsenic Exceedance Notice
- B. Certification of Completion of Public Notification

cc: Ali R. Rezvani, P.E.
Sacramento District Engineer
Division of Drinking Water
State Water Resources Control Board

Instructions for Tier 2 Arsenic MCL Notice Template

Template Attached

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

Notification Methods

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

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

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

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

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

Multilingual Requirement

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

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

Population Served

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

Corrective Action

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

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

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

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

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.

[System] Has Levels of Arsenic Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed arsenic levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of 0.010 milligrams per liter.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- 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?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

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)]:

ATTACHMENT A

- 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 [system].

State Water System ID#: _____. Date distributed: _____.

ATTACHMENT B

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form when completed and returned to the County of El Dorado, Environmental Management Division, Community Development Agency serves as certification that public notification to water users was completed as required by the State Water Resources Control Board (as required per Title 22 of the California Code of Regulations). Failure to do so may result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name _____

Public Water System Number _____

Public notification for the (Month/Year) (bacteriological monitoring failure/MCL failure) was performed by the following method(s):

Check and complete all that apply:

- A) _____ By posting of the approved notice in conspicuous locations served by the water system.
- B) _____ Distributing notice by using one or more of the following methods to reach persons not likely to be reached by public posting: Email message or direct delivery.
- C) _____ Publication in a local newspaper.
- D) _____ Posting on the internet.

Provide the date (or dates) that the notice was posted/distributed _____

I hereby certify that the above information is factual.

Printed Name

Signature

Date

Return form to: County of El Dorado, Community Development Agency
Environmental Management Division
2850 Fairlane Court, Building "C", Placerville, CA 95667
FAX 530-642-1531

Or in So.Lake Tahoe: 3368 Lake Tahoe Blvd, Suite 303, South Lake Tahoe, CA 96150
FAX 530-542-3364

