



RON CHAPMAN, MD, MPH  
Director & State Health Officer

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



EDMUND G. BROWN  
Governor

April 12, 2013  
System No. 1000360

Norman Goehring  
Cotton West Ag Management  
P.O. Box 10  
Huron, CA 93234

**RE: Compliance Order No. 03-23-13R-002 For Non-Compliance with the HAA5 MCL**

Dear Mr. Goehring:

The purpose of this letter is to inform you that the California Department of Public Health (Department) has issued Compliance Order No. 03-23-13R-002 to the Cotton West Ag Management water system on April 12, 2013. The compliance order requires your water system to submit "a plan for improvements to the water system encompassing a project designed to correct the water quality problem (violation of the haloacetic acids (five) MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards."

**Please submit a written response to our office by April 30, 2013, acknowledging receipt of this order and your intent to comply with the directives within. The Compliance Order also requires the submission of quarterly progress reports to the Department, even if no progress has been made. The first progress report is due no later than October 10, 2013.**

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. If you have any questions regarding this matter, please contact Philip Dutton or myself at (559) 447-3300.

Sincerely,

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

BSL/PD

Cc: Joe McGuire, Westside Water Conditioning, 45 W. G Street, Los Banos, CA 93635

Enclosure

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

IN RE: **COTTON WEST AG MANAGEMENT**  
Water System No. 1000360

TO: Mr. Norman Goehring  
Cotton West Ag Management  
P.O. Box 10  
Huron, CA 93234

CC: Mr. Joe McGuire  
Westside Water Conditioning  
45 W. G Street  
Los Banos, CA 93635

**COMPLIANCE ORDER FOR NONCOMPLIANCE  
OF HALOACETIC ACIDS (FIVE) MAXIMUM CONTAMINANT LEVEL**

**Issued on April 12, 2013**

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

**FINDINGS**

The Cotton West Ag Management water system (Water System) is a nontransient noncommunity water system located in Fresno County that supplies water for domestic purposes to a population of approximately 50 persons through 5 service connections. The

1 Water System operates under Domestic Water Supply Permit No. 03-23-09P-035 issued by  
2 the California Department of Public Health (Department) on October 8, 2009.

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4 The Water System utilizes treated surface water obtained from the California Aqueduct, via  
5 Westlands Water District. The raw water is treated by a direct filtration treatment plant,  
6 with processes that include: prechlorination, coagulation, sedimentation, pressure filtration,  
7 and disinfection. During an August 2011 inspection and sanitary survey of the Water  
8 System, the Department noted inaccuracies in how the disinfectant contact time was being  
9 calculated, and as a result, the Department understands that the Water System has ceased  
10 prechlorination of the raw water.  
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13 The California Code of Regulations (CCR), Title 22, Chapter 15.5,  
14 Disinfectants/Disinfection By-Products (D/DBP) Rule adopted by California effective June  
15 21, 2012, requires water systems serving less than 10,000 persons to monitor and report  
16 disinfection byproduct and residual disinfectant levels. The D/DBP Rule applies to any  
17 community or nontransient noncommunity water system that treats water with a chemical  
18 disinfectant in any part of the treatment process or that provides water containing a  
19 chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level  
20 (MCL) in drinking water for total trihalomethanes (TTHM) and haloacetic acids (five)  
21 (HAA5) in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.  
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24 CCR Section 64534.2 of the D/DBP Rule establishes a monitoring frequency for a surface  
25 water system serving fewer than 500 persons of one sample for TTHMs and HAA5s per  
26 year per treatment plant during the month of warmest water temperature. The D/DBP Rule  
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1 further requires increased monitoring for TTHMs and HAA5s of one sample per quarter per  
2 treatment plant following any sample that exceeds an MCL. The Department issued  
3 Compliance Order No. 03-12-08O-029 to the Water System on October 30, 2008, for  
4 violation of the TTHM MCL based on the quarterly running annual average of samples  
5 collected between the 1st and third quarter of 2008. Since the issuance of the Compliance  
6 Order, the Water System has been required to conduct quarterly TTHM and HAA5  
7 monitoring.

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10 CCR Section 64533(a) specifies the HAA5 MCL as 0.060 mg/L. CCR Section 64535.2(b)  
11 specifies ongoing compliance determinations for HAA5 monitoring; specifically,  
12 compliance with the HAA5 MCL is based on a running annual average (RAA), computed  
13 quarterly, of all samples collected within the distribution system. With the sample collected  
14 on March 7, 2013, the HAA5 RAA calculated for the first quarter of 2013 is 0.0793 mg/L,  
15 which is greater than the HAA5 MCL of 0.060 mg/L. Therefore, the Water System is in  
16 violation of the HAA5 MCL. A summary of the Water System's recent HAA5 monitoring  
17 is presented in the table below.  
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**Table 1: Recent HAA5 Monitoring Results**

Sample Quarter	Result (mg/L)	Quarterly RAA (mg/L)
<b>MCL = 0.060 mg/L</b>		
1 <sup>st</sup> Quarter 2010	0.093	--
2 <sup>nd</sup> Quarter 2010	0.071	--
3 <sup>rd</sup> Quarter 2010	0.040	--
4 <sup>th</sup> Quarter 2010	0.035	0.060
1 <sup>st</sup> Quarter 2011	0.069	0.054
2 <sup>nd</sup> Quarter 2011	0.055	0.050
3 <sup>rd</sup> Quarter 2011	0.060	0.055
4 <sup>th</sup> Quarter 2011	0.049	0.058
1 <sup>st</sup> Quarter 2012	0.030	0.049
2 <sup>nd</sup> Quarter 2012	0.039	0.045
3 <sup>rd</sup> Quarter 2012	0.070	0.047
4 <sup>th</sup> Quarter 2012	0.028	0.042
1 <sup>st</sup> Quarter 2013	0.180	<b>0.079*</b>

*\*RAA Exceeds HAA5 MCL*

As noted above, the Water System was issued Compliance Order No. 03-12-08O-029 on March 1, 2011, for violations of the TTHM MCL. The Water System continues to be in violation of the TTHM MCL; the TTHM RAA for the 1st quarter of 2013 was 0.175 mg/L. The Water System has also been issued Compliance Order Nos. 03-23-11O-002 and 03-23-11O-006, for filter loading rate and pathogen inactivation violations of the Surface Water Treatment Rule, respectively. The Water System has not yet corrected these three violations, as of the issuance of this compliance order.

### **CONCLUSIONS OF LAW**

Based on the above Findings, the Department has determined that the Cotton West Ag. Management water system has violated provisions contained in the California Health and Safety Code (CHSC) and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

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1. CHSC Section 116555 (a)(1): Specifically, the Cotton West Ag. Management water system fails to provide water that complies with primary drinking water standards.
  
2. CHSC Section 116555 (a)(3): Specifically, the Cotton West Ag. Management water system fails to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.
  
3. CCR, Section 64533: Specifically, the water produced by the Cotton West Ag. Management water system exceeds the maximum contaminant level for total haloacetic acids (five) of 0.060 mg/L.

**ORDER**

To ensure that the water supplied by the Cotton West Ag. Management water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the CHSC, the Cotton West Ag. Management water system is ordered to take the following actions:

1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1), (a)(3) and CCR Section 64533 by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water, in compliance with all primary drinking water standards.

1 b) The Cotton West Ag. Management water system shall provide quarterly public  
2 notification of its inability to meet the HAA5 MCL during any calendar quarter  
3 that the four-quarter RAA exceeds the HAA5 MCL. Notification procedures and  
4 format are provided in Attachment A. An electronic version of Attachment A is  
5 available upon request. Proof of public notification shall be provided to the  
6 Department following each quarterly notification by the 10<sup>th</sup> day of the month  
7 following notification, using the form provided as Attachment B.  
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10 c) The Cotton West Ag. Management water system shall continue to collect  
11 quarterly samples for TTHM's and HAA5's from the distribution system in  
12 accordance with an approved DBP monitoring plan. The analytical results shall be  
13 reported to the Department no later than the 10<sup>th</sup> day following the month in which  
14 the sample was collected.  
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16 d) By **June 30, 2013**, the Cotton West Ag. Management water system shall submit  
17 to the Department, for review and approval, a plan for improvements to the water  
18 system encompassing a project designed to correct the water quality problem  
19 (violation of the HAA5 MCL) and eliminate the need to deliver water to consumers  
20 that does not meet primary drinking water standards. The plan shall include a time  
21 schedule for completion of various phases of the project such as design,  
22 construction, startup and public information. At a minimum, the plan must include  
23 an evaluation of the options that are outlined in Attachment C. The Cotton West Ag.  
24 Management water system shall also prepare and submit to the Department for  
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1 review and approval a plan that outlines operational changes as a result of the  
2 project.

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4 e) The Cotton West Ag. Management water system shall submit quarterly progress  
5 reports to the Department. The first quarterly progress report shall describe progress  
6 made in the third quarter of 2013 and shall be submitted to the Department by  
7 **October 10, 2013.**

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9 f) The Cotton West Ag. Management water system shall operate the existing water  
10 system to minimize formation of total trihalomethanes and haloacetic acids.  
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13 2. The Cotton West Ag. Management water system shall submit a written response by  
14 **April 30, 2013**, indicating its willingness to comply with the directives of this  
15 Compliance Order.  
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18 3. The Cotton West Ag. Management water system shall comply with the requirements  
19 of Compliance Order Nos. 03-12-08O-029, 03-23-11O-002 and 03-23-11O-006.  
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21 4. The Department reserves the right to make such modifications to this Order as it may  
22 deem necessary to protect public health and safety. Such modifications may be issued  
23 as amendments to this Order and shall be effective upon issuance.  
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26 5. All submittals required by this Order shall be addressed to:  
27

1 Betsy S. Lichti, P.E.,  
2 Senior Sanitary Engineer  
3 Department of Public Health  
4 Southern California Branch  
5 Drinking Water Field Operations  
6 265 W. Bullard Avenue, Suite 101  
7 Fresno, CA 93704

- 8
- 9 6. If the Cotton West Ag. Management water system is unable to perform the tasks  
10 specified in this Order for any reason, whether within or beyond its control, and if  
11 the Cotton West Ag. Management notifies the Department in writing no less than  
12 five days in advance of the due date, the Department may extend the time for  
13 performance if the Cotton West Ag. Management water system demonstrates that it  
14 has used its best efforts to comply with the schedule and other requirements of this  
15 Order.
- 16 7. If the Cotton West Ag. Management water system fails to perform any of the tasks  
17 specified in this Order by the time described herein or by the time subsequently  
18 extended pursuant to Item 6 above, the Cotton West Ag. Management water system  
19 shall be deemed to have not complied with the obligations of this Order and may be  
20 subject to additional judicial action, including civil penalties specified in CHSC,  
21 Sections 116725 and 116730.
- 22
- 23 8. The State of California shall not be liable for any injuries or damages to persons or  
24 property resulting from acts of omissions by the Cotton West Ag. Management water  
25 system, its employees, agents, or contractors in carrying out activities pursuant to this  
26 Order, nor shall the State of California be held as a party to any contract entered into  
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by the Cotton West Ag. Management water system or its agents in carrying out activities pursuant to this Order.

**PARTIES BOUND**

This Order shall apply to and be binding upon the Cotton West Ag. Management water system, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The requirements of this Order are severable, and the Cotton West Ag. Management water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

4-12-2013  
Date

  
Carl L. Carlucci, P.E.  
Supervising Sanitary Engineer  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

CLC/PD

- Attachments:**
- Attachment A: Public Notification
- Attachment B: Proof of Notification Form
- Attachment C: Improvement Plan Options



**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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**\_\_\_\_\_ Water System has levels of Disinfection Byproducts  
Above Drinking Water Standards**

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Our water system recently failed 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. Testing results we received on \_\_\_\_\_ show that our system exceeds the standard, or maximum contaminant level (MCL), for Total Trihalomethanes and/or Haloacetic Acids. The standard for Total Trihalomethanes is 80 ug/L and 60 ug/L for Haloacetic Acids. The average level of Total Trihalomethanes over the last year was \_\_\_\_\_ and \_\_\_\_\_ for Haloacetic Acids.

**What should I do?**

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who use water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer and some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What was done?**

[Describe corrective action] \_\_\_\_\_

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We anticipate resolving the problem within \_\_\_\_\_.

For more information, please contact [name] \_\_\_\_\_ at [phone number] \_\_\_\_\_ or at the following 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 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 the \_\_\_\_\_ water system.

State Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.

**PROOF OF NOTIFICATION**  
(Return with copy of the Notification)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the \_\_\_\_\_ **water system** of the failure to meet the **Total Trihalomethane MCL and/or Haloacetic Acids (Five) MCL** for the:

Circle one 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> quarter of \_\_\_\_\_ (year).

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

hand delivered or mailed/posted written notice.  
(circle all completed)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

Due within 10 days of issuance of notice to customers

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

Compliance Order for TTHM & HAA5 MCL Exceedance

**Submit Completed form to Department of Public Health at address listed below**

## Attachment C

### Improvement Plan Options

1. Consolidation or interconnection with a nearby public water system.
2. GAC treatment of raw water to remove DBP precursors.
3. GAC treatment of treated water to remove formed DBPs.
4. Minimizing water age in the distribution system and maximizing reservoir turnover.
5. Treatment optimization and increased DBP precursor removal through enhanced coagulation.
6. Disinfection dosage and CT ratio optimization.
7. Alternative disinfectant injection points.
8. Alternative disinfectants.
9. Alternative (groundwater) sources.
10. Any other options.

**Possible modifications and treatment plant changes listed above require Department approval prior to implementation**