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

RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN
Governor

April 25, 2013
System No. 1009258

Stan Nunn
San Andreas Farms
741 Sunset Road
Brentwood, CA 94513

RE: Compliance Order No. 03-23-13R-003 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-003 to the San Andreas Farms water system on April 25, 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 May 18, 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

Compliance Order No. 03-23-13R-003

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **SAN ANDREAS FARMS**
Water System No. 1009258

TO: Mr. Stan Nunn
San Andreas Farms
741 Sunset Road
Brentwood, CA 94513

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 25, 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 San Andreas Farms water system (Water System) is a privately owned community water system located in Fresno County that supplies water for domestic purposes to a population of approximately 40 persons through 5 service connections. The Water System

operates under Domestic Water Supply Permit No. 03-23-09P-032 issued by the California Department of Public Health (Department) on May 4, 2009.

The Water System utilizes treated surface water obtained from the California Aqueduct, via Westlands Water District. The raw water is treated by a direct filtration treatment plant, with processes that include: coagulation, sedimentation, pressure filtration, and disinfection.

The California Code of Regulations (CCR), Title 22, Chapter 15.5, Disinfectants/Disinfection By-Products (D/DBP) Rule adopted by California effective June 21, 2012, requires water systems serving less than 10,000 persons to monitor and report disinfection byproduct and residual disinfectant levels. The D/DBP Rule applies to any community or nontransient noncommunity water system that treats water with a chemical disinfectant in any part of the treatment process or that provides water containing a chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level (MCL) in drinking water for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.

CCR Section 64534.2 of the D/DBP Rule establishes a monitoring frequency for a surface water system serving fewer than 500 persons of one sample for TTHMs and HAA5s per year per treatment plant during the month of warmest water temperature. The D/DBP Rule further requires increased monitoring for TTHMs and HAA5s of one sample per quarter per treatment plant following any sample that exceeds an MCL. The Department issued Compliance Order No. 03-12-08O-034 to the Water System on November 3, 2008, for violation of the TTHM MCL based on the quarterly running annual average of samples

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collected between the 1st and third quarter of 2008. The Compliance Order required the Water System to continue conducting quarterly TTHM and HAA5 monitoring.

CCR Section 64533(a) specifies the HAA5 MCL as 0.060 mg/L. CCR Section 64535.2(b) specifies ongoing compliance determinations for HAA5 monitoring; specifically, compliance with the HAA5 MCL is based on a running annual average (RAA), computed quarterly, of all samples collected within the distribution system. With the sample collected for the first quarter of 2013, the calculated HAA5 RAA is 0.081 mg/L, which is greater than the HAA5 MCL of 0.060 mg/L. Therefore, the Water System is in violation of the HAA5 MCL. A summary of the Water System's recent HAA5 monitoring is presented in the table below.

Table 1: Recent HAA5 Monitoring Results

Sample Quarter	Result (mg/L)	Quarterly RAA (mg/L)
	MCL = 0.060 mg/L	
1st Quarter 2010	0.053	0.058
2nd Quarter 2010	0.075	0.060
3rd Quarter 2010	0.039	0.052
4th Quarter 2010	0.038	0.051
1st Quarter 2011	0.110	***0.066****
2nd Quarter 2011	0.046	0.058
3rd Quarter 2011	0.087	***0.070****
4th Quarter 2011	0.027	***0.068****
1st Quarter 2012	0.032	0.048
2nd Quarter 2012	0.072	0.055
3rd Quarter 2012	0.050	0.045
4th Quarter 2012	0.052	0.052
1st Quarter 2013	0.150	***0.081****

****RAA Exceeds HAA5 MCL***

As noted above, the Water System was issued Compliance Order No. 03-12-08O-034 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 0.198 mg/L, which exceeds the TTHM MCL of 0.080 mg/L. The Water System has not yet corrected this violation, as of the issuance of this Compliance Order. The Water System has also issued Compliance Order No. 03-23-09O-003 for pathogen inactivation violations of the Surface Water Treatment Rule. Since that time, the Water System has replaced the existing clearwell with a larger, baffled tank to provide additional contact time; there have been no pathogen inactivation violations in the past year.

CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the San Andreas Farms 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:

1. CHSC Section 116555 (a)(1): Specifically, the San Andreas Farms water system fails to provide water that complies with primary drinking water standards.

2. CHSC Section 116555 (a)(3): Specifically, the San Andreas Farms 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 San Andreas Farms water system exceeds the maximum contaminant level for total haloacetic acids (five) of 0.060 mg/L. The water produced by the Water System continues to exceed the maximum contaminant level for total trihalomethanes of 0.080 mg/L.

ORDER

To ensure that the water supplied by the San Andreas Farms water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the CHSC, the San Andreas Farms 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.

b) The San Andreas Farms water system shall provide quarterly public notification of its inability to the meet the HAA5 MCL during any calendar quarter that the four-quarter RAA exceeds the HAA5 MCL. Notification procedures and format are provided in Attachment A. An electronic version of Attachment A is available upon request. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment B.

c) The San Andreas Farms water system shall continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in accordance with an approved DBP monitoring plan. The analytical results shall be reported to the Department no later than the 10th day following the month in which the sample was collected.

d) By **June 30, 2013**, the San Andreas Farms water system shall submit to the Department, for review and approval, a plan for improvements to the water system encompassing a project designed to correct the water quality problem (violation of the HAA5 MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as design, construction, startup and public information. At a minimum, the plan must include an evaluation of the options that are outlined in Attachment C. The San Andreas Farms water system shall also prepare and submit to the Department for review and approval a plan that outlines operational changes as a result of the project.

e) The San Andreas Farms water system shall submit quarterly progress reports to the Department. The first quarterly progress report shall describe progress made in the third quarter of 2013 and shall be submitted to the Department by **October 10, 2013**.

f) The San Andreas Farms water system shall operate the existing water system to minimize formation of total trihalomethanes and haloacetic acids.

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2. The San Andreas Farms water system shall submit a written response by **May 18, 2013**, indicating its willingness to comply with the directives of this Compliance Order.

3. The San Andreas Farms water system shall comply with the requirements of Compliance Order No. 03-12-08O-034.

4. The Department reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

5. All submittals required by this Order shall be addressed to:

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

6. If the San Andreas Farms water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the San Andreas Farms notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the San Andreas Farms water system demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

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7. If the San Andreas Farms water system fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 6 above, the San Andreas Farms water system shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in CHSC, Sections 116725 and 116730.

8. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the San Andreas Farms water system, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the San Andreas Farms 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 San Andreas Farms water system, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the San Andreas Farms water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

4-25-2013
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.

San Andreas Farms water system has levels of Haloacetic Acids (five) Above Drinking Water Standards

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 MCL for Total Trihalomethanes is 80 ug/L and is 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 <u>do not</u> 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]_____
_____

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 San Andreas Farms water system.

State Water System ID#: 1009258 Date distributed: _____.

Attachment B

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 **San Andreas Farms water system** of the failure of the total trihalomethanes (TTHM) MCL for the:

Circle one **1st 2nd 3rd 4th** quarter of _____ (year).

Notification was made on _____ by
(date)

Hand-delivered/mailed and posted written notice.
(circle all completed)

_____
Print Name

_____
Signature of Water System Representative

_____
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars ($5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than $25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due within 10 days of issuance of notice to customers
System Number: 1009091
Enforcement Action No.: 03-23-13R-003

Attachment C

Improvement Plan Options

1. Provision of an alternate water supply, such as ground water or connection to a nearby water system.
2. GAC treatment
3. Minimizing water age in the distribution system and maximizing reservoir turnover
4. Treatment optimization and increased DBP precursor removal through enhanced coagulation
5. Disinfection dosage and CT ratio optimization
6. Alternative disinfectant injection points
7. Alternative disinfectants
8. Any other options

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