



MARK B. HORTON, MD, MSPH
Director

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



EDMUND G. BROWN JR.
Governor

January 7, 2014
System No. 1000072

Howard Jones, President
Shaver Lake Point No. 2
P.O. Box 956
Auberry, CA 93602

RE: Compliance Order No. 03-23-14R-002 For Arsenic MCL Non-Compliance

Dear Mr. Jones:

On January 7, 2014, the California Department of Public Health (Department) issued Compliance Order No. 03-23-14R-002 (enclosed) to the Shaver Lake Point No. 2 water system for violation of the arsenic maximum contaminant level (MCL). The compliance order requires your water system to present to the Department a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the arsenic MCL) and eliminate the need to deliver water to customers that does not meet primary drinking water standards. **The Compliance Order also requires that the water system achieve an arsenic running annual average that is less than the arsenic MCL, at each arsenic sampling point, by no later than December 31, 2016.**

Please submit a written response to our office by February 10, 2014, regarding your intent to comply with the attached Compliance Order. 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 July 10, 2014.

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. Item No. 1(e) requires that the Corrective Action Plan be presented to the Department in an Office Meeting no later than **March 6, 2014**. Arrangements for presenting the plan can be made by contacting Philip Dutton or me at (559) 447-3300.

Sincerely,

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

BSL/PD

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **SHAVER LAKE POINT NO. 2**
Water System No. 1000072

TO: SHAVER LAKE POINT NO. 2 MUTUAL WATER COMPANY
ATTN: HOWARD JONES, PRESIDENT
P.O. BOX 356
AUBERRY, CA 93602

**COMPLIANCE ORDER FOR NONCOMPLIANCE WITH THE
ARSENIC MAXIMUM CONTAMINANT LEVEL**

Issued on January 7, 2014

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The Shaver Lake Point No. 2 water system ("Water System") is a community water system located in the County of Fresno and serves a tract of secondary residences and vacation cabins serving approximately 96 service connections. The Water System operates under a Domestic Water Supply Permit No. 03-23-13P-023, issued by the Department on



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November 21, 2013. The source of domestic water for the Water System is groundwater obtained from three active wells: Well 01-Lateral (Radial) Well, Well 02-Original Meadow Well, and Well 03-Meadow Well.

The California Code of Regulations (“CCR”) Section 64431 establishes the Maximum Contaminant Level (“MCL”) for arsenic at 10 ug/L. CCR Section 64432(i) states that compliance with the MCL shall be determined based on the running annual average (“RAA”) of four consecutive quarterly samples, and that if a system fails to complete four quarters of consecutive monitoring, the running annual average shall be based on the average of the available data. If any sample result causes the running annual average at any sample site to exceed the MCL, the system shall be out of compliance immediately upon receiving the result.

The Water System verbally reported an arsenic result, sampled from Well 01 on June 13, 2013, of 74 ug/L. The analyzing laboratory submitted the data as being from Well 03. Following discussions with members of the Water System’s Board of Directors, the Department believes that the initial sample, and subsequent samples, were collected from Well 01. The Water System was directed to have the analyzing laboratory correct the submission of each result under the correct source. The Water System was notified of the requirement to conduct quarterly arsenic monitoring via a letter dated September 26, 2013.

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2 Arsenic monitoring results collected from Well 01 are summarized in Table 1 below. As
3 noted above, these results have been reported for Well 03; however, the Department
4 understands that the samples were collected from Well 01. Data in the table below was
5 reported to the Department's electronica database for Well 03.
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8 **Table 1 –Arsenic Monitoring Summary**

Quarter	Sample Date	Well 01	
		Arsenic (ug/L)	Arsenic RAA (ug/L)
		MCL = 10 ug/L	
2nd Quarter 2013	6/13/2013	74	--
3rd Quarter 2013	9/2/2013	2.2	--
4th Quarter 2013	12/1/2013	17	23.3*

13 *RAA calculated over four quarters.

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15 As shown in Table 1 above, the arsenic RAA for Well 01 exceeds the arsenic MCL of 10
16 ug/L, therefore, the Water System is in violation of the arsenic MCL.
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18 Due to the arsenic MCL violation, the Water System is required to conduct quarterly public
19 notification within 30 days of receipt of this order. The notification must be conducted
20 every quarter in which the Water System is in violation.
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23 **CONCLUSIONS OF LAW**
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25 Based on the above Findings, the Department has determined that the Shaver Lake Point
26 No. 2 water system has violated provisions contained in the California Health and Safety
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Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. Health and Safety (“H&S”) Code Section 116555(a)(1). Specifically, the Shaver Lake Point No. 2 water system is operating Well 01 that produces water that does not comply with the primary drinking water standards.

2. H&S Code Section 116555(a)(3). Specifically, the Shaver Lake Point No. 2 water system failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.

3. CCR Title 22, Section 64431. Specifically, the water produced by the Shaver Lake Point No. 2 water system’s Well 01 exceed the maximum contaminant level for arsenic, and therefore does not comply with the primary drinking water standards.

ORDER

In order to ensure that the water supplied by the Shaver Lake Point No. 2 water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the water system is ordered to take the following actions:

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1. (a) The Shaver Lake Point No. 2 water system shall cease and desist from failing to comply with CHSC Sections 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 Shaver Lake Point No. 2 water system shall provide quarterly public notification of its inability to meet the arsenic MCL during any calendar quarter that a four-quarter RAA exceeds the arsenic MCL for Well 01. **Notification to the public shall be repeated every quarter, as long as the violation exists.** 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 Shaver Lake Point No. 2 water system shall verify that the samples in Table 1 above were collected from Well 01. Upon verification, the Shaver Lake Point No. 2 water system shall direct the analyzing laboratory to report the results to the Department using the appropriate PS-Code for Well 01 (1000072-001).

(d) The Shaver Lake Point No. 2 water system shall continue to collect quarterly samples for arsenic from Well 01. The analytical results shall be reported



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to the Department electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

(e) The Shaver Lake Point No. 2 water system shall prepare a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the arsenic MCL) and eliminate the need to deliver water to customers 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 alternative evaluation, design, construction, permitting, startup, and public information.

(f) The Corrective Action Plan required under Item (1)(e) above shall be presented to the Department in an office meeting no later than **March 6, 2014**.

(g) The Shaver Lake Point No. 2 water system shall submit quarterly progress reports to the Department. The first quarterly progress report shall describe progress made in the second quarter of 2014 and shall be submitted to the Department by **July 10, 2014**.

(h) By no later than **December 31, 2016**, the Shaver Lake Point No. 2 water system shall achieve compliance with the arsenic MCL, demonstrating an arsenic running annual average that is less than 10 ug/L, at each arsenic sampling point. The Water System shall notify the Department in writing of the date that



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compliance has been achieved, no later than ten days after receiving the laboratory sampling results.

2. The Shaver Lake Point No. 2 water system shall submit a written response by **February 10, 2014**, indicating its willingness to comply with all directives of this Compliance Order.

3. 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.

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 Shaver Lake Point No. 2 water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Water



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System 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 Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

7. If the Shaver Lake Point No. 2 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 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 H&S Code, Section 116725 and 116730.

8. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the Shaver Lake Point No. 2 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 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 Shaver Lake Point No. 2 water system, its officers, directors, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

The requirements of this Order are severable, and the Shaver Lake Point No. 2 water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

1-7-2014
Date


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

CLC/PD

Attachments:

- Attachment A: Public Notification Notice
- Attachment B: Proof of Notification Form

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.

**Shaver Lake Point No. 2 Has Levels of Arsenic
Above Drinking Water Standards**

Water produced by our water system 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. Results of water samples collected over the last year show an average arsenic concentration of _____ in Well 01 This is above the standard or maximum contaminant level (MCL) of 0.010 mg/L or 10 ug/L.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- *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 of getting cancer*
- If you have other health issues concerning the consumption of this water, you may wish to consult a doctor.

What happened? What was done?

[Describe corrective action.] _____
 We anticipate resolving the problem within [estimated time frame] _____.
 For more information, please contact _____ [insert name of contact] at
 _____ [insert phone number] or at the following mailing address:
 _____ [insert 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
Shaver Lake Point No. 2 – State Water System No. 1000072

Date distributed _____.

PROOF OF NOTIFICATION
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Shaver Lake Point No. 2 Water System** of the failure to meet the **Arsenic MCL** for the:

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

Notification was made on _____ by _____
(date)

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

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 to the Dept. of Public Health within 10 days of notification to the public
Arsenic MCL Exceedance Compliance Order No. 03-23-14R-002
System Number: 1000072