CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 4, 2015

Ken Maxey, Dist. Manager
4333 E. Jefferson Avenue
Fresno, CA 93725

RE: USA Waste of California – Water System No. 1000467
Citation No. 03-23-15C-097

Dear Mr. Maxey:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Citation No. 03-23-15C-097, for a monitoring and reporting violation of the Stage 2 Disinfection Byproduct Rule. The citation is enclosed.

The California Safe Drinking Water Act, Section 116577 provides for this agency to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this order. Our costs are approximately $153 per hour. At this time we have spent approximately 2 hours on enforcement activities associated with this violation. You will receive a bill for these costs following the end of the State's fiscal year from our Fee Billing Unit in Sacramento

If you have any questions regarding this matter, please contact Sudarshan Poudyal 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: Derek Dill, Water Dynamics, 4644 W. Jennifer, Ste. 108, Fresno, CA 93722

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **USA WASTE OF CALIFORNIA**
WATER SYSTEM NO. 1000467

ATTN: KEN MAXEY, DIST. MANAGER
USA WASTE OF CALIFORNIA
4333 E. JEFFERSON AVENUE
FRESNO, CA 93725

CITATION NO. 03-23-15C-097

FOR NONCOMPLIANCE WITH THE STAGE 2 DISINFECTION BYPRODUCT RULE MONITORING AND REPORTING REQUIREMENTS FOR TOTAL TRIHALOMETHANES AND HALOACETIC ACIDS (FIVE) SECTION 64534.2(d), TITLE 22, CALIFORNIA CODE OF REGULATIONS

Issued on November 4, 2015

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the USA Waste of California Water System (hereinafter, "Water System") for violation of California Code of Regulations (hereinafter, "CCR"), Title 22, Section 64534.2, subsection (d).

APPLICABLE AUTHORITIES

Section 116650, California SDWA, states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 64534.2(d)(1), Title 22, CCR, states in relevant part:

Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8

Table 64534.2-C
Routine and Increased Monitoring Frequency for TTHM and HAA5

		Minimum monitoring frequency[1]	
Source water type	*Persons served*	*Number of distribution system monitoring locations*	*Monitoring period*[2]
Systems using approved surface water	≥5,000,000	20 dual sample sets	per quarter
	1,000,000 – 4,999,999	16 dual sample sets	per quarter
	250,000 – 999,999	12 dual sample sets	per quarter
	50,000 – 249,999	8 dual sample sets	per quarter

	10,000 – 49,999	4 dual sample sets	per quarter
	3,301 – 9,999	2 dual sample sets	per quarter
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement	per quarter
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement[3]	per year
Systems using ground water not under direct influence of surface water	≥500,000	8 dual sample sets	per quarter
	100,000 – 499,999	6 dual sample sets	per quarter
	10,000 – 99,999	4 dual sample sets	per quarter
	500 – 9,999	2 dual sample sets	per year
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement[3]	per year

[1] All systems shall monitor during the month of highest disinfection byproduct concentrations.
[2] Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.
[3] Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

Additional *Applicable Authorities* are located in Attachment A, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The USA Waste of California Water System is a nontransient noncommunity water system that provides disinfected groundwater obtained from one well. Water discharged from the well is treated with sodium hypochlorite before entering a steel hydropneumatic pressure tank and the distribution system. The Water System serves a private business with a reported population of 50 year-round employees. The Water System operates under Domestic Water Supply Permit No. 03-23-13P-024, issued by the Division on November 21, 2013.

CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or "S2DBPR") adopted by California, effective June 21, 2012, requires community and nontransient noncommunity water systems to monitor and report disinfection byproduct and residual disinfectant levels. The S2DBPR 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 64534.2, establishes a monitoring frequency for a groundwater system serving a population of less than 500 persons of one (1) TTHM and one (1) HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement, during the month of the year with the highest disinfection byproduct concentrations; a reduced triennial monitoring frequency may be requested based upon results of the annual monitoring. The Division has determined that the month of the year with the highest disinfection byproducts is the month with the warmest water

temperature. The Division accepts monitoring conducted in the summer months, between June and September, as satisfying this requirement. The Water System is on a routine monitoring frequency of one TTHM and HAA5 sample every year, to be collected during the month of the warmest water temperature.

CCR, Section 64534.8, requires sampling in accordance with an approved monitoring plan. The Division has established a PS-Code for the Water System's DBP sample site. The Water System's DBP monitoring plan must identify the sample site with this PS-Code. The Water System must request that the analyzing laboratory report TTHM and HAA5 results to the Division electronically using the PS-Codes shown in Table 1 below.

Table 1: Approved S2DBPR Sample Sites

PS-Code	DBP Sample Site
1000467-901	Men's Restroom Sink

The Water System has an approved DBP Monitoring Plan on file with the Division that identifies the sample site and PS-Code shown in Table 1 above.

Since beginning continuous disinfection of the well discharge, the Water System has not initiated its disinfection byproduct monitoring. Based on the annual monitoring frequency, monitoring the Water System was required to conduct the first round of monitoring by August 30, 2015. The Division has not received any TTHM or HAA5 results for samples collected during the summer of 2015, as of the date of this citation.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has failed to comply with Section 64534.2(d), Title 22, California Code of Regulations. Specifically, the Water System has failed to collect the required DBP samples per an approved Disinfection Byproduct Monitoring Plan.

NOTIFICATION REQUIREMENTS

Section 116450 of the California SDWA, specifies that whenever a monitoring requirement specified in the Division's regulations is not performed, the person operating the public water system shall notify the Division and shall give notice to the users of that fact in the manner prescribed by the Division.

Public notification for violation of any requirement of Section 64534.8 shall be in accordance with Section 64463.7(b) which outlines the prescribed methods and information to be included in the public notice to the customers.

Public notification for failure to conduct the required DBP monitoring is required. The Division requires the Water System to utilize the Public Notice to inform their customers of the failure to conduct the required monitoring. This notice shall be given pursuant to CCR, Title 22, Section 64463.7. The public notification form is provided in Attachment C. An electronic copy of Attachment C is available from the Division upon request.

CCR, Title 22, Section 64463.7(c) allows water systems to give public notification by mail or direct delivery and with the use of one or more of the following methods in order to reach persons not likely to be reached by a mailing or direct delivery: publication in a local newspaper or newsletter distributed to customers, posting the notice in conspicuous places served by the Water System, or delivery to community organizations.

California SDWA, Section 116450(g), requires that upon receipt of notification from a public water system, 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 their tenants and business property owners, managers or operators must notify employees of businesses located on the property. These secondary notification requirements are included in the public notice.

Proof of notification is required. The Water System shall complete the Proof of Public Notification form, provided in Attachment D, and return it to the Division.

Annual public notification is required for each year that the monitoring violation continues. The Water System may satisfy the requirement for annual public notification by including the completed Attachment C in the annual Consumer Confidence Report.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, USA Waste of California Water System is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64534.2(d), by collecting the required TTHM and HAA5 samples in accordance with an approved Disinfection Byproduct Monitoring Plan, by no later than **July 1, 2016**, and continuing annually thereafter, or as otherwise approved or directed by the Division.

2. Provide public notification of its failure to maintain the required DBP monitoring and reporting, by no later than **January 10, 2016**. Public notification procedures and format are provided in Attachment C. An electronic version of Attachment C is available upon request. The Water System may include the notification as part of the 2015 Consumer Confidence Report, so long as the above deadline is satisfied.

3. Proof of public notification shall be provided to the Division by no later than **January 31, 2016**, using the form provided as Attachment D.

All submittals required by this Citation shall be addressed to:

Betsy S. Lichti, P.E.,
Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
Fresno District
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance. Nothing in this Citation relieves the USA Waste of California Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

If the USA Waste of California Water System is unable to perform the tasks specified in this Citation for any reason, whether within or beyond its control, and if the USA Waste of California Water System notifies the Division in writing no less than five days in advance of the due date, the Division 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.

PARTIES BOUND

This Citation shall apply to and be binding upon the USA Waste of California Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the USA Waste of California Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation 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 violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

11/4/15

Date

Betsy S. Lichti, P.E.,
District Engineer, Fresno District
Division of Drinking Water
State Water Resources Control Board

BSL/PD

Attachments:
Attachment A: Applicable Authorities
Attachment B: Public Notification Form
Attachment C: Proof of Notification Form

Sent Via Certified Mail: 70151660000007819463

Applicable Authorities
Monitoring & Reporting Violation
Disinfectant Byproducts

California Health and Safety Code, Section 116650, states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22, states in relevant part:

§64533. Maximum Contaminant Levels for Disinfection Byproducts.

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A
Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0010
Bromate	0.010	0.0050 0.0010[1]
Chlorite	1.0	0.020

[1] For analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0

§64534. General Monitoring Requirements.

(a) Except as provided in subsection (b), analyses required pursuant to this chapter shall be performed by laboratories certified by the State Board to perform such analyses pursuant to Article 3, commencing with section 100825, of Chapter 4 of Part 1 of Division 101, Health and Safety Code. Unless otherwise directed by the State Board, analyses shall be made in accordance with U.S. EPA approved methods as prescribed in 40 Code of Federal Regulations, part 141.131 (63 Fed. Reg. 69390 (December 16, 1998), as amended at 66 Fed. Reg. 3770 (January 16, 2001), 71 Fed. Reg. 388 (January 4, 2006), 71 Fed. Reg. 37168 (June 29, 2006), and 74 Fed. Reg. 30953 (June 29, 2009)), which are incorporated by reference.

(b) Sample collection, and field tests including pH, alkalinity, and chlorine, chloramines, and chlorine dioxide residual disinfectants, shall be performed by personnel trained to perform such sample collections and/or tests by:

(1) The State Board;

(2) A laboratory certified pursuant to subsection (a); or

(3) An operator, certified by the State Board pursuant to section 106875(a) or (b) of the Health and Safety Code and trained by an entity in paragraph (1) or (2) to perform such sample collections and/or tests.

(c) Systems shall take all samples during normal operating conditions, which exclude those circumstances covered under section 64533.5(b).

(d) A system may apply to the State Board for approval to consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required under section 64534.2(a). In order to qualify for this reduction in monitoring requirements a system shall demonstrate to the State Board that the

multiple wells produce water from the same aquifer. To make this demonstration, a system shall submit information to the State Board regarding the location, depth, construction, and geologic features of each well, and water quality information for each well. The State Board will use this information to determine whether the wells produce water from a single aquifer.

(e) Systems shall use only data collected under the provisions of this chapter to qualify for reduced monitoring pursuant to this article.

(f) Systems that fail to monitor shall be in violation of the monitoring requirements for the entire monitoring period that a monitoring result would be used in calculating compliance with MCLs or MRDLs, and shall notify the public pursuant to sections 64463, 64463.7, and 64465, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

(g) Systems that fail to monitor in accordance with the monitoring plan required by section 64534.8 shall be in violation of the monitoring requirements, and shall notify the public pursuant to sections 64463, 64463.7, and 64465, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

§64534.2. Disinfection Byproducts Monitoring

(a) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and locations indicated in table 64534.2-A.

Table 64534.2-A
Routine and Increased Monitoring Frequency for TTHM and HAA5

COLUMN A *Type of System*	COLUMN B *Persons Served*	COLUMN C *Minimum monitoring frequency*	COLUMN D *Sample location in the distribution system & increased monitoring frequencies*
Systems using approved surface water	≥10,000	Four samples per quarter per treatment plant	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods[1].
	500 - 9,999	One sample per quarter per treatment plant	Locations representing maximum residence time[1].
	< 500	One sample	Locations representing maximum

				per year per treatment plant during month of warmest water temperature		residence time[1]. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system shall increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in paragraph (3) of this subsection.

Systems using only ground water not under direct influence of surface water and using chemical disinfectant		≥10,000		One sample per quarter per treatment plant		Locations representing maximum residence time[1].
		<10,000		One sample per year per treatment plant during month of warmest water temperature		Locations representing maximum residence time[1]. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system shall increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in paragraph (3) of this subsection.

[1] If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) shall be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples shall be taken at locations representative of at least average residence time in the distribution system.

(1) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-B. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-B;

Table 64534.2-B
Reduced Monitoring Frequency for TTHM and HAA5

If the system is a(n) ...	*serving...*	*the system may reduce monitoring if it has monitored at least one year and...*	*to this level*
Approved surface water system which has a source water TOC[1] level, before any treatment, ≤4.0 mg/L	≥10,000	TTHM[1] ≤ 0.040 mg/L and HAA5[1] ≤0.030 mg/L	One sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
	500-9,999	TTHM[1] ≤0.040 mg/L and HAA5[1] ≤0.030 mg/L	One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only ground water not under direct influence of surface water and using chemical disinfectant	≥10,000	TTHM[1] ≤0.040 mg/L and HAA5[1] ≤0.030 mg/L	One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
	<10,000	TTHM[1] ≤0.040 mg/L and HAA5[1] ≤0.030 mg/L for two consecutive years OR TTHM[1] ≤0.020 mg/L and HAA5[1] ≤0.015 mg/L for one year	One sample per treatment plant per three-year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following the quarter in which system qualifies for reduced monitoring.

[1] TOC, TTHM, and HAA5 values based on annual averages.

(2) Systems on reduced monitoring shall resume monitoring at the frequency specified in column C of table 64534.2-A in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for the TTHM annual average or 0.045 mg/L for the HAA5 annual average, or 4.0 mg/L for the source water TOC annual average. For systems using only ground water not under the direct influence of surface water and

serving fewer than 10,000 persons or for systems using approved surface water and serving fewer than 500 persons, if either the TTHM annual average is >0.080 mg/L or the HAA5 annual average is >0.060 mg/L, the system shall go to increased monitoring identified in column D of table 64534.2-A in the quarter immediately following the quarter in which the system exceeds 0.080 mg/L or 0.060 mg/L for the TTHM and HAA5 annual averages, respectively; and

(3) Systems on increased monitoring pursuant to column D of table 64534.2-A may return to routine monitoring specified in column C of table 64534.2-A if, after at least one year of monitoring, TTHM annual average is ≤0.060 mg/L and HAA5 annual average is ≤0.045 mg/L.

(b) Community and nontransient noncommunity water systems using chlorine dioxide shall conduct monitoring for chlorite as follows:

(1) Systems shall take daily samples at the entrance to the distribution system and analyze the samples the same day the samples are taken. For any daily sample that exceeds the chlorite MCL, the system shall take three additional chlorite distribution system samples the following day (in addition to the daily sample required at the entrance to the distribution system) at these locations: as close to the first customer as possible, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. The system shall analyze the additional samples within 48 hours of being notified pursuant to section 64537(b) of the exceedance;

(2) Systems shall take a three-sample set each month in the distribution system. The system shall take one sample at each of the following locations: as close to the first customer as possible, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling shall be conducted in the same manner (as three-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under paragraph (1) to meet the monitoring requirement in this paragraph;

(3) Systems may apply to the State Board to reduce monthly chlorite monitoring in the distribution system pursuant to paragraph (2) to one three-sample set per quarter after one year of monitoring during which no individual chlorite sample taken in the distribution system has exceeded the chlorite MCL and the system has not been required to conduct additional monitoring under paragraph (1). The application shall include the results of all chlorite monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application and determine whether or not the system is eligible to reduce monitoring to one three-sample set per quarter. The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under paragraph (2) exceeds the chlorite MCL or the system is required to conduct additional monitoring under paragraph (1), at which time the system shall revert to routine monitoring; and

(4) If a distribution system sample taken pursuant to paragraph (2) exceeds the chlorite MCL, the system shall take and analyze a confirmation sample within 48 hours of being notified pursuant to section 64537(c) of the exceedance. If the system fails to take a confirmation sample pursuant to this paragraph, it shall take and analyze a confirmation sample within two weeks of notification of the results of the first sample.

(c) Community and nontransient noncommunity systems using ozone shall monitor for bromate as follows:

(1) Systems shall take one sample per month for each treatment plant in the system using ozone. Samples shall be taken at the entrance to the distribution system while the ozonation system is operating under normal conditions;

(2) Systems may reduce bromate monitoring from monthly to once per quarter, if the system's running annual average bromate concentration is $\leq$0.0025 mg/L based on monthly bromate measurements under paragraph (1) for the most recent four quarters, with samples analyzed using Method 317.0 Revision 2.0, 321.8, or 326.0. The system shall notify the State Board in writing within 30 days of the change in monitoring frequency; and

(3) Systems shall resume routine bromate monitoring pursuant to paragraph (1) and notify the State Board in writing within 30 days of the change in monitoring frequency if the running annual average bromate concentration, computed quarterly, is greater than 0.0025 mg/L.

(d) By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):

(1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8;

Table 64534.2-C
Routine Monitoring Frequency for TTHM and HAA5

		Minimum monitoring frequency[1]	
Source water type	*Persons served*	*Number of distribution system monitoring locations*	*Monitoring period*[2]
Systems using approved surface water	≥5,000,000	20 dual sample sets	per quarter
	1,000,000 – 4,999,999	16 dual sample sets	per quarter
	250,000 – 999,999	12 dual sample sets	per quarter
	50,000 – 249,999	8 dual sample sets	per quarter
	10,000 – 49,999	4 dual sample sets	per quarter
	3,301 – 9,999	2 dual sample sets	per quarter
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest	per quarter

			HAA5 measurement		
		<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement[3]		per year
Systems using ground water not under direct influence of surface water		≥500,000	8 dual sample sets		per quarter
		100,000 – 499,999	6 dual sample sets		per quarter
		10,000 – 99,999	4 dual sample sets		per quarter
		500 – 9,999	2 dual sample sets		per year
		<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement[3]		per year

[1] All systems shall monitor during the month of highest disinfection byproduct concentrations.
[2] Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.
[3] Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

(2) Undisinfected systems that begin using a disinfectant other than UV light after the applicable dates in 40 Code of Federal Regulations, part 141.600 (71 Fed. Reg. 388 January 4, 2006), which is incorporated by reference, shall consult with the State Board to identify compliance monitoring locations for this subsection. Systems shall then develop a monitoring plan in accordance with section 64534.8 that includes those monitoring locations;

(3) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-D, any time the LRAA is ≤0.040 mg/L for TTHM and ≤0.030 mg/L for HAA5 at all monitoring locations. In addition, the source water annual average TOC level, before any treatment shall be ≤4.0 mg/L at each treatment plant treating approved surface water, based on source water TOC monitoring conducted pursuant to section 64534.6. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-D;

Table 64534.2-D
Reduced Monitoring Frequency for TTHM and HAA5

		Minimum monitoring frequency	
Source water type	*Persons served*	*Number of distribution system monitoring locations*	*Monitoring period*[1]
Systems using approved surface water	≥5,000,000	10 dual sample sets: at the locations with the five highest TTHM and five highest HAA5 LRAAs	per quarter
	1,000,000 – 4,999,999	8 dual sample sets: at the locations with the four highest TTHM and four highest HAA5 LRAAs	per quarter
	250,000 – 999,999	6 dual sample sets: at the locations with the three highest TTHM and three highest HAA5 LRAAs	per quarter
	50,000 – 249,999	4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs	per quarter
	10,000 – 49,999	2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs	per quarter
	3,301 – 9,999	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement	per year

		500 – 3,300		1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	per year
Systems using only ground water not under direct influence of surface water		≥500,000		4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs	per quarter
		100,000 – 499,999		2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs	per quarter
		10,000 – 99,999		2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement	per year
		500 – 9,999		1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the	per year

				highest TTHM and HAA5 measurements occurred at the same location and quarter		
		<500		1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set every third year if the highest TTHM and HAA5 measurements occurred at the same location and quarter		every third year

[1] Systems on quarterly monitoring shall take dual sample sets every 90 days.

(4) Systems on reduced monitoring shall resume routine monitoring pursuant to table 64534.2-C or conduct increased monitoring pursuant to paragraph (5) (if applicable), if the TTHM LRAA is >0.040 mg/L or the HAA5 LRAA is >0.030 mg/L at any monitoring location (for systems with quarterly reduced monitoring); a TTHM sample is >0.060 mg/L or a HAA5 sample is >0.045 mg/L (for systems with annual or less frequent monitoring); or the source water annual average TOC level, before any treatment, is >4.0 mg/L at any treatment plant treating an approved surface water;

(5) Systems that are required to monitor at a particular location annually or less frequently than annually pursuant to table 64534.2-C or 64534.2-D shall increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location. Systems on increased monitoring may return to routine monitoring specified in table 64534.2-C if, after at least four consecutive quarters of monitoring, the LRAA for every monitoring location is ≤0.060 mg/L for TTHM and ≤0.045 mg/L for HAA5;

(6) If the operational evaluation level (OEL) exceeds 0.080 mg/L for TTHM or 0.060 mg/L for HAA5 at any monitoring location, systems shall conduct an operational evaluation. The operational evaluation shall include the examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances. Systems that are able to identify the cause of the OEL exceedance may submit a written request to the State Board to limit the scope of the evaluation. The request to limit the scope of the evaluation shall not extend the schedule in section 64537(d) for submitting the written report to the State Board;

(7) Systems on reduced monitoring pursuant to table 64534.2-B may remain on reduced monitoring after the applicable date in table 64530-A for compliance with this subsection provided the system meets IDSE requirements under section 64530(c) by qualifying for a 40/30 certification (40 CFR part 141.603) or receiving a very small system waiver (40 CFR part 141.604), meets the reduced monitoring criteria in paragraphs (3) and (4), and does not change or add monitoring locations from those used for compliance monitoring under subsection (a); and

(8) Systems on increased monitoring pursuant to table 64534.2-A shall remain on increased monitoring and conduct increased monitoring pursuant to paragraph (5) at the locations in the monitoring plan developed under section 64534.8 beginning at the applicable date in table 64530-A for compliance with this subsection. Systems on increased monitoring may return to routine monitoring specified in table 64534.2-C pursuant to paragraph (5).

Article 4. Compliance requirements

§64535. General Requirements for Determining Compliance.

(a) All samples taken and analyzed in accordance with section 64534.8 shall be included in determining compliance, pursuant to sections 64535.2, 64535.4, and 64536.4.

(b) For violations of the MCLs in section 64533 or MRDLs in section 64533.5 that may pose an acute risk to human health, notification shall be pursuant to sections 64463, 64463.1, and 64465.

§64535.2. Determining Disinfection Byproducts Compliance.

(a) During the first year of monitoring for disinfection byproducts under sections 64534.2(a), (b), and (c), the system shall comply with paragraphs (1) through (3). During the first year of monitoring for TTHM and HAA5 under section 64534.2(d), the system shall comply with paragraphs (1) through (3) at each monitoring location:

(1) The sum of the first quarter's results, divided by four, shall not exceed the MCLs specified in section 64533.

(2) The sum of the first and second quarter's results, divided by four, shall not exceed the MCLs specified in section 64533.

(3) The sum of the first, second, and third quarter's results, divided by four, shall not exceed the MCLs specified in section 64533.

(b) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(a), shall be determined as follows:

(1) For systems monitoring quarterly, the running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected pursuant to section 64534.2(a) shall not exceed the MCLs specified in section 64533;

(2) For systems monitoring less frequently than quarterly, the average of samples collected that calendar year pursuant to section 64534.2(a) shall not exceed the MCLs specified in section 64533. If the average of the samples collected under section 64534.2(a) exceeds the MCL, the system shall increase monitoring to once per quarter per treatment plant. Compliance with the MCL shall then be determined by the average of the sample that triggered the quarterly monitoring and the following three quarters of monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation immediately. After monitoring quarterly for four consecutive quarters (including the

quarter that triggered the quarterly monitoring), and until such time as monitoring returns to routine monitoring pursuant to section 64534.2(a)(3), compliance shall be determined pursuant to paragraph (1);

(3) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6; and

(4) If a public water system fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data.

(c) Compliance for bromate shall be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by section 64534.2(c). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6. If a public water system fails to complete 12 consecutive months of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data.

(d) Compliance for chlorite shall be based on the results of samples collected by the system pursuant to section 64534.2(b).

(1) If any daily sample taken at the entrance to the distribution system exceeds the chlorite MCL and one (or more) of the three samples taken in the distribution system pursuant to section 64534.2(b)(1) exceeds the chlorite MCL, the system is in violation of the MCL and shall take immediate corrective action to reduce the concentration of chlorite to a level below the MCL. The system shall notify the State Board within 48 hours of the determination and notify the public pursuant to the procedures for acute health risks in sections 64463, 64463.1, and 64465, including language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6. Failure to take samples in the distribution system the day following an exceedance of the chlorite MCL at the entrance to the distribution system is also an MCL violation and the system shall notify and report as described in this paragraph;

(2) If the average of an individual sample from the three-sample set taken pursuant to section 64534.2(b)(2) and its confirmation sample taken pursuant to section 64634.2(b)(4) exceeds the chlorite MCL, the system is in violation of the MCL and shall take the corrective action and notify and report as described in paragraph (1). If the average of the individual sample and its confirmation does not exceed the MCL, the system shall inform the State Board of the results within seven days from receipt of the original analysis. Failure to take a confirmation sample pursuant to section 64534.2(b)(4) is also an MCL violation and the system shall notify and report as described in paragraph (1); and

(3) If any two consecutive daily samples taken at the entrance to the distribution system exceed the chlorite MCL and all distribution system samples taken pursuant to section 64534.2(b)(1) are less than or equal to the chlorite MCL, the system is in violation of the

MCL and shall take corrective action to reduce the concentration of chlorite to a level below the MCL at the point of sampling. The system shall notify the public pursuant to the procedures for nonacute health risks in sections 64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorite MCL at the entrance to the distribution system is also an MCL violation and the system shall notify and report as described in this paragraph.

(e) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(d), shall be determined as follows:

(1) For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in section 64533;

(2) For systems monitoring annually or less frequently, each sample collected shall not exceed the MCLs specified in section 64533. If no sample exceeds the MCL, the sample result for each monitoring location shall be considered the LRAA for the monitoring location. If any sample exceeds the MCL, systems shall increase monitoring pursuant to section 64534.2(d)(5). Compliance with the MCL shall then be determined by the average of the sample that triggered the quarterly monitoring and the following three quarters of monitoring, unless the result of fewer than four quarters of monitoring will cause the LRAA to exceed the MCL, in which case the system is in violation immediately. After monitoring quarterly for four consecutive quarters (including the quarter that triggered the quarterly monitoring), and until such time as monitoring returns to routine monitoring pursuant to section 64534.2(d)(5), compliance shall be determined pursuant to paragraph (1);

(3) If a system fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data. If more than one sample per quarter is taken at a monitoring location, all the samples taken in the quarter at that monitoring location shall be averaged to determine a quarterly average to be used in the LRAA calculation; and

(4) If the LRAA exceeds the MCL, calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters), the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

§64463.4. Tier 2 Public Notice

(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 State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the

State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(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), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. 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. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(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 State Board 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.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

§64469 Reporting Requirements

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

Date Distributed: _____ ATTACHMENT B

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.

Disinfection Byproduct Monitoring and Reporting Requirements Not Met for USA Waste of California Water System

Our water system failed to monitor as required for a drinking water monitoring standard during 2015 and, therefore, was in violation of State regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the month of July 2014, we did not monitor or test for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Disinfection Byproducts	1 per year	Zero	Month of highest disinfection byproduct concentrations	

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Corrective action:

_____

_____

For more information, please 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 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 USA Waste of California System ID#: 1000467

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Fresno District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: USA Waste of California

Public Water System No.: 1000467

Public notification for a **TTHM and HAA5 monitoring and reporting violation** was performed by the following method(s) (check and complete those that apply):

__ The notice was mailed to users on: _____
__ A copy of the notice is attached.

__ The notice was hand delivered to water customers on: _____
__ A copy of the notice is attached.

__ The notice was published in the local newspaper on: _____
__ A copy of the newspaper notice is attached.

__ The notice was published in conspicuous places on: _____
__ A copy of the notice is attached.
__ A list of locations the notice was posted is attached.

__ The notice was delivered to community organizations on: _____
__ A copy of the notice is attached.
__ A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

_____
Printed Name

_____
Title

_____
Signature

_____
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 each day that the 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 imprisionment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers
System Number: 1000467
Enforcement Action No. 03-23-15C-097