



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

July 29, 2015

Mr. Ken Moore, Public Works Director  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

RE: City of Kerman – Water System No. 1010018  
Hexavalent Chromium MCL Violation – Compliance Order No. 03-23-15R-010

Dear Mr. Moore:

On July 29, 2015, the State Water Resources Control Board – Division of Drinking Water (Division) issued Compliance Order No. 03-23-15R-010 (enclosed) to the City of Kerman Water System (Water System) for violation of the hexavalent chromium maximum contaminant level (MCL).

The Compliance Order requires your water system, on or before **October 31, 2015**, to present to the Division a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the hexavalent chromium MCL) and eliminate the need to deliver water to customers that does not meet primary drinking water standards. Arrangements for presenting the plan can be made by contacting our office.

Please note that Division approval is required before proceeding with any changes or additions to your source of supply or treatment as part of the compliance plan.

Please submit a written response to our office by **August 31, 2015**, regarding your intent to comply with the Compliance Order.

If you have any questions regarding this matter, or to schedule the office meeting to present the Corrective Action Plan, please contact Jose Robledo 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/JAR

Enclosures

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3 STATE OF CALIFORNIA  
4 STATE WATER RESOURCES CONTROL BOARD  
5 DIVISION OF DRINKING WATER  
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8 IN RE: CITY OF KERMAN  
9 WATER SYSTEM NO. 1010018

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11 TO: Mr. Ken Moore, Public Works Director  
12 City of Kerman  
13 850 S. Madera Avenue  
14 Kerman, CA 93630  
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20 COMPLIANCE ORDER NO. 03-23-15R-010

21  
22 FOR  
23 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555(a)(1)  
24 AND THE PRIMARY DRINKING WATER STANDARD FOR  
25 HEXAVALENT CHROMIUM  
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27 Issued on July 29, 2015

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29 The State Water Resources Control Board (hereinafter "Board"), acting by and  
30 through its Division of Drinking Water (hereinafter "Division") and the Deputy  
31 Director for the Division (hereinafter "Deputy Director"), hereby issues this  
32 compliance order (hereinafter "Order") pursuant to Section 116655 of the  
33 California Health and Safety Code (hereinafter "CHSC") to the City of Kerman for  
34 violation of CHSC section 116555(a)(1) and Title 22, California Code of  
35 Regulations (hereinafter "CCR"), Section 64431, Maximum Contaminant Levels –  
36 Inorganic Chemicals.

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**APPLICABLE AUTHORITIES**

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

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
  - (1) Complies with primary and secondary drinking water standards.

**CHSC, Section 116655 states in relevant part:**

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
  - (1) Directing compliance forthwith.
  - (2) Directing compliance in accordance with a time schedule set by the department.
  - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
  - (1) That the existing plant, works, or system be repaired, altered, or added to.
  - (2) That purification or treatment works be installed.
  - (3) That the source of the water supply be changed.
  - (4) That no additional service connection be made to the system.
  - (5) That the water supply, the plant, or the system be monitored.
  - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**CCR, Title 22, Section 64431 (hereinafter “Section 64431”), states in relevant part:**

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

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**Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO <sub>3</sub> )	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

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**CCR, Title 22, Section 64432 (hereinafter "Section 64432") provides in relevant part:**

- (g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:
- (1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
  - (2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.
- (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify

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106 the Department of the result(s) of the confirmation sample(s) within 24  
107 hours of receipt of the confirmation result(s).

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109 (1) If the average concentration of the original and confirmation sample(s) is  
110 less than or equal to ten times the MCL, the water supplier shall monitor  
111 quarterly beginning in the quarter following the quarter in which the  
112 exceedance occurred.

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114 (2) If the average concentration of the original and confirmation sample(s)  
115 exceeds ten times the MCL, the water supplier shall, if directed by the  
116 Department;

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118 (A) Immediately discontinue use of the contaminated water source; and

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120 (B) Not return the source to service without written approval from the  
121 Department.

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123 (i) Compliance with the MCLs shall be determined by a running annual  
124 average; if any one sample would cause the annual average to exceed the  
125 MCL, the system is immediately in violation. If a system takes more than one  
126 sample in a quarter, the average of all the results for that quarter shall be used  
127 when calculating the running annual average. If a system fails to complete four  
128 consecutive quarters of monitoring, the running annual average shall be based  
129 on an average of the available data.

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

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134 **STATEMENT OF FACTS**

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136 The Division is informed by the City of Kerman, and believes that the City of  
137 Kerman Water System (hereinafter "Water System"), is a publicly owned water  
138 system located in Fresno County that supplies water for domestic purposes to a  
139 total of 14,339 individuals through approximately 3,617 service connections. The  
140 Water System operates under Domestic Water Supply Permit No. 03-12-08P-026,  
141 issued on August 19, 2008. The Water System is a community public water  
system as defined in CHSC, Section 116275.

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The Water System utilizes six active groundwater wells as its source of domestic water. The active wells are continuously chlorinated prior to discharging into the distribution system.

CCR, Title 22, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant level for hexavalent chromium of 0.010 mg/L, as established in Section 64431.

The Water System has collected three quarterly samples for hexavalent chromium. Section 64431 (i) provides that compliance with the hexavalent MCL is based on a “running annual average” (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64431 (i) states: “if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation.”

A summary of the Water System’s hexavalent chromium monitoring is presented in Table 1 below. All results are as reported to the Division by the laboratory that performed the analysis.

**Table 1: City of Kerman Hexavalent Chromium Monitoring Results (mg/L)**

Sample Quarter	Sample Date	Source	Hexavalent Chromium (mg/L)
2Q 2014	4/23/2014	Well 9A	0.027
1Q 2015	1/14/2015	Well 9A	0.029
2Q 2015	4/22/2015	Well 9A	0.027
			<b>RAA = 0.021</b>
2Q 2014	4/23/2014	Well 10	0.010
1Q 2015	1/14/2015	Well 10	0.023
2Q 2015	4/22/2015	Well 10	0.020
			<b>RAA=0.013</b>
2Q 2014	4/23/2014	Well 12	0.017
1Q 2015	1/14/2015	Well 12	0.028
2Q 2015	4/22/2015	Well 12	0.0054
			<b>RAA = 0.013</b>
2Q 2014	4/23/2014	Well 14	0.028
1Q 2015	1/14/2015	Well 14	0.030
2Q 2015	4/22/2015	Well 14	0.028
			<b>RAA = 0.022</b>
2Q 2014	4/23/2014	Well 15	0.027
1Q 2015	1/14/2015	Well 15	0.028
2Q 2015	4/22/2015	Well 15	0.027
			<b>RAA = 0.021</b>
2Q 2014	4/23/2014	Well 17	0.018
1Q 2015	1/14/2015	Well 17	0.018
2Q 2015	4/22/2015	Well 17	0.018
			<b>RAA = 0.014</b>

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167 The RAA for all wells, calculated from the three quarter sample results averaged  
 168 over a four quarter period exceeds the hexavalent chromium MCL of 0.010 mg/L.

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170 Section 64432 (b)(1) states the following: If otherwise performed in accordance  
 171 with this section, groundwater monitoring for an inorganic chemical performed no  
 172 more than two years prior to the effective date of the regulation establishing the

173 MCL may be used to satisfy the requirement for initiating monitoring within six  
174 months following such effective date. Therefore, the results obtained from  
175 sampling conducted on April 23, 2014 were used in determining compliance with  
176 the hexavalent chromium MCL.

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178 **DETERMINATIONS**

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180 Based on the above Statement of Facts, the Division has determined that the  
181 Water System has violated CHSC, Section 116555 and Section 64431 in that the  
182 water produced by Well Nos. 9A, 10, 12, 14, 15, and 17 during the second quarter  
183 of 2015 violated the hexavalent chromium MCL as shown in Table 1 above.

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185 **DIRECTIVES**

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

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188 1. On or before **August 31, 2015**, submit a written response to the Division  
189 indicating its agreement to comply with the directives of this Order and with  
190 the Corrective Action Plan addressed in Directive No. 5.

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192 2. Commencing on the date of service of this Order, provide quarterly public  
193 notification in accordance with Attachment B, of Water System's failure to  
194 meet the hexavalent chromium MCL during any calendar quarter that the  
195 four-quarter running annual average exceeds the MCL.

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197 3. Commencing on the date of service of this Order, submit proof of each  
198 public notification conducted in compliance with Directive No. 2, within 10  
199 days following each such notification, using the form provided as  
200 Attachment C.

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202 4. Commencing on the date of service of this Order, collect quarterly samples  
203 for hexavalent chromium from each well, as required by Section 64432(g),  
204 and ensure that the analytical results are reported to the Division  
205 electronically by the analyzing laboratory no later than the 10th day  
206 following the month in which the analysis was completed.

207  
208 5. Prepare for Division approval a Corrective Action Plan identifying  
209 improvements to the water system designed to correct the water quality  
210 problem (violation of the hexavalent chromium MCL) and ensure that the  
211 Water System delivers water to consumers that meets primary drinking  
212 water standards. The plan shall include a time schedule for completion of  
213 each of the phases of the project such as alternatives evaluation and  
214 selection, design, permitting and construction, and startup to ensure  
215 compliance is achieved with the hexavalent chromium MCL. The Water  
216 System shall include a plan for financing the necessary improvements and  
217 any increases in the operation and maintenance costs.

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- 220 6. On or before **October 31, 2015**, present the Corrective Action Plan required  
221 under Directive No. 5, above, to the Division in person at the Division's  
222 offices located at 265 W. Bullard Avenue, Fresno CA 93704.  
223
- 224 7. Timely perform the Division-approved Corrective Action Plan and each and  
225 every element of said plan according to the time schedule set forth therein.  
226
- 227 8. On or before **December 31, 2015**, and every three months thereafter,  
228 submit a report to the Division in the form provided as Attachment D,  
229 showing actions taken during the previous calendar three months to comply  
230 with the Corrective Action Plan.  
231
- 232 9. Not later than ten (10) days following the date of compliance with the  
233 hexavalent chromium MCL, demonstrate to the Division that the water  
234 delivered by Water System complies with the hexavalent chromium MCL.  
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- 236 10. Notify the Division in writing no later than five (5) days prior to the deadline  
237 for performance of any Directive set forth herein if Water System and/or its  
238 owner of record anticipates it will not timely meet such performance  
239 deadline.  
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241 All submittals required by this Order shall be addressed to:

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As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System.

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**PARTIES BOUND**

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This Order shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

270 **SEVERABILITY**

271 The Directives of this Order are severable, and the Water System shall comply  
272 with each and every provision hereof, notwithstanding the effectiveness of any  
273 other provision.

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275 **FURTHER ENFORCEMENT ACTION**

276 The California SDWA authorizes the Board to issue a citation with  
277 assessment of administrative penalties to a public water system for  
278 violation or continued violation of the requirements of the California SDWA  
279 or any regulation, permit, standard, citation, or order issued or adopted  
280 thereunder including, but not limited to, failure to correct a violation  
281 identified in a citation or compliance order. The California SDWA also  
282 authorizes the Board to take action to suspend or revoke a permit that has  
283 been issued to a public water system if the public water system has  
284 violated applicable law or regulations or has failed to comply with an order  
285 of the Board; and to petition the superior court to take various enforcement  
286 measures against a public water system that has failed to comply with an  
287 order of the Board. The Board does not waive any further enforcement  
288 action by issuance of this Order.

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292 Carl L. Carlucci, P.E., Chief  
293 Central California Section  
294 State Water Resources Control Board  
295 Division of Drinking Water  
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7-29-2015  
Date

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305 Certified Mail No. 7010 3090 0002 0396 3898

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**Attachments:**

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**Attachment A:**

**Applicable Authorities**

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**Attachment B:**

**Public Notification Form**

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**Attachment C:**

**Proof of Notification Form**

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**Attachment D:**

**Quarterly Progress Report Form**

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**Applicable Authorities**  
**Violation of Maximum Contaminant Levels for**  
**Hexavalent Chromium**

California Health and Safety Code, Section 116655, states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
  - (2) Directing compliance in accordance with a time schedule set by the department.
  - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
  - (2) That purification or treatment works be installed.
  - (3) That the source of the water supply be changed.
  - (4) That no additional service connection be made to the system.
  - (5) That the water supply, the plant, or the system be monitored.
  - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

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

§64431. Maximum Contaminant Levels--Inorganic Chemicals.

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

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO <sub>3</sub> )	45.

Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

§64432. Monitoring and Compliance--Inorganic Chemicals.

(a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the Department of each compliance period beginning with the compliance period starting January 1, 1993.

(b) Unless directed otherwise by the Department, each community and nontransient-noncommunity water system shall initiate monitoring for an inorganic chemical within six months following the effective date of the regulation establishing the MCL for the chemical and the addition of the chemical to table 64431-A.

(1) If otherwise performed in accordance with this section, groundwater monitoring for an inorganic chemical performed no more than two years prior to the effective date of the regulation establishing the MCL may be used to satisfy the requirement for initiating monitoring within six months following such effective date.

(2) For routine monitoring required in subsection (c), chromium monitoring may be used in lieu of hexavalent chromium monitoring if the chromium results are less than the chromium DLR set forth in table 64432-A.

(c) Unless more frequent monitoring is required pursuant to this Chapter, the frequency of monitoring for the inorganic chemicals listed in table 64431-A, except for asbestos, nitrate/nitrite, and perchlorate, shall be as follows:

(1) Each compliance period, all community and nontransient-noncommunity systems using groundwater shall monitor once during the year designated by the Department. The Department will designate the year based on historical monitoring frequency and laboratory capacity. All community and nontransient-noncommunity systems using approved surface water shall monitor annually. All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually.

(2) Quarterly samples shall be collected and analyzed for any chemical if analyses of such samples indicate a continuous or persistent trend toward higher levels of that chemical, based on an evaluation of previous data.

(d) For the purposes of sections 64432, 64432.1, 64432.2, and 64432.3, detection shall be defined by the detection limits for purposes of reporting (DLRs) in table 64432-A.

**Table 64432-A  
Detection Limits for Purposes of Reporting (DLRs) for Regulated Inorganic Chemicals**

<i>Chemical</i>	<i>Detection Limit for Purposes of Reporting (DLR) (mg/L)</i>
Aluminum	0.05
Antimony	0.006
Arsenic	0.002
Asbestos	0.2 MFL>10um*
Barium	0.1
Beryllium	0.001
Cadmium	0.001
Chromium	0.01
Cyanide	0.1
Fluoride	0.1
Hexavalent chromium	0.001
Mercury	0.001
Nickel	0.01
Nitrate (as NO <sub>3</sub> )	2.
Nitrite (as nitrogen)	0.4
Perchlorate	0.004
Selenium	0.005
Thallium	0.001

\* MFL=million fibers per liter; DLR for fibers exceeding 10 um in length.

(e) Samples shall be collected from each water source or a supplier may collect a minimum of one sample at every entry point to the distribution system which is representative of each source after treatment. The system shall collect each sample at the same sampling site, unless a change is approved by the Department.

(f) A water system may request approval from the Department to composite samples from up to five sampling sites, provided that the number of sites to be composited is less than the ratio of the MCL to the DLR. Approval will be based on a review of three years of historical data, well construction and aquifer information for groundwater, and intake location, similarity of sources, and watershed characteristics for surface water. Compositing shall be done in the laboratory.

(1) Systems serving more than 3,300 persons shall composite only from sampling sites within a single system. Systems serving 3,300 persons or less may composite among different systems up to the 5-sample limit.

(2) If any inorganic chemical is detected in the composite sample at a level equal to or greater than one fifth of the MCL, a follow-up sample shall be analyzed within 14 days from each sampling site included in the composite for the contaminants which exceeded the one-fifth-MCL level. If available, duplicates of the original sample taken from each sampling site used in the composite may be used instead of resampling; the analytical results shall be reported within 14 days. The water supplier may collect up to two additional samples each from one or more of the sources to confirm the result(s).

(3) Compliance for each site shall be determined on the basis of the individual follow-up samples, or on the average of the follow-up and confirmation sample(s) if the supplier collects confirmation sample(s) for each detection.

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

- (1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
- (2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

(j) If a system using groundwater has collected a minimum of two quarterly samples or a system using approved surface water has collected a minimum of four quarterly samples and the sample results have been below the MCL, the system may apply to the Department for a reduction in monitoring frequency.

(k) Water quality data collected prior to January 1, 1990, and/or data collected in a manner inconsistent with this section shall not be used in the determination of compliance with the monitoring requirements for inorganic chemicals.

(l) Water quality data collected in compliance with the monitoring requirements of this section by a wholesaler providing water to a public water system shall be acceptable for use by that system for compliance with the monitoring requirements of this section.

(m) A water system may apply to the Department for a waiver from the monitoring frequencies specified in subsection (c)(1), if the system has conducted at least three rounds of monitoring (three periods for groundwater sources or three years for approved surface water sources) and all previous analytical results are less than the MCL. The water system shall specify the basis for its request. If granted a waiver, a system shall collect a minimum of one sample per source while the waiver is in effect and the term of the waiver shall not exceed one compliance cycle (i.e., nine years).

(n) A water system may be eligible for a waiver from the monitoring frequencies for cyanide specified in subsection (c)(1) without any prior monitoring if it is able to document that it is not vulnerable to cyanide contamination pursuant to the requirements in §64445(d)(1) or (d)(2).

(o) Transient-noncommunity water systems shall monitor for the inorganic chemicals in table 64431-A as follows:

- (1) All sources shall be monitored at least once for fluoride; and

(2) Surface water sources for parks and other facilities with an average daily population use of more than 1,000 people and/or which are determined to be subject to potential contamination based on a sanitary survey shall be monitored at the same frequency as community water systems.

#### **§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 Department 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 Department 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 Department 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 Department's written approval based on the violation or occurrence having been resolved and the Department'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 Department'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 Department 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 Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

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

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

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

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, 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 64463.7(d), each water system shall submit a certification to the Department that it has done so, along with a representative copy of each type of public notice given.

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

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**City of Kerman West Water System  
Has Levels of Hexavalent Chromium Above Drinking Water Standards**

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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 hexavalent chromium concentration of \_\_\_\_\_ in Well Nos. \_\_\_\_\_l. These averages are 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 hexavalent chromium 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 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  
City of Kerman – State Water System No. 1010018

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

## 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: City of Kerman

Public Water System No.: 1010018

Public notification for **failure to comply with the Hexavalent Chromium MCL for the quarter of 20** 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 imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers

System Number: 1010018

Enforcement Action No. 03-23-15R-010

## Quarterly Progress Report

Water System: <b>City of Kerman</b>	Water System No.: <b>1010018</b>
Compliance Order No.: <b>03-23-15R-010</b>	Violation: <b>Hexavalent MCL</b>
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District Office.

### Summary of Compliance Plan:

### Tasks completed in the reporting quarter:

### Tasks remaining to complete:

Anticipate compliance date:

**Name**

**Signature**

**Title**

**Date**