CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 16, 2016

Joan Waters
3762 N. Cornelia
Fresno, CA 93722

RE: Lakeview Improvement Association – Water System No. 1000071
Citation No. 03-23-16C-028

Dear Ms. Waters:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Citation No. 03-23-16C-028 (Citation) to Lakeview Improvement Association, Inc., for failure to comply with the directives of Compliance Order No. 03-23-15R-006. The Citation is enclosed. The citation includes a penalty of $1,000. Note that Directive No. 12 of the Citation describes how to pay the penalty. Directive No. 12 also describes how the Division will consider suspending or waiving the requirement to pay the penalty.

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. 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 our office at (559) 447-3300.

Sincerely,

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

BSL/PD

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

IN RE: **LAKEVIEW IMPROVEMENT ASSOCIATION**
WATER SYSTEM NO. 1000071

TO: LAKEVIEW IMPROVEMENT ASSOCIATION, INC.
ATTN: MS. JOAN WATERS
3762 N. CORNELIA
FRESNO, CA 93722

CITATION NO. 03-23-16C-028

FOR VIOLATION OF THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 116555(a)(1), AND DIRECTIVES OF COMPLIANCE ORDER NO. 03-23-15R-006

Issued on May 16, 2016

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this Citation pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to Lakeview Improvement Association, Inc., for violation of CHSC section 116555(a)(1), and directives of Compliance Order No. 03-23-15R-006.

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 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.

(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

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.

STATEMENT OF FACTS

The Division is informed by Lakeview Improvement Association, Inc., and believes that the Lakeview Improvement Association Water System (hereinafter "Water System"), is a privately owned community water system located in Fresno County that supplies water for domestic purposes to a population of 65 individuals served through 65 residential service connection. The Water System operates under Domestic Water Supply Permit No. 03-23-13P-026, issued on November 19, 2013.

The Division issued Compliance Order No. 03-23-15R-006 to the Water System on March 26, 2015, for noncompliance with the arsenic maximum contaminant level (hereinafter "MCL"). A copy of the Compliance Order is included as Attachment A. The Compliance Order directed the Water System to take certain actions, including the following Directives:

1. On or before **July 1, 2017**, as originally established in Compliance Order No. 03-23-14R-030, comply with Title 22, CCR, Section 64431 and remain in compliance.

3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment C, hereto.

6. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as alternatives evaluation and selection, design, permitting and construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than **July 1, 2017**. The Water System shall include a plan for financing the necessary improvements and any increases in the operation and maintenance costs.

7. On or before **April 30, 2015**, present the Corrective Action Plan required under Directive No. 6, above, to the Division's Fresno District Office.

8. Timely perform the Division approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

9. On or before **July 10, 2015**, and every three months thereafter, submit a report to the Division in the form provided as Attachment D, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

To date, the Water System has failed to comply with Directive No. 6 and No. 7 of Compliance Order No. 03-23-15R-006. The Water System has not presented a Corrective Action Plan for correction of the arsenic MCL to the Division. The Water System continues to violate the arsenic maximum contaminant level and does not appear to be making

progress towards the compliance deadline established with Directive No. 1 of Compliance Order No. 03-23-15R-006. As of the end of the first quarter of 2016, the Water System's arsenic four quarter running annual averages for its *Existing Well* and its *New Well* were 0.028 mg/L and 0.024 mg/L, respectively; both averages exceed the 0.010 mg/L arsenic MCL.

Additionally, the Water System has failed to routinely conduct the public notification of the arsenic MCL violation, as required by Directive No. 3 of Compliance Order No. 03-23-15R-006; the Water System has failed to routinely submit the required proof of public notification to the Division, as required by Directive No. 4 of Compliance Order No. 03-23-15R-006.

Having failed to present a Corrective Action Plan to the Division, the Water System has failed to routinely submit the required quarterly reports showing actions taken during the previous calendar three months to comply with the Corrective Action Plan, as required by Directive No. 9.

DETERMINATIONS

The Water System has failed to comply with Directive No. 1, No. 3, No. 4, No. 6, No. 7, No. 8, and No. 9 of Compliance Order No. 03-23-15R-006.

ADMINISTRATIVE PENALTIES

Pursuant to CHSC Section 116650

Section 116650(a) of the CHSC allows for the issuance of a citation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, permit, standard, citation, or order issued thereunder. Section 116650(d) and (e) allow for the assessment of a penalty not to exceed one thousand dollars ($1,000) per day for each day that a violation occurs.

Despite the Division's efforts to work with the Water System, the Water System has failed to comply with the Directives of Compliance Order No. 03-23-15R-006. Therefore, the Division hereby assesses and administrative penalty of one thousand dollars ($1,000) upon Lakeview Improvement Association, Inc., and the Lakeview Improvement Association Water System. Directive No. 12 below describes the requirements for payment of the Penalty and conditions under which the Division may waive the requirement to pay the penalty.

DIRECTIVES

The Lakeview Improvement Association Water System and its owner of record are hereby directed to take the following actions:

1. On or before **July 1, 2017**, comply with Title 22, CCR, Section 64431, and remain in compliance, as required by Compliance Order No. 03-23-15R-006.

2. On or before **May 31, 2016**, submit a written response to the Division indicating its agreement to comply with the directives of this Citation and with the Corrective Action Plan addressed herein.

3. Provide quarterly public notification, in accordance with Attachment B of Compliance Order No. 03-23-15R-006, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

4. Submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment C of Compliance Order No. 03-23-15R-006.

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

6. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the

arsenic MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as alternatives evaluation and selection, design, permitting and construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than **July 1, 2017**. The Water System shall include a plan for financing the necessary improvements and any increases in the operation and maintenance costs.

7. On or before **June 30, 2016**, present the Corrective Action Plan required under Directive No. 6, above, to the Division's Fresno District Office.

8. Timely perform the Division approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

9. On or before **October 10, 2016**, and every three months thereafter, submit a report to the Division in the form provided as Attachment D of Compliance Order No. 03-23-15R-006, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Division that the water delivered by Water System complies with the arsenic MCL.

11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

12. Pay the Penalty of $1,000 within 30 days of the date of service of this Citation. Payment shall be made by check made payable to the Safe Drinking Water Account with the number of the Citation written on the check. Further instruction on submittal of payment is provided in Attachment B of this Citation, *Notice of Citation Issuance*.

The requirement to pay the Penalty and any and all additional penalties shall be suspended until **June 30, 2016**. Such suspension of the requirement to pay the Penalty and any and all additional penalties may be extended by the Division beyond June 30, 2016. Such extension may be effected only by written notice from the Division to the Water System. Additionally, the requirement to pay the Penalty and any and all additional penalties may be waived if the Division, in its sole discretion, determines that Water System has complied with the directives of this Citation. Such waiver may be effected only by written notice from the Division to the Water System.

All submittals required by this Order, other than payment of the penalty, 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

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, by personal delivery, or by certified mail, on the Water System or its owner of record.

The Division reserves the right to make such modifications to this Citation and/or to issue such further citations as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be deemed effective upon issuance.

Nothing in this Citation relieves the Water System or its owner of record of its obligation to meet the requirements of the California Safe Drinking Water Act, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

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

SEVERABILITY

The Directives of this Citation are severable, and the Water System and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to issue a 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 regulation, permit, standard, citation, 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Citation.

5-16-2016
Date

Carl L. Carlucci, P.E., Chief
Central California Section
Drinking Water Field Operations

CLC/PD

Attachments:
Attachment A: Compliance Order No. 03-23-15R-006
Attachment B: Notice of Citation Issuance

Via Certified Mail: 70151660000007818374

Attachment A

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

IN RE: **LAKEVIEW IMPROVEMENT ASSOCIATION**
WATER SYSTEM NO. 1000071

TO: LAKEVIEW IMPROVEMENT ASSOCIATION
ATTN: MS. JOAN WATERS
3762 N. CORNELIA
FRESNO, CA 93722

COMPLIANCE ORDER NO. 03-23-15R-006

FOR VIOLATION OF THE
VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555(a)(1)
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC

Issued on March 26, 2015

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Lakeview Improvement Association, Inc., for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431, Maximum Contaminant Levels – Inorganic Chemicals.

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.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
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 NO3)	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.

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

STATEMENT OF FACTS

The Division is informed by the Lakeview Improvement Association, Inc., and believes that the Lakeview Improvement Association Water System (hereinafter "Water System"), formerly known as the Shaver Lake Point No. 1 Water System, is a privately owned community water system located in Fresno County that supplies water for domestic purposes to a population of 65 residents, as reported to the Division, served through 64 single family residential service connections that are predominantly seasonally used homes. The Water System operates under Domestic Water Supply Permit No. 03-23-13P-026, issued on November 19, 2013. The Water System is a community public water system as defined in CHSC, Section 116275. The 2013 permit reclassified the Water System from a transient noncommunity water system to a community water system, at which time, the Water System was advised of the water quality monitoring required of community water systems.

The Water System utilizes nondisinfected groundwater from two off-site groundwater wells as its sources of domestic water. The combined wells discharge to a single 80,000 gallon welded steel storage tank located within the service area, where a booster station pumps the stored water 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 arsenic of 0.010 mg/L, as established in Section 64431.

CCR, Section 64432(i), specifies ongoing compliance determinations for quarterly inorganic chemical monitoring; specifically, compliance with an inorganic chemical MCL is based on a "running annual average" (hereinafter "RAA") of the quarterly monitoring samples, computed each quarter. Further, the section states that if any one sample would cause the RAA to exceed the MCL, the system is immediately in violation.

The Water System was notified of the requirement to begin quarterly arsenic monitoring of its wells via a letter, dated July 2, 2014, after initial sampling showed arsenic concentrations of 0.018 mg/L and 0.030 mg/L in *Existing Well Off-Site (PS-Code 1000071-001)* and *New Well Off-Site (PS-Code 1000071-002)*, respectively. Compliance Order No. 03-23-14R-030 was issued to the Water System on December 31, 2014, for *New Well Off-Site* following a third quarter 2014 sample that showed an arsenic concentration of 0.520 mg/L, causing the Water System to immediately be in violation of the arsenic MCL as the sample resulted in a four-quarter running annual average arsenic concentration of 0.138 mg/L in *New Well Off-*

Site, which exceeded the arsenic MCL of 0.010 mg/L. A summary of the Water System's arsenic monitoring, presented in Table 1 below, shows that subsequent arsenic monitoring has caused the Water System to violate the arsenic MCL in *Existing Well Off-Site*, in addition to the initial *New Well Off-Site* violation. **This Compliance Order replaces Compliance Order No. 03-23-14R-030 and reflects the arsenic MCL violation in both wells.**

Table 1: Arsenic Monitoring Results (mg/L)

Sample Quarter	Sample Date	Existing Well Off-Site 1000071-001	New Well Off-Site 1000071-002
2Q 2014	6/1/2014	0.018	0.030
3Q 2014	7/13/2014	0.019	0.520
4Q 2014	Not Sampled	--	--
1Q 2015	1/18/2015	0.025	0.035
1Q 2015 Running Annual Average		**0.016**	**0.146**

The first quarter 2015 RAAs for *Existing Well Off-Site* and *New Well Off-Site*, calculated as the three reported sample results, averaged over a four quarter period, are 0.016 mg/L and 0.146 mg/L, respectively, which each exceeds the arsenic MCL of 0.010 mg/L.

The July 13, 2014, arsenic sample collected from *New Well Off-Site* resulted in an arsenic concentration of 0.520 mg/L, which is greater than ten times the arsenic MCL of 0.010 mg/L. CCR, Title 22, Section 64432(h) states that if the concentration of an inorganic chemical exceeds ten times the MCL, the Water System, if directed by the Division, shall immediately discontinue use of the contaminated water source, and not return the source to service without written approval from the Division. In a letter dated December 22, 2014, the Division directed the Water System to immediately discontinue use of the well. In a letter

dated February 9, 2015, the Division noted that subsequent sampling showed the arsenic concentration at levels less than 10 times the MCL; in the letter, the Division allowed the Water System to resume use of the well.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System and its owner of record has violated CHSC, Section 116555 and Section 64431 in that the water produced by both wells during the 1st quarter of 2015 exceeded the arsenic MCL as shown in Table 1 above, and further has determined that said violation has continued through the date of this Order.

DIRECTIVES

The Lakeview Improvement Association Water System and its owner of record are hereby directed to take the following actions:

1. On or before **July 1, 2017**, as originally established in Compliance Order No. 03-23-14R-030, comply with Title 22, CCR, Section 64431 and remain in compliance.

2. On or before **April 10, 2015**, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment C, hereto.

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

6. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as alternatives evaluation and selection, design, permitting and construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be

no later than **July 1, 2017.** The Water System shall include a plan for financing the necessary improvements and any increases in the operation and maintenance costs.

7. On or before **April 30, 2015**, present the Corrective Action Plan required under Directive No. 6, above, to the Division's Fresno District Office.

8. Timely perform the Division approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

9. On or before **July 10, 2015**, and every three months thereafter, submit a report to the Division in the form provided as Attachment D, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Division that the water delivered by Water System complies with the arsenic MCL.

11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

All submittals required by this Order 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

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 or its owner of record.

The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves the Water System or its owner of record of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to issue a 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 regulation, permit, standard, citation, 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.

3-26-2015
Date

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

CLC/PD

Attachments:
Attachment A: Applicable Authorities
Attachment B: Public Notification Form
Attachment C: Proof of Notification Form
Attachment D: Quarterly Progress Report Form

Via Certified Mail: 70103090000203964031

Attachment A

Applicable Authorities

Violation of Maximum Contaminant Levels for Arsenic

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

Chemical	*Maximum Contaminant Level, mg/L*
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 NO3)	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

Chemical	*Detection Limit for Purposes of Reporting (DLR) (mg/L)*
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 NO3)	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.

Lakeview Improvement Association Water System Has Levels of Arsenic Above Drinking Water Standards

Water produced by our water system failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Results of water samples collected over the last year show an average arsenic concentration of _____ in Existing Well, and _____ in New Well. 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 arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer*
- If you have other health issues concerning the consumption of this water, you may wish to consult a doctor.

What happened? What was done?

[Describe corrective action.]_____.
We anticipate resolving the problem within [estimated time frame]_____.
For more information, please contact _____ [insert name of contact] at _____ [insert phone number] or at the following mailing address: _____[insert mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by
Lakeview Improvement Association – State Water System No. 1000071

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: Lakeview Improvement Association

Public Water System No.: 1000071

Public notification for **failure to comply with the** Arsenic 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 imprisionment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers
System Number: 1000071
Enforcement Action No. 03-23-15R-006

Attachment D

Quarterly Progress Report

Water System: Lakeview Improvement Association	Water System No.: 1000071
Compliance Order No.: 03-23-15R-006	Violation: Arsenic MCL
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

Attachment B

DRINKING WATER FIELD OPERATIONS BRANCH

NOTICE OF CITATION ISSUANCE
PENALTY

BACKGROUND STATEMENT

The State Water Resources Control Board, Division of Drinking Water, issued **Citation No. 03-23-16C-028** for the **Lakeview Improvement Association Water System** (Public Water System no. **1000071**).

This Citation carries a penalty of $1,000.00 (one thousand dollars).

METHOD OF PAYMENT

Within 30 days of receipt of this Citation, submit a check in the amount of $1,000.00 made payable to:

SWRCB – Division of Drinking Water

and mail to:

SWRCB Accounting Office
ATTN: Drinking Water Program Fees
P.O. Box 1888
Sacramento, CA 95812-1888

(Please indicate the Citation Number on the Check)

(Attach Check Here)