



EDWARD G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

BSL
3/22/16
TK

State Water Resources Control Board
Division of Drinking Water

March 21, 2016

Mr. Joey Campbell
American Union School
Washington Unified School District
7950 S. Elm Avenue
Fresno, CA 93706

RE: American Union School – System No. 1000204
Compliance Order No. 03_23_16R_001

Dear Mr. Campbell:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03_23_16R_001 for violation of the Uranium MCL. The compliance order is enclosed.

The Compliance Order requires the Water System to submit a written response by **April 8, 2016**, indicating its willingness to comply with the directives. It requires the Water System to present Corrective Action Plan in an office meeting no later than **June 10, 2016** and achieve compliance with Uranium MCL no later than **March 1, 2019**.

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

If you have any questions regarding this matter, please contact Sudarshan Poudyal or me at (559) 447-3300.

Sincerely,

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

BSL/sp

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

IN RE: AMERICAN UNION SCHOOL
WATER SYSTEM NO. 1000204

TO: JOEY CAMPBELL
WASHINGTON UNIFIED SCHOOL DISTRICT
7950 S. ELM AVENUE
FRESNO, CA 93706

COMPLIANCE ORDER NO. 03_23_16R_001

FOR NONCOMPLIANCE WITH THE
URANIUM MAXIMUM CONTAMINANT LEVEL
SECTION 64442(h), TITLE 22, CALIFORNIA CODE OF REGULATIONS

Issued on March 21, 2016

The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a Compliance Order (hereinafter "Order"), pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Washington Unified School District for violation of CHSC Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64442, Radionuclide Maximum Contaminant Levels (MCLs) in the water supplied by the American Union School.

37 **APPLICABLE AUTHORITIES**

38

39 **CHSC, Section 116555, states in relevant part:**

40 (a) Any person who owns a public water system shall ensure that the system does all of the
41 following:

42 (1) Complies with primary and secondary drinking water standards.
43

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

45 (a) Whenever the department determines that any person has violated or is violating this
46 chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter,
47 the director may issue an order doing any of the following:

48 (1) Directing compliance forthwith.

49 (2) Directing compliance in accordance with a time schedule set by the department.

50 (3) Directing that appropriate preventive action be taken in the case of a threatened
51 violation.
52

53 (b) An order issued pursuant to this section may include, but shall not be limited to, any or
54 all of the following requirements:

55 (1) That the existing plant, works, or system be repaired, altered, or added to.

56 (2) That purification or treatment works be installed.

57 (3) That the source of the water supply be changed.

58 (4) That no additional service connection be made to the system.

59 (5) That the water supply, the plant, or the system be monitored.

60 (6) That a report on the condition and operation of the plant, works, system, or
61 water supply be submitted to the department.
62

63 **CCR, Title 22, Section 64442a), states in relevant part:**

64 (a) Each community and nontransient noncommunity water system shall comply with the
65 primary MCLs in Table 64442 in the drinking water supplied to the public and use the
66 DLRs for reporting monitoring results:

67
68
69
70

Table 64442
Radionuclide Maximum Contaminant Levels
And Detection Levels for Purposes of Reporting

Radionuclide	Maximum Contaminant Level (pCi/L)	Detection Limit for Purposes of Reporting (pCi/L)
Radium-226	5 (combined radium-226 and -228)	1
Radium-228		1
Gross Alpha particle activity (excluding radon and uranium)	15	3
Uranium	20	1

71

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

74

75 **STATEMENT OF FACTS**

76

77 The American Union School water system (hereinafter "Water System") is a nontransient
78 noncommunity water system located at 2801 W. Adams Avenue in Fresno County, CA.
79 The Water System supplies water to approximately 250 students and staff through four (4)
80 service connections. The Water System operates under a domestic water supply permit no.
81 03-23-14P-002 issued by the Division on January 29, 2014 to the Washington Unified
82 School District.

83

84 The source of water supply for the Water System is groundwater obtained from a single
85 well, Well 01. Currently, there is no treatment provided.

86

87 CCR, Section 64442 establishes the Maximum Contaminant Levels (MCL) for Gross
 88 Alpha of 15 pCi/L, and for Uranium of 20 pCi/L. CCR Section 64442(g) specifies that if
 89 any radionuclide sample result is greater than an MCL, quarterly samples shall be collected
 90 and analyzed. Compliance shall be determined based on the running annual average of
 91 four consecutive quarterly samples. If any sample result causes the annual average at any
 92 sample site to exceed the MCL, the system shall be out of compliance immediately upon
 93 receiving the result*. A summary of the Water System's quarterly Gross Alpha and
 94 Uranium monitoring is presented in the table below. Note that compliance with Gross
 95 Alpha MCL is based on (GA-Ur).

96
 97 **Table 1. Radiological Monitoring Summary – Well No. 1**

Sample Date	Gross Alpha (GA) (MCL =15 pCi/L)	Uranium (Ur) (MCL=20 pCi/L)	GA-Ur	Uranium RAA
2015/09/01	50.20	36.18	14.02	-
2015/10/05	-	25.46		-
2016/01/08	35.60	38.86	(3.26)	25.12*
2016 2 nd quarter	no data yet	no data yet	-	

98 * calculated over four quarters.

99
 100 The Water System is in violation of the Uranium MCL based on Section 64442 (h) (3)
 101 using the three (3) quarterly samples collected in 3rd and 4th quarter of 2015 and 1st quarter
 102 of 2016 averaged over four quarters. The next round of sampling is due in the 2nd quarter
 103 of 2016. However, the Division is issuing this compliance order because the Water System
 104 will not be able to comply with the Uranium MCL even if the next sampling shows no
 105 detection of uranium. The Water System has not consistently tested for gross alpha in the

106 radiological samples collected. Based on available data, and subtracting the uranium
107 concentration from the gross alpha result, there is no violation of the Gross Alpha MCL.
108 Due to the Uranium MCL violation, the Water System is required to conduct public
109 notification within 30 days of receipt of this Order, which must be repeated every three
110 months as long as the violations exist.

111
112

113 **DETERMINATIONS**

114

115 Based on the above Statement of Facts, the Division has determined that the Water System
116 has violated CHSC Section 116555(a)(1) and CCR, Title 22, Section 64442(h).
117 Specifically, the Uranium Running Annual Average has exceeded the Uranium MCL
118 during the first quarter of 2016, as shown in Table 1 above.

119

120 **DIRECTIVES**

121

122 To ensure that the water supplied by the American Union School water system is at all
123 times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, the
124 Washington Unified School District is hereby directed to take the following actions:

125

- 126 1. Comply with CCR, Title 22, Section 64442 in future monitoring periods after
127 implementation of the compliance project in accordance with the Corrective Action
128 Plan.

129

130 2. Provide quarterly public notification of its inability to meet the Uranium MCL
131 during any calendar quarter that the four-quarter running annual average exceeds
132 the Uranium MCL. Notification procedures and format are provided in Attachment
133 B. An electronic version of Attachment B is available upon request. The first
134 notification shall be distributed within 30 days of receipt of this Order, and no later
135 than **April 15, 2016**.

136
137 3. Proof of public notification shall be provided to the Division following each
138 quarterly notification by the 10th day of the month following notification, using the
139 form provided as Attachment C.

140
141 4. Continue to collect quarterly samples for Gross Alpha and Uranium from Well 01.
142 The analytical results shall be reported to the Division electronically by the
143 analyzing laboratory no later than the 10th day following the month in which the
144 analysis was completed.

145
146 5. Prepare a Corrective Action Plan identifying improvements to the Water System
147 designed to correct the water quality problem (violation of the Uranium MCL) and
148 eliminate the need to deliver water to consumers that does not meet primary
149 drinking water standards. The plan shall include a time schedule for completion of
150 various phases of the project such as design, construction, and startup, as well as
151 provide a plan for financing the planning and construction of the project.

152

- 153 6. Present the Corrective Action Plan required under Directive No. 5, above, to the
154 Division in an office meeting no later than **June 10, 2016**.
155
- 156 7. Submit quarterly progress reports to the Division. The first quarterly progress
157 report shall describe progress made in the second quarter of 2016 and shall be
158 submitted to the Division by **July 10, 2016**, using the form provided as Attachment
159 D.
160
- 161 8. Submit a written response by **April 8, 2016** indicating its willingness to comply
162 with the directives of this Compliance Order.
163
- 164 9. By no later than **March 1, 2019**, achieve compliance with the Uranium MCL with
165 the completion of a project and demonstration that the running annual average is
166 reliably less than the MCL.
167
- 168 10. No later than ten days following the date of compliance with the Uranium MCL,
169 demonstrate to the Division that the water quality delivered by the Water System
170 complies with the Uranium MCL.

171 All submittals required by this Order shall be addressed to:

172
173 Betsy S. Lichti, P.E.,
174 Senior Sanitary Engineer
175 State Water Resources Control Board
176 Division of Drinking Water
177 Fresno District
178 265 W. Bullard Avenue, Suite 101
179 Fresno, CA 93704
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The Division reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance. Nothing in this Compliance Order relieves the Washington Unified School District of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

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

PARTIES BOUND

This Compliance Order shall apply to and be binding upon Washington Unified School District, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

205 **SEVERABILITY**

206

207 The directives of this Compliance Order are severable, and Washington Unified School
208 District shall comply with each and every provision thereof notwithstanding the
209 effectiveness of any provision.

210

211 **FURTHER ENFORCEMENT ACTION**

212

213 The California SDWA authorizes the Division to issue citations and compliance orders
214 with assessment of administrative penalties to a public water system for violation or
215 continued violation of the requirements of the California SDWA or any permit, regulation,
216 permit or order issued or adopted thereunder including, but not limited to, failure to correct
217 a violation identified in a citation or compliance order. The California SDWA also
218 authorizes the Division to take action to suspend or revoke a permit that has been issued to
219 a public water system if the system has violated applicable law or regulations or has failed
220 to comply with an order of the Division; and to petition the superior court to take various
221 enforcement measures against a public water system that has failed to comply with an order
222 of the Division. The Division does not waive any further enforcement action by issuance
223 of this compliance order.

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3-21-2016

Date

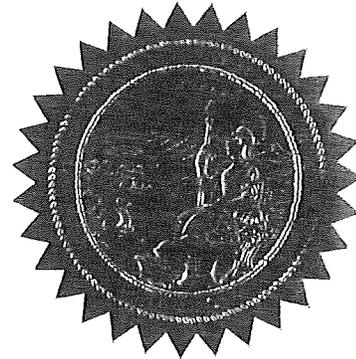


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CLC/SP

Attachments:

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



Sent Via Certified Mail: 7015166000007819555

(3) The values used for the radionuclide MCLs and DLRs shall be as specified in Table 64442.

(4) If the single sample result or average is:

A. Below the DLR, the system shall collect and analyze at least one sample every nine years (3 compliance periods).

B. At or above the DLR, but at or below $\frac{1}{2}$ the MCL, the system shall collect and analyze at least one sample every six years.

C. Above $\frac{1}{2}$ the MCL, but not above the MCL, the system shall collect and analyze at least one sample every three years.

(e) A system that monitors quarterly may composite up to four consecutive samples from a single sampling site if analysis is done within a year of the first sample's collection. If the result of the composited sample is greater than $\frac{1}{2}$ the MCL, at least one additional quarterly sample shall be analyzed to evaluate the range and trend of results over time before allowing the system to reduce the monitoring frequency.

(f) A gross alpha particle activity measurement may be substituted for other measurements by adding the 95% confidence interval (1.65σ , where σ is the standard deviation of the net counting rate of the sample) to it; and if,

(1) For uranium and radium measurements (after initial radium-228 monitoring has been completed), the gross alpha measurement does not exceed 5 pCi/L; or

(2) For radium measurements (after initial radium-228 monitoring has been completed), the result obtained from subtracting the uranium measurement from the gross alpha measurement does not exceed 5 pCi/L.

(g) If any sample result is greater than an MCL:

(1) For a system monitoring less than quarterly, quarterly samples shall be collected and analyzed to determine compliance, pursuant to subsection (h);

(2) For a system that already has four consecutive quarterly results, compliance shall be determined pursuant to subsection (h).

(3) The system shall monitor quarterly until the results of four consecutive quarterly sample results do not exceed the MCL.

(h) A system with one or more sample results greater than an MCL shall determine compliance with the MCL as follows:

(1) At each sampling site, based on the analytical results for that site. Any confirmation sample result shall be averaged with the initial result.

(2) Using all monitoring results collected under this section during the previous 12 months, even if more than the minimum required number of samples was collected.

(3) By a running annual average of four consecutive quarters of sampling results. Averages shall be rounded to the same number of significant figures as the MCL for which compliance is being determined.

(A) If any sample result will cause the annual average at any sample site to exceed the MCL, the system shall be out of compliance immediately upon receiving the result;

(B) If a system has not analyzed the required number of samples, compliance shall be determined by the average of the samples collected at the site during the most recent 12 months; and

(C) If a sample result is less than the DLR in table 64442, zero shall be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226, total radium, and/or uranium. In that case, if the gross alpha particle activity result is less than the DLR, ½ the DLR shall be used to calculate the annual average.

(4) If compositing is allowed at a sampling site, by the results of a composite of four consecutive quarterly samples.

(5) If the system can provide documentation that a sample was subject to sampling or analytical errors, the State Board may invalidate the result based on its review of the documentation, the sampling result, and the historical sampling data.

(6) Each system shall ensure that the laboratory analyzing its samples collected for compliance with this article calculates and reports the sample-specific Minimum Detectable Activity at the 95% confidence level (MDA95) along with the sample results. The MDA95 shall not exceed the DLR and shall be calculated as described in ANSI N42.23 Measurement and Associated Instrumentation Quality Assurance for Radiobioassay Laboratories, Appendix A.7.6 (September 10, 1995).

§64463.4. Tier 2 Public Notice

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

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

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

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

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

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

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

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

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

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

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

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

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

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

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

1. Publication in a local newspaper or newsletter distributed to customers;

2. E-mail message to employees or students;

3. Posting on the Internet or intranet; or

4. Direct delivery to each customer.

§64469 Reporting Requirements

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

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.

**American Union School Has Levels of Uranium
Above Drinking Water Standards**

Water produced by the sole well, Well 01 of 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. Water sample results collected on _____ [date] showed uranium levels of _____ [level and units]. This is above the standard or maximum contaminant level (MCL) of 20 pCi/L. Compliance is based on average of four quarters of data.

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 uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action.] _____.
 We anticipate resolving the problem within [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 American Union School

Date distributed: _____.

Water System Number: 1000204

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: American Union School

Public Water System No.: 1000204

Public notification for failure to comply with the Uranium 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: 1000204
Enforcement Action No. 03_23_16R-001

Quarterly Progress Report

Water System:	American Union School	Water System No.:	1000204
Compliance Order No.:	03_23_16R_001	Violation:	
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

