CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: Heber Public Utility District
1078 Dogwood Road, Suite 103
Heber, CA 92249

Attn: Laura Fischer, General Manager

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS TITLE 22, SECTION 64533 WATER SYSTEM NO. 1310007

CITATION NO. 05-14-16C-001

Issued on February 23, 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 (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Heber Public Utility District (hereinafter "Heber PUD") water system for violation of California Code of Regulations, Title 22, (hereinafter "CCR, Title 22") Section 64533.

APPLICABLE AUTHORITIES

CHSC, §116650 provides:

116650. Citations.

(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

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

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

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

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

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

CCR, Title 22, §64533 provides, in relevant part:

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

Table 64533-A

Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0010

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 96 10924

CCR Title 22, §64535.2, subsection (e) provides, in relevant part:

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

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

...

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

ENFORCEMENT HISTORY

On November 8, 2006, a Citation for Noncompliance (No. 05-14-06C-018) was issued for failure to meet the TTHM MCL during the second and third quarters of 2006.

On February 13, 2007, a Citation for Noncompliance (No. 05-14-07C-009) was issued for failure to meet the TTHM MCL during the fourth quarter of 2006.

On March 29, 2012, a Citation for Noncompliance (No. 05-14-12C-005) was issued for failure to meet the TTHM MCL during the first quarter of 2012.

On January 4, 2013, a Citation for Noncompliance (No. 05-14-13C-001) was issued for failure to meet the TTHM MCL during the third and fourth quarters of 2012.

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 96 10924

STATEMENT OF FACTS

Division is informed by Heber PUD and believes that the Heber PUD water system (hereinafter "Water System") is a community water system located in Imperial County that supplies water for domestic purposes to approximately 6,180 permanent individuals through approximately 1,572 service connections. The Water System operates under Domestic Water Supply Permit No. 05-14-05P-009, issued on June 15, 2005. The Water System is a community public water system as defined in CHSC, §116275; therefore, the Water System must comply with CCR, Title 22.

Heber PUD is a Schedule 3 system under the Stage 2 Disinfection Byproducts Rule (DBPR). As of October 1, 2013, pursuant to CCR, Title 22, Section 64534.2(d), Heber PUD is required to collect two distribution system samples per quarter for TTHM and haloacetic acids (HAA5) analyses at the locations in their approved Compliance Monitoring Plan, which are shown in the following table:

Table 1: Heber PUD's Stage 2 DBPR Sampling Locations

Sample Site	PS Code	Location	Pressure Zone	Source Reservoir
McCabe	1310007-900	McCabe Cove	Main: NW	Clearwell
Little Field	1310007-901	184 Little Field Rd	Main: NE	Clearwell

According to Section 64535.2(e)(1), "For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in section 64533", which for HAA5s is 60 parts per billion (µg/L).

During the period of 1st quarter 2015 through 1st quarter 2016, Heber PUD collected TTHM and HAA5 samples as required. The HAA5 results for this period are shown in **Table 2**. The TTHM MCL was not exceeded during this period.

Table 2: Heber PUD's 2015-2016 HAA5 Results (all results in µg/L)

Sample Site	1st Q 2015	2nd Q 2015	3rd Q 2015	4th Q 2015	1st Q 2016
McCabe	23.0	32.0	64.0	79.0	91.0
Little Field	27.0	34.0	81.0	85.0	88.0

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 96 10924

OEL Calculations			3rd Q 2015	4th Q 2015	1st Q 2016
McCabe	-	-	46.0	64	81
Little Field	-	-	56.0	71	86
LRAA Calculations			**3rd Q 2015**	**4th Q 2015**	**1st Q 2016**
McCabe	-	-	42.0	50.0	67.0
Little Field	-	-	49.0	57.0	72.0

During the 4th quarter of 2015 and 1st quarter 2016, Heber PUD exceeded the Operational Evaluation Level (OEL) at McCabe and Little Field, which required an OEL report to be submitted to the Division. The 4th quarter report was submitted on January 5, 2016. The OEL report concluded that the following factors and/or variations in the plant and distribution system performance contributed to the elevated HAA5 results:

- Algae blooms resulting in large shifts in raw water turbidity.

On February 5, 2016, Heber PUD reported the 1st quarter 2016 HAA5 results. As shown in Table 2 above, the locational running annual average (LRAA) at McCabe and Little Field exceeded the HAA5 MCL of 60 µg/L.

Heber PUD is currently implementing project 1310007-002C under the State Revolving Fund (SRF) for the installation of upgrades to the existing water treatment plant. One component of project 1310007-002C is the installation of an aeration system for the removal of TTHM's. However, HAA5s are not volatile organic compounds (VOCs) and the aeration TTHM treatment will not reduce the HAA5 levels. Project 1310007-002C also includes the following:.

- Install a flash mix basin, flocculation basin and associated chemical system to assist with removing particulate matter in the raw water influent flow from the Imperial Irrigation District Central Main Canal.
- Backwash recovery system optimization that includes: installation of an inclined plate settler, installation of sludge drying beds, and a recycled backwash water pump station to return the recycled backwash water upstream of the new raw conditioning facility.

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 96 10924

- Installation of a new 2.0 MGD clarifier/filter unit, in addition to the existing two (2) clarifier/filter units, in order to reduce filtration rate and improve organic material removal.
- Chlorination system optimization that includes: upgrade and expansion of existing chlorine disinfection system, installation of baffling in the 0.75 Million Gallon (MG) reservoir, and install yard piping to allow the finished water reservoirs to be operated in series.
- Installation of a TTHM air stripping system in the existing 3 MG reservoir.

These upgrades may assist in the ability to optimize plant operations for the reduction of HAA5 precursors; however, the reduction efficiency is unknown at this time.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System violated CCR, Title 22, §64533 for the LRAA TTHM MCL at McCabe and Little Field sample sites for the four quarter monitoring period from the 1st quarter of 2015 to the 1st quarter 2016. §64535.2(e)(1) is used to determine compliance with §64533 during the previous four quarter monitoring period. §64535.2(e)(1) states: "For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in §64533", which for HAA5 is 60 µg/L. The LRAA at McCabe and Little Field for the period ending March 31, 2016 is 67 µg/L and 72 µg/L, respectively, and therefore the system is in violation of the HAA5 MCL in §64533 at both of these locations.

DIRECTIVES

Water System is hereby directed to take the following actions:

1. At all times subsequent to this Citation, comply with CCR, Title 22, §64533's MCL for the HAA5 of 60 µg/L in drinking water supplied to the public.

2. Heber PUD shall repeat public notification every three months for as long as the HAA5 MCL violation continues in accordance with CCR, Title 22, Section 64463.4. Public notice shall be via 1. Mail or direct delivery to each customer, and 2. Posting notice using one or more of the following methods: posting on the internet and/or local

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

newspaper, posting in conspicuous public spaces served by the water system, and delivery to community organizations. A draft notification shall be submitted to the Division for review and approval prior to conducting public notification. The public notice shall be updated quarterly with the most recent HAA5 results.

3. By **April 10, 2016**, Heber PUD shall provide to the Division certification of public notification using the enclosed form (Attachment No. 1).

4. Heber PUD shall include information regarding the HAA5 MCL violation identified in this Citation in the 2016 Consumer Confidence Report, which must be completed and distributed to customers by July 1, 2017. A draft of the 2016 Consumer Confidence Report shall be submitted to the Division for review and approval prior to distribution and/or posting.

5. By **April 10, 2016**, Heber PUD shall provide to the Division an updated Operational Evaluation Level (OEL) report.

6. By **April 30, 2016**, Heber PUD shall submit a HAA5 Compliance Plan, including at the minimum the following:
    a. Treatment plant optimization including an evaluation of:
        i. Raw water conditioning with pre-oxidants (e.g. potassium permanganate) and coagulation;
        ii. Primary coagulation targeting natural organic matter removal;
    b. Projected SRF project component milestone timelines;
    c. Post water treatment plant upgrade implementation:
        i. HAA5 targeted treatment process optimization;

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

1. If treatment optimization is deemed insufficient to return to compliance, the following HAA5 treatment processes shall be evaluated:
    a. Biologically active filtration
    b. Raw water natural organic material absorption utilizing powdered activated carbon

All submittals required by this Citation shall be addressed to:

Sean Sterchi, P.E.
San Diego District Engineer
State Water Resources Control Board
Division of Drinking Water
1350 Front Street, Room 2050
San Diego, CA 92101

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, personal or by certified mail, on the Water System.

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 Water System of its obligation to meet the requirements of Chapter 4, Part 12, Division 104 of the CHSC (hereinafter "the California SDWA"), and any regulation, permit, standard or order issued or adopted thereunder.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV 3-95)
OSP 98 10924

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 shall comply with each and every provision hereof, notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue a citation with assessment of administrative penalties to a public water system for violation of 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.

2/23/16
Date

Sean Sterchi, P.E.
San Diego District Engineer
State Water Resources Control Board
Division of Drinking Water

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STD. 113 (REV. 3-95)
OSP 96 10924

CERTIFIED MAIL NO. 7014 2870 0000 8023 2138

ATTACHMENTS:

1) Public Notification Certification

cc) Jeff Lamoure, Deputy Director for Environmental Health Services, County of Imperial (via email)

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STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 96 10924

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it._____

_____

_____

Consumers Notified _____ Yes _____ No

If not, Explain:_____

_____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated:_____ _____

Signature of Person Serving Notice

** **Notice:** Complete this Proof of Notification and return it **along with a copy of the notification** to the Department within **10 days** of posting the notification.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars ($25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.