

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

IN RE: **HOME GARDEN COMMUNITY SERVICES DISTRICT**  
Water System No. 1610007

TO: Board of Directors  
Home Garden Community Services District  
11677 2nd Place  
Hanford, CA 93230

CC: Kings County Environmental Health Services Department

**CITATION FOR NONCOMPLIANCE**  
**ARSENIC MAXIMUM CONTAMINANT LEVEL VIOLATION**

**Issued on July 8, 2014**

Section 116650 of Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

**VIOLATION**

The State Water Resources Control Board, Division of Drinking Water (hereinafter 'Division') hereby issues a Citation to Home Garden Community Services District (hereinafter 'District'), for failure to comply with Section 116555(a)(1) of the CHSC, Section 64431.(a) and Section 64661. (a) of Title 22, California Code of Regulations

1 (CCR). Specifically, the District (mailing address: 11677 2<sup>nd</sup> Place, Hanford, CA 93232)  
2 failed to comply with the Arsenic Maximum Contaminant Level (MCL) for the third  
3 quarter of 2013 and the first quarter of 2014 at the District's Arsenic Removal Facility with  
4 the Running Annual Average (RAA) over the Arsenic MCL. Section 64431.(a) specifies  
5 that a public water system shall comply with the primary MCL for arsenic established at  
6 0.010 mg/L (milligrams per liter).

7  
8 Section 64661. (a) specifies that a public water system shall operate each treatment plant in  
9 accordance with an Operations Plan that has been approved by the Division. The District  
10 failed to operate the treatment plant according to the approved Operations Plan. According  
11 to the approved Operations Plan and Water Supply Permit, the District is required to make  
12 adjustments to the arsenic treatment plant if any single weekly sample is greater than 0.010  
13 mg/L to ensure that the next weekly sample complies with the arsenic MCL. The District  
14 had multiple failures within the months of May, July, and August 2013. There were also  
15 weeks in between that samples were not collected so it is unknown whether the District  
16 failed in that time period. In addition, the District missed the weekly samples in June (3  
17 missed samples), September (2 missed samples), and December (1 missed sample) 2013, as  
18 well as January (2 missed samples) 2014.

19  
20 The raw water from the District's groundwater wells have historically had arsenic  
21 concentrations less than 0.050 mg/L (milligrams per liter) but greater than 0.010 mg/L. In  
22 January 23 of 2006, the U.S. Environmental Protection Agency (USEPA) adopted a revised  
23 maximum contaminant level (MCL) for arsenic of 0.010 mg/L. California later adopted the  
24 arsenic MCL of 0.010 mg/L that became effective November 28, 2008. Prior to this, the  
25 MCL for arsenic was set at 0.05 mg/L.

1 Due to the revisions to the arsenic MCL, the District proceeded with plans to construct an  
2 arsenic removal filtration plant to remove the arsenic from the groundwater being delivered  
3 to the District's customers and to comply with the arsenic MCL of 0.010 mg/L. The  
4 District started operation of the Arsenic Removal Water Treatment Plant (AsWTP) in July  
5 2010.

6  
7 According to the Water Supply Permit issued to the District in November 2010, monitoring  
8 for arsenic and analyzed by a certified laboratory is to be conducted as follows:

- 9 • Both active groundwater wells (Wells Nos. 1D and 4) to be sampled on a quarterly  
10 basis.
- 11 • The treated water effluent is required to be monitored weekly.

12 If the results of the treated samples are greater than 0.010 mg/L, the District must make  
13 appropriate operational adjustments to ensure the next weekly sample is below 0.010 mg/L.

14  
15 Even though the District has arsenic treatment in place, compliance with the arsenic MCL is  
16 based on the RAA of all the analytical arsenic results from the treated water effluent  
17 sampling conducted. The treated water effluent data submitted electronically to the  
18 Division's electronic data base since March 2013 is tabulated in Attachment A. The arsenic  
19 RAAs since the first quarter of 2012 is provided in Table 1 below. In addition, Table 2  
20 shows the number of samples collected since treatment started and the number of samples  
21 over the arsenic MCL. The average for each month is shown below based on the data that  
22 was submitted.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Table 1: Arsenic Running Annual Average (RAA) in ug/L**

Quarter	Quarterly Arsenic Average	Arsenic RAA
1 <sup>st</sup> Qtr. of 2012	3.63	4.96
2 <sup>nd</sup> Qtr. of 2012	1.7	3.87
3 <sup>rd</sup> Qtr. of 2012	4.73	3.56
4 <sup>th</sup> Qtr. of 2012	5.43	3.82
1 <sup>st</sup> Qtr. of 2013	6.65	4.63
2 <sup>nd</sup> Qtr. of 2013	9.34	6.54
3 <sup>rd</sup> Qtr. of 2013	<b>12.13</b>	8.39
4 <sup>th</sup> Qtr. of 2013	7.91	9.01
1 <sup>st</sup> Qtr. of 2014	<b>13.49</b>	<b>10.72</b>

\*Arsenic MCL = 0.010 mg/L = 10 µg/L

**Table 2: Number of Treated Water Samples Collected and Samples Over Arsenic MCL**

Year	Treated Samples Collected	Samples over arsenic MCL	% Samples over arsenic MCL
2010	21	2	9.52%
2011	51	5	9.80%
2012	52	2	3.85%
2013	47	14	29.79%
2014	20	2	10.00%

Based on the averages noted above, the District's treated water was in exceedance of the arsenic MCL and therefore did not comply with Section 64431.(a) of Title 22, California Code of Regulations (CCR).

The above violations are classified as non-continuing violations.

### **NOTIFICATION REQUIREMENTS**

According to the Operations Plan approved for the AsWTP, the water system is required to notify the Division if the weekly arsenic concentration exceeds the MCL at the compliance

1 point (treated water effluent). The Operations Plan includes a sampling schedule, trigger  
2 levels and appropriate action to be taken by the water system to ensure the compliance with  
3 the arsenic MCL of 0.010 mg/L at all times. The Division was not notified of any treated  
4 water arsenic samples over the MCL.

5  
6 The District must ensure that the contracted laboratory has the appropriate contact  
7 information for the District and that the laboratory is notifying them in a timely manner  
8 whenever an arsenic result is 0.010 mg/L or greater, especially from the treated water  
9 effluent. The District should also require the laboratory to immediately notify the Division  
10 of the results if the laboratory cannot make direct contact with the designated contact person  
11 within 24 hours.

12  
13 A Tier 2 Public Notice for violation of Section 64431.(a) of Title 22, California Code of  
14 Regulations (CCR) shall be given pursuant to Section 64463.4 (lists method, time-frame  
15 and delivery) and 64465(content & format). The Tier 2 Public Notice shall include the  
16 mandatory health effects language from Appendix 64465-A for arsenic.

17  
18 Section 64463.4 allows community water systems to use mail or direct delivery to each  
19 customer and the use of one or more of the following methods: publication in a daily or  
20 weekly newspaper, posting the public notice in a conspicuous public place within the water  
21 system or on the internet, or by delivery to community organizations. The District may  
22 publish the public notice once in a daily or weekly newspaper available in the general  
23 service area.

24  
25 Section 116450(g) requires that upon receipt of notification from a public water system,  
26 schools must notify school employees, students, and parents (if the students are minors),  
27 residential rental property owners or managers (including nursing homes and care facilities)

1 must notify their tenants and business property owners, managers or operators must notify  
2 employees of businesses located on the property. These secondary notification  
3 requirements are also included in the public notice.

4  
5 **DIRECTIVES**

6 The District is hereby directed to take the following actions:

- 7
- 8 1. The District shall ensure that their contracting laboratory has been provided with the  
9 appropriate contact information for the District and that the laboratory notify them  
10 in a timely manner whenever an arsenic result is 0.010 mg/L or greater. The District  
11 should also require the laboratory to immediately notify the Division of the results if  
12 the laboratory cannot make direct contact with the designated contact person within  
13 24 hours.
  - 14  
15 2. By **August 1, 2014**, the District shall prepare and submit a report to the Division  
16 that describes the failures and all corrective actions taken.
  - 17  
18 3. The District shall continue to conduct public notification to the public as long as the  
19 arsenic MCL is exceeded in the RAA from the treated water effluent at the AsWTP.  
20 Notification to the public shall be **repeated every three months as long as the**  
21 **violation exists**. Proof of public notification to all water system users shall continue  
22 to be provided to the Division following each quarterly notification by the 10<sup>th</sup> day  
23 of the month following notification.
  - 24  
25 4. The District needs to ensure weekly treated water arsenic samples are collected and  
26 quarterly arsenic samples from the wells are collected.

27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

5. By August 1, 2014, an updated Arsenic Treatment Plant Operations Plan needs to be submitted to the Visalia District office for review and approval.

6. The District needs to include the treated water sample results in the 2013 Consumer Confidence Report (CCR). If it was not included in the 2014 CCR special notation needs to be provided in the 2014 CCR report.

**CIVIL PENALTIES**

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Division imposing an administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of violation of any provision of this Citation.

Date July 8, 2014

Tricia A. Wathen  
Tricia A. Wathen, P.E.  
Senior Sanitary Engineer, Visalia District  
DRINKING WATER FIELD OPERATIONS BRANCH

**TAW/ATF**

**Attachments:**

Attachment A: Summary of arsenic data from the WTP Arsenic FWSR EFF since May 2013

1610007 Arsenic MCL (Trtmnt Plnt Failed) RAA 2013-2014Cit ID 7-3-14



Attachment A: WQI Printout of Treated  
Arsenic Results since March 2013

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DRINKING WATER ANALYSES RESULTS REPORT  
 ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS  
 FOR SAMPLE DATE RANGE OF 20100101 THRU 20140703  
 REPORT OF COUNTY: 16 KINGS

SYSTEM NO: 1610007 NAME: HOME GARDEN CSD  
 SOURCE NO: 008 NAME: ARSENIC TRT PLANT EFF

COUNTY: KINGS  
 PSCODE: 1610007-008 CLASS: OTHR STATUS: AT

GROUP IDENTIFICATION CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
01002 ARSENIC	03/27/2013	4.4000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/03/2013	3.6000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/10/2013	4.4000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/17/2013	4.2000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/24/2013	5.6000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/01/2013	4.3000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/08/2013	6.7000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/15/2013	33.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/22/2013	8.6000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/29/2013	11.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	06/27/2013	12.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/01/2013	12.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/08/2013	9.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/11/2013	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/15/2013	13.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/22/2013	8.7000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/29/2013	12.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/09/2013	12.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/12/2013	13.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/19/2013	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/26/2013	13.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	09/04/2013	13.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	09/17/2013	9.8000 *	10.0000	2.0000	5.0000	UG/L

NOTE1: \* = RESULT IS EQUAL TO OR GREATER THAN TRIGGER  
 NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

DRINKING WATER ANALYSES RESULTS REPORT  
 ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS  
 FOR SAMPLE DATE RANGE OF 20100101 THRU 20140703  
 REPORT OF COUNTY: 16 KINGS

SYSTEM NO: 1610007 NAME: HOME GARDEN CSD COUNTY: KINGS  
 SOURCE NO: 008 NAME: ARSENIC TRT PLANT EFF PSCODE: 1610007-008 CLASS: OTHR STATUS: AT

GROUP IDENTIFICATION	CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
01002	ARSENIC	10/04/2013	4.5000	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	10/09/2013	7.8000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	10/14/2013	8.9000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	10/21/2013	7.8000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	10/28/2013	8.8000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	11/04/2013	7.5000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	11/11/2013	7.0000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	11/18/2013	7.3000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	11/25/2013	8.3000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	12/02/2013	10.0000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	12/09/2013	7.1000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	12/27/2013	9.9000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	01/07/2014	9.6000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	01/30/2014	19.0000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	02/06/2014	49.0000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	02/14/2014	9.7000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	02/18/2014	9.6000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	02/28/2014	5.6000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	03/07/2014	7.2000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	03/14/2014	6.8000 *	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	03/21/2014	4.9000	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	04/02/2014	4.2000	10.0000	2.0000	5.0000	UG/L
01002	ARSENIC	04/08/2014	5.1000 *	10.0000	2.0000	5.0000	UG/L

NOTE1: \* = RESULT IS EQUAL TO OR GREATER THAN TRIGGER  
 NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

DRINKING WATER ANALYSES RESULTS REPORT  
ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS  
FOR SAMPLE DATE RANGE OF 20100101 THRU 20140703  
REPORT OF COUNTY: 16 KINGS

SYSTEM NO: 1610007 NAME: HOME GARDEN CSD COUNTY: KINGS  
SOURCE NO: 008 NAME: ARSENIC TRT PLANT EFF PSCODE: 1610007-008 CLASS: OTHR STATUS: AT

GROUP IDENTIFICATION	SAMPLE	RESULT *	MCL	DLR	TRIGGER	UNIT
CONSTITUENT IDENTIFICATION	DATE					
01002 ARSENIC	04/18/2014 .	3.2000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/25/2014 .	4.7000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/29/2014 .	4.6000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/09/2014 .	5.9000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/13/2014 .	4.1000	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/16/2014 .	5.2000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/21/2014 .	6.8000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/30/2014 .	5.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	06/05/2014 .	10.0000 *	10.0000	2.0000	5.0000	UG/L

NOTE1: \* = RESULT IS EQUAL TO OR GREATER THAN TRIGGER  
NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD