



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

November 21, 2014  
System No. 2000729

Mr. Steve Norman  
Special Districts Manager  
SA-16 Sumner Hill Water System  
County of Madera, Public Works Department  
200 West 4<sup>th</sup> Street, Third Floor  
Madera, CA 93637

RE: Compliance Order No. 03-11-14R-007  
Violation of Title 22, California Code of Regulations, Section 64533(a), TTHM and  
HAA5 MCL

Dear Mr. Norman:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-14R-007, for violation of the Stage 2 Disinfection Byproduct Rule Total Trihalomethanes Maximum Contaminant Level (TTHM MCL). The compliance order is enclosed.

The SA-16 Sumner Hill Water System (SA-16) was previously in violation of the HAA5 MCL under the Stage 1 Disinfection Byproduct Rule. Compliance Order No. 03-11-14R-005 was issued to SA-16 on August 29, 2013, for the HAA5 MCL violation. This compliance order replaces and voids Compliance Order No. 03-11-14R-005 and its directives.

As required in the Compliance Order, the SA-16 is expected to propose a solution and implement a project to ensure that water delivered to customers meets the TTHM and HAA5 MCL. It is noted that SA-16 is already working with an engineering consulting firm to draft plans for treatment plant improvements and collecting samples on a quarterly basis. The SA-16 is required to provide quarterly public notification for TTHM and HAA5 MCL violation and to continue quarterly TTHM and HAA5 monitoring of ST2DBP-13514 Kilarney Drive.

The SA-16 will be billed at the Division's hourly rate (currently estimated at \$128.00) for the time spent on issuing this Compliance Order. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

SA-16 Sumner Hills Water System  
Compliance Order 03-11-14R-007

The SA-16 will receive a bill sent from the Division of Drinking Water Fee Billing Unit in the next fiscal year. This bill will contain fees for any enforcement time spent on Water System for the current fiscal year. If you have any questions regarding this matter, please contact me at (559) 447-3316.

Sincerely,



Kassy D. Chauhan, P.E.  
Senior Sanitary Engineer, Merced District  
Central California Region  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

CLC/KDC/mlm  
Enclosures  
Cc: Madera County Environmental Health Department

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

IN RE: SA-16 SUMNER HILL WATER SYSTEM  
Water System No. 2000729

TO: Mr. Steve Norman  
Special District Manager  
County of Madera, Public Works Department  
200 West 4<sup>th</sup> Street, Third Floor  
Madera CA 93637

CC: Madera County Environmental Health Department

COMPLIANCE ORDER FOR VIOLATION  
OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533(a)  
STAGE 2 DISINFECTION BYPRODUCT RULE,  
MAXIMUM CONTAMINANT LEVELS FOR  
TOTAL TRIHALOMETHANES AND HALOACETICE ACIDS

Issued on November 21, 2014

Section 116655 of the California Health and Safety Code authorizes the issuance of a compliance order to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

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 to the County of Madera, Public

1 Works Department (hereinafter "County") for violation of California Code of Regulations  
2 (hereinafter "CCR"), Section 64533(a), Maximum Contaminant Levels for Disinfection Byproducts.  
3  
4

5 **APPLICABLE AUTHORITIES**

6 The applicable statues and regulations are provided in Attachment A, attached hereto and  
7 incorporated by reference.  
8

9 **FINDINGS**

10 The SA-16 Sumner Hill Water System (hereinafter "SA-16") is a community water system serving  
11 a residential population of approximately one hundred (100) persons through fifty (50) service  
12 connections. Effective July 1, 2013, the Madera County Environmental Health Department  
13 transferred the regulatory oversight for this water system to the Division. The SA-16 currently  
14 operates under a water supply permit issued by Madera County Environmental Health  
15 Department on July 30, 1996. The Division will be issuing a Revised Water Supply Permit in the  
16 near future.  
17

18 In August 2013, under the Stage 1 Disinfection Byproduct Rule, the SA-16 failed to meet the five  
19 haloacetic acids (HAA5) MCL in the distribution system and was issued a compliance order (03-  
20 11-14R-005) by the Division. The SA-16 continued to monitor for disinfection byproducts, total  
21 trihalomethanes (TTHM) and HAA5, and provide public notification on a quarterly basis.  
22

23  
24 On December 17, 2013, an inspection of the water system was conducted by one of the Division's  
25 staff to evaluate the surface water treatment plant operations. A copy of the inspection report was  
26 provided to consulting engineers for SA-16 working on a proposed plan to comply with the HAA5  
27

1 MCL. The SA-16 was granted an extension to April 30, 2015 to submit plans to correct the HAA5  
2 MCL exceedance.

3  
4  
5 CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or "S2DBPR")  
6 adopted by California, effective June 21, 2012, requires water systems serving less than 10,000  
7 persons to monitor and report disinfection byproduct and residual disinfectant levels. The  
8 S2DBPR applies to any community or nontransient noncommunity water system that treats water  
9 with a chemical disinfectant in any part of the treatment process or that provides water containing  
10 a chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level  
11 (hereinafter "MCL") in drinking water for TTHM and HAA5 in drinking water of 0.080 mg/L and  
12 0.060 mg/L, respectively.

13  
14 CCR, Section 64534.2(d), establishes a routine monitoring frequency for a surface water system  
15 serving a population less than 500 individuals of one sample for TTHMs and HAA5s per year per  
16 treatment plant during the month of warmest water temperature. The SA-16 is on an increased  
17 monitoring frequency of one sample per quarter per treatment plant, as required by Section  
18 64534.2(d)(5).

19  
20 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly TTHM  
21 and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs are based on a  
22 locational running annual average (LRAA), computed quarterly, at each approved sample site.  
23 The SA-16 is required to collect one TTHM sample and one HAA5 sample at the location in the  
24 distribution system with the highest historic TTHM and HAA5 results, respectively. The SA-16's  
25 approved S2DBPR sample site is: ST2DBP-13514 Kilarney Drive. A summary of the SA-16's  
26 recent TTHM and HAA5 monitoring results is presented in the table below.  
27

Table 1: Stage 2 DBPR Sample Site Results

Sample Location	Sample Date				LRAA
	Q4 2013	Q1 2014	Q2 2014	Q3 2014	
13514 Kilarney Dr	10/25/13	1/22/14	4/25/14	7/02/14	
TTHM	0.110 mg/L	0.045 mg/L	0.073 mg/l	0.130 mg/l	<b>0.090 mg/L</b>
HAA5	0.160 mg/l	0.051 mg/l	0.077 mg/l	0.0100 mg/l	<b>0.097 mg/l</b>

**DETERMINATIONS**

Based on the above findings, the Division has determined that SA-16 has violated the LRAA MCL for TTHMs and HAA5s during the third quarter of 2014, as shown in Table 1 above.

**DIRECTIVES**

To ensure that the water supplied by the SA-16 Sumner Hills water system is at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, the County of Madera, Public Works Department is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64533(a) in future monitoring periods after conducting upgrades of the treatment facility and treatment operations.
2. Provide quarterly public notification of its inability to meet the TTHM and HAA5 MCL during any calendar quarter that the four-quarter locational running annual average exceeds the TTHM and HAA5 MCLs. Notification procedures and format are provided in Attachment B. An electronic version of Attachment B is available upon request.

- 1 3. Proof of public notification shall be provided to the Division following each quarterly  
2 notification by the 10<sup>th</sup> day of the month following notification, using the form provided as  
3 Attachment C.  
4
- 5  
6 4. Continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in  
7 accordance with an approved DBP monitoring plan. The analytical results shall be reported  
8 to the Division electronically by the analyzing laboratory no later than the 10<sup>th</sup> day following  
9 the month in which the analysis was completed.  
10
- 11 5. By **April 30, 2015**, the SA-16 shall submit a Corrective Action Plan identifying improvements  
12 to the water system designed to correct the water quality problem (violation of the TTHM  
13 and HAA5 MCL) and eliminate the need to deliver water to consumers that does not meet  
14 primary drinking water standards. The plan shall include a time schedule for completion of  
15 various phases of the project such as design, construction, and startup.  
16
- 17 6. Submit quarterly progress reports to the Division. The first quarterly progress report shall  
18 describe progress made in the fourth quarter of 2014 and shall be submitted to the Division  
19 by **January 1, 2015**, using the form provided as Attachment D.  
20
- 21 7. Operate the existing water system to minimize formation of total trihalomethanes and  
22 haloacetic acids in the distribution system.  
23
- 24 8. Submit a written response by **December 15, 2014**, indicating its willingness to comply with  
25 the directives of this Compliance Order.  
26  
27

1 9. By no later than **January 1, 2018**, achieve compliance with the total trihalomethanes and  
2 haloacetic acids maximum contaminant level, with the completion of a project and  
3 demonstration that the locational running annual average is reliably less than the MCL. The  
4 SA-16 shall provide written notification of the date that compliance is achieved, no later than  
5 ten days following receipt of the laboratory sampling results.

6  
7 10. All submittals required by this Order shall be addressed to:

8 Kassy D. Chauhan, P.E.,  
9 Senior Sanitary Engineer, Merced District  
10 State Water Resources Control Board  
11 Division of Drinking Water  
12 265 W. Bullard Avenue, Suite 101  
13 Fresno, CA 93704  
14

15 11. The Division reserves the right to make such modifications to this Order as it may deem  
16 necessary to protect public health and safety. Such modifications may be issued as  
17 amendments to this Order and shall be effective upon issuance. Nothing in this Compliance  
18 Order relieves County of Madera, Public Works Department, of its obligation to meet the  
19 requirements of the California SDWA, or any regulation, standard, permit or order issued  
20 thereunder.  
21

22 If the Water System is unable to perform the tasks specified in this Order for any reason, whether  
23 within or beyond its control, and if the Water System notifies the Division in writing no less than  
24 five days in advance of the due date, the Division may extend the time for performance if the  
25 Water System demonstrates that it has used its best efforts to comply with the schedule and other  
26 requirements of this Order.  
27

1 **PARTIES BOUND**

2 This Compliance Order shall apply to and be binding upon the County of Madera, Public Works  
3 Department, its owners, shareholders, officers, directors, agents, employees, contractors,  
4 successors, and assignees.  
5

6  
7 **SEVERABILITY**

8 The directives of this Compliance Order are severable, and County of Madera, Public Works  
9 Department shall comply with each and every provision thereof notwithstanding the effectiveness  
10 of any provision.  
11

12 **FURTHER ENFORCEMENT ACTION**

13 The California SDWA authorizes the Division to issue citations and compliance orders with  
14 assessment of administrative penalties to a public water system for violation or continued violation  
15 of the requirements of the California SDWA or any permit, regulation, permit or order issued or  
16 adopted thereunder including, but not limited to, failure to correct a violation identified in a citation  
17 or compliance order. The California SDWA also authorizes the Division to take action to suspend  
18 or revoke a permit that has been issued to a public water system if the system has violated  
19 applicable law or regulations or has failed to comply with an order of the Division; and to petition  
20 the superior court to take various enforcement measures against a public water system that has  
21 failed to comply with an order of the Division. The Division does not waive any further  
22 enforcement action by issuance of this compliance order.  
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25  
26  
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11-21-2014

1 Date



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

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6 CLC/KDC/mlm

7 Attachments:

8 Attachment A: Applicable Authorities

9 Attachment B: Public Notification Form

10 Attachment C: Proof of Notification Form

11 Attachment D: Quarterly Progress Report Form



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**Applicable Statutes and Regulations for Compliance Order No. 03-11-14R-007**

**Section 116655 of the California Health and Safety Code (CHSC), 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.

**Section 64533(a), Title 22, CCR, states 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)
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0050
Bromate	0.010	0.020
Chlorite	1.0	

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

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

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**SA-16 Sumner Hills Water System has levels of Disinfection Byproducts Above  
Drinking Water Standards**

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Our water system recently 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. Testing results we received between the 4<sup>th</sup> quarter 2013 and 3<sup>rd</sup> quarter 2014 showed that our system's running annual average exceeds the standards, or maximum contaminant level (MCL), for Total Trihalomethanes and Haloacetic acids. The MCL standards for Total Trihalomethanes is 80 ug/L and for Haloacetic acids is 60 ug/l. The average level of Total Trihalomethanes over the last year was 98.5 ug/l. The Haloacetic acids was 97 ug/l.

**What should I do?**

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who use water containing trihalomethanes and haloacetic acids in excess of the MCL over many years may experience liver, kidney, or central nervous 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 your doctor.

**What happened? What was done?**

[Describe corrective action] \_\_\_\_\_  
\_\_\_\_\_

We anticipate resolving the problem within \_\_\_\_\_.

For more information, please contact [name] \_\_\_\_\_ at [phone number] \_\_\_\_\_ or  
at the following 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 the SA-16 Sumner Hills water system.**

### Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Merced 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: \_\_\_\_\_

Public Water System No.: \_\_\_\_\_

Public notification for **failure to comply with the TTHM MCL and/or HAA5 MCL for the 3rd quarter of 2014** 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: \_\_\_\_\_  
Enforcement Action No. \_\_\_\_\_

# Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	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, Merced District Office.

## Summary of Compliance Plan:

## Tasks completed in the reporting quarter:

## Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date