**Citation No. 03-11-13C-001**

**STATE OF CALIFORNIA**
**DEPARTMENT OF PUBLIC HEALTH**

IN RE: **DWR – SAN LUIS DIVISION O & M**
Water System No. 2410950

TO: Mr. Jim Thomas, Chief
DWR – San Luis Division O & M
P.O. Box 942836
Sacramento, CA 94236

CC: Merced County Department of Environmental Health
Eduardo Trejo, Water Resources Engineer (same address)
Bob Mattos, Water Resources Engineering Associate Supervior (31770 West Gonzaga Road, Gustine, CA 95322)
Arnold Hatai, CDPH

**CITATION FOR NONCOMPLIANCE**
**OF THE TOTAL TRIHALOMETHANES (TTHM)**
**MAXIMUM CONTAMINANT LEVEL (MCL)**
4th Quarter 2012

Section 116650, 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.

**VIOLATIONS**

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to the DWR – San Luis Division O & M (hereinafter 'Division'), for failure to comply with sections 116555 (a)(1 and 3) and 64533 of Title 22, California Code of Regulations (CCR). Specifically, the Division (mailing

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address: 31770 West Gonzaga Road, Gustine, CA 95322) exceeded the total trihalomethanes (TTHM) Maximum Contaminant Level (MCL) of 0.080 mg/L for the 4th Quarter of 2012.

Beginning on January 1, 2004, USEPA's Stage 1 Disinfectants/Disinfection Byproducts (D/DBP) Rule required water systems serving less than 10,000 persons to begin monitoring and reporting disinfection byproduct levels and residual disinfectant levels to the Department. Water systems serving 10,000 or more persons had to comply by January 1, 2002. The D/DBP Rule applies to any community and non-transient non-community water system that treats their water with a chemical disinfectant in any part of the treatment process or which provides water that contains a chemical disinfectant. The D/DBP Rule set new maximum contaminant levels (MCLs) in drinking water for total trihalomethanes (TTHM) at 0.080 mg/L (or 80 µg/L) and for five haloacetic acids (HAA5) at 0.060 mg/L (or 60 µg/L). The D/DBP Rule was adopted in California and became effective on June 17, 2006. Prior to this date, any non-compliance issues were referred to USEPA for enforcement action.

Based on the population, the Division is required to collect one sample per quarter taken at a point reflecting the maximum residence time in the distribution system and analyzed for TTHM and HAA5. The Division started quarterly monitoring for TTHM and HAA5 beginning with the first quarter of 2003. Compliance with the TTHM and HAA5 MCLs is based on the running annual average (RAA), computed quarterly. If the RAA covering any consecutive four-quarter period exceeds the TTHM MCL or the HAA5 MCL, then the system is in violation of the MCL. The RAA (0.0813 mg/L) of the analytical results for TTHM submitted to the Department for the fourth quarter of 2012 exceeded the TTHM MCL.



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The above violation is classified as a continuing violation.

**NOTIFICATION REQUIREMENTS**

Section 64464.3 requires a public water system to notify the Department and its consumers when a violation of the TTHM MCL occurs. The Department was notified by the Division in January 2013 of the TTHM MCL violation.

Notification of the public shall be conducted by the water system in accordance with Sections 64464.3(b) and 64467, advising each customer of the TTHM MCL violation during the 4th quarter of 2012. According to Section 64464.3(b), allows non-community water systems to notify customers/consumers of the TTHM violation by posting a Tier 2 notice in conspicuous locations throughout the area served by the Water System and the use of one or more of the following methods to notify persons not likely reached by posting: publication in a daily or weekly newspaper or newsletter distributed to customers, email message to employees or students, posting on the Internet or intranet, or direct delivery to each customer. The Tier 2 notification methods are included in Attachment A along with instructions on completing the public notice.

Proof of notification is required. The Division shall complete Attachment B and return it to the Department by **February 7, 2013**.

**DIRECTIVES**

The DWR – San Luis Division O & M is hereby directed to take the following actions:

1. By **January 31, 2013,** provide public notification of the total trihalomethane maximum contaminant level (MCL) violation by continuous posting in conspicuous

locations within the general service area for a minimum of seven (7) days (Attachment B) and hand delivery to each consumer.

2. By **February 7, 2013** provide proof of continuous positing and hand delivery of the total trihalomethane MCL violation using Attachment C.

3. All submittals required by this Citation shall be addressed to:

Carl L. Carlucci, Supervising Sanitary Engineer
Central California Section
California Department of Public Health
Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

**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 Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department 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.

1-17-2013
Date

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

**Attachments:**
Attachment A: Tier 2 Public Notification Template
Attachment B: Proof of Notification

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# ATTACHMENT A

## Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

**Template Attached**

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

| *If You Are a…* | *You Must Notify Consumers by…* | *…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…* |
|---|---|---|
| Community Water System [64463.4(c)(1)] | Mail or direct delivery [(a)] | Publication in a local newspaper |
| | | Posting in public places served by the water system or on the Internet [(b)] |
| | | Delivery to community organizations |
| Non-Community Water System [64463.4(c)(2)] | Posting in conspicuous locations throughout the area served by the water system [(b)] | Publication in a local newspaper or newsletter distributed to customers |
| | | Email message to employees or students |
| | | Posting on the Internet or intranet [(b)] |
| | | Direct delivery to each customer |

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

*Spanish.* Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

*Non-English Speaking Groups Other than Spanish-Speaking.* For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

**Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

**Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for [contaminant]."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

**After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64451(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

## 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.

# The DWR – San Luis Division O&M Has Levels of Total Trihalomethanes Above the Drinking Water Standard

Our water system recently violated 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 received for the 4th quarter of 2012 showed total trihalomethanes at levels of 81.3 micrograms per liter as calculated as a running annual average (average of the four most recent quarters of sampling results). This is above the standard, or maximum contaminant level (MCL) of 80 micrograms per liter.

**What should I do?**

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who use water containing trihalomethanes 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 is being done?**

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

_____
_____
_____
_____
_____
_____

For more information, please contact [name of contact] at [phone number] or [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 public 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 DWR – San Luis Division O&M.

State Water System ID#: 2410950. Date distributed: _____.

State of California—Health and Human Services Agency
California Department of Public Health

RON CHAPMAN, MD, MPH
*Director & State Health Officer*

EDMUND G. BROWN JR.
*Governor*

## ATTACHMENT B

## PROOF OF NOTIFICATION

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the DWR – San Luis Division O&M of the failure to meet the TTHM MCL for the 4th quarter of 2012. I have attached a copy of the notice provided to the customers.

Notification was made on _____ by
(date)

_____ written notice.
Hand/direct delivery/mailing/posting/ (circle one)

_____
Signature of Water System Representative

_____
(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 may be liable for a civil penalty not to exceed five thousand (5,000) for separate violation for each day that 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 Date: February 7, 2013**
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