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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

**IN RE: CITY OF DOS PALOS**  
Water System No. 2410002

**TO:** Darrell Fonseca, City Manager  
City of Dos Palos  
1549 Oliver Street  
Dos Palos, CA 93620

**CC:** Merced County Environmental Health Department  
Rickey Marshall, Facility Manager (same address)

**COMPLIANCE ORDER FOR NONCOMPLIANCE  
OF THE TOTAL TRIHALOMETHANE MAXIMUM CONTAMINANT LEVEL**

**Issued on May 16, 2013**

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

**FINDINGS**

The City of Dos Palos (hereinafter “City”) is a community water system that supplies water for domestic purposes to a population of approximately 5,010 persons through 2,662 service connections. The City’s water system receives raw surface water from the California Aqueduct. The raw water receives chemical pretreatment, clarification, filtration and

1 disinfection to provide a minimum reduction of 3.0 logs of *Giardia*, 3.0 logs of  
2 *Cryptosporidium*, and 4.0 logs of virus.

3  
4 Beginning on January 1, 2004, USEPA's Stage 1 Disinfectants/Disinfection Byproducts  
5 (D/DBP) Rule required water systems serving less than 10,000 persons to begin monitoring  
6 and reporting disinfection byproduct levels and residual disinfectant levels to the California  
7 Department of Public Health (hereinafter "Department"). Water systems serving 10,000 or  
8 more persons had to comply by January 1, 2002. The D/DBP Rule applies to any  
9 community and non-transient non-community water system that treats their water with a  
10 chemical disinfectant in any part of the treatment process or which provides water that  
11 contains a chemical disinfectant. The D/DBP Rule set new maximum contaminant levels  
12 (MCLs) in drinking water for total trihalomethanes (TTHM) at 0.080 mg/L (or 80 µg/L)  
13 and for five haloacetic acids (HAA5) at 0.060 mg/L (or 60 µg/L). The D/DBP Rule was  
14 adopted in California and became effective on June 17, 2006. Prior to this date, any non-  
15 compliance issues were referred to USEPA for enforcement action.

16  
17 Based on the population of the City's water system, the City is required to collect one  
18 sample per quarter taken at a point reflecting the maximum residence time in the  
19 distribution system and analyzed for TTHM and HAA5. The City started quarterly  
20 monitoring for TTHM and HAA5 beginning with the first quarter of 2004. Compliance  
21 with the TTHM and HAA5 MCLs is based on the running annual average (RAA),  
22 computed quarterly. If the RAA covering any consecutive four-quarter period exceeds the  
23 TTHM MCL or the HAA5 MCL, then the system is in violation of the MCL. The RAA of  
24 the analytical results for TTHM submitted to the Department for the first quarter of 2013  
25 exceeded the TTHM MCL, but not the HAA5 MCL (see Attachment A).

26

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1 To comply with the SWTR the City needs to provide for an additional 0.5 log inactivation  
2 of Giardia cysts and 2.0 log inactivation of viruses using disinfection. Compliance with this  
3 requirement is based on CT (mg/l-min) calculated by multiplying disinfectant contact time  
4 by disinfectant residual concentration. The CT that must be provided to achieve the  
5 required inactivation is dependent on temperature for chloramines and temperature and pH  
6 for free chlorine as provided in the CT tables contained in the Department's Surface Water  
7 Treatment Guidance Manual. When chloramines are used as the disinfectant, the greater  
8 CT requirement is for the 2.0 log inactivation of viruses. When free chlorine is used as the  
9 disinfectant, the greater requirement is for 0.5 log inactivation of Giardia cysts. The longer  
10 contact time required for chloramines in conjunction with the gradual increase in daily  
11 water production have triggered the need to switch from chloramines to free chlorine as the  
12 method of attaining the required minimum daily CT requirement (CT ratio of greater than  
13 1.00). The Department has emphasized the need to operate continuously above the  
14 minimum CT ratio of 1.00 with a safety factor. Currently, the City is trying to achieve a  
15 minimum CT ratio of 2.0 using chlorine. Specifically, the City exceeded the TTHM MCL  
16 as specified in Section 64533 (a), Title 22, California Code of Regulations (CCR).

### 17 18 CONCLUSIONS OF LAW

19 Based on the above Findings, the Department has determined that the City has violated  
20 provisions contained in the California Health and Safety Code (CHSC) and Title 22,  
21 California Code of Regulations (CCR). These violations include, but are not limited to, the  
22 following:

- 23  
24 1. CHSC, Section 116555 (a)(1): Specifically, the City has failed to provide water that  
25 complies with primary and secondary drinking water standards.  
26  
27

1 2. CHSC, Section 116555 (a)(3): Specifically, the City has failed to ensure that the  
2 system is provided with a reliable and adequate supply of pure, wholesome,  
3 healthful and potable water.

4  
5 3. CCR, Section 64533: Specifically, the City has failed to comply with Section 64533  
6 of Title 22 of the CCR, which established the MCL for TTHM. The District does  
7 not at all times deliver water to its customers which contains less than 80 µg/L of  
8 TTHM based on a RAA, thereby failing to provide water to the public that complies  
9 with all primary drinking water standards. Section 64535.2 specifies that  
10 compliance is based on a RAA.

11

12 **ORDER**

13 To ensure that the water supplied by the City is at all times safe, wholesome, healthful, and  
14 potable, and pursuant to Section 116555 of the CHSC, the City is ordered to take the  
15 following actions:

16

17 1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1),  
18 (a)(3) and CCR Section 64533 by ensuring that the system is provided with a  
19 reliable and adequate supply of pure, wholesome, healthful, and potable  
20 water, which is in compliance with all primary drinking water standards.

21

22 b) The City shall provide quarterly public notification of its inability to the  
23 meet the TTHM MCL during any calendar quarter that the four-quarter  
24 running annual average exceeds the MCL. Notification procedures and  
25 format are provided in Attachment B. Proof of public notification shall be  
26 provided to the Department following each quarterly notification by the 10<sup>th</sup>

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1 day of the month following notification, using the form provided as  
2 Attachment C.

3  
4 c) The City shall continue to collect quarterly samples for TTHMs and HAA5s  
5 from the distribution system in accordance with the approved DBP  
6 monitoring plan. The analytical results shall be reported to the Department  
7 no later than the 10<sup>th</sup> day following the month in which the samples were  
8 collected.

9  
10 d) By **June 30, 2013**, the City shall submit to the Department, for review and  
11 approval, a plan for improvements to the water system to correct the water  
12 quality problem (exceedance of the TTHM MCL) and eliminate the delivery  
13 of water to consumers that does not meet the primary drinking water  
14 standards. The City must also include a time schedule for completion of  
15 various phases of the project such as design, construction and startup. The  
16 plan must include an evaluation of the options that are outlined in  
17 Attachment D.

18  
19 e) The City must be in compliance with the primary drinking water standard for  
20 total trihalomethanes by June 1, 2015.

21  
22 f) The City shall submit quarterly progress reports to the Department  
23 beginning on **May 30, 2013**.

24  
25 g) The City shall operate the existing water system to minimize formation of  
26 total trihalomethanes and haloacetic acids.  
27

1 2. The City shall submit a written response by **May 24, 2013**, indicating its willingness  
2 to comply with the directives of this Order.

3  
4 3. The Department reserves the right to make such modifications to this Order as it may  
5 deem necessary to protect public health and safety. Such modifications may be  
6 issued as amendments to this Order and shall be effective upon issuance. All  
7 submittals required by this Order shall be addressed to:

8  
9 Carl L. Carlucci, P.E., Supervising Sanitary Engineer  
10 California Department of Public Health  
11 Southern California Branch  
12 Drinking Water Field Operations  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

13  
14 4. If the City is unable to perform the tasks specified in this Order for any reason,  
15 whether within or beyond its control, and if the City notifies the Department in  
16 writing no less than five days in advance of the due date, the Department may  
17 extend the time for performance if the City demonstrates that it has used its best  
18 efforts to comply with the schedule and other requirements of this Order.

19  
20 5. If the City fails to perform any of the tasks specified in this Order by the time  
21 described herein or by the time subsequently extended pursuant to Item 4 above, the  
22 City shall be deemed to have not complied with the obligations of this Order and  
23 may be subject to additional judicial action, including civil penalties specified in  
24 CHSC Code, Sections 116725 and 116730.

25  
26 6. The State of California shall not be liable for any injuries or damages to persons or  
27 property resulting from acts of omissions by the City, its employees, agents, or  
contractors in carrying out activities pursuant to this Order, nor shall the State of

1 California be held as a party to any contract entered into by the City or its agents in  
2 carrying out activities pursuant to this Order.

3

4 **PARTIES BOUND**

5 This Order shall apply to and be binding upon the City, its officers, directors, agents,  
6 employees, contractors, successors, and assignees.

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8 **SEVERABILITY**

9 The requirements of this Order are severable, and the City shall comply with each and every  
10 provision thereof notwithstanding the effectiveness of any provisions.

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1 **CIVIL PENALTIES**

2 Failure to comply with any provision or compliance schedule of this Order may result in the  
3 Department imposing additional enforcement actions (Citations) and administrative  
4 penalties.

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5-16-2013  
Date

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

- Attachments:
- Attachment A: Summary of Analytical TTHM & HAA5 results
  - Attachment B: Public Notification Method & Notice
  - Attachment C: Proof of Notification Form
  - Attachment D: Improvement Plan Options

CLC/mrw/2410002/03-11-13R-2410002-02.doc



SUMMARY OF TTHM AND HAA5 RESULTS  
 CITY OF DOS PALOS  
 SYSTEM NO. 2410002

QUARTER	YEAR	TTHM Result	HAA5 result	COMMENT
2 <sup>ND</sup>	2012	100 ug/L	45 ug/L	
3 <sup>RD</sup>	2012	65 ug/L	30 ug/L	
4 <sup>TH</sup>	2012	110 ug/L	28 ug/L	
1 <sup>ST</sup>	2013	95 ug/L*	41 ug/L	* MCL exceeded
Running Annual Average (RAA)	2013	92.5 ug/L**	36 ug/L	** RAA exceeds TTHM MCL (80 ug/L)

## Instructions for Tier 2 Arsenic MCL Notice Template

### Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) 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.

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

## Attachment B

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 arsenic 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 arsenic."
- "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 [64469(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 City of Dos Palos 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 1<sup>st</sup> quarter of 2013 showed total trihalomethanes at levels of 92.5 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 emergency. 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 Rickey Marshall at City of Dos Palos at 209-392-6201 or 1549 Oliver Street, Dos Palos, CA 93620.

*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 City of Dos Palos.

State Water System ID#: 2410002. Date distributed: \_\_\_\_\_.

**Attachment C**

**PROOF OF NOTIFICATION**  
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **City of Dos Palos** of the failure to meet the **TTHM MCL** for the:

Circle one: 1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>      4<sup>th</sup>      quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_ by \_\_\_\_\_  
(date)

hand delivered and/or mailed and/or posted written notice.  
(circle all completed)

\_\_\_\_\_  
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 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 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 to the Dept. of Public Health within 10 days of notification to the public  
TTHM MCL Exceedance  
System Number: 2410002



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
<http://www.fypower.org>

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**Southern California Drinking Water Field Operations Branch**  
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704  
(559) 447-3300; Fax (559) 447-3304  
Internet Address: <http://www.cdph.ca.gov/programs/Pages/DDWEM.aspx>

**Improvement Plan Options**

1. GAC treatment
2. Minimizing water age in the distribution system and maximizing reservoir turnover
3. Treatment optimization and increased DBP precursor removal through enhanced coagulation
4. Disinfection dosage and CT ratio optimization
5. Alternative disinfectant injection points
6. Alternative disinfectants
7. Any other options