



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

December 12, 2014
System No. 2400200

Mr. James Russell Jr.
San Joaquin Valley National Cemetery
32053 West McCabe Road
Gustine, CA 95322

RE: Compliance Order No. 03-11-14R-008 Violation of Title 22, California Code of Regulations, Section 64533(a), TTHM and HAA5 MCL

Dear Mr. Russell:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-14R-008, for violation of the Stage 2 Disinfection Byproduct Rule, Total Trihalomethanes (TTHM) and Five Haloacetic Acids (HAA5) Maximum Contaminant Level (MCL). The compliance order is enclosed.

The San Joaquin Valley National Cemetery Water System (SJVNC) was previously in violation of the Stage 1 Disinfection Byproduct Rule. Compliance Order No. 03-11-13R-004 was issued to SJVNC on September 16, 2013, for the TTHM and HAA5 MCL violations. This compliance order replaces and voids Compliance Order No. 03-11-13R-004 and its directives.

As required in the Compliance Order, the SJVNC 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 SJVNC installed an aeration system recently and observed a significant decrease in TTHM and HAA5 levels. The SJVNC is providing bottled water to its employees and collecting samples on a quarterly basis. The SJVNC is required to provide quarterly public notification for TTHM and HAA5 MCL violation and to continue quarterly TTHM and HAA5 monitoring of ST2DBP-13514 Men's RR in Office.

The SJVNC 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.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

San Joaquin Valley National Cemetery
Compliance Order 03-11-14R-008

The SJVNC 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: Merced County Environmental Health Department
Joe McGuire, Westside Water Conditioning, 45 West G Street Los Banos CA 93635

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

IN RE: SAN JOAQUIN VALLEY NATIONAL CEMETERY
Water System No. 2400200

TO: Mr. James Russell Jr.
San Joaquin Valley National Cemetery
32053 West McCabe Road
Gustine, CA 95322

CC: Merced 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 December 12, 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 San Joaquin Valley National Cemetery (hereinafter "SJVNC") for violation of California Code of Regulations (hereinafter "CCR"), Section 64533(a), Maximum Contaminant Levels for Disinfection Byproducts.

1
2 **APPLICABLE AUTHORITIES**

3 The applicable statutes and regulations are provided in Attachment A, attached hereto and
4 incorporated by reference.

5
6 **FINDINGS**

7 The San Joaquin Valley National Cemetery Water System (hereinafter "SJVNC") is a nontransient
8 noncommunity water system serving a population of approximately twenty five persons through
9 one (1) service connection. Effective January 1, 2012, the Merced County Environmental Health
10 Department transferred the regulatory oversight for this water system to the Division. The SJVNC
11 currently operates under a water supply permit issued by Merced County Environmental Health
12 Department. The Division will be issuing a Revised Water Supply Permit in the near future.

13
14 In September 2013, under the Stage 1 Disinfection Byproduct Rule, the SJVNC failed to meet the
15 total trihalomethanes (TTHM) and five haloacetic acids (HAA5) MCLs on water produced by the
16 surface water treatment plant and was issued a compliance order (03-11-13R-004) by the
17 Division. The SJVNC continued to monitor for disinfection byproducts, trihalomethanes (TTHM)
18 and HAA5, and provides public notification on a quarterly basis.

19
20 CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or "S2DBPR")
21 adopted by California, effective June 21, 2012, requires water systems serving less than 10,000
22 persons to monitor and report disinfection byproduct and residual disinfectant levels. The
23 S2DBPR applies to any community or nontransient noncommunity water system that treats water
24 with a chemical disinfectant in any part of the treatment process or that provides water containing
25 a chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level
26
27

1 (hereinafter "MCL") in drinking water for total trihalomethanes (hereinafter "TTHM") and haloacetic
2 acids (five) (hereinafter "HAA5") in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.

3
4 CCR, Section 64534.2(d), establishes a routine monitoring frequency for a surface water system
5 serving a population less than 500 individuals of one sample for TTHMs and HAA5s per year per
6 treatment plant during the month of warmest water temperature. The SJVNC is on an increased
7 monitoring frequency of one sample per quarter per treatment plant, as required by Section
8 64534.2(d)(5).

9
10 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly TTHM
11 and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs are based on a
12 locational running annual average (LRAA), computed quarterly, at each approved sample site.
13 The SJVNC is required to collect one TTHM sample and one HAA5 sample at the location in the
14 distribution system with the highest historic TTHM and HAA5 results, respectively. The SJVNC's
15 approved S2DBPR sample site is: ST2DBP- Men's RR in Office. A summary of the SJVNC's
16 recent TTHM and HAA5 monitoring results is presented in the table below.

17
18 **Table 1: Stage 2 DBPR Sample Site Results**

19

Sample Location	Sample Date				LRAA
	Q4 2013	Q1 2014	Q2 2014	Q3 2014	
Men's RR Office					
TTHM	0.170 mg/L	0.230 mg/L	0.380 mg/l	0.003 mg/l	0.196 mg/L
HAA5	0.032 mg/l	0.062 mg/l	0.290 mg/l	0.089 mg/l	0.118 mg/l

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24

25 In July 2014, the SJVNC installed an aeration system to reduce the TTHM and HAA5 levels. As
26 shown in Table 1, the installation of the aeration system has resulted in a significant reduction in
27 the TTHM levels. It is expected that SJVNC will be in compliance with the MCL for TTHMs in the

1 near future. Further improvements are necessary to comply with the HAA5 MCL. The SJVNC
2 continues to provide bottled water to the employees.

3
4 **DETERMINATIONS**

5 Based on the above findings, the Division has determined that SJVNC has violated the LRAA
6 MCL for TTHMs and HAA5s, as shown in Table 1 above.

7
8 **DIRECTIVES**

9 To ensure that the water supplied by the San Joaquin Valley National Cemetery water system is
10 at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, the
11 San Joaquin Valley National Cemetery is hereby directed to take the following actions:

- 12
13 1. Comply with CCR, Title 22, Section 64533(a) in future monitoring periods after conducting
14 upgrades of the treatment facility and treatment operations.
15
16 2. Provide quarterly public notification of its inability to meet the TTHM and HAA5 MCL
17 during any calendar quarter that the four-quarter locational running annual average exceeds
18 the TTHM and HAA5 MCLs. Notification procedures and format are provided in Attachment
19 B. An electronic version of Attachment B is available upon request.
20
21 3. Proof of public notification shall be provided to the Division following each quarterly
22 notification by the 10th day of the month following notification, using the form provided as
23 Attachment C.
24
25
26 4. Continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in
27 accordance with an approved DBP monitoring plan. The analytical results shall be reported

1 to the Division electronically by the analyzing laboratory no later than the 10th day following
2 the month in which the analysis was completed.

3
4 5. By **March 31, 2015**, the SJVNC shall submit a Corrective Action Plan identifying
5 improvements to the water system designed to correct the water quality problem (violation of
6 the TTHM and HAA5 MCL) and eliminate the need to deliver water to consumers that does
7 not meet primary drinking water standards. The plan shall include a time schedule for
8 completion of various phases of the project such as design, construction, and startup.

9
10 6. Submit quarterly progress reports to the Division. The first quarterly progress report shall
11 describe progress made in the fourth quarter of 2014 and shall be submitted to the Division
12 by **January 1, 2015**, using the form provided as Attachment D.

13
14 7. Operate the existing water system to minimize formation of total trihalomethanes and
15 haloacetic acids in the distribution system.

16
17 8. Submit a written response by **December 31, 2014**, indicating its willingness to comply with
18 the directives of this Compliance Order.

19
20 9. By no later than **January 1, 2018**, achieve compliance with the total trihalomethanes and
21 haloacetic acids maximum contaminant level, with the completion of a project and
22 demonstration that the locational running annual average is reliably less than the MCL. The
23 SJVNC shall provide written notification of the date that compliance is achieved, no later
24 than ten days following receipt of the laboratory sampling results.
25
26
27

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

2 Kassy D. Chauhan, P.E.,
3 Senior Sanitary Engineer, Merced District
4 State Water Resources Control Board
5 Division of Drinking Water
6 265 W. Bullard Avenue, Suite 101
7 Fresno, CA 93704
8

9 11. The Division reserves the right to make such modifications to this Order as it may deem
10 necessary to protect public health and safety. Such modifications may be issued as
11 amendments to this Order and shall be effective upon issuance. Nothing in this Compliance
12 Order relieves San Joaquin Valley National Cemetery, of its obligation to meet the
13 requirements of the California SDWA, or any regulation, standard, permit or order issued
14 thereunder.
15

16 If the Water System is unable to perform the tasks specified in this Order for any reason, whether
17 within or beyond its control, and if the Water System notifies the Division in writing no less than
18 five days in advance of the due date, the Division may extend the time for performance if the
19 Water System demonstrates that it has used its best efforts to comply with the schedule and other
20 requirements of this Order.
21

22
23 **PARTIES BOUND**

24 This Compliance Order shall apply to and be binding upon the San Joaquin Valley National
25 Cemetery, its owners, shareholders, officers, directors, agents, employees, contractors,
26 successors, and assignees.
27

1 SEVERABILITY

2 The directives of this Compliance Order are severable, and San Joaquin Valley National Cemetery
3 shall comply with each and every provision thereof notwithstanding the effectiveness of any
4 provision.

5
6 FURTHER ENFORCEMENT ACTION

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

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21
22 12-12-2014
Date


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

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24
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27 CLC/KDC/mlm



Attachments:

Attachment A: Applicable Authorities

Attachment B: Public Notification Form

Attachment C: Proof of Notification Form

Attachment D: Quarterly Progress Report Form

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Applicable Statues and Regulations for Compliance Order No. 03-11-14R-008

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		0.0010
Bromate	0.010	0.0050
Chlorite	1.0	0.020

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.

San Joaquin Valley National Cemetery Water System has levels of Disinfection Byproducts Above Drinking Water Standards

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 4th quarter 2013 and 3rd 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 196 ug/l. The Haloacetic acids was 118 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 SJVNC water system.

State Water System ID#: 2400200.

Date distributed: _____.

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