



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. 2410002

Mr. Rickey Marshall
Director of Utilities
City of Dos Palos
1549 Oliver Street
Dos Palos, CA 93620

RE: Compliance Order No. 03-11-14R-009 Violation of Title 22, California Code of Regulations, Section 64533(a), TTHM MCL

Dear Mr. Marshall:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-14R-009, for violation of the Stage 2 Disinfection Byproduct Rule Total Trihalomethanes (TTHM) Maximum Contaminant Level (MCL). The compliance order is enclosed.

The City of Dos Palos Water System (City) was previously in violation of the TTHM MCL under the Stage 1 Disinfection Byproduct Rule. Compliance Order No. 03-11-13R-005 was issued to the City on May 17, 2013, for the TTHM MCL violation. This compliance order replaces and voids Compliance Order No. 03-11-13R-005 and its directives.

As required in the Compliance Order, the City is expected to propose a solution and implement a project to ensure that water delivered to customers meets the TTHM MCL. It is noted that the City is already working with an engineering consulting firm to draft plans for treatment plant improvements and collecting samples on a quarterly basis. The City is required to provide quarterly public notification for TTHM and MCL violation and to continue quarterly TTHM and HAA5 monitoring of ST2DBP-23393 Sixth Street and ST2DBP-8982 M. Street.

The City 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

265 West Bullard Avenue, Suite 101, Fresno, CA 93704 | www.waterboards.ca.gov

City of Dos Palos Water System
Compliance Order 03-11-14R-009

The City 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

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

IN RE: City OF DOS PALOS WATER SYSTEM
Water System No. 2410002

TO: Mr. Rickey Marshall
Director of Utilities
City of Dos Palos
1549 Oliver Street
Dos Palos, CA 93620

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

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 City of Dos Palos

1 (hereinafter "City") for violation of California Code of Regulations (hereinafter "CCR"), Section
2 64533(a), Maximum Contaminant Levels for Disinfection Byproducts.

3
4 **APPLICABLE AUTHORITIES**

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

7
8 **FINDINGS**

9 The City of Dos Palos Water System (hereinafter "City") is a community water system serving a
10 residential population of approximately 7,450 persons through 2,659 service connections. The
11 City currently operates under a water supply permit issued by the Division on August 14, 2002.

12
13 In May 2013, under the Stage 1 Disinfection Byproduct Rule, the City failed to meet the total
14 trihalomethanes (TTHM) MCL in the distribution system and was issued a compliance order (03-
15 11-13R-0053) by the Division. The City continued to monitor for disinfection byproducts, TTHM
16 and haloacetic acids (HAA5), and provide public notification on a quarterly basis.

17
18 Based on the most recent progress report, the City's consulting engineers submitted an SRF
19 application for funds for replacement of the aging surface water treatment plant.

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

1 (hereinafter "MCL") in drinking water for TTHM and HAA5 in drinking water of 0.080 mg/L and
 2 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 between 3,301 - 9,999 individuals of two dual sample sets of TTHM and
 6 HAA5 per quarter.

7
 8 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly TTHM
 9 and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs are based on a
 10 locational running annual average (LRAA), computed quarterly, at each approved sample site.
 11 The City is required to collect two TTHM samples and two HAA5 samples at the locations in the
 12 distribution system in accordance with their ST2DBPR monitoring plan. The City's approved
 13 S2DBPR sample sites are: ST2DBP-23393 Sixth Street and ST2DBP-8982 M Street. A summary
 14 of the City's recent TTHM and HAA5 monitoring results is presented in the table below.
 15

16 **Table 1: Stage 2 DBPR Sample Site Results**

Sample Location	Sample Date				LRAA
	Q4 2013	Q1 2014	Q2 2014	Q3 2014	
23393 Sixth Street					
TTHM	0.210 mg/L	0.099 mg/l	0.190 mg/l	0.140 mg/l	0.160 mg/L
HAA5	0.061 mg/l	0.023 mg/l	0.068 mg/l	0.045 mg/l	0.049 mg/l
Sample Location	Sample Date				LRAA
	Q4 2013	Q1 2014	Q2 2014	Q3 2014	
8982 M Street					
TTHM	0.200 mg/l	0.100 mg/l	0.180 mg/l	0.140 mg/l	0.155 mg/L
HAA5	0.066 mg/l	0.024 mg/l	0.084 mg/l	0.042 mg/l	0.054 mg/l

1 **DETERMINATIONS**

2 Based on the above findings, the Division has determined that City has violated the LRAA MCL
3 for TTHMs during the third quarter of 2014, as shown in Table 1 above.

4
5 **DIRECTIVES**

6 To ensure that the water supplied by the City of Dos Palos water system is at all times safe,
7 wholesome, healthful, and potable, and pursuant to the California SDWA, the City of Dos Palos is
8 hereby directed to take the following actions:

- 9
- 10 1. Comply with CCR, Title 22, Section 64533(a) in future monitoring periods after conducting
11 upgrades of the treatment facility and treatment operations.
12
 - 13 2. Provide quarterly public notification of its inability to meet the TTHM MCL during any
14 calendar quarter that the four-quarter locational running annual average exceeds the TTHM
15 MCL. Notification procedures and format are provided in Attachment B. An electronic
16 version of Attachment B is available upon request.
17
 - 18 3. Proof of public notification shall be provided to the Division following each quarterly
19 notification by the 10th day of the month following notification, using the form provided as
20 Attachment C.
21
 - 22 4. Continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in
23 accordance with an approved DBP monitoring plan. The analytical results shall be reported
24 to the Division electronically by the analyzing laboratory no later than the 10th day following
25 the month in which the analysis was completed.
26
- 27

1 5. Continue to submit quarterly progress reports of the funding project to replace the aging
2 surface water treatment plant to the Division. The first quarterly progress report shall
3 describe progress made in the fourth quarter of 2014 and shall be submitted to the Division
4 by **January 1, 2015**, using the form provided as Attachment D.

5
6 7. Operate the existing water system to minimize formation of total trihalomethanes in the
7 distribution system.

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

11
12 9. By no later than **January 1, 2018**, achieve compliance with the total trihalomethanes
13 maximum contaminant level, with the completion of a project and demonstration that the
14 locational running annual average is reliably less than the MCL. The City shall provide
15 written notification of the date that compliance is achieved, no later than ten days following
16 receipt of the laboratory sampling results.

17
18 10. All submittals required by this Order shall be addressed to:

19 Kassy D. Chauhan, P.E.,
20 Senior Sanitary Engineer, Merced District
21 State Water Resources Control Board
22 Division of Drinking Water
23 265 W. Bullard Avenue, Suite 101
24 Fresno, CA 93704
25
26
27

1 11. The Division reserves the right to make such modifications to this Order as it may deem
2 necessary to protect public health and safety. Such modifications may be issued as
3 amendments to this Order and shall be effective upon issuance. Nothing in this Compliance
4 Order relieves City of Dos Palos, of its obligation to meet the requirements of the California
5 SDWA, or any regulation, standard, permit or order issued thereunder.
6

7 If the Water System is unable to perform the tasks specified in this Order for any reason, whether
8 within or beyond its control, and if the Water System notifies the Division in writing no less than
9 five days in advance of the due date, the Division may extend the time for performance if the
10 Water System demonstrates that it has used its best efforts to comply with the schedule and other
11 requirements of this Order.
12

13 PARTIES BOUND

14 This Compliance Order shall apply to and be binding upon the City of Dos Palos, its owners,
15 shareholders, officers, directors, agents, employees, contractors, successors, and assignees.
16

17 SEVERABILITY

18 The directives of this Compliance Order are severable, and City of Dos Palos shall comply with
19 each and every provision thereof notwithstanding the effectiveness of any provision.
20

21 FURTHER ENFORCEMENT ACTION

22 The California SDWA authorizes the Division to issue citations and compliance orders with
23 assessment of administrative penalties to a public water system for violation or continued violation
24 of the requirements of the California SDWA or any permit, regulation, permit or order issued or
25 adopted thereunder including, but not limited to, failure to correct a violation identified in a citation
26 or compliance order. The California SDWA also authorizes the Division to take action to suspend
27

1 or revoke a permit that has been issued to a public water system if the system has violated
2 applicable law or regulations or has failed to comply with an order of the Division; and to petition
3 the superior court to take various enforcement measures against a public water system that has
4 failed to comply with an order of the Division. The Division does not waive any further
5 enforcement action by issuance of this compliance order.

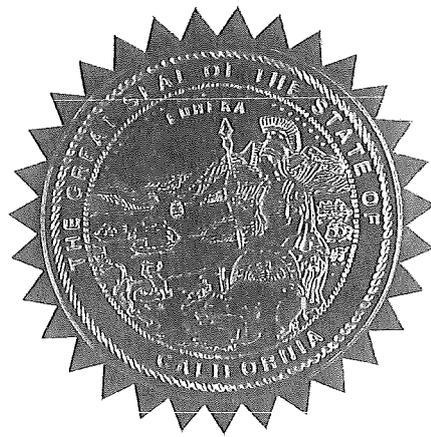
6
7
8
9
10 12-12-2014
11 Date


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

17 CLC/KDC/mlm

18 Attachments:

- 19 Attachment A: Applicable Authorities
- 20 Attachment B: Public Notification Form
- 21 Attachment C: Proof of Notification Form
- 22 Attachment D: Quarterly Progress Report Form



Applicable Statues and Regulations for Compliance Order No. 03-11-14R-009

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.

City of Dos Palos 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. The MCL standards for Total Trihalomethanes is 80 ug/L. The average level of Total Trihalomethanes over the last year were 160 and 155 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 City of Dos Palos water system.

State Water System ID#: 2410002.

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

