



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. 2410950

Mr. Jim Thomas, Chief
Department of Water Resources – San Luis O & M
31770 Gonzaga Road
Gustine, CA 95322

RE: Compliance Order No. 03-11-14R-010 Violation of Title 22, California Code of Regulations, Section 64533(a), TTHM MCL

Dear Mr. Thomas:

Enclosed is a Compliance Order issued to the Department of Water Resources – San Luis O & M (Water System).

As required in the Compliance Order, the Water System 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 Water System already installed an aeration system and continuing to improve the treatment process to ensure compliance with the TTHM MCL. The Water System continues to collect samples on a quarterly basis. The Water System is required to provide quarterly public notification for TTHM MCL and to continue quarterly TTHM monitoring of ST2DBP-GPGP 5th Floor.

The Water System 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.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of 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
Division of Drinking Water

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

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

IN RE: Department of Water Resources – San Luis O & M
Water System No. 2410950

TO: Mr. Jim Thomas, Chief
Department of Water Resources – San Luis O & M
19777 Greenley Road
Sonora, CA 95370

CC: Merced County Environmental Health Department
Bob Mattos, Engineering Associate Supervisor (same address)

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 Department of Water

1 Resources-San Luis O & M (hereinafter, Water System) for violation of California Code of
2 Regulations (hereinafter "CCR"), Section 64533(a), Maximum Contaminant Levels for Disinfection
3 Byproducts.

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 Department of Water Resources-San Luis O & M Water System (hereinafter "Water System")
11 is a nontransient-noncommunity water system that supplies water for domestic purposes to a total
12 of 650 employees through three (3) service connections. The water system is owned and
13 operated by the Department of Water Resources. The source water is San Luis Reservoir. The
14 surface water treatment plant (SWTP) provides chemical pre-treatment, flocculation/clarification,
15 pressure filtration and chlorination. The Water System operates under Domestic Water Supply
16 Permit No. 03-91-046, issued on December 27, 1991.

17
18 CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or "S2DBPR")
19 adopted by California, effective June 21, 2012, requires water systems serving less than 10,000
20 persons to monitor and report disinfection byproduct and residual disinfectant levels. The
21 S2DBPR applies to any community or nontransient noncommunity water system that treats water
22 with a chemical disinfectant in any part of the treatment process or that provides water containing
23 a chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level
24 (hereinafter "MCL") in drinking water for total trihalomethanes (hereinafter "TTHM") and haloacetic
25 acids (five) (hereinafter "HAA5") in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.
26
27

1 CCR, Section 64534.2, establishes a routine monitoring frequency for a surface water system
 2 serving a population between 500 – 3,300 individuals of one sample for TTHMs and HAA5s per
 3 year per treatment plant during the month of warmest water temperature.
 4

5
 6 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly TTHM
 7 and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs are based on a
 8 locational running annual average (LRAA), computed quarterly, at each approved sample site.
 9 The Water System is required to collect one TTHM sample and one HAA5 sample at the location
 10 in the distribution system with the highest historic TTHM and HAA5 results, respectively. The
 11 Water System’s approved S2DBPR sample site is: ST2DBP-GPGR 5th Floor. A summary of the
 12 Water System’s recent TTHM monitoring is presented in the table below.
 13

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

Sample Location	Sample Date				LRAA (TTHM)
	Q4 2013	Q1 2014	Q2 2014	Q3 2014	
	10/29/2013	02/24/2014	04/07/2014	07/18/14	
ST2DBP-GPGR 5 th Floor	80 ug/L	93 ug/L	90 ug/l	79 ug/l	85.5 ug/L

21
 22 In May 28, 2014, the Water System installed an Air-Max Oxygen Injector™ aeration system for
 23 reducing disinfection byproducts in treated water. Further improvements are necessary to ensure
 24 compliance with the TTHM MCL. As shown in Table 1, the installation of aeration system resulted
 25 in minimal reduction of TTHM levels. In addition, the Water System has a MIEX® pre-treatment
 26 installed in 2007 to remove dissolved organic prior to the surface water treatment plant.
 27

1 **DETERMINATIONS**

2 Based on the above Statement of Facts, the Division has determined that the Water System has
3 violated the LRAA MCL for TTHMs during the third quarter of 2014, as shown in Table 1 above.
4

5
6 **DIRECTIVES**

7 To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful,
8 and potable, and pursuant to the California SDWA, the Department of Water Resources-San Luis
9 O & M is hereby directed to take the following actions:

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

1
2 5. By **February 1, 2015**, the Water System shall submit a Corrective Action Plan identifying
3 improvements to the aeration system designed to correct the water quality problem (violation
4 of the TTHM MCL) and eliminate the need to deliver water to consumers that does not meet
5 primary drinking water standards.

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

10
11 7. Operate the existing water system to minimize formation of total trihalomethanes and
12 haloacetic acids in the distribution system.

13
14 8. Submit a written response by **December 31, 2014**, indicating its willingness to comply with
15 the directives of this Compliance Order.

16
17 9. By no later than **December 31, 2015**, achieve compliance with the total trihalomethanes
18 maximum contaminant level, with the completion of a project and demonstration that the
19 locational running annual average is reliably less than the MCL. The Water System shall
20 provide written notification of the date that compliance is achieved, no later than ten days
21 following receipt of the laboratory sampling results.

22
23
24 10. All submittals required by this Order shall be addressed to:

25
26 Kassy D. Chauhan, P.E.,
27 Senior Sanitary Engineer, Merced District

1 State Water Resources Control Board
2 Division of Drinking Water
3 265 W. Bullard Avenue, Suite 101
4 Fresno, CA 93704

5
6 11. The Division reserves the right to make such modifications to this Order as it may deem
7 necessary to protect public health and safety. Such modifications may be issued as
8 amendments to this Order and shall be effective upon issuance. Nothing in this Compliance
9 Order relieves Department of Water Resources of its obligation to meet the requirements of
10 the California SDWA, or any regulation, standard, permit or order issued thereunder.

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

17
18 **PARTIES BOUND**

19 This Compliance Order shall apply to and be binding upon Department of Water Resources, its
20 owners, shareholders, officers, directors, agents, employees, contractors, successors, and
21 assignees.
22

23
24 **SEVERABILITY**

25 The directives of this Compliance Order are severable, and Department of Water Resources shall
26 comply with each and every provision thereof notwithstanding the effectiveness of any provision.
27

1
2 **FURTHER ENFORCEMENT ACTION**

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

14
15 12-12-2014
16 Date


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

22 CLC/KDC/mlm

23 Attachments:

- 24 Attachment A: Applicable Authorities
- 25 Attachment B: Public Notification Form
- 26 Attachment C: Proof of Notification Form
- 27 Attachment D: Quarterly Progress Report Form



Applicable Statues and Regulations for Citation No. 03-11-14R-010

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.

DWR- San Luis O & M 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 on _____ show that our system exceeds the standard, 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 was _____.

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 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 DWR-San Luis O & M water system.

State Water System ID#: 2410950.

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, Fresno District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date