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GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

State Water Resources Control Board  
Division of Drinking Water

February 11, 2015  
System No. 2400209

Mr. Martin McIntyre, General Manager  
San Luis Hills Water District  
P. O. Box 2135  
Los Banos, CA 93635

**RE: Compliance Order No. 03-11-15R-002 Violation of Title 22, California Code of Regulations, Section 64533(a), TTHM MCL**

Dear Mr. McIntyre:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-15R-002, for violation of the Stage 2 Disinfection Byproduct Rule Total Trihalomethanes Maximum Contaminant Level (TTHM MCL) for the San Luis Hills Water District (SLHWD). The compliance order is enclosed.

As required in the Compliance Order, the SLHWD 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 SLHWD has an air stripping pilot study in progress and already collecting samples on a quarterly basis. The SLHWD is required to provide quarterly public notification for TTHM violation and to continue quarterly TTHM and HAA5 monitoring of ST2DBP – Site 14.

The SLHWD 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 SLHWD 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*  
Kassy D. Chauhan, P.E.  
Senior Sanitary Engineer  
Merced District  
Division of Drinking Water

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

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

IN RE: SAN LUIS HILLS WATER DISTRICT  
Water System No. 2400209

TO: Mr. Martin McIntyre  
General Manager  
San Luis Hills Water District  
P. O. Box 2135  
Los Banos, CA 93635

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 February 11, 2015

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 Luis Hills Water

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

3  
4 **APPLICABLE AUTHORITIES**

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

7  
8 **FINDINGS**

9 The SLHWD is a community water system serving a residential population of approximately 300  
10 persons through 66 service connections. The primary source of supply for SLHWD is the San  
11 Luis Canal of the California Aqueduct (Aqueduct). The SLHWD has two surface water treatment  
12 plants (SWRTP), each containing chemical pre-treatment, chlorination, flocculation/sedimentation  
13 and gravity filtration. The SLHWD operates under Domestic Water Supply Permit No. 03-11-14P-  
14 004 issued by the Division on December 11, 2014.

15  
16 CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or "S2DBPR")  
17 adopted by California, effective June 21, 2012, requires water systems serving less than 10,000  
18 persons to monitor and report disinfection byproduct and residual disinfectant levels. The  
19 S2DBPR applies to any community or nontransient-noncommunity water system that treats water  
20 with a chemical disinfectant in any part of the treatment process or that provides water containing  
21 a chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level  
22 (hereinafter "MCL") in drinking water for total trihalomethanes (hereinafter "TTHM") and haloacetic  
23 acids (five) (hereinafter "HAA5") in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.

24  
25  
26 CCR, Section 64534.2(d), establishes a routine monitoring frequency for a surface water system  
27 serving a population less than 500 individuals of one sample at the location with the highest

1 TTHM measurement and one at the location with the highest HAA5 measurement per year.  
 2 Systems that are required to monitor at a particular location annually shall increase monitoring to  
 3 dual sample sets once per quarter at all locations if a TTHM sample is greater than 80 ug/l or a  
 4 HAA5 sample is greater than 60 ug/l at any location.

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 SLHWD is required to collect one TTHM sample and one HAA5 sample at the location in the  
 10 distribution system with the highest historic TTHM and HAA5 results, respectively. The SLHWD's  
 11 approved S2DBPR sample site is: ST2DBP-Site 14. A summary of the SLHWD's recent TTHM  
 12 and HAA5 monitoring results is presented in the table below.

13  
 14 **Table 1: Stage 2 DBPR Sample Site Results**

15

Sample Location  Site 14	Sample Date				LRAA
	Q4 2013	Q1 2014	Q2 2014	Q3 2014	
TTHM	72 ug/l	87 ug/l	120 ug/l	94 ug/l	<b>93 ug/l</b>
HAA5	23 ug/l	26 ug/l	70 ug/l	54 ug/l	<b>43 ug/l</b>

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 19  
 20  
 21 The SLHWD completed an operational evaluation of the water system and is in the process of  
 22 finalizing the pilot study on air stripping to comply with the TTHM MCL. The elevated levels of  
 23 TTHMs during first quarter through the second quarter 2014 monitoring period may be due to the  
 24 low water usage as a result of water conservation program and due to the Aqueduct's poor water  
 25 quality that is high in plant matter and organics.

1  
2 **DETERMINATIONS**

3 Based on the above findings, the Division has determined that SLHWD has violated the LRAA  
4 MCL for TTHM during the third quarter of 2014 for the sample site location: ST2DBP-Site 14, as  
5 shown in Table 1 above.  
6

7 **DIRECTIVES**

8 To ensure that the water supplied by the San Luis Hills Water District water system is at all times  
9 safe, wholesome, healthful, and potable, and pursuant to the California SDWA, the San Luis Hills  
10 Water District is hereby directed to take the following actions:  
11

- 12 1. Comply with CCR, Title 22, Section 64533(a) in future monitoring periods after conducting  
13 upgrades of the treatment facility and treatment operations.  
14
- 15 2. Provide quarterly public notification of its inability to meet the TTHM MCL during any  
16 calendar quarter that the four-quarter locational running annual average exceeds the TTHM  
17 MCL. Notification procedures and formats are provided in Attachment B. An electronic  
18 version of Attachment B is available upon request.  
19
- 20 3. Proof of public notification shall be provided to the Division following each quarterly  
21 notification by the 10<sup>th</sup> day of the month following notification, using the form provided as  
22 Attachment C.  
23
- 24 4. Continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in  
25 accordance with an approved ST2DBP monitoring plan. The analytical results shall be  
26  
27

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

3  
4 5. Submit quarterly progress reports to the Division. The first quarterly progress report shall  
5 describe progress made in the first quarter of 2015 and shall be submitted to the Division by  
6 **March 31, 2015**, using the form provided as Attachment D.

7  
8 6. Operate the existing water system to minimize formation of total trihalomethanes and  
9 haloacetic acids in the distribution system.

10  
11 7. Submit a written response by **February 27, 2015**, indicating its willingness to comply with  
12 the directives of this Compliance Order.

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

19  
20  
21 9. All submittals required by this Order shall be addressed to:

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

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

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

13  
14 **PARTIES BOUND**

15 This Compliance Order shall apply to and be binding upon the San Luis Hills Water District, its  
16 owners, shareholders, officers, directors, agents, employees, contractors, successors, and  
17 assignees.

18  
19 **SEVERABILITY**

20 The directives of this Compliance Order are severable, and San Luis Hills Water District shall  
21 comply with each and every provision thereof notwithstanding the effectiveness of any provision.

22  
23 **FURTHER ENFORCEMENT ACTION**

24 The California SDWA authorizes the Division to issue citations and compliance orders with  
25 assessment of administrative penalties to a public water system for violation or continued violation  
26 of the requirements of the California SDWA or any permit, regulation, permit or order issued or  
27

1 adopted thereunder including, but not limited to, failure to correct a violation identified in a citation  
2 or compliance order. The California SDWA also authorizes the Division to take action to suspend  
3 or revoke a permit that has been issued to a public water system if the system has violated  
4 applicable law or regulations or has failed to comply with an order of the Division; and to petition  
5 the superior court to take various enforcement measures against a public water system that has  
6 failed to comply with an order of the Division. The Division does not waive any further  
7 enforcement action by issuance of this compliance order.

8  
9  
10 2-11-2015

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 Statutes and Regulations for Compliance Order No. 03-11-15R-002**

**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**

<b>Disinfection Byproduct</b>	<b>Maximum Contaminant Level (mg/L)</b>	<b>Detection Limit for Purposes of Reporting (mg/L)</b>
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.

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### San Luis Water District has levels of Disinfection Byproducts Above Drinking Water Standards

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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 82.0 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] \_\_\_\_\_

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We anticipate resolving the problem within \_\_\_\_\_.

For more information, please contact [name] \_\_\_\_\_ at [phone number] \_\_\_\_\_ or at the following mailing address: \_\_\_\_\_

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*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 SLWD water system.**

State Water System ID#: 2400209

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 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