



State Water Resources Control Board
Division of Drinking Water

April 28, 2015
System No.: 2410005

Mr. Mark Fachin
Public Works Director
City of Los Banos
411 Madison Avenue
Los Banos, CA 93635

RE: Compliance Order No. 03-11-15R-003 Violation of Title 22, California Code of Regulations, Section 64431, Hexavalent Chromium MCL

Dear Mr. Fachin:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-15R-003 to the City of Los Banos (City) Water System, for violation of the Hexavalent Chromium Maximum Contaminant Level (MCL). The compliance order is enclosed.

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 hexavalent chromium MCL. The City is required to provide quarterly public notification for the hexavalent chromium MCL violation and to continue quarterly hexavalent chromium monitoring.

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.

The City 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 the City 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
Randy Williamson, Water Quality Specialist (same address)

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **CITY OF LOS BANOS**
Water System No. 2410005

TO: Mr. Mark Fachin
Public Works Director
411 Madison Avenue
Los Banos, CA 93635

CC: Merced County Environmental Health Department (no attachments)
Randy Williamson, WQ Specialist (same address)

**COMPLIANCE ORDER FOR VIOLATION
OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431
HEXAVALENT CHROMIUM MCL VIOLATION**

Issued on April 28, 2015

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

The State Water Resources Control Board (hereinafter "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

1 Los Banos (hereinafter "City") (411 Madison Avenue Los Banos, CA 93635) for violation
2 of California Code of Regulations (CCR), Title 22, Section 64431.

3
4 **APPLICABLE AUTHORITIES**

5 The applicable statutes and regulations are provided in Attachment A, attached hereto
6 and incorporated by reference.
7

8
9 **STATEMENT OF FACTS**

10 The City of Los Banos is a community water system located in Merced County. The City
11 serves water to a population of approximately 37,168 through 11,117 service
12 connections. The City uses groundwater obtained from thirteen wells (Wells No. 1, 2, 3,
13 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15). The Water System operates under Domestic
14 Water Supply Permit No. 03-11-99P-003 issued on April 29, 1999 and an amended
15 Domestic Water Supply Permit No. 03-11-03PA-003 issued on September 30, 2003.
16

17
18 On July 1, 2014, the State of California adopted a maximum contaminant level (MCL)
19 for hexavalent chromium of 0.010 mg/L (milligrams per liter). As a community water
20 system, the City is required to comply with the new MCL and initiate monitoring for
21 hexavalent chromium within six months of the adoption date.
22

23
24 On December 2014, the City failed to meet the hexavalent chromium MCL of 0.010 mg/l
25 in water produced by ten (10) of thirteen (13) wells. The City has been monitoring all
26 thirteen wells for hexavalent chromium on a quarterly basis. Based on the most recent
27

1 quarterly hexavalent chromium results, ten wells (Wells Nos. 1, 2, 3, 5, 6, 7, 9, 10, 13
 2 and 14) were showing running annual averages (RAA) that exceed the hexavalent
 3 chromium MCL. The quarterly hexavalent chromium analysis results from fourth quarter
 4 of 2014 and first quarter of 2015 along with the calculated running annual average are
 5 shown in the table below:
 6
 7

8 Table 1: Hexavalent Chromium Analysis Results and RAA

Well	ID	12/10/2014	3/18/2015	RAA, ug/l
Well 1	2410005-001	34	29	15.75
Well 2	2410005-002	33	29	15.5
Well 3	2410005-003	30	29	14.75
Well 5	2410005-005	38	42	20
Well 6	2410005-006	24	27	12.75
Well 7	2410005-007	39	39	19.5
Well 9	2410005-009	33	33	16.5
Well 10	2410005-010	32	33	16.25
Well 11	2410005-011	18	23	10.25
Well 12	2410005-012	18	21	9.75
Well 13	2410005-013	39	39	19.5
Well 14	2410005-014	38	33	17.75
Well 15 STBY	2410005-027	21	18	9.75

1
2 **DETERMINATIONS**

3 Based on the above Findings, the Division has determined that the City has violated
4 provisions contained in Title 22, California Code of Regulations (CCR) Section 64431
5 (a). Specifically, the water produced by the City's Wells Nos. 1, 2, 3, 5, 6, 7, 9, 10, 13
6 and 14 exceeds the maximum contaminant level of 0.010 mg/L for hexavalent
7 chromium, and therefore, does not comply with a primary drinking water standard.
8

9
10 **DIRECTIVES**

11 The City of Los Banos is hereby directed to take the following actions:

- 12
- 13 1. On or before May 15, 2015 submit a written response to the Division indicating its
14 agreement to comply with the directives of this Order and with the Corrective
15 Action Plan addressed herein.

 - 16
 - 17 3. Commencing on the date of service of this Order, provide quarterly public
18 notification in accordance with Attachment B, hereto, of City's failure to meet the
19 hexavalent chromium MCL during any calendar quarter that the four-quarter
20 running annual average exceeds the MCL.

 - 21
 - 22 4. Commencing on the date of service of this Order, submit proof of each public
23 notification conducted in compliance with Directive No. 3, herein above, within 10
24 days following each such notification, using the form provided as Attachment C,
25 hereto.
26
27

- 1 5. Commencing on the date of service of this Order collect quarterly samples for
2 hexavalent chromium from each well, as required by Section 64432(g), and
3 ensure that the analytical results are reported to the Division electronically by the
4 analyzing laboratory no later than the 10th day following the month in which the
5 analysis was completed.
6
- 7 6. Prepare for the Division approval a Corrective Action Plan identifying
8 improvements to the water system designed to correct the water quality problem
9 (violation of the hexavalent chromium MCL) and ensure that the Water System
10 delivers water to consumers that meets primary drinking water standards. The
11 plan shall include a time schedule for completion of each of the phases of the
12 project such as design, construction, and startup, and a date as of which the
13 Water System will be in compliance with the hexavalent chromium MCL.
14
- 15 7. On or before August 31, 2015, present the Corrective Action Plan required under
16 Directive No. 6, above, to the Division.
17
- 18 8. Timely perform the Division approved Corrective Action Plan and each and every
19 element of said plan according to the time schedule set forth therein.
20
- 21 9. On or before December 31, 2015 and every three months thereafter, submit a
22 report to the Division in the form provided as Attachment D, hereto, showing
23 actions taken during the previous calendar three months to comply with the
24 Corrective Action Plan.
25
26
27

1 10. Not later than ten (10) days following the date of compliance with the hexavalent
2 chromium MCL, demonstrate to the Division that the water delivered by Water
3 System complies with the hexavalent chromium MCL.

4
5 11. Notify the Division in writing no later than five (5) days prior to the deadline for
6 performance of any Directive set forth herein if Water System anticipates it will
7 not timely meet such performance deadline.

8
9 All submittals required by this Order shall be addressed to:

10 Kassy D. Chauhan, P.E.
11 Senior Sanitary Engineer, Merced District
12 State Water Resources Control Board
13 Division of Drinking Water
14 265 W. Bullard Avenue, Suite 101
15 Fresno, CA 93704
16

17
18 As used in this Order, the date of issuance shall be the date of this Order; and the date
19 of service shall be the date of service of this Order, personal or by certified mail, on the
20 Water System.

21
22 The Division reserves the right to make such modifications to this Order and/or to issue
23 such further order(s) as it may deem necessary to protect public health and safety.
24 Such modifications may be issued as amendments to this Order and shall be deemed
25 effective upon issuance.
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Nothing in this Order relieves Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

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

1 has failed to comply with an order of the Division. The Division does not waive any
2 further enforcement action by issuance of this compliance order.

3
4
5
6 4-28-2015

7 Date



8 Carl L. Carlucci, P.E.
9 Supervising Sanitary Engineer
10 State Water Resources Control Board
11 Southern California Branch
12 Drinking Water Field Operations

13 Certified Mail No.: [7010 3090 0002 0396 4161]

14 CLC/KDC/mlm

15 Attachments:

16 Attachment A: Applicable Authorities

17 Attachment B: Public Notification Notice

18 Attachment C: Proof of Notification Form

19 Attachment D: Quarterly Progress Report Form



Applicable Statutes and Regulations for Citation No. 03-11-15R-003

Section 116655 of the 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 64431 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64431. Maximum Contaminant Levels-Inorganic Chemicals.

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:
§64463.4. Tier 2 Public Notice.

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 -
 - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
 - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
 - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
 -
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
- (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery 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; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.
- (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
- (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or
 4. Direct delivery to each customer.

Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:
 §64465. Public Notice Content and Format.

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;
 - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
 - (5) Whether alternative water supplies should be used;
 - (6) What actions consumers should take, including when they should seek medical help, if known;
 - (7) What the water system is doing to correct the violation or occurrence;
 - (8) When the water system expects to return to compliance or resolve the occurrence;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
 - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public 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"; and
 - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we [did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time."

.....

- (c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
 - (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.
- (d) Each public notice given pursuant to this article shall:
 - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
 - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

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 Los Banos Has Levels of Hexavalent Chromium
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 on December 2014 showed Hexavalent Chrome levels of 18 to 39 parts per billion (ppb). This is above the standard or maximum contaminant level (MCL), of 10 ppb.

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing hexavalent chromium in excess of the MCL over many years 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?

The City is currently looking into treatment methods and alternative sources. We anticipate resolving the problem within a timely manner.

For more information, please contact Water Quality Specialist, Randy Williamson at (209) 827-7056.

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.

INFORMACIÓN IMPORTANTE ACERCA DE SU AGUA POTABLE

La Ciudad de Los Banos tiene altos niveles de cromo hexavalente

Nuestro sistema de abastecimiento de agua recientemente no cumple con un estándar para agua potable. Aunque esto no es una emergencia, como nuestros clientes, usted tiene el derecho de saber qué es lo que debe hacer, que ha ocurrido, y que estamos haciendo para corregir esta situación.

Periódicamente tomamos muestras para ver si los contaminantes están presentes en su agua potable. Durante el mes de December 2014 los resultados de las muestras de los pozos mostraron niveles de cromo hexavalente 18 a 39 partes por mil millones (ppb). Este nivel excede el estándar o nivel máximo de contaminante (MCL) de 10 ppb (partes por mil millones).

¿Qué debo hacer?

- **No es necesario usar una fuente alternativa de agua (por ejemplo, agua embotellada).**
- Este no es un riesgo inmediato. Si se hubiera hecho, se habría sido notificado inmediatamente. Sin embargo, algunas personas que beben agua que contiene cromo hexavalente en exceso del MCL durante muchos años pueden tener un riesgo de contraer cáncer.
- Si usted tiene otros problemas de salud relacionados con el consumo de esta agua, puede consultar con su médico.

¿Qué ha sucedido? ¿Qué se está haciendo?

La ciudad está estudiando métodos de tratamiento y otras fuentes. Esperamos darles aviso periódicamente tocante el progreso de esta situación.

Para más información, favor de contactar Randy Williamson, Water Quality Specialist al (209) 827-7056 o a la siguiente dirección: _____ <Insert address>.

Por favor comparta esta información con todas las demás personas que beben esta agua, especialmente aquellos que no han recibido este aviso directamente (por ejemplo, las personas en apartamentos, residencias de ancianos, escuelas y empresas). Usted puede hacer esto al enviar este anuncio público en un lugar público o distribuir copias a mano o por correo.

Esta aviso ha sido enviado de parte de la Ciudad de Los Banos.

Fecha/Date: _____

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 Hexavalent Chromium MCL for the _____ quarter of 20____ 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