

State Water Resources Control Board
Division of Drinking Water

July 28, 2015
System No.: 2400201

Mr. John Leonard
General Manager
Volta Community Services District
P.O. Box 2406
Los Banos, CA 93635

RE: Compliance Order No. 03-11-15R-009 Violation of Title 22, California Code of Regulations, Section 64431, Hexavalent Chromium MCL

Dear Mr. Leonard:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-15R-009 to the Volta Community Services District (CSD), for violation of the Hexavalent Chromium Maximum Contaminant Level (MCL). The compliance order is enclosed.

As required in the Compliance Order, the CSD is expected to propose a solution and implement a project to ensure that water delivered to customers meets the hexavalent chromium MCL. The CSD is required to provide quarterly public notification for the hexavalent chromium MCL violation and to continue quarterly hexavalent chromium monitoring.

The CSD 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 CSD 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 CSD 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
Scott Crist, Operator, P.O. Box 2214, Los Banos, CA 93635

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **VOLTA COMMUNITY SERVICES DISTRICT**
Water System No. 2400201

TO: Mr. John Leonard
General Manager
P.O. Box 2406 Los Banos, CA 93635

CC: Merced County Environmental Health Department
Scott Crist, Operator, P.O. Box 2214, Los Banos, CA 93635

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

Issued on July 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 Volta Community Services District (hereinafter "Water System") (P.O. Box 2406 Los Banos

1 CA 93635) for violation of California Code of Regulations (CCR), Title 22, Section
2 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 Volta Community Services District (Water System) is a community water system
11 located in Merced County. The Water System serves water to a population of
12 approximately 150 through 42 service connections. The Water System uses
13 groundwater obtained from Well No. 1. The Water System operates under Domestic
14 Water Supply Permit issued by the Merced Environmental Health Department prior to
15 April 1, 2014. The Division will be issuing a revised permit in the near future due to the
16 change in regulatory authority.
17

18
19 On July 1, 2014, the State of California adopted a maximum contaminant level (MCL)
20 for hexavalent chromium of 0.010 mg/L (milligrams per liter). As a community water
21 system, the Water System is required to comply with the new MCL and initiate
22 monitoring for hexavalent chromium within six months of the adoption date.
23

24
25 In June 2015, the Water System failed to meet the hexavalent chromium MCL of 0.010
26 mg/l in water produced by Well No. 1. The Water System has been monitoring Well No.
27

1 1 for hexavalent chromium on a quarterly basis. Based on the most recent quarterly
2 hexavalent chromium results, Well No. 1 was showing a running annual average (RAA)
3 that exceeds the hexavalent chromium MCL. The quarterly hexavalent chromium
4 analysis results from the third quarter of 2014 through the second quarter of 2015 along
5 with the calculated running annual average are shown in the table below:
6

7
8 Table 1: Hexavalent Chromium Analysis Results and RAA

9

Well 1	2400201-001	8/21/2014	3/6/2015	6/17/2015	RAA, mg/l
		0.022	0.016	0.024	0.016

10
11
12

13 **DETERMINATIONS**

14 Based on the above Statement of Facts, the Division has determined that the Water
15 System has violated provisions contained in Title 22, California Code of Regulations
16 (CCR) Section 64431 (a). Specifically, the water produced by the Water System's Well
17 No. 1 exceeds the maximum contaminant level of 0.010 mg/L for hexavalent chromium,
18 and therefore, does not comply with a primary drinking water standard.
19

20
21 **DIRECTIVES**

22 The Volta Community Services District is hereby directed to take the following actions:

- 23
- 24 1. On or before August 31, 2015 submit a written response to the Division indicating
25 its agreement to comply with the directives of this Order and with the Corrective
26 Action Plan addressed herein.
27

- 1 2. Commencing on the date of service of this Order, provide quarterly public
2 notification in accordance with Attachment B, hereto, of Water System's failure to
3 meet the hexavalent chromium MCL during any calendar quarter that the four-
4 quarter running annual average exceeds the MCL.
5
- 6 3. Commencing on the date of service of this Order, submit proof of each public
7 notification conducted in compliance with Directive No. 2, herein above, within 10
8 days following each such notification, using the form provided as Attachment C,
9 hereto.
10
- 11 4. Commencing on the date of service of this Order, continue to collect quarterly
12 samples for hexavalent chromium from Well No. 1, as required by Section
13 64432(g), and ensure that the analytical results are reported to the Division
14 electronically by the analyzing laboratory no later than the 10th day following the
15 month in which the analysis was completed.
16
- 17 5. Prepare for the Division's approval a Corrective Action Plan identifying
18 improvements to the water system designed to correct the water quality problem
19 (violation of the hexavalent chromium MCL) and ensure that the Water System
20 delivers water to consumers that meets primary drinking water standards. The
21 plan shall include a time schedule for completion of each of the phases of the
22 project such as design, construction, and startup, and a date as of which the
23 Water System will be in compliance with the hexavalent chromium MCL.
24
- 25 6. On or before December 31, 2015, submit the Corrective Action Plan required
26 under Directive No. 5, above, to the Division.
27

- 1 7. Timely perform the Division's approved Corrective Action Plan and each and
2 every element of said plan according to the time schedule set forth therein.
3
- 4 8. On or before December 31, 2015, and every three months thereafter, submit a
5 report to the Division in the form provided as Attachment D, hereto, showing
6 actions taken during the previous calendar three months to comply with the
7 Corrective Action Plan.
8
- 9 9. Not later than ten (10) days following the date of compliance with the hexavalent
10 chromium MCL, demonstrate to the Division that the water delivered by Water
11 System complies with the hexavalent chromium MCL.
12
- 13 10. Notify the Division in writing no later than five (5) days prior to the deadline for
14 performance of any Directive set forth herein if Water System anticipates it will
15 not timely meet such performance deadline.
16

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

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

1 As used in this Order, the date of issuance shall be the date of this Order; and the date
2 of service shall be the date of service of this Order, personal or by certified mail, on the
3 Water System.

4
5 The Division reserves the right to make such modifications to this Order and/or to issue
6 such further order(s) as it may deem necessary to protect public health and safety.
7 Such modifications may be issued as amendments to this Order and shall be deemed
8 effective upon issuance.
9

10
11 Nothing in this Order relieves Water System of its obligation to meet the requirements of
12 the California SDWA, or any regulation, standard, permit or order issued thereunder.
13

14 **PARTIES BOUND**

15 This Order shall apply to and be binding upon the Volta Community Services District, its
16 officers, directors, agents, employees, contractors, successors, and assignees.
17

18
19 **SEVERABILITY**

20 The requirements of this Order are severable, and the Volta Community Services
21 District shall comply with each and every provision thereof notwithstanding the
22 effectiveness of any provisions.
23

1 **FURTHER ENFORCEMENT ACTION**

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

14
15
16
17
18 7-28-2015

19 Date



20 Carl L. Carlucci, P.E.
21 Supervising Sanitary Engineer
22 State Water Resources Control Board
23 Southern California Branch
24 Drinking Water Field Operations

25 Certified Mail No.: [7014 3490 0001 7868 9665]

26 CLC/KDC/mlm



Attachments:

Attachment A: Applicable Authorities

Attachment B: Public Notification Notice

Attachment C: Proof of Notification Form

Attachment D: Quarterly Progress Report Form

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Applicable Statues and Regulations for Citation No. 03-11-15R-009

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 64432, states in relevant part:

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

- (1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
- (2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

- (1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.
- (2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;
 - (A) Immediately discontinue use of the contaminated water source; and
 - (B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

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.

<p>The Volta CSD Has Levels of Hexavalent Chromium Above the Drinking Water Standard</p>

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 _____ showed Hexavalent Chromium levels of ___ parts per billion (ppb) which makes the running annual average, _____, exceeds the MCL. 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 CSD is currently looking into treatment methods and alternative sources. We anticipate resolving the problem within a timely manner.

For more information, please contact _____ at phone # _____.

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.

This notice is being sent to you by Volta CSD. Water System # 2400201.

Date Distributed: _____

INFORMACIÓN IMPORTANTE ACERCA DE SU AGUA POTABLE

Volta CSD 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 _____ los resultados de las muestras de los pozos mostraron niveles de cromo hexavalente, _____, 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 CSD está estudiando métodos de tratamiento y otras fuentes. Esperamos darles aviso periódicamente tocante el progreso de esta situación.

Para más información, favor de contactar _____ al phone # _____
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 Volta CSD.

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, Merced District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date