



RON CHAPMAN, MD, MPH
Director



EDMUND G. BROWN, JR.
Governor

May 13, 2014
Certified Mail
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Plumas Eureka Community Services District
200 Lundy Lane
Blairsden, CA 96103

Attention: Frank Motzkus – General Manager

**Subject: Public Water System No. 3210011
Compliance Order No. 01-02-140-002**

Enclosed is the subject Compliance Order which specifies actions to be taken by the Plumas Eureka Community Services District (District) to help ensure compliance with the state's Primary Standard for arsenic in domestic water. You should carefully review the Compliance Order and take appropriate action.

Note that Section 116577 of the California Safe Drinking Water Act provides for our Department to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order to that system. In accordance with Section 116577, the District will be billed for the preparation and issuance of this Compliance Order. Our current costs are approximately \$124 per hour. The estimated time to prepare this Compliance Order is one hour.

If you have any questions regarding this matter, please call Steve Watson at (530) 224-4828 or me at (530) 224-4800.

Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosure

cc: Bruce Burton, Chief – DDWEM – Northern California Field Operations Branch
Richard Hinrichs, Chief – DDWEM – Northern California Section
Plumas County Environmental Health Department
Board of Directors, Plumas Eureka CSD

sww \ 3210011 Plumas Eureka CSD \ File: Enforcement; 01-02-140-002-3210011-02.PDF

1 District's water system is classified as a community water system. The source of
2 supply for the water system includes two groundwater wells, known as Well 01B and
3 Well 02. The wells are typically operated on an alternating lead-lag cycle and both
4 wells are typically needed to meet increased customer demands between May and
5 November. The District operates the water system under domestic water supply
6 permit number 01-02-94(P)32001 issued on June 16, 1994.

7
8 As more fully set forth below, the Department is informed and believes that the
9 District is in violation of the primary standard for arsenic. On February 26, 2009, the
10 Department issued Compliance Order 01-02-09(O)005 to the District for violation of
11 the primary standard for arsenic supplied to its customers from Well 02. The
12 Compliance Order directed the District to: 1) submit a Compliance Report that
13 described a plan and schedule for the District to achieve compliance with the
14 primary standard for arsenic, 2) provide quarterly public notifications to its customers
15 informing them of the continued violation of the primary standard for arsenic,
16 3) provide quarterly progress reports for meeting compliance, and 4) continue to
17 collect and analyze water samples from Well 01B and Well 02 for arsenic on a
18 quarterly basis. The District has substantially complied with all of the Department's
19 directives. Since 2009, the District has been actively in search of a replacement or
20 conjunctive source of groundwater, drilling several test wells within the service area
21 in search of domestic water of sufficient quantity and quality. As of the present date,
22 no such viable source has been found.

23
24 In 2012, the District submitted a pre-application to the Department's State Revolving
25 Fund program to fund a project which would allow the District to construct an arsenic
26 treatment facility. This project was ranked in Category G and was therefore invited
27 to submit a construction application for the project. Since the preliminary

1 engineering for the project had not been completed, the District requested a bypass
 2 for the 2012-2013 funding cycle. On December 12, 2013, the Department received
 3 a Statement of Interest from the District requesting the project be inactivated on the
 4 State Revolving Fund Project Priority List for 2013-2014. It is our understanding that
 5 the District is pursuing USDA funding for the project.

6
 7 In February 2013, the District hired Pureflow Filtration Division to perform a pilot test
 8 to help determine the most appropriate treatment process to remove arsenic from
 9 the groundwater supply.

10
 11 On January 16, 2014, our office received a Preliminary Engineering Report for the
 12 2013 Water System Improvements, which was prepared by Stantec Consulting
 13 Services, Inc. Based on the pilot testing, this report recommended that a 0.5-MGD
 14 treatment plant be constructed for the removal of arsenic. The process would utilize
 15 ferric chloride coagulation and media filtration and be capable of treating water from
 16 both wells and from an additional groundwater source, if found. This recommended
 17 process is one of the arsenic treatment techniques listed as a best available
 18 technology in Section 64447.2 of Title 22, CCR.

19
 20 Since the 1st quarter of 2009, the District has continued to complete quarterly arsenic
 21 sampling of Well 01B and Well 02, with results as follows:

	Well 01B	Well 01B	Well 02	Well 02
	Arsenic	Arsenic	Arsenic	Arsenic
Period	Result, ppb	RAA, ppb	Result, ppb	RAA, ppb
26 1Q2009	9.67	10.54	13.33	15.21
27 2Q2009	14.33	10.88	13.67	14.38

	Well 01B	Well 01B	Well 02	Well 02
	Arsenic	Arsenic	Arsenic	Arsenic
	Result, ppb	RAA, ppb	Result, ppb	RAA, ppb
1				
2				
3				
4	3Q2009	14.33	11.21	18.67
5	4Q2009	8.67	11.00	12.67
6	1Q2010	10.33	11.17	13.33
7	2Q2010	8.33	10.42	13.33
8	3Q2010	11.00	9.58	20.00
9	4Q2010	10.67	10.08	14.00
10	1Q2011	8.00	9.50	10.67
11	2Q2011	7.33	9.25	13.67
12	3Q2011	12.67	9.67	17.33
13	4Q2011	9.33	9.33	13.67
14	1Q2012	7.67	9.25	11.67
15	2Q2012	8.67	9.58	12.00
16	3Q2012	9.00	8.67	14.67
17	4Q2012	7.33	8.17	12.67
18	1Q2013	7.33	8.08	12.33
19	2Q2013	7.67	7.83	14.00
20	3Q2013	11.00	8.33	18.00
21	4Q2013	9.00	8.75	15.00
22	1Q2014	7.50	8.79	7.67

23

24 As evident from the table above, the District's Well 02 continues to produce water
 25 that exceeds the arsenic Maximum Contaminant Level (MCL) of 10-ppb. Also noted
 26 from the table above is the fact that Well 01B's RAA for arsenic has remained in
 27 compliance with the primary standard since April 2010.

GLOSSARY OF TERMS

1
2
3 **Community Water System:** Defined in the California Health and Safety Code as a
4 public water system that serves at least 15 service connections used by yearlong
5 residents or regularly serves at least 25 yearlong residents of the area served by the
6 system.

7
8 **CCR:** California Code of Regulations. These regulations are developed by the
9 Department in order to carry out the laws passed by the legislature regarding
10 drinking water supply.

11
12 **CHSC:** California Health and Safety Code. These laws govern the supply of
13 drinking water and are the basis for the regulations developed and enforced by the
14 Department.

15
16 **MCL:** Maximum Contaminant Level. The maximum concentration of a
17 contaminant allowed to be in present in water served to the public, as determined by
18 the Department in conjunction with federal requirements.

19
20 **RAA:** Running Annual Average. The average value of the most recent four
21 quarters of measurements for a particular contaminant. This is the value that is
22 used to determine compliance with the MCL for arsenic.

23
24 **DLR:** Detection Limit for purposes of Reporting. The designated minimum level
25 at or above which any analytical finding of a contaminant in drinking water shall be
26 reported to the Department as a detection.

27

1 **Primary Standard:** Maximum levels of contaminants that, in the judgment of the
2 department, if exceeded, may have an adverse effect on the health of persons.

3
4 **Secondary Standard:** Maximum contaminant levels that, in the judgment of the
5 department, are necessary to protect the public welfare. Secondary drinking water
6 standards may apply to any contaminant in drinking water that may adversely affect
7 the odor or appearance of the water and may cause a substantial number of persons
8 served by the public water system to discontinue its use, or that may otherwise
9 adversely affect the public welfare.

10
11 **ppb:** parts per billion; micrograms per liter abbreviated as ug/L.

12
13 **mg/L:** milligrams per liter, or parts per million

14
15 **AUTHORITIES**

16
17 Section 64431 of the Title 22 CCR states in relevant part:

18 (a) Public water systems shall comply with the primary MCLs
19 in Table 64431-A as specified in this article.

20
21 Table 64431-A

22 Maximum Contaminant Levels

23 Inorganic Chemicals

24 <u>Chemical</u>	<u>MCL, mg/L</u>
25 Arsenic	0.010

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

4 (1) Inform the Department within 48 hours and
5 monitor quarterly beginning in the next quarter after the
6 exceedance occurred; or

7
8 (i) Compliance with the MCLs shall be determined by a
9 running annual average; if any one sample would cause the
10 annual average to exceed the MCL, the system is
11 immediately in violation. If a system takes more than one
12 sample in a quarter, the average of all the results for that
13 quarter shall be used when calculating the running annual
14 average. If a system fails to complete four consecutive
15 quarters of monitoring, the running annual average shall be
16 based on an average of the available data.

17
18 Section 64463.4 of the Title 22 CCR states in relevant part:

19 (a) A water system shall give public notice pursuant to this
20 section if any of the following occurs:

21 (1) Any violation of the MCL, MRDL, and treatment
22 technique requirements, except:

23 (A) Where a Tier 1 public notice is required
24 under section 64463.1; or

25 (B) Where the Department determines that a
26 Tier 1 public notice is required, based on potential
27 health impacts and persistence of the violations;

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(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). 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.

(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

1 students, nursing home patients, prison inmates,
2 etc.):

- 3 1. Publication in a local newspaper;
4 2. Posting in conspicuous public places
5 served by the water system, or on the Internet;
6 or
7 3. Delivery to community organizations.

8
9 Section 116555 of the California Health and Safety Code (CHSC) states in relevant
10 part:

11 (a) Any person who owns a public water system shall
12 ensure that the system does all of the following:

13 (1) Complies with primary and secondary drinking
14 water standards.

15 (3) Provides a reliable and adequate supply of pure,
16 wholesome, healthful, and potable water.

17
18 Section 116655 of the CHSC states in relevant part:

19
20 (a) Whenever the department determines that any person
21 has violated or is violating this chapter, or any permit,
22 regulation, or standard issued or adopted pursuant to this
23 chapter, the director may issue an order doing any of the
24 following:

25 (1) Directing compliance forthwith.

26 (2) Directing compliance in accordance with a time
27 schedule set by the department.

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(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.

DETERMINATIONS

Based on the above Findings of Fact, the Department determines that the District is in violation of the following:

1. CHSC, Section 116555 (a)(1): Specifically, the District has failed to provide water that complies with all primary drinking water standards.

1 of general circulation serving the area. The District's notice shall follow the format
2 provided in Attachment A. The language and format of the notice to be used for
3 completion of the public notification requirement shall be submitted to the
4 Department for review and written approval prior to its distribution and publication.

5
6 4. Within 40 days after receiving this Compliance Order, proof of public
7 notification shall be submitted to the Department using the form provided as
8 Attachment B.

9
10 5. Public notification shall be given each calendar quarter that the four-
11 quarter RAA from Well 02 for arsenic exceeds the MCL.

12
13 6. In accordance with Section 64442(g)(3) of Title 22, CCR, the District shall
14 continue to collect quarterly samples from Well 01B and Well 02 for arsenic
15 analyses. The analytical results shall be reported to the Department no later than
16 the 10th day following the month in which the samples were collected.

17
18 7. The District shall submit a written response by June 13, 2014, indicating
19 its willingness to comply with the directives of this Compliance Order.

20
21 8. Beginning on July 10, 2014, and quarterly thereafter, the District shall
22 submit a report on the progress in achieving compliance with the foregoing
23 directives.

24
25 The Department reserves the right to make such modifications to this Compliance
26 Order, as it may deem necessary to protect public health and safety. Such

1 modifications may be issued as amendments to this Compliance Order and shall be
2 effective upon issuance.

3

4 This Compliance Order supersedes and replaces Compliance Order 01-02-
5 09(O)005, issued on February 26, 2009.

6

7 All submittals required by this Compliance Order shall be submitted to the
8 Department at the following address:

9

10 Michael J. McNamara, P. E.
11 Lassen District Engineer
12 Drinking Water Field Operations
13 Division of Drinking Water and Environmental Management
14 Department of Public Health
15 364 Knollcrest Drive, Suite 101
16 Redding, CA 96002
17 (530) 224-4800

18

19 The District's failure to comply with any directive set forth in the Compliance Order
20 by the time prescribed herein may result in further administrative penalties in the
21 amount of \$200 per day per violation, pursuant to CHSC, Section 116650, and/or
22 civil penalties as permitted by law, including without limitation CHSC, Section
23 116725.

24

25 The State of California shall not be liable for any injuries or damages to persons or
26 property resulting from acts or omissions by the District, its employees, agents, or
27 contractors in carrying out activities pursuant to this Compliance Order, nor shall the

1 State of California be held as a party to any contract entered into by the Company or
2 its agents in carrying out activities pursuant to this Compliance Order. By issuance
3 of this Compliance Order, the Department does not waive its right to take any further
4 or additional enforcement action(s) against the District.

5
6 **PARTIES BOUND**

7
8 This Compliance Order shall apply to and be binding upon the District, its officers,
9 directors, agents, employees, contractors, successors, and assignees.

10
11 **SEVERABILITY**

12
13 The directives of this Compliance Order are severable, and the District shall comply
14 with each and every provision thereof notwithstanding the effectiveness of any
15 provision.

16
17
18
19 5/13/2014

20 Date

20 Richard L. Hinrichs

21 Richard L. Hinrichs, P.E.

22 Chief, Northern California Section

23 DRINKING WATER FIELD

24 OPERATIONS BRANCH



25 Attachments:

26 Attachment A: Public Notice Format

27 Attachment B: Certification of Completion of Public Notification form

Certified Mail No. 7012 3460 0003 1113 0093

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 Plumas Eureka CSD's Domestic Water System Has Levels of Arsenic Above the Drinking Water Standard

Our domestic water system recently violated the drinking water standard for arsenic. Although this is not an emergency, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

What happened?

We are required by state regulations to test our well water for certain inorganic constituents. The maximum contaminant level (MCL) for arsenic in drinking water as determined by the state is 0.010-mg/L. The most recent results from Well 2 show its Running Annual Average arsenic concentration is 0.014-mg/L. Therefore, Well 2 produces water that exceeds the arsenic Maximum Contaminant Level (MCL) of 0.010-mg/L.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What is being done?

District to provide information here.

For more information, please call Frank Motzkus, PECSD General Manager, at 836-1953.

This notice is being distributed by the Plumas Eureka Community Services District

CERTIFICATION OF COMPLETION OF PUBLIC NOTICE

This form, when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Plumas Eureka CSD

Public Water System No. 3210011

Public notification for the _____ quarter of _____ (complete appropriate quarter and year) arsenic MCL failure was performed by the following method(s) (check and complete those that apply):

_____ The notice was published in the local newspaper on _____
A copy of the newspaper notice is attached.

_____ The notice was mailed to users on _____
A copy of the notice is attached.

_____ The notice hand delivered to water customers on _____
A copy of the notice is attached.

_____ The notice was posted in the following conspicuous places:

For this method, provide the date (or dates) that the notice was posted _____
A copy of the notice is attached.

I hereby certify that the above information is factual.

Printed Name

Signature

Date