

State Water Resources Control Board
Division of Drinking Water

April 30, 2015

Kirk Cloyd
Utilities General Manager
Coachella Water Authority
53-462 Enterprise Way
Coachella, CA 92236

Dear Mr. Cloyd:

COACHELLA WATER AUTHORITY, SYSTEM NO. 3310007
RE: COMPLIANCE ORDER NO. 05-20-15R-001 - VIOLATION OF HEALTH AND SAFETY
CODE SECTION 116555 (a) (1) - HEXAVALENT CHROMIUM MCL

The State Water Resources Control Board, Division of Drinking Water (Division) has issued Compliance Order No. 05-20-15R-001 to the Coachella Water Authority for violation of the Hexavalent Chromium Maximum Contaminant Level (MCL). The compliance order is enclosed.

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

The Water Authority 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.

The Water Authority 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 Water Authority for the current fiscal year. If you have any questions regarding this matter, please contact Manuel Delgado or me at (619) 525-4159.

Sincerely,



J. Steven Williams, P.E.
District Engineer

Enclosure: Compliance Order No. 05-20-15R-001

cc: County of Riverside, Department of Environmental Health (w/o attachments)
File – Correspondence (w/o attachments)

City Council, City of Coachella, 1515 Sixth Street, Coachella, CA 92236 (w/
attachments)

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Coachella Water Authority
53-462 Enterprise Way
Coachella, CA 92236

Attn: Kirk Cloyd, Utilities General Manager

COMPLIANCE ORDER NO. 05-20-15R-001
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)
AND THE PRIMARY DRINKING WATER STANDARD FOR HEXAVALENT
CHROMIUM

Issued on April 30, 2015

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 this Compliance Order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Coachella Water Authority for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

1 **APPLICABLE AUTHORITIES**

2 **Section 116555(a) (1) of the CHSC states in relevant part:**

3
4 (a) Any person who owns a public water system shall ensure that the system does
5 all of the following:

- 6 (1) Complies with primary and secondary drinking water standards.

7 **Section 116655 of the CHSC states in relevant part:**

8
9 (a) Whenever the department determines that any person has violated or is
10 violating this chapter, or any permit, regulation, or standard issued or adopted
11 pursuant to this chapter, the director may issue an Order doing any of the following:

- 12 (1) Directing compliance forthwith.
13 (2) Directing compliance in accordance with a time schedule set by the
14 department.
15 (3) Directing that appropriate preventive action be taken in the case of a
16 threatened violation.

17 (b) An Order issued pursuant to this section may include, but shall not be limited
18 to, any or all of the following requirements:

- 19 (1) That the existing plant, works, or system be repaired, altered, or added to.
20 (2) That purification or treatment works be installed.
21 (3) That the source of the water supply be changed.
22 (4) That no additional service connection be made to the system.
23 (5) That the water supply, the plant, or the system be monitored.

1 (6) That a report on the condition and operation of the plant, works, system, or
2 water supply be submitted to the department.

3 **CCR, Title 22, Section 64431, states in relevant part:**

4
5 Public water systems shall comply with the primary MCLs in table 64431-A as
6 specified in this article.

7 **Table 64431-A**
8 **Maximum Contaminant Levels**
9 **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 NO3)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

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

11
12 **CCR Title 22, Section 64432, states in relevant part:**

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

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

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

7
8 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within
9 48 hours of receipt of the result the water supplier shall notify the Department and
10 resample as confirmation. The water supplier shall notify the Department of the
11 result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation
12 result(s).

13 (1) If the average concentration of the original and confirmation sample(s) is
14 less than or equal to ten times the MCL, the water supplier shall monitor
15 quarterly beginning in the quarter following the quarter in which the
16 exceedance occurred.

17 (2) If the average concentration of the original and confirmation sample(s)
18 exceeds ten times the MCL, the water supplier shall, if directed by the
19 Department;

20 (A) Immediately discontinue use of the contaminated water source; and

21 (B) Not return the source to service without written approval from the
22 Department.
23

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

7
8 **STATEMENT OF FACTS**

9
10 The Coachella Water Authority water system serves water to approximately 41,904
11 individuals through approximately 7,776 service connections. The water system is
12 operated under Domestic Water Supply Permit No. 05-20-09P-011, issued on
13 October 15, 2009. The water system consists of six active wells, three reservoirs, two
14 booster stations and seven disinfection facilities. The water system is a community
15 public water system as defined in the California Health and Safety Code, Section
16 116275.

17 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water
18 standards and monitoring and reporting requirements for inorganic constituents.
19 Community water systems must comply with the maximum contaminant level for
20 hexavalent chromium of 0.010 mg/L, as established in Title 22 CCR Section 64431.

21 Samples collected from the water system on July 31, 2014 showed hexavalent
22 chromium concentrations over the MCL for all of its active wells as noted in **Table 1**
23 below. Therefore, in accordance with Section 64431 (g), the water system was
24 required to begin quarterly hexavalent chromium monitoring of each well, unless it

1 chose to submit an additional sample, which it did not do. Section 64431 (i) provides
2 that compliance with the hexavalent chromium MCL is based on a “running annual
3 average” (RAA) of the quarterly monitoring samples, computed each quarter.
4 Furthermore, Section 64431 (i) states: “if any one sample would cause the annual
5 average to exceed the MCL, the system is immediately in violation.”

6 A summary of the water system’s hexavalent chromium monitoring is presented in
7 Table 1 below. All results are as reported to the Division by the laboratory that
8 performed the analysis.

9 **Table 1: Hexavalent Chromium Monitoring Results (in mg/L)**

Sample Quarter	Well 11	Well 12	Well 16	Well 17	Well 18	Well 19
3rd Quarter 2014	0.016	0.021	0.013	0.022	0.012	0.020
4th Quarter 2014	0.017	0.022	0.016	0.023	0.013	0.021
1st Quarter 2015	0.017	0.023	0.017	0.025	0.014	0.021
Running Annual Average	0.0125	0.0165	0.0115	0.0175	0.00975	0.0155

10
11
12 **DETERMINATION**
13

14 Based on the above Statement of Facts, the Division has determined that the water
15 system has violated the California Health and Safety Code, Section 116555 and
16 Section 64431 in that the water produced by Wells No. 11, 12, 16, 17 and 19 during
17 the 1st quarter of 2015, exceeded the hexavalent chromium MCL as shown in **Table 1**
18 above, and further has determined that said violation is continuing through the date of
19 this Order. Furthermore, as noted in the table, it is highly likely that Well No. 18 will

1 exceed the hexavalent chromium MCL as of the 2nd Quarter of 2015 and will also be
2 in violation of CHSC, Section 116555 and Section 64431.

3 **DIRECTIVES**

4 The Coachella Water Authority is hereby directed to take the following actions:
5

- 6 1. On or before May 31, 2015 submit a written response to the Division indicating
7 its agreement to comply with the directives of this Order and with the
8 Corrective Action Plan addressed herein.
- 9
- 10 2. Commencing on the date of service of this Order, provide quarterly public
11 notification in accordance with **Attachment No. 1**, hereto, of Coachella Water
12 Authority's failure to meet the hexavalent chromium MCL during any calendar
13 quarter that the four-quarter running annual average exceeds the MCL.
- 14
- 15 3. Commencing on the date of service of this Order, submit proof of each public
16 notification conducted in compliance with **Directive No. 2**, herein above, within
17 10 days following each such notification, using the form provided as
18 **Attachment No. 2**, hereto.
- 19
- 20 4. Commencing on the date of service of this Order collect quarterly samples for
21 hexavalent chromium from each well, as required by Section 64432(g), and
22 ensure that the analytical results are reported to the Division electronically by
23 the analyzing laboratory no later than the 10th day following the month in which
24 the analysis was completed.

- 1 5. Prepare for Division review and approval, and prior to implementation, a
2 Corrective Action Plan identifying improvements to the water system designed
3 to correct the water quality problem (violation of the hexavalent chromium
4 MCL) and ensure that the Coachella Water Authority delivers water to
5 consumers that meets primary drinking water standards. The plan shall include
6 a time schedule for completion of each of the phases of the project such as
7 design, construction, and startup, and a date as of which the Coachella Water
8 Authority will be in compliance with the hexavalent chromium MCL.
9
- 10 6. On or before July 31, 2015, present the Corrective Action Plan required under
11 **Directive No. 5**, above, to the Division in person at the Division's offices
12 located at 1350 Front Street, Room 2050, San Diego, California 92101.
13
- 14 7. Timely perform the Division approved Corrective Action Plan and each and
15 every element of said plan according to the time schedule set forth therein.
16
- 17 8. On or before July 31, 2015 and every three months thereafter, submit a report
18 to the Division in the form provided as **Attachment No. 3**, hereto, showing
19 actions taken during the previous calendar three months to comply with the
20 Corrective Action Plan.
21
- 22 9. Not later than ten (10) days following the date of compliance with the
23 hexavalent chromium MCL, demonstrate to the Division that the water

1 delivered by the Coachella Water Authority complies with the hexavalent
2 chromium MCL.

3

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

7

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

9

10 J. Steven Williams, P.E.
11 District Engineer
12 State Water Resources Control Board
13 Division of Drinking Water
14 1350 Front Street, Room 2050
15 San Diego, CA 92101

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17

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

21

22 The Division reserves the right to make such modifications to this Order and/or to
23 issue such further Order(s) as it may deem necessary to protect public health and
24 safety. Such modifications may be issued as amendments to this Order and shall be
25 deemed effective upon issuance.

26

1 Nothing in this Order relieves the Coachella Water Authority of its obligation to meet
2 the requirements of the California SDWA, or any regulation, standard, permit or Order
3 issued thereunder.

4 **PARTIES BOUND**

5 This Order shall apply to and be binding upon the Coachella Water Authority, its
6 owners, shareholders, officers, directors, agents, employees, contractors, successors,
7 and assignees.

8 **SEVERABILITY**

9 The Directives of this Order are severable, and the Coachella Water Authority shall
10 comply with each and every provision hereof, notwithstanding the effectiveness of any
11 other provision.

12 **FURTHER ENFORCEMENT ACTION**

13 The California SDWA authorizes the Board to: issue a Citation with assessment of
14 administrative penalties to a public water system for violation or continued violation of
15 the requirements of the California SDWA or any regulation, permit, standard, Citation,
16 or Order issued or adopted thereunder including, but not limited to, failure to correct a
17 violation identified in a Citation or Compliance Order. The California SDWA also
18 authorizes the Board to take action to suspend or revoke a permit that has been
19 issued to a public water system if the public water system has violated applicable law
20 or regulations or has failed to comply with an Order of the Board; and to petition the
21 superior court to take various enforcement measures against a public water system
22 that has failed to comply with an Order of the Board. The Board does not waive any
23 further enforcement action by issuance of this Order.

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Jeff O'Keefe, P.E., Chief

April 30, 2015
Date

South Coast Section
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. 7009 2250 0000 8390 7187

- Enclosures: (1) Public Notification Template w/ Instructions
(2) Proof of Public Notification Form
(3) Quarterly Progress Report

cc: County of Riverside, Department of Environmental Health (w/o attachments)

City Council, City of Coachella, 1515 Sixth Street, Coachella, CA 92236 (w/ attachments)

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]’s water supply.”
- “We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.”
- “We will increase the frequency at which we test the water for [contaminant].”
- “We have since taken samples at this location and had them tested. They show that we meet the standards.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

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.

[System] Has Levels of [Contaminant] 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 [date] showed [name of contaminant] levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of [standard and units].

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, [Insert relevant health effects language from section 64465 appendix].
- 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?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public 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 [system].

State Water System ID#: _____ . Date distributed: _____ .

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: _____

Signature of Person Serving Notice

**** Notice:** Complete this Proof of Notification and return it **along with a copy of the notification** to the Department within **10 days** of posting the notification.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.

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, _____ District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date