CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

June 4, 2015

Steve Samaras
Acting Deputy Director
San Bernardino County Service Area – 70 J
P.O. Box 5004
Victorville, CA 92393

Dear Mr. Samaras:

COMPLIANCE ORDER NO. 05-13-15R-002 TO SAN BERNARDINO COUNTY SERVICE AREA – 70J FOR HEXAVALENT CHROMIUM MCL EXCEEDANCE (SYSTEM NO. 3610125)

The Division has hereby issued a compliance order to the San Bernardino County Service Area – 70J (CSA-70J) 05-13-15R-002 for the following violation(s):

- Title 22, California Code of Regulations (CCR), Sections 11655 and 64431. Specifically, CSA-70J has exceeded the hexavalent chromium MCL in the 1st quarter of 2015 for Well Nos. 1, 2 and 5. All public water systems are required to comply with the primary MCL's at all times.

The Division expects that CSA-70J will work expeditiously to stay on schedule with the deadlines of this compliance order to achieve compliance with the Hexavalent Chromium MCL.

A written response to this compliance order is due by July 10, 2015. If you have any questions regarding this letter, please contact Mr. Sean McCarthy at (909) 383-4328 or by e-mail at sean.mccarthy@waterboards.ca.gov.

Sincerely,

Sean F. McCarthy

Sean F. McCarthy, P.E.
District Engineer
Division of Drinking Water
San Bernardino District

Cc: Jeff O'Keefe, P.E., Regional Engineer – SWRCB-DDW
Cindy Forbes, P.E. , Deputy Director – SWRCB -DDW

ENCLOSURE

COMPLIANCE ORDER NO. **05-13-15R-002**

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: San Bernardino County Service Area – 70J
P.O. Box 5004
Victorville, CA 92393

ATT: Steve Samaras
Acting Deputy Director

COMPLIANCE ORDER NO. 05-13-15R-002

FOR

VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1) AND THE PRIMARY DRINKING WATER STANDARD FOR HEXAVALENT CHROMIUM

Issued on June 4, 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 to the San Bernardino County Service Area – 70J (hereinafter "CSA-70J") for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

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

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

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

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.

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

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

Chemical	*Maximum Contaminant Level, mg/L*
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

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

CCR Title 22, 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

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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.

STATEMENT OF FACTS

The CSA-70J water system serves water to approximately 10,250 individuals through approximately 3,190 service connections. The water system is operated under Domestic Water Supply Permit No 03-13-94P-001, issued on February 11, 1994. The water system consists of five active wells, twelve reservoirs, seven booster stations and

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five disinfection facilities. The water system is a community public water system as defined in the California Health and Safety Code, Section 116275.

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

Samples collected from the water system in July 2014 showed hexavalent chromium concentrations over the MCL for all of its active wells, as noted in **Table 1** below. Therefore, in accordance with Section 64431 (g), the water system was required to begin quarterly hexavalent chromium monitoring of each well, unless it chose to submit an additional sample, which it did not do. Section 64431 (i) provides that compliance with the hexavalent chromium MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Furthermore, Section 64431 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

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

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

Sample Quarter	Well 1	Well 2	Well 3	Well 4	Well 5
3rd Quarter 2014	0.014	0.02	0.0097	0.018	0.02
4th Quarter 2014	0.018	0.02	0.012	NS	0.02
1st Quarter 2015	0.016	0.021	0.012	NS	0.023
Running Annual Average	0.012	0.0152	0.0084	NA	0.016

NS: Not sampled due to a necessary shaft replacement
NA: insufficient data to determine running annual average

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DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431 in that the water produced by Wells No. 1, 2, and 5 during the 1st quarter of 2015, exceeded the hexavalent chromium MCL as shown in **Table 1** above, and further has determined that said violation is continuing through the date of this Order. Furthermore, as noted in the **Table 1**, it is highly likely that Well No. 3 will exceed the hexavalent chromium MCL as of the 2nd Quarter of 2015 and will also be in violation of CHSC, Section 116555 and Section 64431. Well No. 4 went offline in September 2014, due the need of a shaft replacement and has remained offline since, but shall continue quarterly hexavalent chromium monitoring after repairs.

DIRECTIVES

CSA-70J is hereby directed to take the following actions:

1. On or before July 10, 2015 submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

2. Commencing on the date of service of this Order, provide quarterly public notification in accordance with **Attachment No. 1**, hereto, of CSA-70J's failure to meet the hexavalent chromium MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

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3. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with **Directive No. 2**, herein above, within 10 days following each such notification, using the form provided as **Attachment No. 2**, hereto.

4. Commencing on the date of service of this Order collect quarterly samples for hexavalent chromium from each well, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

5. Prepare for Division review and approval, and prior to implementation, a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the hexavalent chromium MCL) and ensure that CSA-70J delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which CSA-70J will be in compliance with the hexavalent chromium MCL.

6. On or before August 31, 2015, present the Corrective Action Plan required under **Directive No. 5**, above, to the Division located at 464 W. 4th St Suite 437 San Bernardino, CA 92401.

7. Timely perform the Division approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

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8. On or before August 31, 2015 and every three months thereafter, submit a report to the Division in the form provided as **Attachment No. 3**, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

9. Not later than ten (10) days following the date of compliance with the hexavalent chromium MCL, demonstrate to the Division that the water delivered by CSA-70J complies with the hexavalent chromium MCL.

All submittals required by this Order shall be addressed to:

Sean McCarthy, P.E.
District Engineer
State Water Resources Control Board
Division of Drinking Water
464 W. 4th St. Suite 437
San Bernardino, CA 92401

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the San Bernardino County Service Area – 70J.

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

Nothing in this Order relieves the CSA-70J of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or Order issued thereunder.

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PARTIES BOUND

This Order shall apply to and be binding upon the San Bernardino County Service Area – 70J, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and the San Bernardino County Service Area – 70J shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a Citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, Citation, 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an Order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an Order of the Board. The Board does not waive any further enforcement action by issuance of this Order.

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Jeff O'Keefe, P.E., Chief
South Coast Section
State Water Resources Control Board
Division of Drinking Water

June 4, 2015
Date

Certified Mail No. 7006 2150 0004 3940 7730

Enclosures:

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

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

County of San Bernardino, Board of Supervisors (w/ attachments)

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Attachment No. 1

Public Notification Template w/ Instructions

Instructions for Tier 2 Hexavalent Chromium MCL Notice Template

Template Attached

Since exceeding the Hexavalent Chromium maximum contaminant level (MCL) 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.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
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

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 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 [date] showed Hexavalent Chromium levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of 0.010 milligrams per liter.

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 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?

[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)]:

Attachment No. 2

Proof of Public Notification Form

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 Division 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 Division within **10 days** of receipt of giving public notice.

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.

Attachment No. 3

Quarterly Progress Report

Attachment C

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