STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

IN RE: Seeley County Water District
1898 W. Main Street, Suite 400
Seeley, CA 92273

TO: Seeley County Water District
1898 West Main Street
P.O. Box 161
Seeley, CA 92273
Attn: Patrick Harris, Board President

AMENDMENT ONE TO CITATION No. 05-14-14C-001-1310013-02

Issued on July 25, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control 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 Amendment One to Citation No. 05-14-14C-001-1310013-02, which was issued on May 5, 2014. This Amendment One to Citation No. 05-14-14C-001-1310013-02, amends and supplements Citation No. 05-14-14C-001-1310013-02 as follows:

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

A) Directive 10 is amended to read:

By January 16, 2015 pay the penalty of $7,000. Payment shall be made by check payable to California SDWA Account in accordance with the instructions in Attachment 1, "Payment Submittal Form". However, the Division will consider suspending, in part or in whole, the requirement to pay the penalty, if the Division determines at its sole discretion that Seeley is substantially complying with the directives of this citation.

Except as amended herein, all other terms of Citation No. 05-14-14C-001-1310013-02 shall remain in effect.

7/25/14
Date

Sean Sterchi, P.E.
San Diego District Engineer

CERTIFIED MAIL NO: 7012 2920 0001 1971 8233

ATTACHMENTS:

1) Payment Submittal Form

cc: Jeff Lamoure, Deputy Director for Environmental Health Services, County of Imperial

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV 3-95)
OSP 96 10924

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

IN RE: Seeley County Water District
1898 West Main Street
Seeley, CA 92273

TO: Seeley County Water District
1898 West Main Street
P.O. Box 161
Seeley, CA 92273
Attn: Patrick Harris, Board President

CITATION FOR VIOLATION OF
CALIFORNIA HEALTH AND SAFETY CODE, Sections 116555(a)
CALIFORNIA CODE OF REGULATIONS, Title 22 Section 64533
CALIFORNIA CODE OF REGULATIONS, Title 17 Sections 7584
CITATION NO. 05-14-12C-006
and CITATION NO. 05-14-13C-004

CITATION No. 05-14-14C-001-1310013-02

Issued on May 5, 2014

Section 116650 of the California Health and Safety Code (hereinafter "CHSC"), authorizes the State Department of Public Health (hereinafter "Department") to issue a citation to a public water system when the Department determines that the public water system has violated or is violating the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), (hereinafter "California SDWA") or any regulation, standard, permit, or order issued or adopted thereunder.

The Department hereby issues a citation to the Seeley County Water District (hereinafter "Seeley"), located at 1898 W. Main Street, Seeley, CA 92273, for failure to comply with California Health and Safety Code Section 116555(a); California Code of Regulations, Title 22, Section 64533; California Code of Regulations Title 17 Section 7584; Citation No.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

05-14-12C-006, Directives Nos. 1, 2, 9 and 10; and Citation No. 05-14-13C-004 Directives Nos. 6 and 7.

APPLICABLE AUTHORITIES

Section 116555(a) of the Health and Safety Code provides:

116555. Operational Requirements.

(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.

(2) Will not be subject to backflow under normal operating conditions.

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

(4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

Section 116650 of the Health and Safety Code provides:

116650. Citations.

(a) If CDPH determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, CDPH may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) CDPH may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Title 22, California Code of Regulations (CCR), Section 64533 provides in relevant part:

"(a) … [T]he primary MCL … [of 0.080 mg/L for total trihalomethane] shall not be exceeded in drinking water supplied to the public. …"

Title 17, CCR, Section 7584 provides:

The water supplier shall protect the public water supply from contamination by implementation of a cross-connection control program. The program, or any portion thereof, may be implemented directly by the water supplier or by means of a contract with the local health agency, or with another agency approved by the health agency. The water supplier's cross-connection control program shall for the purpose of addressing the requirements of Sections 7585 through 7605 include, but not be limited to, the following elements:

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

(a) The adoption of operating rules or ordinances to implement the cross-connection program.

(b) The conducting of surveys to identify water user premises where cross-connections are likely to occur,

(c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both,

(d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program,

(e) The establishment of a procedure or system for testing backflow preventers, and

(f) The maintenance of records of locations, tests, and repairs of backflow preventers.

Citation No. 05-14-12C-006 (Issued on April 3, 2012), Directives Nos. 1, 2, 9 and 10 provides:

1. Forthwith, cease-and-desist from failing to comply with the H&S Code, Section 116555(a)(1) and (3) by complying with primary and secondary drinking water standards and by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water.

2. Forthwith, cease-and-desist from failing to comply with the primary drinking water standard for TTHMs per CCR, Section 64533.

9. By May 1, 2012, Seeley shall repair or replace the filtered water effluent flow meter used to record when the plant is in operation. This operational information shall be reported monthly with dates, times, and run time

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

duration in a manner that can be compared to the filter effluent turbidity records.

10. By June 1, 2012, Seeley shall submit a remedial action plan based on the implementation of the system's May 2007 TTHM Reduction Feasibility report. The purpose of the remedial action plan is to describe what actions have been taken to address this violation and what actions are planned to prevent future violations. The plan shall include, but not be limited to, the following:

a. An evaluation of the distribution system and water storage reservoirs that includes proposed operational changes to optimize water age management and disinfection CT achieved to CT required ratio, while maintaining a detectable free chlorine disinfectant residual throughout the distribution system.

b. An evaluation of the instrumentation and control system including on-line analyzers and meters with data logging capability that can record chlorine residual, pH, water temperature, flow rate, and tank levels to optimize disinfection treatment (as recommended in the April 2010 CDPH review letter for plans: Water System Improvements to Reduce Total Trihalomethanes").

c. Implementation plan for the installation of treatment options for the reduction of disinfectant by products (DBPs).

d. Source water control measures, such as closing influent canals during high turbidity incidents.

e. Any other treatment plant or distribution system optimization techniques for the reduction of DBP formation.

Citation No. 05-14-13C-004 (Issued on March 26, 2013), Directives Nos. 6 and 7 provides:

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

6. By May 1, 2013, Seeley shall submit an updated cross-connection control survey by a certified cross connection control specialist and a plan including a schedule for implementing the survey recommendations.

7. By May 1, 2013, Seeley shall provide the following information on the service connections that currently have dual service (Seeley potable water and Imperial Irrigation District canal water):

a. A list of the service connections that use canal water including address.

b. The status of each of service connection: 1) Does this connection have backflow protection? 2) Does this connection have any cross connections, if known? 3) Does this location have any other cross connection hazards (chemical injection for fertigation, etc.)? 4) Has this connection been informed that they will need to provide backflow protection?

c. Copies of any letters that have been sent to these service connections regarding the need to provide backflow protection.

STATEMENT OF FACTS

Seeley operates under a domestic water supply permit issued by CDPH in May 2005 (05-14-05P-007). Seeley is a small community water system that supplies water for domestic purposes to approximately 2,000 permanent residents through 549 service connections.

Seeley receives raw surface water from the Imperial Irrigation District through Gate 94D of the Elder Canal via the Central Main. The raw water is treated by a U.S. Filter Co. Micro Floc Trimite-350A Water Treatment System. The filtered water exits the treatment plant and is chlorinated prior to being pumped to two 500,000-gallon reservoirs piped in series. Water from the reservoirs is pressurized to 60 psi to feed a single pressure zone distribution system.

Title 22, CCR, Section 64533 specifies that the primary drinking water standard MCL of 0.080 mg/L for TTHM byproducts shall not be exceeded in drinking water supplied to the public. Seeley collects samples from two distribution system locations per quarter. Under Stage 1 Disinfection Byproduct Rule, both sites were analyzed for both TTHM and HAA5. Under Stage 2, samples taken from the site near the entry point to the distribution

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

system are analyzed for HAA5 only, and samples taken from the site furthest from the entry point to the distribution system are analyzed for TTHM only. Pursuant to Section 64535.2, compliance calculations are based on a Running Annual Average (RAA) of the previous four quarterly average results. The RAA, computed quarterly, of quarterly arithmetic averages of all samples collected pursuant to Section 64534.2(a) shall not exceed the 80 *µg/L* MCLs specified in Section 64533. The last three years of Seeley's TTHM monitoring results are shown in Table 1 below.

Table 1: Stage 1 DBPR TTHM Monitoring Chronology

TTHM Monitoring Quarter	*Months Included in Quarter*	*Average TTHM Result (µg/L)*	*RAA (µg/L)*	*Addressing Citation No.*
1st Qtr. 2011	Jan – Mar, 2011	65	79	NA
2nd Qtr. 2011	Apr – Jun, 2011	72	70	NA
3rd Qtr. 2011	Jul – Sept, 2011	141	**87**	05-14-12C-006
4th Qtr. 2011	Oct – Dec, 2011	84	**91**	05-14-12C-006
1st Qtr. 2012	Jan – Mar, 2012	76	**93**	05-14-13C-004
2nd Qtr. 2012	Apr – Jun, 2012	98	**100**	05-14-13C-004
3rd Qtr. 2012	Jul – Sept, 2012	104	**91**	05-14-13C-004
4th Qtr. 2012	Oct – Dec, 2012	92	**93**	05-14-14C-001-1310013-02
1st Qtr. 2013	Jan – Mar, 2013	65	**90**	05-14-14C-001-1310013-02
2nd Qtr. 2013	Apr – Jun, 2013	77	**85**	05-14-14C-001-1310013-02
3rd Qtr. 2013	Jul – Sept, 2013	94	**82**	05-14-14C-001-1310013-02

Table 2: Stage 2 DBPR TTHM Monitoring

TTHM Monitoring Quarter	*Months Included in Quarter*	*TTHM Result (µg/L)*	*RAA (µg/L)*	*Addressing Citation No.*
4th Qtr. 2013	Oct – Dec, 2013	88	**81**	05-14-14C-001-1310013-02

CDPH issued Citation No. 05-14-12C-006 on April 3rd, 2012, for failure to meet the TTHM primary drinking water standard RAA MCL of 0.080 mg/L for the third and fourth quarters of 2011. Directive 1 required Seeley to "cease-and-desist from failing to comply with the H&S Code, Section 116555(a)(1) and (3) by complying with primary and secondary drinking water standards and by ensuring that the

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water." Directive 2 required Seeley to "cease-and-desist from failing to comply with the primary drinking water standard for TTHMs per CCR, Section 64533."

Since Citation No. 05-14-12C-006 was issued, Seeley has failed to meet the TTHM primary drinking water standard MCL of 0.080 mg/L for all four quarters of 2012, and the first, second and third quarters of 2013. Therefore, Citation No. 05-14-12C-006, Directives Nos. 1 and 2 were not met by Seeley for all four quarters of 2012 and the first, second and third quarters of 2013.

Directive 9 of Citation No. 05-14-12C-006 required Seeley to "repair or replace the filtered water effluent flow meter" and to report operation information "with dates, times, and run time duration in a manner that can be compared to the filter effluent turbidity records." Seeley replaced the filtered water effluent flow meter in 2013. However, Seeley has not submitted the operational information. Therefore, Citation No. 05-14-12C-006, Directive No. 9 was not met in full by Seeley.

Directive 10 of Citation No. 05-14-12C-006 required Seeley to submit a "remedial action plan … to describe what actions have been taken to address this violation and what actions are planned to prevent future violations." Seeley submitted a list of possible actions to attempt TTHM reduction based on the system's May 2007 TTHM Reduction Feasibility report. However, these suggestions were not implemented at the water system. Therefore, Citation No. 05-14-12C-006, Directive No. 10 was not met by Seeley.

CDPH issued Citation No. 05-14-13C-004 on March 26, 2013, for failure to meet the primary drinking water standard for the total coliform (TC) MCL for the month of January 2013. Directive 6 required Seeley by May 1, 2013 to "submit an updated cross-connection

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

control survey by a certified cross connection control specialist and a plan including a schedule for implementing the survey recommendations." On May 7th, 2013, CDPH received Cross Connection Control Program Implementation Schedule from Seeley, which included a commitment to conduct the cross-connection control survey in July 2013. However, Seeley did not conduct a cross-connection control survey nor implement any tasks listed in the submitted schedule for a Cross Connection Control Program. Therefore, Citation No. 05-14-13C-004, Directive No. 6 was not met by Seeley.

Citation No. 05-14-13C-004, Directive No. 7b and 7c required that Seeley by May 1, 2013, "provide the following information on the service connections that currently have dual service (Seeley potable water and Imperial Irrigation District canal water): (a) A list of the service connections that use canal water including address; (b)The status of each of service connection: 1) Does this connection have backflow protection? 2) Does this connection have any cross connections, if known? 3) Does this location have any other cross connection hazards (chemical injection for fertigation, etc.)? 4) Has this connection been informed that they will need to provide backflow protection?; and (c) Copies of any letters that have been sent to these service connections regarding the need to provide backflow protection." Seeley has not provided the required information on service connections that currently have dual service, namely Seeley potable water and Imperial Irrigation District (hereinafter "IID") canal water. IID provided the Department a list of raw water service connections (also provided to Seeley), but no follow up was made by Seeley on the listed service connections to confirm conditions or to identify other potential dual service situations. Therefore Citation No. 05-14-13C-004, Directive No. 7b and 7c were not met by Seeley.

DETERMINATIONS

The Department has determined that Seeley is in violation of Section 116555(a) of the CHSC and Title 22, CCR, Section 64533 in that Seeley has failed to meet the primary

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

drinking water standard RAA MCL of 0.080 mg/L for the TTHM disinfection byproducts in drinking water supplied to the public, for 4th quarter 2012, and 1st, 2nd and 3rd quarters of 2013, as listed in table 1 under Statement Of Facts.

The Department has determined that Seeley is in violation of Title 17, CCR, Section 7584 (b), (c), (d), and (f) in that Seeley has failed to protect the public water supply from contamination by implementation of a cross-connection control program.

The Department has determined that Seeley is in violation of Citation No. 05-14-12C-006, Directives Nos. 1, 2, 9 and 10 and Citation No. 05-14-13C-004 Directives Nos. 6 and 7b, 7c in that Seeley failed to comply with those Directives.

ADMINISTRATIVE PENALTIES

PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the California SDWA or any regulation, standard, permit, or order issued or adopted thereunder.

Beginning on April 4, 2012, and continuing through May 5, 2014, Seeley has violated California SDWA, and / or regulations, and orders issued or adopted thereunder. Therefore, as of the date of this Citation, the Department assesses an administrative penalty of $7,000 (seven thousand dollar) upon Seeley as summarized below. Failure to comply with any provision of this citation may result in CDPH imposing additional administrative penalties of up to $1,000.00 (one-thousand dollars) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

1. A penalty of $4,000 (four thousand dollars) for violation of the TTHM RAA MCL for 4th quarter of 2012 and for 1st, 2nd and 3rd quarters of 2013,

2. A penalty of $1,000 (one thousand dollars) for failure to comply with Directive No. 9 of Citation No. 05-14-12C-006 (reporting filter effluent data),

3. A penalty of $1,000 (one thousand dollars) for failure to comply Directive No. 10 of Citation No. 05-14-12C-006 (implementation of a TTHM reduction plan),

4. A penalty of $1,000 (one thousand dollars) for failure to comply with Title 17, CCR, Section 7584 and Citation No. 05-14-13C-004 Directive No. 6 (implement the Cross Connection Control Program), is hereby assessed.

DIRECTIVES

Seeley is hereby directed to take the following actions:

1. At all times subsequent to this Citation, comply with CHSC Section 116555(a)(1) and (3).

2. At all times subsequent to this Citation, comply with Title 22, California Code of Regulations, Section 64533's MCL for the TTHM of 0.080 mg/L in drinking water supplied to the public.

3. Within 60 days of issuance of this citation, submit to the Department for its approval a TTHM reduction plan. The plan shall include actions and capital improvements to be made by Seeley to achieve compliance with the TTHM MCL of 0.080 mg/L and include a schedule for implementing those actions and improvements. The plan shall be accompanied with board meeting minutes or equivalent documenting approval of the plan and a commitment of necessary funds to implement.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

4. Comply with the schedule in the approved TTHM reduction plan required by Directive 3 above.

5. Beginning with the month following the issuance of this citation, and every month thereafter unless directed otherwise by the Department, report data from the filter effluent meter along with the monthly summary report. The data shall include, at a minimum, flow rate, date, and time in a manner that can be compared to the filter effluent turbidity records .

6. Within 60 days of issuance of this citation, submit for Department review and approval an updated Cross-Connection Control Survey by a certified cross connection control specialist, including recommendations.

7. Within 90 days of issuance of this citation, submit an Implementation Schedule for implementing the recommendations made in the Cross Connection Control Survey required in Directive No. 6 above.

8. Comply with the approved Implementation Schedule required by Directive 7 above.

9. Within 60 days of issuance this citation, shall install and test backflow devices at dual source connections that have already been identified, i.e. Customers located at 1695 El Centro St, 1722 W Evan Hewes Hwy, Seeley Union School located at 1812 Rio Vista St and Sunbeam RV Park. Photographic evidence confirming installation of backflow devices and device test certifications shall be submitted to the Department within 90 days of issuance of this citation.

10. Within 90 days of issuance of this Citation, pay the penalty of $7,000. Payment shall be made by check payable to California Department of Public Health Safe Drinking Water Account in accordance with the instructions in Attachment 1, "Fine Payment

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

Submittal Form". However, CDPH will consider suspending, in part or in whole, the requirement to pay the penalty, if CDPH determines at its sole discretion that Seeley is substantially complying with the directives of this citation.

The Department reserves the right to make such modifications to this citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this citation and shall be effective upon issuance.

Nothing in this citation relieves Seeley of its obligation to meet the requirements of the California SDWA, and any regulations, permits, standards and orders issued or adopted thereunder.

PARTIES BOUND

This citation shall apply to and be binding upon Seeley, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Seeley shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes CDPH to: issue citation with assessment of penalties if Seeley continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of CDPH; and petition the superior court to take various enforcement measures against a public water

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this citation.

May 5, 2014
Date

Jeff O'Keefe, P.E.
Regional Engineer
California Department of Public Health
Drinking Water Program

CERTIFIED MAIL NO. 7009 2250 0000 8391 4697

ATTACHMENTS:

1) Fine Payment Submittal Form
2) CITATION NO. 05-14-12C-006
3) CITATION NO. 05-14-13C-004

cc) Jeff Lamoure, Deputy Director for Environmental Health Services, County of Imperial

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

Attachment 1

Fine Payment Submittal Form

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF DRINKING WATER AND ENVIRONMENTAL SERVICES

NOTICE OF CITATION ISSUANCE

CITATION NUMBER: Citation No. 05-14-14C-001-1310013-02

ISSUED TO: Seeley County Water District
1898 West Main Street
P.O. Box 161
Seeley, CA 92273

BACKGROUND STATEMENT

Seeley County Water District has failed to comply with California Health and Safety Code Section 116555(a); California Code of Regulations, Title 22, Section 64533; California Code of Regulations Title 17 Section 7584; Citation No. 05-14-12C-006, Directives Nos. 1, 2, 9 and 10; and Citation No. 05-14-13C-004 Directives Nos. 6 and 7.

Therefore we have issued Citation No. 05-14-14C-001-1310013-02. The Citation contains a fine of $7,000.00 (seven thousand dollars).

METHOD OF PAYMENT

Within 90 days of issuance of this Citation, pay the penalty of $7,000. Payment shall be made by check payable to:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Mail this form with the accompanying check to:

Department of Public Health
Drinking Water Program – Fee Billing Unit
P.O. Box 997379, MS 7406
Sacramento, CA 95899-7379

Attn: Perin Peebles

Attach check below and indicate Citation number on the check.

(Attach Check Here)

Attachment 2

CITATION NO. 05-14-12C-006

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: Seeley County Water District
1898 W. Main Street
Seeley, CA 92273

TO: Mr. John Valdez
Chief Operator

CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1310013
CITATION NO. 05-14-12C-006

Issued on April 3, 2012

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the California Department of Public Health, Division of Drinking Water and Environmental Management (CDPH) to issue a citation for failure to comply with the requirements of Chapter 4, the California Safe Drinking Water Act, or any regulation, permit, standard, or order issued or adopted thereunder.

VIOLATION

CDPH has determined that the Seeley County Water District (hereinafter Seeley) has violated provisions contained in the H&S Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. H&S Code, Section 116555(a)(3): Specifically, Seeley failed to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.
2. CCR, Section 64533: Specifically, Seeley failed to meet the primary drinking water standard for the Total Trihalomethane (TTHM) Maximum Contaminant Level (MCL) for the third and fourth quarters of 2011.
3. CCR, Section 64463.4: Specifically, Seeley failed to provide public notification for TTHM MCL violations for the third quarter of 2011.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

4. CCR, Section 64657.50(c)(2): Specifically, Seeley's tubidity chart recorder charts show frequent exceedances without consistent or apparent reasons for the abnormal filter performance. Current monitoring and reporting is not sufficient to make compliance determinations for turbidity.

ENFORCEMENT HISTORY

1. On October 26, 2006 Citation 05-14-06C-016 was issued to Seeley for the following violations.
   - I. For exceedance of the MCL for TTHM of drinking water supplied to the public by Seeley during the second quarter of 2006.
   - II. For failure to notify the public as soon as practical but no later than 30 days after the system learns of the violation and repeat the notice every three months as long as the violation persists.
   - III. For failure to report Maximum Residual Disinfection Level (MRDL) since 2004 as specified by monitoring requirements in § 64534 and § 64534.2.
   - IV. For failure to monitor TTHMs and Haloacetic Acids (HAA5s) during the first and second quarters of 2004.
2. On February 9, 2007, Citation 05-14-07C-007 was issued to Seeley for the following violations.
   - I. For exceedance of the MCL for TTHM of drinking water supplied to the public by Seeley during the third and further quarters of 2006.
3. On April 23, 2009, Citation 05-14-09C-006 was issued to Seeley for the following violation.
   - I. For exceedance of the MCL for TTHM of drinking water supplied to the public by Seeley during the first quarter of 2009.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

BACKGROUND

Seeley is a small community water system that supplies water for domestic purposes to approximately 2,000 permanent residents through 549 service connections.

Seeley receives raw water from the Imperial Irrigation District through Gate 94D of the Elder Canal via the Central Main. The raw water is allowed to settle in two raw water settling basins. Water is pumped from the settling basins and Propac 8990 coagulant is added and mixed via a static in-line mixer. The water then flows through two U.S. Filter Co. Micro Floc Trimite-350A Water Treatment System units. The filtered water exits the treatment plant and is chlorinated prior to being pumped to two 500,000-gallon reservoirs piped in series. Water from the reservoirs is pressurized to 60 psi to feed a single pressure zone distribution system.

Seeley has made significant improvements to the water system in recent years. Since 2009, Seeley has replaced the unlined raw water settling ponds with two lined basins that can be isolated and cleaned regularly. Seeley has also constructed two new reservoirs with better baffling and mixing to optimize disinfection contact time. Seeley is currently replacing the majority of the existing distribution system including valves and hydrants.

The Disinfection Byproducts Rule (DBPR) applies to community water systems that treat their water with a chemical disinfectant in any part of the treatment process or which provide water that contains a chemical disinfectant. Seeley is required to collect two samples in the distribution system per quarter for TTHMs and HAA5 analysis. Seeley's water treatment plant uses chlorine as the primary disinfectant. Due to a lack of data logging capability at the treatment plant, the system must use the most conservative values for calculating minimum disinfection contact time. This lack of data logging capability also hinders turbidity compliance determinations. For example, it appears the

OURT PAPER
TATE OF CALIFORNIA
TD. 113 (REV. 3-95)
)SP 98 10924

chart recorder charts show turbidity spikes when the plant is shut down, but it is not possible to determine time frames of when the plant is in operation and whether or not the spikes are due to shutdown and startup operations or filter performance problems.

TTHM monitoring requirements are specified in §64534 and §64534.2 and compliance determinations are specified by §64535 and §64535.2. A public water system shall not exceed 80 parts per billion (ppb) for TTHM in the drinking water supplied to the public based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples collected pursuant to §64534.2.a.

The previous Citation No. 05-14-09C-006 contained directives to conduct public notification. Per Section 64463.4 public notification must be done within 30 days after learning of a violation or otherwise directed by CDPH. Notification must be done by two methods, which are typically by mail or direct delivery to each customer receiving a bill, and by publication in a local newspaper or posting in conspicuous places served by the water system or posting on the internet.

CHRONOLOGY OF EVENTS

As shown in the table below, since 2011 Seeley's RAA has exceeded the TTHM MCL two times in the third and fourth quarters 2011.

Year	Quarter	Sample Date	Quarterly Average	Running Annual Average
2011	1Q	3/2/11	64.8	79.2
	2Q	6/8/11	71.9	70.5
	3Q	**9/21/11**	**141***	**86.7**
	4Q	**12/2/11**	**84.4**	**90.5**
2012	**1Q**	**1/9/12**	**75.8**	**93.3**
	2Q	TBD	TBD	TBD
	3Q	TBD	TBD	TBD
	4Q	TBD	TBD	TBD

*only one sample taken (2 required per sampling plan)

OURT PAPER
TATE OF CALIFORNIA
TD. 113 (REV. 3-95)
ISP 98 10924

DIRECTIVES

Seeley is hereby directed to:

1. Forthwith, cease and desist from failing to comply with the H&S Code, Section 116555(a)(1) and (3) by complying with primary and secondary drinking water standards and by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water.

2. Forthwith, cease and desist from failing to comply with the primary drinking water standard for TTHMs per CCR, Section 64533.

3. Seeley shall continue collecting two (2) samples each quarter for TTHM and HAA5 analysis at the approved sampling locations. The results shall be reported to CDPH no later than 10 days after the end of each quarter in accordance with CCR, Title 22, Section 64537.

4. Seeley shall continue to give public notice in accordance with CCR, Section 64463.4 until the system is in compliance with the TTHM MCL. Public notice shall be via 1. mail or direct delivery to each customer, and 2. posting notice using one or more of the following methods: posting on the internet and/or local newspaper, posting in conspicuous public spaces served by the water system, and delivery to community organizations. A draft notification shall be submitted to CDPH for review and approval prior to conducting public notification.

5. Within 10 days of conducting public notifications, a copy of the notice and the "Proof of Notification" certification shall be submitted to CDPH using the enclosed form.

OURT PAPER
'ATE OF CALIFORNIA
/D. 113 (REV. 3-95)
SP 98 10924

6. Seeley shall repeat public notification every three months for as long as the TTHM MCL violation continues in accordance with CCR, Section 64463.4

7. By **July 1, 2012**, Seeley shall report the 2011 TTHM MCL violations and failure to conduct public notification in its 2011 Consumer Confidence Report, in accordance with CCR, Section 64481(g)(1)

8. By **May 1, 2012**, Seeley shall submit a revised Operations Plan including a revised disinfection contact time (CT) protocol.

9. By May 1, 2012, Seeley shall repair or replace the filtered water effluent flow meter used to record when the plant is in operation. This operational information shall be reported monthly with dates, times, and run time duration in a manner that can be compared to the filter effluent turbidity records.

10. By **June 1, 2012**, Seeley shall submit a remedial action plan based on the implementation of the system's May 2007 TTHM Reduction Feasibility Report. The purpose of the remedial action plan is to describe what actions have been taken to address this violation and what actions are planned to prevent future violations. The plan shall include, but not be limited to, the following:

    a. An evaluation of the distribution system and water storage reservoirs that includes proposed operational changes to optimize water age management and disinfection CT achieved to CT required ratio, while maintaining a detectable free chlorine disinfectant residual throughout the distribution system.

    b. An evaluation of the instrumentation and control system including on-line analyzers and meters with data logging capability that can record chlorine residual, pH, water temperature, flow rate, and tank levels to optimize

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

disinfection treatment (as recommended in the April 2010 CDPH review letter for the plans: "Water System Improvements to Reduce Total Trihalomethanes").

c. Implementation plan for the installation of treatment options for the reduction of disinfectant by products (DBPs).

d. Source water control measures, such as closing influent canals during high turbidity incidents.

e. Any other treatment plant or distribution system optimization techniques for the reduction of DBP formation.

All Submittals required by this citation shall be sent to:

Sean Sterchi, P.E.
District Engineer
California Department of Public Health
1350 Front St., Rm. 2050
San Diego, CA 92101

CIVIL PENALTY

Sections 116650 (d) and (e) of the Health and Safety Code provides for the assessment of a penalty for failure to comply with the requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this citation may result in CDPH imposing a penalty not to exceed one thousand dollars ($1,000) per day as of the date of violation of any provision of this citation

4/3/12
Date

Sean Sterchi, P.E.
San Diego District Engineer
Southern California Branch
Drinking Water Field Operations

OURT PAPER
TATE OF CALIFORNIA
TD. 113 (REV. 3-95)
)SP 98 10924

Enclosures: "Proof of Notification" Certification

cc: Lamoure, Deputy Director - Division of Environmental Health, Imperial County Public Health Department

OURT PAPER
TATE OF CALIFORNIA
TD. 113 (REV. 3-95)
SP 98 10924

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.

Attachment 3

CITATION NO. 05-14-13C-004

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: Seeley County Water District
1898 W. Main Street
Seeley, CA 92273

TO: Mr. John Valdez
Chief Operator

CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1310013
CITATION NO. 05-14-13C-004

Issued on March 26, 2013

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the California Department of Public Health, Division of Drinking Water and Environmental Management (CDPH) to issue a citation for failure to comply with the requirements of Chapter 4, the California Safe Drinking Water Act, or any regulation, permit, standard, or order issued or adopted thereunder.

VIOLATION

CDPH has determined that the Seeley County Water District (hereinafter Seeley) has violated provisions contained in the H&S Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. Title 22, CCR, Section 64426.1: Specifically, Seeley failed to meet the primary drinking water standard for the Total Coliform (TC) Maximum Contaminant Level (MCL) for the month of January 2013. A public water system which collects fewer than 40 samples per month is in violation of the total coliform MCL when more than one sample collected during any month is total coliform-positive.
2. CCR, Section 64463.4: Specifically, Seeley failed to provide public notification for TTHM MCL violations for the first, second and third quarters of 2012.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

ENFORCEMENT HISTORY

A Notice of Violation was issued to Seeley on May 28, 2002 for failing to submit the Monthly Summary of Distribution System Coliform Monitoring Report for March 2002 by the 10th day of the following month.

Citation 05-14-13C-002 was issued to Seeley on January 24, 2013 for failing to meet the primary drinking water standard for the TC MCL for the month of December 2012.

Citation 05-14-12C-006 was issued to Seeley on April 3, 2012 for exceedance of the MCL for TTHM for drinking water supplied to the public by Seeley during the third and fourth quarters of 2011. This citation contained directives to continue to provide public notice in accordance with CCR, Section 64463.4 until the system is in compliance with the TTHM MCL. Since Seeley is still out of compliance with the TTHM MCL, public notice should have been issued after each calendar quarter since the citation was issued.

BACKGROUND

Seeley is a small community water system that supplies water for domestic purposes to approximately 2,000 permanent residents through 549 service connections. Seeley collects three routine bacteriological samples each week from the distribution system in accordance with an approved Bacteriological Sample Siting Plan, last updated December 19th, 2003. There are no dedicated sample stations in the water system, so sample sites include faucets and hydrants. This may contribute to a higher chance of positive bacteriological results.

Seeley receives raw surface water from the Imperial Irrigation District through Gate 94D of the Elder Canal via the Central Main. The raw water is treated by a U.S. Filter Co. Micro Floc Trimite-350A Water Treatment System. The filtered water exits the treatment plant and is chlorinated prior to being pumped to two 500,000-gallon reservoirs piped in series. Water from the reservoirs is pressurized to 60 psi to feed a single pressure zone distribution system.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

CHRONOLOGY OF EVENTS

Thursday, January 24, 2013, 10:00 – 11:30 am: Seeley collected five (5) routine bacteriological samples from the distribution system at Sites 1, 2, and 3 (1898 Main St., 1702 W. Evans Hewes Hwy., and the Caltrans Rest Area respectively) as well as two additional sites including the first service connection after the WTP effluent and the Seeley Market (intersection of W. Evan Hewes Hwy and Haskell Rd).

Friday, January 25, 2013, 12:05 pm: The laboratory notified Seeley staff that four (4) of the samples had tested present for Total Coliform and E-coli bacteria.

Sample Site	Total Coliform	E. Coli	Cl_2 residual
1. 1898 Main St	Presence	Presence	0.70 mg/L
3. 1702 W. Evans Hwy	Presence	Presence	0.41mg/L
4. Caltrans Rest Area	Presence	Presence	0.50 mg/L
WTP effluent	Absence	Absence	0.61 mg/L
Seeley Market	Presence	Presence	0.65 mg/L

On this date, Seeley staff collected eleven (11) repeat samples. Three samples were taken from each of the sample sites that had tested present for Total Coliform except for the Caltrans Rest Area which only had two repeat samples because there was no downstream site. WTP staff increased chlorine dosing to a target residual of 2.0 mg/L. The laboratory test began at 4:00 pm.

Saturday, January 26, 2013, 4:10 pm: The laboratory test concluded that all repeat samples had tested Absent for Total Coliform and E-coli bacteria.

Monday, January 28, 2013, 9:43 am: The laboratory notified Seeley and CDPH staff that all repeat samples had tested Absent for Total Coliform and E-coli bacteria. The chlorine residual results ranged from a low of 0.25 mg/l at the Caltrans Rest Area to 0.85 mg/L at Seeley Market. CDPH staff had requested immediate notification of the results, but arrangements were not made to communicate this information over the weekend.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

DIRECTIVES

Seeley is hereby directed to:

1. Forthwith, Seeley shall cease and desist from failing to comply with the Primary Drinking Water Standard for bacteriological water quality.

2. Repeat sampling results shall be reported to CDPH as soon as the laboratory analysis is complete (immediately after the 18 or 24 hour incubation period). If the analysis concludes on a weekend or holiday, arrangements shall be made with the laboratory to report the results to CDPH on the same day.

3. By March 1, 2013, Seeley shall provide public notice of the TC MCL violation in accordance with CCR, Section 64463.4. Public notice shall be via 1. Mail or direct delivery to each customer, and 2. Posting notice using one or more of the following methods: posting on the internet and/or local newspaper, posting in conspicuous public spaces served by the water system, and delivery to community organizations. A draft notification shall be submitted to CDPH for review and approval prior to conducting public notification.

4. Within 10 days of conducting public notifications, a copy of the notice and the "Proof of Notification" certification shall be submitted to CDPH using the enclosed form.

5. By July 1, 2013, Seeley shall report violation 1 and 2 listed earlier in this citation in the 2012 Consumer Confidence Report.

6. By May 1, 2013, Seeley shall submit an updated cross-connection control survey by a certified cross connection control specialist and a plan including a schedule for implementing the survey recommendations.

7. By May 1, 2013, Seeley shall provide the following information on the service connections that currently have dual service (Seeley potable water and Imperial Irrigation District canal water):

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 98 10924

a. A list of the service connections that use canal water including address.

b. The status of each of service connection: 1) Does this connection have backflow protection?, 2) Does this connection have any cross connections, if known?, 3) Does this location have any other cross connection hazards (chemical injection for fertigation, etc)? and 4) Has this connection been informed that they will need to provide backflow protection?

c. Copies of any letters that have been sent to these service connections regarding the need to provide backflow protection.

All submittals required by this citation shall be sent to:

Sean Sterchi, P.E.
District Engineer
California Department of Public Health
1350 Front St., Rm. 2050
San Diego, CA 92101

CIVIL PENALTY

Sections 116650 (d) and (e) of the Health and Safety Code provides for the assessment of a penalty for failure to comply with the requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this citation may result in CDPH imposing a penalty not to exceed one thousand dollars ($1,000) per day per violation as of the date of violation of any provision of this citation.

3/26/13
Date

Sean Sterchi, P.E.
San Diego District Engineer
Southern California Branch
Drinking Water Field Operations

Enclosures: "Proof of Notification" Certification

cc: Jeff Lamoure, Deputy Director - Division of Environmental Health, Imperial County Public Health Department

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV 3-95)
OSP 98 10924

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 **30 days** of receipt of your order.

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.