



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

March 4, 2015

System No. 4600019

Certified Mail/Return Receipt
No. 7012 3460 0003 1113 0864

Tim Butler, Chairman
Sierra County Water Works District #1
P.O. Box 24
Calpine, CA 96124

TRANSMITTAL OF COMPLIANCE ORDER NO. 01-02-15R-002

Dear Mr. Butler,

The State Water Resources Control Board (Water Board), Division of Drinking Water, has issued the Sierra County Water Works District #1 a compliance order, which is attached.

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

Sincerely,

A handwritten signature in black ink that reads "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section

Enclosure: Compliance Order 01-02-15R-002

sww \ 4600019 Sierra Co. WWD#1-Calpine \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Sierra County Water Works District #1 - Calpine
P.O. Box 25
Calpine, CA 96124

Attn: Tim Butler, Chairman of the Board

COMPLIANCE ORDER NO. 01-02-15R-002
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655(a)(1)
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC
Public Water System No. 4600019
Issued on March 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 (hereinafter "CHSC") to Sierra County Water Works District #1 – Calpine (hereinafter "District") for violation of CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES**CHSC, Section 116555(a)(1) 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.

CHSC, Section 116655 states in relevant part:

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

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

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

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.



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

(a) 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	MCL, mg/L
Arsenic	0.010

Section 64432 of the Title 22 CCR states in relevant part:

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

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

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

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

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

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



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(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a). In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

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

STATEMENT OF FACTS

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2
3 The Sierra County Water Works District #1 (hereinafter District) serves domestic
4 water to an unincorporated community known as Calpine, which consists primarily of
5 permanent residential homes, rental properties, and a small number of commercial
6 establishments. The community water system supplies water for domestic purposes
7 to a residential population of approximately 225 persons through 122 service
8 connections. The sources of supply for the water system include two groundwater
9 wells, known as Well 1 and Well 2. The Water System operates under Water Supply
10 Permit No. 01-02-93(P)46014 issued on December 31, 1993.

11
12 As more fully set forth below, the Division is informed and believes that the District is
13 in violation of the primary standard for arsenic. On February 26, 2009, the Division
14 issued Compliance Order No. 01-02-09(O)004 to the District for violation of the
15 primary standard for arsenic supplied to its customers from Well 2. On
16 November 18, 2011, the Division updated the Compliance Order by issuing a new
17 Compliance Order No. 01-02-11(O)002 to the District for the continued violation of the
18 primary standard for arsenic supplied to its customers from Well 2. The Compliance
19 Order No. 01-02-11(O)002 directed the District to: 1) cease and desist from serving
20 water to customers which is in violation of the primary standard for arsenic; 2) submit
21 to the Division, by May 1, 2012, an engineering evaluation of project alternatives, a
22 recommended project alternative for attaining compliance with the arsenic primary
23 standard, and a project schedule; 3) provide quarterly public notifications to its
24 customers informing them of the continued violation of the primary standard for
25 arsenic; 4) continue to collect and analyze water samples from Well 1 and Well 2 for
26 arsenic on a quarterly basis; 5) submit a written response indicating the District's
27 willingness to comply with the Compliance Order directives; and 6) provide quarterly

1 progress reports for achieving compliance. The District has substantially complied
 2 with directives 3, 4, and 5.

3
 4 In June 2012, the Division received a draft pilot study protocol from the District's
 5 engineer for the evaluation of various adsorptive media for the removal of arsenic
 6 from Well 2. The pilot study equipment was installed and was operational by
 7 January 2013 and continued until January 2014. The engineer issued the pilot study
 8 test report on June 13, 2014. In summary, the report recommended two comparable
 9 adsorptive media products based on predicted operating costs and performance. The
 10 report also estimated that the operating costs alone for a full scale treatment system
 11 on Well 2 would increase each customer's water bill by \$5.00 per month. No estimate
 12 on the capital expense was given.

13
 14 Since that time, the District's engineer has also performed a pilot study on Well 2
 15 using a co-precipitation filtration technology with greensand filter media and a ferric
 16 chloride oxidant. The results of this pilot testing showed the water was not amenable
 17 to arsenic treatment utilizing this method.

18
 19 Since the 1st quarter of 2009, the District has continued to complete quarterly arsenic
 20 sampling of Well 1 and Well 2, with results as follows:

21
 22 **Table 1: Well 01 and Well 02 Arsenic Monitoring Results**

	Well 01	Well 01	Well 02	Well 02
	Arsenic	Arsenic	Arsenic	Arsenic
Period	Result, ppb	RAA, ppb	Result, ppb	RAA, ppb
26 1Q2009	7.5	8.9	21.0	20.63
27 2Q2009	non-detect	6.8	non-detect	14.38

	Well 01	Well 01	Well 02	Well 02	
	Arsenic	Arsenic	Arsenic	Arsenic	
3	Period	Result, ppb	RAA, ppb	Result, ppb	RAA, ppb
4	3Q2009	7.80	6.00	18.00	14.38
5	4Q2009	12.00	6.83	21.00	15.00
6	1Q2010	11.00	7.70	21.00	15.00
7	2Q2010	---	7.70	---	15.00
8	3Q2010	---	7.70	---	15.00
9	4Q2010	7.30	9.53	20.00	20.00
10	1Q2011	6.50	9.20	18.00	20.00
11	2Q2011	---	9.20	---	20.00
12	3Q2011	8.00	8.20	18.00	19.25
13	4Q2011	6.00	6.95	16.00	18.00
14	1Q2012	8.00	7.13	21.00	18.25
15	2Q2012	---	7.13	---	18.25
16	3Q2012	---	7.13	---	18.25
17	4Q2012	6.00	7.00	16.00	17.25
18	1Q2013	7.00	6.75	16.00	17.25
19	2Q2013	7.00	7.00	15.00	17.00
20	3Q2013	8.00	7.00	18.00	16.25
21	4Q2013	7.00	7.25	20.00	17.25
22	1Q2014	6.00	7.00	15.00	17.00
23	2Q2014	7.00	7.00	29.00	20.50
24	3Q2014	9.00	7.25	21.00	21.25
25	4Q2014	9.00	7.75	28.00	23.25
26	RAA – Running Annual Average				
27	ppb – parts per billion				



1 As evident from the table above, the District's Well 2 continues to produce water that
2 exceeds the arsenic Maximum Contaminant Level (MCL) of 10-ppb. Also noted from
3 the table above is the fact that Well 1's RAA for arsenic has remained in compliance
4 with the primary standard.

6 DETERMINATIONS

7
8 Based on the above Statement of Facts, the Division determines that the District has
9 violated CHSC, Section 116555 and Section 64431 in that the water produced by
10 Well 02 during the 4th quarter of 2014, exceeded the arsenic MCL as shown in Table
11 1 above, and further has determined that said violation has continued from the 1st
12 quarter of 2009 through the date of this Order.

14 DIRECTIVES

15
16 Pursuant to Section 116655, Article 9, Chapter 4, Part 12, Division 104 of the CHSC,
17 the Division and its Director hereby orders and directs the District:

18
19 1. On or before **November 1, 2016**, cease and desist from failing to comply
20 with the CHSC Section 116555(a)(1) and (3) and Section 64431 of Title 22, CCR, by
21 ensuring that the District's water system is provided with a reliable and adequate
22 source of pure, wholesome, healthful, and potable water that is in compliance with all
23 primary drinking water standards.

24
25 2. Prepare for Division approval a Corrective Action Plan identifying
26 improvements to the water system designed to correct the violation of the arsenic
27 MCL and ensure that the District delivers water to consumers that meets primary



1 drinking water standards. The plan shall include a time schedule for completion of
2 each of the phases of the project such as design, construction, and startup, and a
3 date as of which the District will be in compliance with the arsenic MCL, which date
4 shall be no later than **November 1, 2016**.

5
6 3. On or before **April 1, 2015**, present the Corrective Action Plan required
7 under Directive No. 2, above, to the Division in person at the Division's offices located
8 at 364 Knollcrest Drive, Suite 101, Redding, CA, 96002.

9
10 4. Timely perform the Division approved Corrective Action Plan and each and
11 every element of said plan according to the time schedule set forth therein.

12
13 5. On or before **July 1, 2015**, and every three months thereafter, submit a
14 report to the Division in the form provided as Attachment C, hereto, showing actions
15 taken during the previous calendar three months to comply with the Corrective Action
16 Plan.

17
18 6. In accordance with Section 64463.4 of Title 22, CCR, within 30 days after
19 receiving this Order, or by no later than **March 31, 2015**, the District shall provide
20 public notification of its failure of the arsenic MCL. This notice shall be given by direct
21 mail to customers of the District's water system and shall be given by publication in a
22 weekly newspaper of general circulation serving the area. The District's notice shall
23 follow the format provided in Attachment A. The language and format of the notice to
24 be used for completion of the public notification requirement shall be submitted to the
25 Division for review and written approval prior to its distribution and publication.

26

1 7. On or before **April 10, 2015**, proof of public notification shall be submitted
2 to the Division using the form provided as Attachment B.

3
4 8. Public notification shall be given each calendar quarter that the four-quarter
5 RAA from Well 2 for arsenic exceeds the MCL.

6
7 9. In accordance with Section 64442(g)(3) of Title 22, CCR, the District shall
8 continue to collect quarterly samples from Well 1 and Well 2 for arsenic analyses.
9 The analytical results shall be reported to the Division no later than the 10th day
10 following the month in which the samples were collected.

11
12 10. Not later than ten (10) days following the date of compliance with the
13 arsenic MCL, demonstrate to the Division that the water delivered by the District
14 complies with the arsenic MCL.

15
16 11. Notify the Division in writing no later than five (5) days prior to the deadline
17 for performance of any Directive set forth herein if the District anticipates it will not
18 timely meet such performance deadline.

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1 All submittals required by this Order shall be submitted to the Division at the following
2 address:

3

4

Michael J. McNamara, P. E.

5

Lassen District Engineer

6

Division of Drinking Water

7

State Water Resources Control Board

8

364 Knollcrest Drive, Suite 101

9

Redding, CA 96002

10

11 As used in the Order, the date of issuance shall be the date of this Order; and the
12 date of service shall be the date of service of this Order, personal or by certified mail,
13 on the District.

14

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

19

20 Nothing in this Order relieves the District of its obligation to meet the requirements of
21 the California Safe Drinking Water Act (SDWA), or any regulation, standard, or permit
22 issued thereunder.

23

24 This Order supersedes and replaces Compliance Order 01-02-11(O)002, issued on
25 November 18, 2011.

26

1 The State of California shall not be liable for any injuries or damages to persons or
2 property resulting from acts or omissions by the District, its employees, agents, or
3 contractors in carrying out activities pursuant to this Order, nor shall the State of
4 California be held as a party to any contract entered into by the Company or its
5 agents in carrying out activities pursuant to this Order. By issuance of this Order, the

6
7 **FURTHER ENFORCEMENT ACTION**
8

9 The California SDWA authorizes the Board to: issue a citation with assessment of
10 administrative penalties to a public water system for violation or continued violation of
11 the requirements of the California SDWA or any regulation, permit, standard, citation,
12 or order issued or adopted thereunder including, but not limited to, failure to correct a
13 violation identified in a citation or compliance order. The California SDWA also
14 authorizes the Board to take action to suspend or revoke a permit that has been
15 issued to a public water system if the public water system has violated applicable law
16 or regulations or has failed to comply with an order of the Board; and to petition the
17 superior court to take various enforcement measures against a public water system
18 that has failed to comply with an order of the Board. The Board does not waive its
19 right to take any further or additional enforcement action(s) against the District.

20
21 The District's failure to comply with any directive set forth in the Order by the time
22 prescribed herein may result in further administrative penalties in the amount of
23 \$1,000 per day per violation, pursuant to CHSC, Section 116650, and/or civil
24 penalties in the amount of up to \$25,000 per day per violation pursuant to CHSC,
25 Section 116725.
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PARTIES BOUND

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

SEVERABILITY

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

3/4/2015

Date

Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief
Northern California Section
Division of Drinking Water
State Water Resources Control Board



Attachments:

- Attachment A: Public Notice Format
- Attachment B: Certification of Completion of Public Notification form
- Attachment C: CAP Quarterly Report

Certified Mail No. 7012 3460 0003 1113 0864

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**The Sierra Co. W.W.D #1 Calpine Domestic Water System
Has Levels of Arsenic Above the Drinking Water Standard**

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

What happened?

The USEPA standard, enacted in January 2006, lowered the maximum contaminant level (MCL) of arsenic from 0.050 milligrams per liter (mg/l) to 0.010 mg/l. This standard was adopted by the state on November 28, 2008. We routinely monitor for the presence of drinking water contaminants. Our most recent results indicate the annual average for our Well 2 is 0.023 mg/L. This level is above the current federal and state standard for arsenic.

What should I do?

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

What is being done?

[District to add information here]

For more information, please call Tim Butler, Board Member, at 994-3547.

This notice is being distributed by the Sierra Co. W.W.D #1 Calpine.

CERTIFICATION OF COMPLETION OF PUBLIC NOTICE

This form, when completed and returned to the Division of Drinking Water (415 Knollcrest Drive, Suite 110, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Division with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Sierra Co. W.W.D #1 Calpine

Public Water System No. 4600019

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

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

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

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

_____ The notice was posted in the following conspicuous places:

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

I hereby certify that the above information is factual.

Printed Name

Signature

Date

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

Water Supply
of Drinking Water
Pollerest Dr. #101
King, CA 96002

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7012 3460 0003 1113 0864

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Sent To Sierra Co. Water Works District #1
 Street, Apt. No., or PO Box No. P.O. Box 24
 City, State, ZIP+4 Calpine CA 96124

PS Form 3800, August 2006 See Reverse for Instructions

Sierra County Water Works District #1
P.O. Box 24
Calpine, CA 96124

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:

Sierra County Water Works District #1
P.O. Box 24
Calpine, CA 96124

2. Article Number
(Transfer from service label)
7012 3460 0003 1113 0864

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-02-M-1540