State Water Resources Control Board
Division of Drinking Water

Water System No. 4900643 May 29, 2015

Raymond Dhaliwal
Mount Weske Estates Mutual Water Company
10530 Pelham Drive
Windsor, CA 95492

COMPLIANCE ORDER NO. 02_18_15R_001

Enclosed is a compliance order issued to the Mount Weske Estates Mutual Water Company (System).

The System will be billed at the Division's hourly rate (currently estimated at $128.00) for the time spent on issuing this order since this is an enforcement action for noncompliance with state regulations. At this time, we have spent approximately two hours on enforcement activities associated with this violation. You will receive a bill sent from our Drinking Water Fee Branch in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions regarding this matter, please contact Misha Anderson of my staff at (707) 576-2728 or me at (707) 576-2006.

Sincerely,

Janice M Thomas

Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosures

CC (w/ Enclosures): Tim Ehlert, P.O. Box 176, Sebastopol, CA 95473

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: Mount Weske Estates Mutual Water Company

ATTN: Raymond Dhaliwal

10530 Pelham Drive

Windsor, CA 95492

COMPLIANCE ORDER NO. 02_18_15R_001

FOR

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

Dated May 29, 2015

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to the

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Mount Weske Estates Mutual Water Company for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

CHSC, Section 116555 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.

Title 22, CCR, Section 64431 (hereinafter "Section 64431") states in relevant part:

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

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Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Arsenic	0.010

Title 22, CCR, Section 64432 (hereinafter "Section 64432") states in relevant part:

(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 Division is informed by the Mount Weske Estates Mutual Water Company and believes that the Mount Weske Estates Mutual Water Company (hereinafter "Water System") is a privately owned community water system located in Sonoma County that supplies water for domestic purposes to approximately 62 individuals through approximately 21 service connections. The Water System operates under a Domestic Water Supply issued on October 2, 1974. The Water System is a community public water system as defined in the CHSC, Section 116275.

The Water System utilizes one groundwater well as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary

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drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient-noncommunity water systems must comply with the maximum contaminant level for arsenic of 0.010 mg/L, as established in Title 22, CCR Section 64431.

Samples collected from the Water System on July 19, 1993, showed arsenic concentrations of 0.067 mg/L in Well 01. At the time, the MCL was 0.050 mg/L. The MCL was lowered to 0.010 mg/L in 2008. Therefore, in accordance with Section 64431(g), the Water System was required to begin quarterly arsenic monitoring of each well. Section 64431(i) provides that compliance with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Further, 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 most recent Water System arsenic monitoring is presented in Table 1. All results are as reported to the Division by the laboratory that performed the analysis.

Table 1. Most Recent Well 01 Arsenic Monitoring Results

Date	Sampling Quarter	Well 01 Monitoring Result, mg/L	Running Annual Average, mg/L
3/5/2014	Q1	0.042	
6/4/2014	Q2	0.042	
7/28/2014	Q3	0.062	
9/23/2014	Q3	0.049	
12/9/2014	Q4	0.040	**0.045**

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The fourth quarter 2014 RAA for Well 01 is 0.045 mg/L, which exceeds the arsenic MCL of 0.010 mg/L. Results taken from water produced from Well 01 since 1993 show the RAA for arsenic in said well continues to exceed the arsenic MCL.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System and its owner of record have violated CHSC, Section 116555 and Section 64431 in that the water produced by Well 01, during the fourth quarter of 2014, exceeded the arsenic MCL as shown in Table 1 above, and further has determined that said violation has continued from 1993 and through the date of this Order.

DIRECTIVES

Water System and its owner of record are hereby directed to take the following actions:

1. On or before June 1, 2016, comply with Title 22, CCR Section 64431 and remain in compliance.

2. On or before June 30, 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.

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3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment A, hereto, of the Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

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

5. Commencing on the date of service of this Order, collect quarterly samples for arsenic 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.

6. Prepare for Division approval, a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System 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,

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construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than June 1, 2016.

7. On or before June 30, 2015, present the Corrective Action Plan required under Directive No. 6, above, to the Division in person at the Division's offices located at 50 D Street, Suite 200, Santa Rosa, CA 95404.

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

9. On or before August 31, 2015 and every three months thereafter, submit a report to the Division in the form provided as Attachment C, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Division that the water delivered by Water System complies with the arsenic MCL.

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11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Janice M. Thomas, Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Sonoma District
50 D Street, Suite 200
Santa Rosa, CA 95404

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 Water System or its owner of record.

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 Water System or its owner of record of its obligation to meet the requirements of the California Safe Drinking Water Act (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 Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and the Water System and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

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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.

5/29/15

Stefan Cajina, P.E., Chief
North Coastal Section
State Water Resources Control Board
Division of Drinking Water

Date

Certified Mail No. 7014 1200 0001 1167 6542

CC: Tim Ehlert, P.O. Box 176, Sebastopol, CA 95473

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Instructions for Tier 2 Arsenic MCL Notice Template

Template Attached

Since exceeding the arsenic 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 Department for approval prior to distribution or posting, unless otherwise directed by the Department [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 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

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

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

Corrective Action

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

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

After Issuing the Notice

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

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

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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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

Mount Weske Estates Mutual Water Company Has Levels of Arsenic 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. Based on the samples collected from Well 01 (___ Quarter _____) to (___ Quarter _____), water produced Well 01 contained an average of _____ milligrams per liter of arsenic. Well 01 produces water that is above the arsenic maximum contaminant level (MCL) of 0.010 mg/L. This standard is based upon the running annual average of the most recent quarterly arsenic monitoring.

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 happened? What is being done?

The Mount Weske Estates Mutual Water Company is working with the State Water Resources Control Board, Division of Drinking Water to resolve the high arsenic problem.

For more information, please contact _____ at _____.

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.

This notice is being sent to you by the Mount Weske Estates Mutual Water Company.
State Water System ID#: 4900643 . Date distributed: _____.

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water – Sonoma District (50 D Street, Suite 200, Santa Rosa, CA 95404 or fax to (707) 576-2722), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Mount Weske Estates Mutual Water Company

Public Water System No.: **4900643**

Public notification for **arsenic MCL violation for the ( ) Quarter of** _____

was performed by the following method(s) (check and complete those that apply):

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

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

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

☐ The notice was posted at conspicuous places on: _____
A copy of the notice is attached.
A list of locations the notice was posted is attached.

☐ The notice was delivered to community organizations on: _____
A copy of the notice is attached.
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

_____
Printed Name

_____
Title

_____
Signature

_____
Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any 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 separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than $25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers.

Enforcement Action No. 02_18_15R_001

Quarterly Progress Report

Water System:	**Mount Weske Estates Mutual Water Company**	Water System No.:	**4900643**
Compliance Order No.:	**02_18_15R_001**	Violation:	**Arsenic MCL**
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, Sonoma District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipated compliance date:

Name

Signature

Title

Date