



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

August 7, 2015

PWS No. 5010013

Kim Koosun
Public Works Director
City of Newman
P.O. Box 787
Newman, CA 95360

TRANSMITTAL OF COMPLIANCE ORDER No. 01_10_15R_006

Mr. Koosun:

The State Water Resources Control Board, Division of Drinking Water has issued the enclosed Compliance Order No. 01_10_15R_006 to the City of Newman for violation of the Hexavalent Chromium Maximum Contaminant Level.

Please respond to the directives of this compliance order by the deadlines established with each item. If you have any questions regarding this compliance order, please contact Brian Kidwell by email at Brian.Kidwell@waterboards.ca.gov or by phone at (209) 948-3963.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Hinrichs".

Richard L. Hinrichs, P.E., Chief
Northern California Section
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Enclosure

Certified Mail No. 7012 3460 0003 1113 1441

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov

cc. Bhupinder Sahota, P.E., Stockton District Engineer

Perfecto Millan, Public Works Superintendent
City of Newman
1162 Main Street
Newman, CA 95360

Rachel Riess, Senior Environmental Health Specialist
Stanislaus County Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9494

1 CALIFORNIA
2 STATE WATER RESOURCES CONTROL BOARD
3 DIVISION OF DRINKING WATER
4

5 TO: City of Newman
6
7 ATTN: Kim Koosun
8 Public Works Director
9 P.O. Box 787
10 Newman, CA 95360
11

12 COMPLIANCE ORDER NO. 01_10_15R_006
13 FOR
14 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1) AND
15 THE PRIMARY DRINKING WATER STANDARD FOR HEXAVALENT CHROMIUM
16 Dated August 7, 2015
17

18 The State Water Resources Control Board (hereinafter "Board"), acting by and through its
19 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the
20 Division, hereby issues this compliance order (hereinafter "Order") pursuant to Section
21 116655 of the California Health and Safety Code (hereinafter "CHSC") to the City of
22 Newman public water system (PWS# 5010013) (hereinafter "City") for violation of CHSC
23 section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"),
24 Section 64431.
25

26 **APPLICABLE AUTHORITIES**
27

28 **CHSC, Section 116555(a)(1) states in relevant part:**

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

31 (1) Complies with primary and secondary drinking water standards.
32

1 **CHSC, Section 116655 states in relevant part:**

2
3 (a) Whenever the Division determines that any person has violated or is violating this
4 chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter,
5 the director may issue an order doing any of the following:

- 6
7 (1) Directing compliance forthwith.
8 (2) Directing compliance in accordance with a time schedule set by the Division.
9 (3) Directing that appropriate preventive action be taken in the case of a
10 threatened violation.

11
12 (b) An order issued pursuant to this section may include, but shall not be limited to, any
13 or all of the following requirements:

- 14
15 (1) That the existing plant, works, or system be repaired, altered, or added to.
16 (2) That purification or treatment works be installed.
17 (3) That the source of the water supply be changed.
18 (4) That no additional service connection be made to the system.
19 (5) That the water supply, the plant, or the system be monitored.
20 (6) That a report on the condition and operation of the plant, works, system, or
21 water supply be submitted to the Division.

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

24
25 Public water systems shall comply with the primary MCLs in Table 64431-A as specified
26 in this article.

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Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

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

Title 22, CCR Section 64432 (hereinafter “Section 64432”) provides in relevant part:

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

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

1 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48
2 hours of receipt of the result the water supplier shall notify the Division and resample as
3 confirmation. The water supplier shall notify the Division of the result(s) of the
4 confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

5
6 (1) If the average concentration of the original and confirmation sample(s) is less
7 than or equal to ten times the MCL, the water supplier shall monitor quarterly
8 beginning in the quarter following the quarter in which the exceedance
9 occurred.

10 (2) If the average concentration of the original and confirmation sample(s)
11 exceeds ten times the MCL, the water supplier shall, if directed by the Division;

12
13 (A) Immediately discontinue use of the contaminated water source; and

14 (B) Not return the source to service without written approval from the
15 Division.

16
17 (i) Compliance with the MCLs shall be determined by a running annual average; if any
18 one sample would cause the annual average to exceed the MCL, the system is
19 immediately in violation. If a system takes more than one sample in a quarter, the
20 average of all the results for that quarter shall be used when calculating the running
21 annual average. If a system fails to complete four consecutive quarters of monitoring, the
22 running annual average shall be based on an average of the available data.

23
24 **STATEMENT OF FACTS**

25
26 Pursuant to CHSC, Section 116275, the City is classified as a community water system.
27 The City owns and operates four active groundwater wells as its sources of domestic
28 water supply. The City supplies water for domestic purposes to an estimated population
29 of 10,668 people, within the city limits, through 3,189 service connections. The City
30 operates under Domestic Water Supply Permit No. 03-10-96P-002, issued on January
31 30, 1996. Permit No. 03-10-96P-002 has been amended one time. The latest permit
32 amendment is Permit Amendment No. 03-10-05-PA-008, issued June 6, 2005.

1
2 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water
3 standards and monitoring and reporting requirements for inorganic constituents.
4 Community and nontransient noncommunity water systems must comply with the
5 maximum contaminant level (MCL) for hexavalent chromium of 0.010 mg/L, as
6 established in Title 22, CCR, Section 64431.

7
8 Section 64432 specifies that compliance with the hexavalent chromium MCL is based on
9 a "running annual average" (RAA) of the quarterly monitoring samples, computed each
10 quarter. Further, Section 64432(i) states: "... if any one sample would cause the annual
11 average to exceed the MCL, the system is immediately in violation."

12
13 Samples collected from the City's groundwater sources, during the third calendar quarter
14 of 2015, indicated the presence of hexavalent chromium, in one of the four active
15 groundwater sources, at levels which, based on the RAA, exceed the hexavalent
16 chromium MCL. This source is Well No. 05 (Source No. 5010013-004).

17
18 A summary of the City's hexavalent chromium monitoring results for Well No. 05 is
19 presented in Table 1 below. All results are as reported to the Division by the laboratory
20 that performed the analyses.

21
22 **Table 1 - City Hexavalent Chromium Monitoring Results (mg/L)**

Source	4th Quarter 2014 (A)	1st Quarter 2015 (B)	2nd Quarter 2015 (C)	3rd Quarter 2015 (D)	RAA (A+B+C+D)/4
Well No. 05	0.018	0.016	0.017	0.016	0.017

23
24 The RAA has been calculated using the reported previous four quarters of hexavalent
25 chromium monitoring. The calculated RAA for the source listed in above table is 0.017
26 mg/L, which exceeds the hexavalent chromium MCL of 0.010 mg/L.

1 **DETERMINATIONS**

2
3 Based on the above Statement of Facts, the Division has determined that the City has
4 violated CHSC, Section 116555 and Section 64431 in that the water produced by one of
5 the four active groundwater sources, as determined during the third calendar quarter of
6 2015, exceeded the hexavalent chromium MCL as shown in Table 1.

7
8 **DIRECTIVES**

9
10 The City is hereby directed to take the following actions:

- 11
- 12 1. On or before September 4, 2015, submit a written response to the Division
13 indicating its agreement to comply with the directives of this Order and with the
14 Corrective Action Plan addressed herein.
 - 15
16 2. Commencing on the date of service of this Order, provide quarterly public
17 notification in accordance with **Attachment A**. This notification shall include the
18 City's failure to meet the hexavalent chromium MCL during any calendar quarter
19 that the four-quarter running annual average exceeds the MCL. The public
20 notification must be submitted to the Division for approval prior to distribution.
21
 - 22 3. Commencing on the date of service of this Order, submit proof of each public
23 notification conducted in compliance with Directive No. 2, herein above, within
24 10 days following each such notification, using the form provided as
25 **Attachment B**.
 - 26
27 4. Commencing on the date of service of this Order, collect quarterly samples for
28 hexavalent chromium from all active groundwater sources and ensure that the
29 analytical results are reported to the Division electronically by the analyzing
30 laboratory by no later than the 10th day following the month in which the
31 analyses were completed.
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5. Prepare for Division review and approval, and prior to implementation, a Corrective Action Plan identifying improvements to the water system infrastructure needed to correct the water quality problem (violation of the hexavalent chromium MCL) and ensure that the City delivers water to consumers that meets all primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, startup, and a date as of which the City will be in compliance with the hexavalent chromium MCL at all entry points to the distribution system.

6. On or before October 16, 2015, present the Corrective Action Plan required under Directive No. 6, above, to the Division either in person at the Division's office located at 31 E. Channel Street, Room 270, in Stockton, California, or via certified mail for review and comment. Please contact the Stockton District office in advance to schedule an appointment.

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

8. On or before January 10, 2016, and every three months thereafter, submit a report, using the form provided as **Attachment C**, to the Division showing and describing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

9. Not later than ten (10) days following the date of compliance with the hexavalent chromium MCL, demonstrate to the Division that the water delivered by the City's active sources complies with the hexavalent chromium MCL.

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

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All submittals required by this Order shall be addressed to:

Bhupinder Sahota, P.E.
District Engineer, Stockton District Office
State Water Resources Control Board
Division of Drinking Water
31 E. Channel Street, Room 270
Stockton, CA 95202

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 City 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 City 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.

PARTIES BOUND

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

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SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

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



8/7/2015

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

Date



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Attachments:

- Attachment A
- Attachment B
- Attachment C

Certified Mail No. 7012 3460 0003 1113 1441

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Attachment A

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

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

Notification Methods

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

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

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

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

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

Multilingual Requirement

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

Attachment A

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

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

Population Served

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

Corrective Action

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

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

After Issuing the Notice

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

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

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

Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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

[System] Has Levels of [Contaminant] Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed [name of contaminant] levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of [standard and units].

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an immediate risk. If it had been, you would have been notified immediately. However, [Insert relevant health effects language from section 64465 appendix].
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

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

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

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

Attachment A

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

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

Attachment B

CERTIFIED MAIL NO.

PROOF OF NOTIFICATION AND DIRECTIVES COMPLETED

Compliance Order Number 01-10-15R-006

Name of Water System: *City of Newman*

System Number: *5010013*

Certification

As required by Section 64463.4 of the California Code of Regulations, I certify that the users of the water supplied by the *City of Newman* were notified of the violation(s) of Title 22, California Code of Regulations (CCR) for the *xx Quarter 2015* compliance period from July 1, 2014 through June 30, 2015. In addition, I certify that the *City of Newman* has complied with the directives of this Order as indicated below:

Required Action	Date Completed
Public Notification - Mail or Hand Delivery	<input type="text"/>
Public Notification -- Newspaper	<input type="text"/>
_____ Signature of Water System Representative	_____ Date

Attach a copy of the notice delivered to customers and printed in the newspaper.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 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 a fine of not more than \$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.

01-10-15R-006

Attachment C

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, _____ District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date