



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

June 30, 2015

System No. 5010008

Certified Mail
7012 3460 0003 1113 1366

Jaylen French
Community Development Director
City of Hughson
7018 Pine Street, P.O. Box 9
Hughson, CA 95326

Addendum No. 2 to Arsenic Compliance Order No. 03-10-09CO-001

Dear Mr. French:

On January 5, 2009, the State Water Resources Control Board, Division of Drinking Water, issued Compliance Order No. 03-10-09CO-001 to the City of Hughson (City) for violating the arsenic maximum contaminant level (MCL) of 0.010 mg/L. Addendum No. 1 to the Compliance Order was issued on July 31, 2012. Transmitted herewith is a second addendum to the Compliance Order. The City has requested an extension of the Compliance Order's deadline for returning to compliance with the arsenic MCL. Addendum No. 2 grants the request and extends the deadline to July 1, 2018.

If you have any questions regarding this letter or the enclosed addendum, please contact Tahir Mansoor of this office by email at Tahir.Mansoor@Waterboards.ca.gov, or by phone at (209) 948-3879.

Sincerely,

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

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

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

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

IN RE: City of Hughson Water System
System No. 5010008

TO: Jaylen French
Community Development Director
7018 Pine Street, P.O. Box 9
Hughson, CA 95326

**Addendum No. 2
To
COMPLIANCE ORDER NO. 03-10-09CO-001
For
Violation of the Arsenic Maximum Contaminant Level**

**Original Compliance Order Issued On January 5, 2009
Addendum No. 1 issued on July 31, 2012
Addendum No. 2 issued on June 30, 2015**

29 The State Water Resources Control Board (hereinafter "Board"), acting by and
30 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
31 for the Division (hereinafter "Deputy Director"), hereby issues Addendum No. 2 to
32 Compliance Order No. 03-10-09CO-001 to the City of Hughson (hereinafter, City)
33 (7018 Pine Street, P.O. Box 9, Hughson, CA 95326) for violation of California Code of
34 Regulations (CCR), Title 22, Section 64431(a).

35
36 The Board, successor in interest to the California Department of Public Health
37 (CDPH), issued Compliance Order No. 03-10-09CO-001 to the City on January 5,
38 2009, for failure to provide drinking water that was in compliance with the arsenic

1 maximum contaminant level (hereinafter, MCL) of 0.010 mg/L. On July 31, 2012,
2 CDPH issued Addendum No. 1 to the Compliance Order, to extend the deadline to
3 meet compliance with the arsenic MCL by July 1, 2015. Since the City has been
4 unable to achieve compliance with the arsenic MCL by the above deadline due to
5 funding issues, the Division hereby further amends the Compliance Order as follows:

- 6 • Delete Order No. 3 and replace with the following:

7
8 **On or before July 1, 2018**, the City shall comply with the arsenic MCL by
9 completing projects to correct the arsenic MCL violation. The City shall notify
10 the Division in writing of the date the projects have been completed. Any
11 addition and/or changes to the water supply sources and/or treatment require
12 prior Division approval in the form of a permit amendment.
13

14 All submittals required by this Order shall be addressed to:

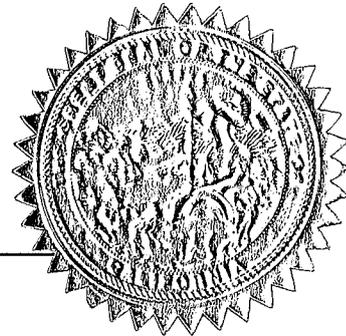
15
16 Bhupinder S. Sahota, P.E.
17 District Engineer, Stockton District
18 State Water Resources Control Board
19 Division of Drinking Water
20 31 E. Channel Street, Room 270
21 Stockton, CA 95202
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1 Except as amended herein, all other terms of the Compliance Order shall remain in
2 full force and effect for any active well that continues to produce water with an
3 arsenic level above the MCL of 0.010 mg/L.
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10 6/30/2015
11 Date



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



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19 Attachments: Compliance Order No. 03-10-09CO-001
20 Addendum No. 1 Compliance Order No. 03-10-09CO-001
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24 R:\DDW\Stockton\Dist10\SSF\SC\5010008\Enforcement\2015 Addendum No. 2 to Arsenic
25 Compliance Order – City of Hughson.doc
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Compliance Order No. 03-10-09CO-001

~~MAILED~~
1/5/09
MPC

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: City of Hughson Water System
System No. 5010008

TO: David Chase
Director of Public Works
7018 Pine Street, P.O. Box 9
Hughson, CA 95326

RECEIVED
JAN - 8 2009
DRINKING FIELD OPERATIONS
BRANCH - STOCKTON

COMPLIANCE ORDER
FOR
VIOLATION OF THE ARSENIC MAXIMUM CONTAMINANT LEVEL

ISSUED ON JANUARY 5, 2009

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The City of Hughson is located southeast of the City of Modesto in Stanislaus County. The Hughson Water System serves a population of approximately 6,122 people in the town of Hughson, via 1,816 service connections. The system serves the Hughson area with water from five (5) active deep groundwater wells located within the service area and has no interconnections

1 with other water systems. Hughson's groundwater supply is now disinfected on
2 a regular basis using sodium hypochlorite solution to produce a free chlorine
3 residual in the water. The Hughson Water System has one above ground
4 storage tank (0.75 MG). The City of Hughson water system operates under the
5 authority of a Domestic Water Supply Permit, No. 79-060, granted on June 11,
6 1979 by the Department.
7
8

9 ~~Three (out five) of the Hughson's active wells exceed the arsenic maximum~~
10 ~~contaminant level (MCL) of 0.010 mg/L. Prior to the State of California's~~
11 ~~adoption of the new arsenic MCL, effective November 28, 2008, the Department~~
12 ~~required Hughson to provide ongoing public notification due to violation of the~~
13 ~~Federal Arsenic Rule with the exceedence of the Federal MCL for arsenic,~~
14 ~~which is also 0.010 mg/L. A Notice of Non-Compliance (No. 03-10-07NNC-001)~~
15 ~~dated January 19, 2007 was sent to the City, which specified the public~~
16 ~~notification requirements that the City has been conducting on a quarterly basis.~~
17

18
19 Specifically, based on four quarters of monitoring, the City exceeds the arsenic
20 MCL of 0.010 mg/L in Wells Nos. 4, 5, and 6. Well No. 4 had arsenic at 0.012
21 mg/L, Well No. 5 arsenic level was 0.011 mg/L, and Well No. 6 had an arsenic
22 level of 0.017 mg/L.
23

24 The City submitted a pre-application for Safe Drinking Water State Revolving
25 Funds (SRF) in July 2005 in anticipation of the requirement to provide arsenic
26 treatment to comply with the Federal arsenic MCL. In the August 2008, Hughson
27 was invited to submit an application for funding to pay for arsenic treatment. The
application was submitted by the deadline of October 15, 2008 and is currently

1 being processed by the Department. Hughson has encountered a number of
2 unforeseen delays in finalizing the details of the specific arsenic removal
3 treatment system best suited for the wells. As of the date of this Order, the
4 treatment technology has been selected and Hughson is moving forward with
5 securing SRF funds to be used in constructing the treatment system that will
6 ultimately resolve the arsenic compliance problem. The selected treatment
7 approach will use a oxidation/coagulation/filtration treatment plant that will treat
8 the flow from Well No. 6. No treatment has been proposed for removing arsenic
9 from Wells Nos. 4 and 5 as to this date. The City, however, has drilled a brand
10 new well, No. 7, and plans to install a similar treatment facility on that well for
11 arsenic treatment.
12
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14 **CONCLUSIONS OF LAW**

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16 Based on the above Findings, the Department has determined that the City of
17 Hughson water system has violated provisions contained in the California Health
18 and Safety Code and Title 22, California Code of Regulations (CCR). These
19 violations include, but are not limited to the following:

- 20 1. Health and Safety (H&S) Code Section 116555(a)(1) Specifically, The City of
21 Hughson water system is operating Wells Nos. 4, 5, and 6 that produce water
22 that does not comply with a primary drinking water standard.
23
- 24 2. H&S Code Section 116555(a)(3) Specifically, the City of Hughson water
25 system failed to ensure that a reliable and adequate supply of pure,
26 wholesome, healthful, and potable water is provided.
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3. 22CCR Section 64431(a) Specifically, the water supplied by the City of Hughson water system exceeds the maximum contaminant level of 0.010 mg/L for arsenic and, therefore, does not comply with a primary drinking water standard.

ORDER

In order to ensure that the water supplied by the City of Hughson water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the water system is ordered to take the following actions:

1. Cease and Desist from failing to comply with CHSC Sections 116555(a)(1) and (a)(3) and Section 64431 Title 22, California Code of Regulations (CCR) by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water, which is in compliance with all primary drinking water standards according to the plan and schedule set forth in this Order.
2. By **July 31, 2009**, submit to the Department of Public Health, for review and approval, a final plan to correct the existing water quality problem and eliminate the need to deliver water to the system that does not meet the primary drinking water standards. The plan shall include a time schedule for completion. The plan and time schedule shall be reviewed and approved by the Department.
3. Complete all the improvements and/or additions outlined in the City's proposed arsenic removal treatment system construction program in

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accordance with the approved plan and schedule, but **no later than July 31, 2012.**

4. Since the City of Hughson water system must make some use of water from its wells to meet system demand until a project is completed to provide water meeting drinking water standards, the water system shall continue to provide public notification in accordance with Section 64467 Title 22, CCR of its inability to meet the arsenic MCL.

The City of Hughson shall provide quarterly public notification of its inability to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average from Wells Nos. 4, 5, or 6, exceeds the MCL. The notification procedures and format are provided in Attachment A. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment B.

5. The City of Hughson shall continue to collect quarterly samples from Wells Nos. 4, 5, and 6 for arsenic analysis. The analytical results shall be reported to the Department no later than the 10th day following the month in which the samples were collected.

6. The District shall submit quarterly progress reports to the Department **beginning in April 2009** for the first quarter of 2009. The progress reports shall provide updated information related to the actions that have occurred during the last quarter to move the water system toward compliance, any problems that may have set the compliance program

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behind schedule, and the responses planned by the water system to make up any lost time.

7. The City of Hughson shall make every reasonable attempt to minimize the arsenic concentration in the water provided to the consumers. When wells are required to meet demand, the City shall utilize the wells with the lowest arsenic concentration first. At present, Well No. 3 followed by Well No. 7 has the lowest reported arsenic concentration (below the MCL) and should be utilized before other wells are brought online providing that distribution hydraulics facilitate such well use prioritization. Arsenic concentrations may change over time and the City's required quarterly monitoring will provide regular updates on arsenic concentrations so that well use priorities can be adjusted as needed. Every reasonable attempt shall be made to sequence the use of the lowest arsenic concentration wells before higher arsenic wells.

The City shall submit a plan to the Department by **January 31, 2009** for maximizing use of surface water and sequencing the use of wells with lower arsenic levels over those with higher arsenic levels within the limitations of distribution system hydraulics. The plan shall include a water conservation program that will help to minimize the use of water from wells with arsenic greater than the MCL until compliance is achieved.

8. The Department reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such

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modifications may be issued as amendments to this Order and shall be effective upon issuance.

All submittals required by this Order shall be addressed to:

Joseph O. Spano, P.E.
California Department of Public Health
Southern California Branch
Drinking Water Field Operations
31 East Channel Street, Room 270
Stockton, CA 95202

9. If the City of Hughson water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the City of Hughson water system notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the City of Hughson water system demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

If the City of Hughson water system fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 6 above, the City of Hughson water system shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in H&S Code, Section 116725 and 116730.

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The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the City of Hughson water system, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the City of Hughson water system or its agents in carrying out activities pursuant to this Order.

PARTIES BOUND

This Order shall apply to and be binding upon the City of Hughson water system, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the City of Hughson water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

June 5 2009
Date

[Signature]
Richard L. Haberman, P.E., Chief
Central California Section
Southern California Branch
Drinking Water Field Operations



ATTACHMENT A – Public Notification

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.

[Insert System Name] Has levels of Arsenic Above Drinking Water Standards

Our water system OR Water produced by Well _____ of our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

Option 1: We routinely monitor for the presence of drinking water contaminants. Testing results we received on [Insert date(s) or month year,] show that our system exceeds the standard, or maximum contaminant level (MCL), for Arsenic. The standard for Arsenic is 0.010 mg/L OR 10 ug/L. The average level of Arsenic over the last year was _____ mg/L OR ug/L. Compliance with the arsenic maximum contaminant level (MCL) is based on the average concentration of four consecutive quarterly samples (or an annual average) for each well, unless fewer samples would cause the running annual average to be exceeded.

Option 2: We routinely monitor for the presence of drinking water contaminants. Compliance with the Arsenic maximum contaminant level (MCL) is based on the average concentration of four consecutive quarterly samples (or an annual average) for each well. Testing results from Wells Number 9, 10 and 11 collected over the last four quarters (or year) show that our system exceeds the Arsenic MCL of 10 micrograms per liter (ug/L). The average Arsenic concentrations from these well(s) ranged from _____ ug/L to _____ ug/L. Compliance with the arsenic maximum contaminant level (MCL) is based on the average concentration of four consecutive quarterly samples (or an annual average) for each well, unless fewer samples would cause the running annual average to be exceeded.

What should I do?

- You **do not** need to use an alternative (e.g., bottled) water supply. However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an immediate risk. 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 of getting cancer.*

What happened? What was done?

[Describe corrective action.] _____

_____ We

anticipate resolving the problem within [estimated time frame].

For more information, please contact [insert name of contact] at [insert phone number] or at the following mailing address: [insert business/ 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 notice in a public place or distributing copies by hand or mail.

This notice is being sent to you in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Dated: _____

ATTACHMENT B – Proof of Notification

PROOF OF NOTIFICATION

Name of Water System: *Name of Water System*

System Number: *Water System Number*

Certification

As required by Section 141.32(a) Title 40, *Code of Federal Regulations* as published in December 16, 1998, Federal Register (Vol. 63, No. 241), I notified the users of the water supplied by *Name of Water*

System Water System of the arsenic violation of the National Primary Drinking Water Regulations for

the compliance period of, circle one: 1st 2nd 3rd 4th quarter of _____ (year).

I complied with the directives of this compliance order as indicated below:

Required Action	Date Completed
Public Notification - Newspaper	<input type="text"/>
Public Notification - Mail or Hand Delivery	<input type="text"/>

 Print Name

 Signature of Water System
 Representative

 Date

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

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
 QUARTERLY, AS LONG AS THE VIOLATION CONTINUES**

EXEMPLE COPY

Compliance Order No. 03-10-09CO-001A

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: City of Hughson Water System
System No. 5010008

TO: Bryan Whitemyer
City Manager
7018 Pine Street, P.O. Box 9
Hughson, CA 95326

**Addendum No. 1
To
COMPLIANCE ORDER
For
Violation of the Arsenic Maximum Contaminant Level
Original Compliance Order Issued On January 5, 2009
Addendum No. 1 issued on August 9, 2012**

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The City of Hughson (City) is located southeast of the City of Modesto in Stanislaus County. The City serves a population of approximately 6,082 people in the town of Hughson, via 1,828 service connections. The system serves the Hughson area with water from six active deep groundwater wells located within the service area and has no interconnections with other water systems. The City's groundwater supply is

1
2 The City had submitted a pre-application for Safe Drinking Water State Revolving
3 Funds (SRF) in anticipation of the requirement to provide arsenic treatment to
4 comply with the arsenic MCL. In August 2008, the City was invited to submit an
5 application for funding to pay for arsenic treatment at Well No. 8. Because the City's
6 arsenic treatment project for Well No. 8 had been designed and was deemed
7 shovel-ready, the City received funding under the American Recovery and
8 Reinvestment Act (ARRA). In 2010, the City installed an arsenic removal treatment
9 system on a new well (No. 8). The arsenic treatment at Well No. 8 uses a
10 coagulation/filtration system to treat the flow and remove arsenic. The City started
11 using this well in October 2011; however, the well has not run consistently due to
12 various operational and motor problems. To date, no treatment has been proposed
13 for removing arsenic from Wells Nos. 4, 5, and 6. Another new well, No. 7, which
14 was permitted by the Department in July 2007, was taken offline in 2011 due to the
15 confirmation of nitrate in excess of the nitrate MCL, 45 mg/L. As a result, the City is
16 forced to use Wells Nos. 4, 5, and 6 to meet system demand. The City makes every
17 effort to minimize the use of high arsenic wells (Nos. 4, 5, and 6).
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21 To date, the City has failed to bring the water system into compliance with the
22 arsenic MCL in accordance with the deadlines specified in the original compliance
23 order (No. 03-10-09CO-001). As a result, the Department is issuing this Addendum
24 to the Compliance Order (July 2012), extending the deadlines for achieving
25 compliance that were originally stated in the January 2009 Compliance Order.
26
27

1 As mentioned above, the City has continued to use high arsenic wells to meet the
2 system demand. The water system's consumers are informed of the arsenic MCL
3 exceedances via quarterly arsenic notifications. The table below summarizes the
4 current running annual average (1st quarter 2012) for high arsenic wells.
5

6 **Arsenic Running Annual Average**

7 Well No.	RAA (mg/L)
8 4	0.011
9 5	0.010
6 6	0.014

10 In order to bring the water system in compliance with the arsenic MCL, the City has
11 provided the following action plan via e-mail on May 30, 2012. According to City
12 Manager, Bryan Whitemyer, additional information is needed before all feasible
13 alternatives for the City's water system can be properly evaluated. Specifically, all
14 groundwater options have yet to be fully vetted. All existing City wells are relatively
15 shallow and deeper aquifers may provide better drinking water sources without the
16 need for treatment. Hence, the City is proposing to explore the potential of
17 constructing deeper wells to avoid arsenic and other known contaminants (nitrate
18 and DBCP) in the Hughson area.
19

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21
22 Deep well investigations will include a review of available data (currently underway),
23 and performing field work. This process will consist of the following sequential
24 phases of work: (1) Review existing well driller logs (DWR) data and records, (2)
25 Conduct test-holes field analyses to determine quality and quantity of deeper
26 aquifers. Should initial investigations indicate the potential for high quality water,
27 new test wells will be constructed to confirm water quality and quantity projections.

1 Upon completion of the groundwater work, the City will analyze feasible alternatives,
2 including:

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- 4
- 5 1. Constructing new wells without treatment.
- 6 2. Constructing new wells with wellhead treatment.
- 7 3. Constructing new wells with central treatment/blending with or without the use of
- 8 the existing wells.
- 9
- 10 4. Pursuing surface water options.
- 11 5. Reducing domestic water demands through conservation.
- 12

13 **The City's proposed schedule for anticipated activities is as follows:**

- 14 • By August 2012, complete data review and field investigations.
- 15 • By October 2012, complete construction of new test-holes and conduct field
- 16 analyses to determine quality and quantity in deeper aquifers.
- 17 • By November 2012, the City will meet with the Department to coordinate what
- 18 the next steps will be.
- 19

20 **CONCLUSIONS OF LAW**

21
22 Based on the findings discussed above, the Department has determined that the
23 City of Hughson water system has violated provisions contained in the California
24 Health and Safety (H&S) Code and Title 22, California Code of Regulations (CCR).
25 These violations include, but are not limited to the following:

- 26 1. H&S Code Section 116555(a)(1): Specifically, The City of Hughson is
- 27 operating Wells Nos. 4, 5, and 6 that produce water that does not comply with a
primary drinking water standard.

- 1 2. H&S Code Section 116555(a)(3): Specifically, the City of Hughson water
2 system failed to ensure that a reliable and adequate supply of pure,
3 wholesome, healthful, and potable water is provided.
4
5 3. Title 22, CCR, Section 64431(a): Specifically, the water supplied by the City of
6 Hughson water system exceeds the maximum contaminant level of 0.010 mg/L
7 for arsenic and, therefore, does not comply with a primary drinking water
8 standard.
9
10 4. Failed to comply with the directives in the original compliance order (No. 03-10-
11 09CO-001) that was issued by the Department on January 5, 2009.

12 **ORDER**

13
14 In order to ensure that the water supplied by the City of Hughson water system is at
15 all times safe, wholesome, healthful, and potable, and pursuant to Section 116555
16 of the H&S Code, the water system is ordered to take the following actions:

- 17 1. Cease and Desist from failing to comply with H&S Code Sections 116555(a)(1)
18 and (a)(3) and Section 64431 Title 22, CCR, by ensuring that the system is
19 provided with a reliable and adequate supply of pure, wholesome, healthful,
20 and potable water, which is in compliance with all primary drinking water
21 standards according to the plan and schedule set forth in this Order.
22
23 2. By **August 31, 2012**, submit to the California Department of Public Health, for
24 review and approval, a final plan to correct the existing water quality problem
25 and eliminate the need to deliver water to the system that does not meet the
26 primary drinking water standards. The plan shall include a time schedule for
27 completion of the new wells and/or treatment for removing arsenic from the
City's wells. The plan and time schedule shall be reviewed and approved by

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the Department. The plan submitted via e-mail on May 30, 2012, does not include time schedule for completion of the new wells and/or treatment.

3. The City of Hughson must complete all groundwater investigation and water quality analyses of test holes in accordance with the timetable listed in a City report titled, "Water Supply Evaluation and Recommendations," dated March 2012. The timetable was later revised by City Manager, Mr. Bryan Whitemyer, in an e-mail dated May 30, 2012. Based on the results of the water quality analyses, the City shall devise a feasible plan and complete the construction of new well(s) and/or an arsenic removal treatment system to bring the water system in compliance with the arsenic MCL **no later than July 1, 2015**.

4. Since the City of Hughson water system must make some use of water from its wells to meet system demand until a project is completed to provide water meeting the drinking water standards, the water system shall continue to provide public notification in accordance with Section 64467 Title 22, CCR, of its inability to meet the arsenic MCL.

The City of Hughson shall provide quarterly public notification of its inability to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average from Wells Nos. 4, 5, or 6, exceeds the MCL and the well has been used as an active source of supply. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification.

5. The City of Hughson shall continue to collect quarterly samples from Wells Nos. 4, 5, and 6 for arsenic analysis. The analytical results shall be reported to the

1 Department no later than the 10th day following the month in which the samples
2 were collected.
3

4
5 6. The City shall submit quarterly progress reports to the Department **beginning**
6 **in October 2012** for the third quarter (July – September) of 2012. The
7 progress reports shall provide updated information related to the actions that
8 have occurred during the last quarter to move the water system towards
9 compliance, any problems that may have set the compliance program behind
10 schedule, and the responses planned by the water system to make up any lost
11 time.

12
13 7. The City of Hughson shall make every reasonable attempt to minimize the
14 arsenic concentration in the water provided to the consumers. When wells are
15 required to meet demand, the City shall utilize the wells with the lowest arsenic
16 concentration first. At present, Well No. 3 followed by Well No. 8 has the
17 lowest reported arsenic concentration (below the MCL) and should be utilized
18 before other wells are brought online providing that distribution hydraulics
19 facilitate such well use prioritization. Arsenic concentrations may change over
20 time and the City's required quarterly monitoring will provide regular updates on
21 arsenic concentrations so that well use priorities can be adjusted as needed.
22 Every reasonable attempt shall be made to sequence the use of the lowest
23 arsenic concentration wells before higher arsenic wells.

24 The City shall submit a plan to the Department by **August 31, 2012** for
25 sequencing the use of wells with lower arsenic levels over those with higher
26 arsenic levels within the limitations of distribution system hydraulics. The plan
27 shall include a water conservation program that will help to minimize the use of



1 water from wells with arsenic greater than the MCL until compliance is
2 achieved.

3
4

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

9

10 All submittals required by this Order shall be addressed to:

11 Kassy Chauhan, P.E.
12 Acting District Engineer
13 California Department of Public Health
14 31 East Channel Street, Room 270
15 Stockton, CA 95202

14

15 9. If the City of Hughson water system is unable to perform the tasks specified in
16 this Order for any reason, whether within or beyond its control, and if the City of
17 Hughson water system notifies the Department in writing no less than five days
18 in advance of the due date, the Department may extend the time for
19 performance if the City of Hughson water system demonstrates that it has used
20 its best efforts to comply with the schedule and other requirements of this
21 Order.

22

23

24 10. If the City of Hughson water system fails to perform any of the tasks specified in
25 this Order by the time described herein or by the time subsequently extended
26 pursuant to Item 9 above, the City of Hughson water system shall be deemed
27 to have not complied with the obligations of this Order and may be subject to

1 additional judicial action, including civil penalties specified in H&S Code,
2 Section 116725 and 116730.
3

4
5 11. The State of California shall not be liable for any injuries or damages to
6 persons or property resulting from acts of omissions by the City of Hughson
7 water system, its employees, agents, or contractors in carrying out activities
8 pursuant to this Order, nor shall the State of California be held as a party to any
9 contract entered into by the City of Hughson water system or its agents in
10 carrying out activities pursuant to this Order.
11

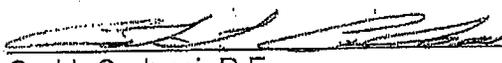
12
13 **PARTIES BOUND**

14 This Order shall apply to and be binding upon the City of Hughson water system, its
15 officers, directors, agents, employees, contractors, successors, and assignees.
16

17 **SEVERABILITY**

18 The requirements of this Order are severable, and the City of Hughson water system
19 shall comply with each and every provision thereof notwithstanding the effectiveness
20 of any provisions.
21
22

23 8-9-2012
24 Date


25 Carl L. Carlucci, P.E.
26 Supervising Sanitary Engineer
27 Central California Section
Southern California Branch
Drinking Water Field Operations

