



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

February 2, 2016

Kelly Murphy
Riverdale Park Tract CSD
PO Box 580343
Modesto, CA 95358

TRANSMITTAL OF COMPLIANCE ORDER NO. DER-16CO-002 FOR URANIUM MCL FAILURE

The Riverdale Park Tract CSD Water System violated the Maximum Contamination Level (MCL) for Uranium in September of 2015, as specified in the Domestic Water Quality a Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Compliance Order No. DER-16CO-002 in response to this violation. The compliance order is being transmitted to the Riverdale Park Tract CSD Water System under cover of this letter. Please respond to each item of the Directives by the deadlines established in the compliance order.

Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Senior Registered Environmental Health Specialist

Enclosure (1)

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STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

TO: Riverdale Park Tract Community Service District
2426 Riverdale Drive
Modesto CA 95358

Attn: Kelly Murphy, Board Member
Riverdale Park Tract Community Service District

COMPLIANCE ORDER NO. DER- 16CO-002
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)
AND THE PRIMARY DRINKING WATER STANDARD FOR URANIUM
WATER SYSTEM NO. 5000019
Issued on February 2, 2016

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Riverdale Park Tract Community Service District Water System (hereinafter, "Riverdale") for violation of the

1 CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter
2 "CCR"), Section 64431.

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116555(a) (1) of the CHSC states in relevant part:**

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

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

9 **Section 116655 of the CHSC states in relevant part:**

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

13 (1) Directing compliance forthwith.

14 (2) Directing compliance in accordance with a time schedule set by the
15 department.

16 (3) Directing that appropriate preventive action be taken in the case of a
17 threatened violation.

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

20 (1) That the existing plant, works, or system be repaired, altered, or added to.

21 (2) That purification or treatment works be installed.

22 (3) That the source of the water supply be changed.

23 (4) That no additional service connection be made to the system.

- 1 (5) That the water supply, the plant, or the system be monitored.
- 2 (6) That a report on the condition and operation of the plant, works, system, or
- 3 water supply be submitted to the Department.

4 **CCR, Title 22, Section 64442 (a), states in relevant part:**

5 (a) Each community and nontransient-noncommunity water system (system) shall
 6 comply with the primary MCL's in Table 64442 in the drinking water supplied to the
 7 public.

8 **Table 64442**
 9 **Radionuclide Maximum Contaminant Levels (MCLs)**
 10 **And Detection Levels for Purposes of Reporting (DLRs)**
 11

<i>Radionuclide</i>	<i>MCL</i>	<i>DLR</i>
Radium-226	5 pCi/L (combined radium-226 & -228)	1 pCi/L
Radium-228		1 pCi/L
Gross Alpha particle activity (excluding radon and uranium)	15 pCi/L	3 pCi/L
Uranium	20 pCi/L	1 pCi/L

12
 13 **CCR Title 22, Section 64442, states in relevant part:**

- 14 (g) If any sample result is greater than an MCL:
 - 15 (1) For a system monitoring less than quarterly, quarterly samples shall be
 - 16 collected and analyzed to determine compliance, pursuant to subsection (h);
 - 17 (2) For a system that already has four consecutive quarterly results,
 - 18 compliance shall be determined pursuant to subsection (h).
 - 19 (3) The system shall monitor quarterly until the results of four consecutive
 - 20 quarterly sample results do not exceed the MCL.

21
 22 (h) A system with one or more sample results greater than an MCL shall determine
 23 compliance with the MCL as follows:

1 (1) At each sampling site, based on the analytical results for that site. Any
2 confirmation sample result shall be averaged with the initial result.

3 (2) Using all monitoring results collected under this section during the previous
4 12 months, even if more than the minimum required number of samples was
5 collected.

6 (3) By a running annual average of four consecutive quarters of sampling
7 results. Averages shall be rounded to the same number of significant figures as the
8 MCL for which compliance is being determined.

9 (A) If any sample result will cause the annual average at any sample site to
10 exceed the MCL, the system shall be out of compliance immediately upon receiving
11 the result;

12 (B) If a system has not analyzed the required number of samples,
13 compliance shall be determined by the average of the samples collected at the site
14 during the most recent 12 months; and

15 (C) If a sample result is less than the DLR in table 64442, zero shall be
16 used to calculate the annual average, unless a gross alpha particle activity is being
17 used in lieu of radium-226, total radium, and/or uranium. In that case, if the gross
18 alpha particle activity result is less than the DLR, $\frac{1}{2}$ the DLR shall be used to calculate
19 the annual average.

20 (4) If compositing is allowed at a sampling site, by the results of a composite of
21 four consecutive quarterly samples.

1 (5) If the system can provide documentation that a sample was subject to
2 sampling or analytical errors, the State Board may invalidate the result based on its
3 review of the documentation, the sampling result, and the historical sampling data.
4

5 **STATEMENT OF FACTS**

6 Riverdale is operated under Water Supply Permit No. 2015-03-014, which was issued
7 on March 16, 2015.
8

9 Riverdale water system is located in Stanislaus County along W. Hatch Road,
10 adjacent to the City of Modesto. Riverdale's service area is approximately 64 acres in
11 size.
12

13 Riverdale's water system is classified as a community water system that serves the
14 residents of the Community Services District. According to the 2014 Annual Report to
15 the Division, Riverdale serves approximately 498 people through 178 service
16 connections. None (0) of these service connections are metered and one hundred
17 seventy-eight (178) are un-metered. The water system obtains its water supply from
18 one active well located in the Riverdale community service district area.
19

20 The well discharges to a 3392-gallon pressure/storage tank, prior to entering the
21 domestic water system. Irrigation demands are not provided by this well.
22

1 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water
2 standards and monitoring and reporting requirements for radionuclide constituents.
3 Community water systems must comply with the maximum contaminant level for
4 Uranium of 20 pCi/L, as established in Title 22 CCR Section 64442.

5
6 Samples collected in December 2014 showed Uranium concentrations over the MCL
7 in water produced by Well 03 West (PS Code 5000019-003) as noted in **Table 1**
8 below. Therefore, in accordance with Section 64442 (g), the Riverdale was required
9 to begin quarterly Uranium monitoring of each non-compliant well, unless it chose to
10 submit an additional sample (which it did not do). Section 64442 (h)(3) provides that
11 compliance with the Uranium MCL is based on a "running annual average" (RAA) of
12 the quarterly monitoring samples, computed each quarter. Furthermore, Section
13 64442 (h)(3)(A) states: "If any sample result will cause the annual average at any
14 sample site to exceed the MCL, the system shall be out of compliance immediately
15 upon receiving the result." A summary of the wells that produce water with Uranium
16 above the MCL is presented in the table below. All results are as reported to the
17 Division by the laboratory that performed the analysis.

18 **Table 1: Uranium Monitoring Results (in pCi/L)**

Sample Quarter	4th Quarter 2014	1st Quarter 2015	2nd Quarter 2015	3rd Quarter 2015	Running Annual Average
Well 03 West	24.0	21.0	23.0	24.0	23.0

19
20 **DETERMINATION**

21 Based on the above Statement of Facts, the Division has determined that the water
22 system has violated the California Health and Safety Code, Section 116555 and

1 Section 64442, Title 22, CCR, since the water produced by Well 03 West during the
2 3rd quarter of 2015 exceeded the Uranium MCL, as shown in **Table 1** above, and
3 continues to be in violation through the date of this Order.

4
5 **DIRECTIVES**

6 The Riverdale is hereby directed to take the following actions:

- 7 1. On or before March 2, 2016, submit a written response to the Division
8 indicating its agreement to comply with the directives of this Order and with the
9 Corrective Action Plan addressed herein.
- 10
- 11 2. Commencing on the date of service of this Order, provide quarterly public
12 notification, in accordance with **Enclosure No. 1**, of the Riverdale's failure to
13 meet the Uranium MCL during any calendar quarter that RAA exceeds the
14 MCL.
- 15
- 16 2. Commencing on the date of service of this Order, submit proof of each public
17 notification conducted in compliance with **Directive No. 2**, herein above, within
18 10 days following each such notification, using the form provided as **Enclosure**
19 **No. 2**.
- 20
- 21 4. Commencing on the date of service of this Order collect quarterly samples for
22 Uranium from each well, as required by Section 64442(g), and ensure that the
23 analytical results are reported to the Division electronically by the analyzing

1 laboratory no later than the 10th day following the month in which the analysis
2 was completed.

3
4 5. Prepare for Division review and approval, and prior to implementation, a
5 Corrective Action Plan identifying improvements to the water system designed
6 to correct the water quality problem (violation of the Uranium MCL) and ensure
7 that the Riverdale delivers water to consumers that meets primary drinking
8 water standards. The plan shall include a time schedule for completion of each
9 of the phases of the project, such as design, construction, and startup, and a
10 date as of which the Riverdale will be in compliance with the Uranium MCL.

11
12 6. On or before April 18, 2016, present the Corrective Action Plan required under
13 **Directive No. 5**, herein above, to the Division in person at the Division's office
14 located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

15
16 7. Perform each and every element of the Division's approved Corrective Action
17 Plan according to its time schedule.

18
19 8. On or before April 10, 2016 and every three months thereafter, submit a report
20 to the Division using the form provided as **Enclosure No. 3** (enclosed) showing
21 actions taken to comply with the Corrective Action Plan during the previous
22 three months.

23

1 9. By no later than July 1, 2018, the Riverdale shall achieve compliance with the
2 uranium maximum contaminant level, with the completion of a project and
3 demonstration that the running annual average is reliably less than the MCL.
4 The Riverdale shall provide written notification of the date that compliance is
5 achieved, no later than ten days following receipt of the laboratory sampling
6 results. Not later than ten (10) days following the date of compliance with the
7 Uranium MCL, demonstrate to the Division that the water delivered by the
8 Riverdale complies with the Uranium MCL.

9
10 10. Notify the Division in writing no later than five (5) days prior to the deadline for
11 performance of each **Directive**, set forth herein, if the Riverdale anticipates it
12 will not timely meet such performance deadline.

13
14 All submittals required by this Order shall be addressed to:

15 Rachel Riess, REHS
16 Department of Environmental Resources
17 3800 Cornucopia Way, Suite C
18 Modesto, CA 95358

19 As used in this Order, the "date of issuance" shall be the date of this Order; and the
20 "date of service" shall be the date this Order was served, personally or by certified
21 mail, to the Riverdale.

22
23 The Division reserves the right to make modifications to this Order and/or to issue
24 further Order(s) as it may deem necessary to protect public health and safety.

1 Modifications may be issued as amendments to this Order and shall become effective
2 upon issuance.

3
4 Nothing in this Order relieves the Riverdale of its obligation to meet the requirements
5 of the California SDWA, or any regulation, standard, permit or Order issued
6 thereunder.

7
8 **PARTIES BOUND**

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

12
13 **SEVERABILITY**

14 The Directives of this Order are severable, and the Riverdale shall comply with each
15 and every provision hereof, notwithstanding the effectiveness of any other provision.

16
17 **FURTHER ENFORCEMENT ACTION**

18 The California SDWA authorizes the Department to: issue a Citation with assessment
19 of administrative penalties to a public water system for violation or continued violation
20 of the requirements of the California SDWA or any regulation, permit, standard,
21 Citation, or Order issued or adopted thereunder including, but not limited to, failure to
22 correct a violation identified in a Citation or Compliance Order. The California SDWA
23 also authorizes the Department to take action to suspend or revoke a permit that has

1 | been issued to a public water system if the public water system has violated
2 | applicable law or regulations or has failed to comply with an Order of the Department;
3 | and to petition the superior court to take various enforcement measures against a
4 | public water system that has failed to comply with an Order of the Department. The
5 | Board does not waive any further enforcement action by issuance of this Order.

6 | 

7 | 2/2/16

8 | Rachel Riess, REHS
9 | Senior Environmental Health Specialist
10 | Division of Environmental Health
11 | Department of Environmental Resources
12 | Stanislaus County

Date

13 | Certified Mail No. 7014 3490 0001 6851 2553

14 | Enclosures: (1) Public Notification Template w/ Instructions
15 | (2) Proof of Public Notification Form
16 | (3) Quarterly Progress Report