



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

September 28, 2016
Certified Mail/Return
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Sutter County WWD#1 (Robbins)
1130 Civic Center Boulevard
Yuba City, CA 95993

Attention: Danelle Stylos, Director of Development Services

Subject: Sutter Co. WWD#1 (Robbins), Public Water System No. 5100107 – Compliance Order No. 21-16R-005 for Exceedance of the Manganese Maximum Contaminant Level and Non-Compliance of a Directive in Compliance Order No. 01-21-09(O)51001.

Enclosed is a Compliance Order for violation of the maximum contaminant level (MCL) for manganese and non-compliance of a directive given in Compliance Order No. 01-21-09(O)51001 (issued in January 2009). Please read the Order carefully, paying special attention to the directives therein.

Section 116577 of the Health and Safety Code allows the Water Board to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order. Currently, the hourly rate is approximately \$153.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

A handwritten signature in black ink, appearing to read "R. Crenshaw".

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: F.W. (Frosty) Southard, Sutter Co. Facilities Maintenance Supervisor

Enclosures

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

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

Public Water System: Sutter County WWD#1 (Robbins)
Water System No.: 5100107

To: Sutter County WWD#1 (Robbins)
Attn: Danelle Stylos
1130 Civic Center Boulevard
Yuba City, CA 95993

Issued: September 28, 2016
VIA CERTIFIED MAIL
7012 3460 0003 1112 7574

COMPLIANCE ORDER NO. 21-16R-005
FOR
NONCOMPLIANCE OF THE MANGANESE MAXIMUM CONTAMINANT LEVEL,
AND NONCOMPLIANCE OF A COMPLIANCE ORDER DIRECTIVE

Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act or any regulation, standard, permit, or order issued thereunder.

1 The State Water Resources Control Board (hereinafter "Board"), acting by and
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
3 for the Division, hereby issues this compliance order (hereinafter "Order") pursuant
4 to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to
5 the Sutter County WWD#1 (Robbins) water system (hereinafter, "Water System") for
6 violation of Section 116655(a)(1) of the CHSC, Section 64449 of title 22, California
7 Code of Regulations (hereinafter "CCR").

8
9 **APPLICABLE AUTHORITIES**

10 **Section 116555 of the CHSC states in relevant part:**

11 *(a) Any person who owns a public water system shall ensure that the system*
12 *does all of the following:*

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

14 *(3) Provides a reliable and adequate supply of pure, wholesome,*
15 *healthful, and potable water.*

16
17 **Section 116655 of the CHSC states in relevant part:**

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

22 *(1) Directing compliance forthwith.*

23 *(2) Directing compliance in accordance with a time schedule set by the*
24 *department.*

25 *(3) Directing that appropriate preventive action be taken in the case of*
26 *a threatened violation.*

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

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

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

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

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

8 (5) That the water supply, the plant, or the system be monitored.

9 (6) That a report on the condition and operation of the plant, works,
10 system, or water supply be submitted to the department.

11
12 **Section 64431 of the CCR states in relevant part:**

13 *Public water systems shall comply with the primary MCLs in table 64431-A.*

14 (Specifically, Table 64431- A indicates an Arsenic MCL of 0.010 mg/L (10
15 ppb))

16
17 **Section 64449 of the CCR states in relevant part:**

18 (a) *The secondary MCLs shown in Tables 64449-A and 64449-B shall not be
19 exceeded in the water supplied to the public by community water systems.*

20 (Specifically, Table 64449-A indicates a Manganese MCL of 0.05 mg/L (50
21 ppb))

22 (c) *If the level of any constituent in Table 64449-A exceeds an MCL, the
23 community water system shall proceed as follows:*

24 (1) *If monitoring quarterly, determine compliance by a running annual
25 average of four quarterly samples;*

26 (4) *After one year of quarterly monitoring during which all the results
27 are below the MCL and the results do not indicate any trend toward*

1 *exceeding the MCL, the system may request the State Board to*
2 *allow a reduced monitoring frequency.*

3
4 **Section 64449.2(a) of the CCR states in relevant part:**

5 *(a) If the average of four consecutive quarters of sample results for a*
6 *constituent that does not have a primary MCL is not greater than three*
7 *times the secondary MCL or greater than the State Notification Level, an*
8 *existing community water system is eligible to apply for a nine-year waiver*
9 *of a secondary MCL in Table 64449-A, for the following:*

10 *(1) An existing source; or*

11 *(2) A new source that is being added to the existing water system, as*
12 *long as:*

13 *(A) The source is not being added to expand system capacity*
14 *for further development; and*

15 *(B) The concentration of the constituent of concern in the new*
16 *source would not cause the average value of the*
17 *constituent's concentration at any point in the water*
18 *delivered by the system to increase by more than 20%.*

19
20 **Directive No. 3 of Compliance Order No. 01-21-09(O)51001 states in relevant**
21 **part:**

22 *1) Beginning by no later than September 30, 2009, and continuing until the*
23 *Water Supplier has achieved compliance with the maximum contaminant*
24 *level for arsenic, the Water Supplier shall submit a quarterly letter to the*
25 *Department by no later than the last day of each calendar quarter that*
26 *describes:*

27 *(a) Compliance milestones achieved.*

1 (b) Proposed revisions to the Compliance Report, if any.

2 (c) Any new information relative to achieving compliance, if any.

3
4 **STATEMENT OF FACTS**

5 The Water System is a community water system located in Sutter County that
6 supplies water for domestic purposes to approximately 350 persons. The Water
7 System utilizes the Wagner Aviation Well as its source of domestic water.

8
9 Beginning in 2006 to the present, manganese levels in the treated well water have
10 recurrently exceeded the 50 ppb MCL; ranging from "no detect" to 735 ppb.

11 As shown in the most recent running annual average (RAA) results below, treated
12 water from the Wagner Aviation Well continues to exceed the MCL for manganese.

13 As noted in the table below, the Water System did not collect and report the results
14 of the required first quarter manganese sample for 2016.

15

Sample Quarter	Date	Wagner Aviation Well – Treated (Manganese)	Running Annual Average (RAA)
1Q2015	3/3/2015	150 ppb	
2Q2015	4/29/2015	300 ppb	
2Q2015	6/2/2015	ND	
3Q2015	9/1/2015	31 ppb	
4Q2015	12/1/2015	10 ppb*	98 ppb
2Q2016	6/1/2016	282 ppb	81 ppb**

16 * Initial 4Q2015 result was 590 ppb, but retest showed 10 ppb.

17 ** Result based on most recent data – 1Q2016 result was not collected.

18
19 Furthermore, as a result of an earlier arsenic MCL exceedance from this source,
20 beginning in the year 2000, the Water System was required to follow specific

1 directives within Compliance Order No. 01-21-09(O)51001 (issued January of 2009)
2 and amended Compliance Order No. 21-15R-008 (issued December of 2015) to
3 address this violation.

4
5 In response to Directive No. 1 of Compliance Order 01-21-09(O)51001, the Water
6 System applied for, and received a State Revolving Fund grant to perform a
7 planning study for the purpose of determining the most feasible alternative to
8 achieve compliance with the MCL for arsenic. The findings of this study showed that
9 construction of a new domestic well and arsenic treatment plant would be the most
10 feasible alternative. The study also required the development of design plans and
11 specifications for this project alternative. Following the completion of the study, the
12 Water System was to work toward the acquisition of construction funding and finish
13 the development of plans and specifications and carry out construction of the chosen
14 project.

15
16 Since the planning study completion early in 2016, it has become uncertain whether
17 the Water System is continuing to pursue the acquisition of construction funds in
18 order to achieve compliance with the arsenic MCL and whether plans and
19 specifications are being completed. Per Directive No. 3 of Compliance Order 01-21-
20 09(O)51001, the Water System is required to submit quarterly reports regarding their
21 progress towards achieving compliance. According to Division records, the Water
22 System has not submitted required quarterly progress reports to the Division since
23 April 2014.

DETERMINATIONS

Based on the above Statement of Facts, The Division has determined that the Water System is in violation of Section 116555 of the CHSC, and Section 64449 of the CCR, for the following reasons:

1. The treated water produced by the Wagner Aviation Well exceeds the manganese MCL.
2. Failure to submit quarterly progress reports pursuant to directive No. 3 of Compliance Order No. 01-21-09(O)51001.

DIRECTIVES

The Water System is hereby directed to complete the following actions to achieve compliance with the MCL for arsenic and manganese:

1. Submit a written response by **October 14, 2016**, indicating a willingness to comply with the directives of this order.
2. On or before **November 10, 2016**, the Water System must submit a progress report and **every month thereafter** until construction of the chosen project is completed. The Water System may use the Monthly Progress Report template in Attachment A, or equivalent. Progress reports must be submitted on or before the tenth day of each month. The Division may relax the reporting frequency at its discretion.

- 1 3. On or before **January 1, 2017**, the Water System must show proof of an
2 application to secure funding for construction of the chosen project
3 determined in the planning study.
- 4 4. On or before **June 1, 2017**, the Water System must show proof that
5 funding has been secured for construction of the chosen project
6 determined in the planning study
- 7
- 8 5. On or before **December 31, 2018**, the Water System must comply with
9 the maximum contaminant level for manganese as specified in Section
10 64449 of the CCR, or seek a waiver per Section 64449.2 of the CCR.
- 11
- 12 6. Continue quarterly manganese monitoring per Section 64449 of the CCR.

13

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

15 Reese B. Crenshaw, P.E.
16 Valley District Engineer
17 Drinking Water Field Operations
18 Division of Drinking Water
19 State Water Resources Control Board
20 364 Knollcrest Drive, Suite 101
21 Redding, CA 96002
22 (530) 224-4800

23

24 Nothing in this Order relieves the Water System of its obligation to meet the
25 requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California
26 Safe Drinking Water Act), or any regulation, permit, standard or order issued or
27 adopted thereunder.

1 The Division reserves the right to make such modifications to this Order, as it may
2 deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Order and shall be effective upon issuance.

4
5 **FURTHER ENFORCEMENT ACTION**

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

17
18 **PARTIES BOUND**

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

21
22 **SEVERABILITY**

23 The directives of this Order are severable, and the Water System shall comply with
24 each and every provision thereof notwithstanding the effectiveness of any other
25 provision.

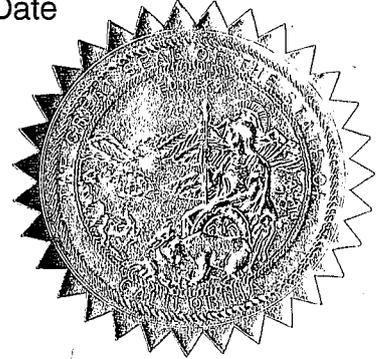
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Richard L. Hinrichs

9/28/2016

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

Date



Attachments:

'A' Monthly Progress Report

cc: F.W. (Frosty) Southard, Sutter Co. Facilities Maintenance Supervisor

Monthly Progress Report

Water System: Sutter Co. WWD#1 (Robbins)	Water System No.: 5100107
Compliance Order No. 21-16R-005	Violation: Exceedance of Manganese and Arsenic MCLs
Calendar Month:	Date Prepared:

This form should be prepared and signed by water system personnel with appropriate authority to implement the directives of the Compliance Order. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each month to the Division of Drinking Water, Valley District Office.

Summary of progress in the reporting month:

Anticipated compliance date : December 31, 2018

Name

Signature

Title

Date