

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **NORTH KAWEAH MUTUAL WATER COMPANY**
System No. 5400506

TO: Board of Directors
North Kaweah Mutual Water Company
P.O. Box 94
Three Rivers, CA 93271

CC: County of Tulare
Health & Human Services Agency
5957 S. Mooney Boulevard
Visalia, CA 93277

**COMPLIANCE ORDER
FOR
VIOLATION OF THE SURFACE WATER TREATMENT RULE**

Issued on May 21, 2013

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 North Kaweah Mutual Water Company's water system (hereinafter Water System) is a community water system that supplies water for domestic purposes to a community population of approximately 75 persons served through 32 service connections. The Water

1 System utilizes 2 (two) active groundwater wells which are under the direct influence of
2 surface water from the Kaweah River. The Water System is operating under the authority
3 of Permit No. 622 issued by Tulare County Health and Human Services Agency
4 (hereinafter County) on August 13, 2002. On October 1, 2011 regulatory oversight for the
5 Water System was transferred from the County to the California Department of Public
6 Health - Drinking Water Program (Department), Visalia District.
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9 The Water System was issued Compliance Order No. 2001-10 by the County for failing to
10 provide adequate filtration of the raw water as required by the Surface Water Treatment
11 Rule (SWTR). The Compliance Order directed the Water System to develop a plan for
12 improvements that would provide a reliable and adequate source of water supply along
13 with providing quarterly public notification to the Water System's customers every quarter
14 that the system failed to comply with the SWTR. In addition, the 2002 County permit
15 required the Water System to install an approved treatment process by December 31, 2002,
16 in order to comply with the requirements and performance standards required in the
17 SWTR.
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21 Based on a review of the records on file with the Department, it appears that a filtration
22 system was installed prior to October of 2002 which consisted of 3 (three) parallel
23 Strainrite filters (later changed to Aqua-Rite bag filters) and a dedicated pipeline to
24 existing storage tanks. This alternative filtration has been identified as bag filtration
25 technology with a finished water turbidity that should be less than 0.1 NTU (nephelometric
26 turbidity units) in 95 percent of the measurements taken each month and should not exceed
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1 0.5 NTU at any time. Beginning with October 2002, and almost every month thereafter,
2 the Water System has failed to meet 0.1 NTU performance standard in 95 percent of the
3 measurements.
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6 Multiple Notices of Violations were issued to the Water System while under the County's
7 jurisdiction for not complying with the turbidity performance standards. The Water
8 System has provided public notification to the customers of the Water System since
9 October of 2002 informing them of the violations. It should also be noted that by letter
10 dated October 4, 2006, the Water System was allowed to discontinue the use of the bag
11 filters since the filtration process proved to be an inadequate treatment process of the raw
12 water. This same letter dictated that continuous chlorination of the distribution system
13 must be continued along with public notification to the customers.
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16 Since the onset of the transfer in regulatory oversight to the Department in October 2011,
17 the Water System has been providing a Boil Water Order to the customers of the Water
18 System because they are delivering untreated surface water to its customers.
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20 In 2012, upon invitation by the Department, the Water System submitted a Prop 50
21 application for a package surface water treatment plant. A Prop 50 funding agreement has
22 been executed in the amount of 1.99 million dollars for a package surface water treatment
23 plant. The project will be a consolidation of 2 water systems: the North Kaweah Mutual
24 Water Company and the Tract 403 water system. The Water System is now in the process
25 of seeking bids for construction. The project completion date could conceivably occur
26 during the summer of 2014.
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1 Due to the ongoing turbidity performance standard violations as previously noted, the
2 above violation is classified as a **continuing** violation.
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5 **CONCLUSIONS OF LAW**

6 Based on the above Findings, the Department has determined that the North Kaweah
7 Mutual Water Company's water system has violated provisions contained in the California
8 Health and Safety Code and Title 22, California Code of Regulations (CCR). These
9 violations include, but are not limited to the following:
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- 11 1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the Water System
12 has failed to provide water that complies with primary drinking water standards.
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- 14 2. H&S Code Section 116555(a)(3). Specifically, the Water System failed to ensure that a
15 reliable and adequate supply of pure, wholesome, healthful, and potable water is
16 provided to all of its consumers.
17
- 18 3. Title 22, Division 4, Chapter 17, Section 64652. Specifically, the Water System has
19 failed to provide multibarrier treatment that reliably ensures that 3-log *Giardia lamblia*
20 cysts and 4-log viruses are reduced through filtration and disinfection.
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- 22 4. Title 22, Division 4, Chapter 17, Section 64653. Specifically the Water System has
23 failed to provide 1 (one) of the 4 (four) approved filtration technologies.
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ORDER

In order to ensure that the water supplied by the North Kaweah Mutual Water Company 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 H&S Code Section 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
- 2. The Water System has in place a funded project for improvements to the water system that will be designed 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 project completion date shall be no later than **December 31, 2014.**
- 3. The Water System shall submit quarterly progress reports to the Department beginning on **July 10, 2013.** The quarterly progress reports shall describe the status of compliance with the plan and the proposed project. The quarterly progress report shall be provided by the 10th day of the following month of each quarter.
- 4. The Water System shall continue to provide public notification to all customers informing them of the need to boil their water for any time period that the water does not meet the requirements of the SWTR. The notification to the public shall be **repeated every three months as long as the violation exists** and must include

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the mandatory language contained in **Attachment A**. The notice should be mailed or hand-delivered to the customers of the Water System.

5. Notification shall be provided by the Water System continuously until the problem is corrected. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification. The proof of notification form is included in **Attachment B**.
6. The Water System shall continue to provide disinfection of the water delivered from its sources until further notice.
7. The Water System shall submit a written response by **June 10, 2013**, indicating its willingness to comply with the directives of this Compliance Order.
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 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:

Tricia A Wathen, P.E.
Senior Sanitary Engineer
Department of Public Health
Southern California Branch
Drinking Water Field Operations
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

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9. If the Water System is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the 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 Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

10. If the 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 9 above, the 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.

11. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the 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 Water System or its agents in carrying out activities pursuant to this Order.

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PARTIES BOUND

This Order shall apply to and be binding upon North Kaweah Mutual Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

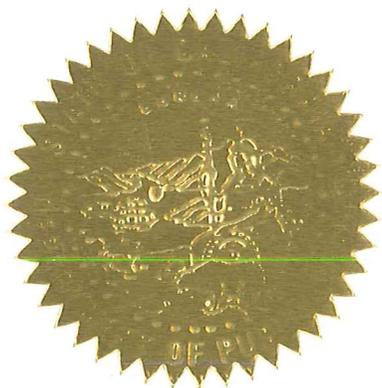
The requirements of this Order are severable, and North Kaweah Mutual Water Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

5-21-2013
Date


Carl L. Carlucci, P.E., Chief
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CLC/TAW/LR
Attachment A: Boil Water Order template
Attachment B: Proof of Notification template

03-12-13R-002-5400506-42c FiltAvoid ID 5.21.13



BOIL WATER ORDER

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

DRINKING WATER WARNING
BOIL YOUR WATER BEFORE USING

Failure to follow this advisory could result in stomach or intestinal illness.

The water delivered to the customers of the North Kaweah Mutual Water Company (North Kaweah MWC) is impacted by surface water from the Kaweah River and is not treated. Untreated surface water may have disease-causing organisms that if left untreated may cause stomach or intestinal illness. The California Department of Public Health in conjunction with the North Kaweah MWC Water System are advising residents to use boiled tap water or bottled water for drinking and cooking purposes as a safety precaution.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- *These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.* The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers.

What happened? What is being done?

[Describe the outbreak, corrective action, and when the outbreak might end]. _____

We will inform you when you no longer need to boil your water.

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)]:

- **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 North Kaweah Mutual Water Co.

Date: _____

PROOF OF NOTIFICATION
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **North Kaweah Mutual Water Company** of the failure to comply with the Surface Water Treatment Rule for the:

Circle one: 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____
(date)

To summarize report delivery used and good-faith efforts used, please check all items below that apply and fill-in where appropriate:

The notice was distributed by mail or direct delivery to each customer served by the water system. Specify other direct delivery method(s) used: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.): _____

Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____

Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

Posted the notice on the Internet at www. _____

Other method used to notify customers. _____

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 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 the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by: Name _____

Signature _____

Title _____

Date _____

Due to the Dept. of Public Health within 10 days of notification to the public
Enforcement Action No.: 03-12-13R-002