CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

March 3, 2015
System No.: 5400713

Ms. Kerry Beauchaine, Principal
Oak Valley School
24500 Road 68
Tulare, CA 93274

RE: **Compliance Order No. 03-24-15R-010**
Violation of the Arsenic Maximum Contaminant Level

Dear Ms. Beauchaine:

Enclosed is a Compliance Order issued to the Oak Valley School (School) public water system.

As directed in the enclosed Compliance Order, please provide recognition of receipt of this Compliance Order and the School's intent to comply with the Order to the Division of Drinking Water, Tulare District office by April 1, 2015.

If you have any questions regarding this letter or the enclosed Compliance Order, please contact the Tulare District office at (559) 447-3300.

Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CJF/MRC
Enclosures

CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Oak Valley School
ATTN: Ms. Kerry Beauchaine, Principal
24500 Road 68
Tulare, CA 93274

COMPLIANCE ORDER NO. 03-24-15R-010 FOR VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555 (a)(1) AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC

Dated March 3, 2015

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Oak Valley School for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

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

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

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

CHSC, Section 116655 states in relevant part:

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

(1) Directing compliance forthwith.

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

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

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

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

(2) That purification or treatment works be installed.

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

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

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

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

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

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Arsenic	0.010

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

Section 64432

...

(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 Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the Department 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 Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

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

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

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

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

(B) Not return the source to service without written approval from the Department.

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

STATEMENT OF FACTS

Division is informed by the Water System and believes that the Oak Valley School water system (hereinafter "Water System") is a nontransient noncommunity water system located in Tulare County that supplies water for domestic purposes to approximately 300 individuals through 7 service connections. The Water System operates under a Domestic Water Supply Permit issued by Tulare County Environmental Health Services (County) on February 5, 2008. The Water System is a nontransient noncommunity public water system as defined in CHSC, section 116275.

The Water System utilizes one groundwater well as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant level for arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.

Samples collected from the Water System on April 5, 2012, showed an arsenic concentration of 0.018 mg/L in Well 01. Therefore, in accordance with Section 64431 (g), the Water System was required to begin quarterly arsenic monitoring of the well, unless it chose to submit an additional sample, which it did not do. Section 64431 (i) provides that compliance with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64431 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

A summary of the Water System's arsenic monitoring is presented in Table 1 below. All results are as reported to the Division by the laboratory that performed the analysis.

Table 1: Well 01 Arsenic Monitoring Results

Sample Quarter	Well 01
2Q 2012	0.018 mg/L
3Q 2012	0.018 mg/L
4Q 2012	0.017 mg/L
1Q 2013	0.017 mg/L
2Q 2014	0.016 mg/L
4Q 2014	0.017 mg/L
4Q 2014 Running Annual Average	**0.017 mg/L**

The fourth quarter 2012 RAA for Well 01, calculated as the sample results averaged over a four quarter period, is 0.013 mg/L, which exceeds the arsenic MCL of 0.010

mg/L. Results of samples taken from water produced from Well 01 since 2012 show the RAA for arsenic in said Well continues to exceed the arsenic MCL.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has violated CHSC, Section 116555 and Section 64431 in that the water produced by Well 01, during the fourth quarter of 2012, exceeded the arsenic MCL as shown in Table 1 above, and further has determined that said violation has continued from November 29, 2012 and through the date of this Order.

DIRECTIVES

Water System is hereby directed to take the following actions:

1. On or before March 1, 2018, comply with Title 22, CCR, Section 64431 and remain in compliance.

2. On or before April 1, 2015, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment A, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment B, hereto.

5. Commencing on the date of service of this Order collect quarterly samples for arsenic from Well 01, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

6. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets 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, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than March 1, 2018.

7. On or before June 1, 2015, present the Corrective Action Plan required under Directive No. 6, above, to the Division in person at the Division's offices located at 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704.

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

9. On or before April 10, 2015, and every three months thereafter, submit a report to the Division (use Attachment C), showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Division that the water delivered by Water System complies with the arsenic MCL.

11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Chad Fischer, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Tulare District
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

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 Water System.

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 Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

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

SEVERABILITY

The Directives of this Order are severable, and Water System 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.

3/3/2015

Carl Carlucci, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water

Date

Certified Mail No. 7010 3090 0002 0396 4796

Attachments
Attachment A: Instructions for Tier 2 Arsenic MCL Notice Template
Attachment B: Proof of Notification
Attachment C: Quarterly Progress Report

Instructions for Tier 2 Arsenic MCL Notice Template

Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) 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.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
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 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 arsenic 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 arsenic."
- "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.

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.

Oak Valley School Has Levels of Arsenic 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 arsenic levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of 0.010 milligrams per liter.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. 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 to getting cancer.*
- 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)]:

- 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 Oak Valley School.

State Water System ID#: __5400713___. Date distributed: _____.

Attachment B

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Fresno District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Oak Valley School

Public Water System No.: 5400713

Public notification for **failure to comply with the** Arsenic MCL **for the quarter of 20** ___ was performed by the following method(s) (check and complete those that apply):

☐ The notice was mailed to users on: _____
  ☐ A copy of the notice is attached.

☐ The notice was hand delivered to water customers on: _____
  ☐ A copy of the notice is attached.

☐ The notice was published in the local newspaper on: _____
  ☐ A copy of the newspaper notice is attached.

☐ The notice was published in conspicuous places on: _____
  ☐ A copy of the notice is attached.
  ☐ A list of locations the notice was posted is attached.

☐ The notice was delivered to community organizations on: _____
  ☐ A copy of the notice is attached.
  ☐ A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

_____
Printed Name

_____
Title

_____
Signature

_____
Date

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 each day that the 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.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers
System Number: 5400713
Enforcement Action No. 03-24-15R-010

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, Tulare District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date