State Water Resources Control Board
Division of Drinking Water

September 28, 2018

System No. 1510013

Mario Gonzales, Public Works Director
City of McFarland
401 West Kern Avenue
McFarland, CA 93250

COMPLIANCE ORDER NO. 03_12_18R_041
1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION FOR 2018

Dear Mr. Gonzales:

Enclosed is Compliance Order No. 03_12_18R_041 (hereinafter "Order") issued to the City of McFarland (hereinafter "Water System") public water system. **Please note there are legally enforceable deadlines associated with this Order starting on page 4 of the Order.**

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately 1.5 hours on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued <u>under authority delegated to an officer or employee of the state board</u> under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Lauren Pham of my staff at 559-447-3484 or me at 559-447-3300.

Sincerely,

Tricia A. Wathen

Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

District webpage: http://www.waterboards.ca.gov/drinking_water/programs/districts/visalia_district.shtml

Certified Mail No. 7018 0040 0000 3159 8404

TAW/LP
Enclosures

cc: Kern County Environmental Health Department

Compliance Order No. 03_12_18R_041

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: City of McFarland

Water System No: 1510013

Attention: Mario Gonzales, Public Works Director
401 West Kern Avenue
McFarland, CA 93250

Issued: September 28, 2018

COMPLIANCE ORDER FOR NONCOMPLIANCE CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(A)(1) AND CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444

1,2,3- TRICHLOROPROPANE MAXIMUM CONTAMINANT LEVEL VIOLATION THIRD QUARTER OF 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California

SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues Compliance Order No. 03_12_18R_041 (hereinafter "Order"), pursuant to Section 116655 of the CHSC to the City of McFarland (hereinafter "Water System"), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64444 Maximum Contaminant Levels (hereinafter "MCL") – Organic Chemicals.

A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is classified as a community public water system with a population of 15,105 persons served through 2,804 service connections. The City of McFarland operates under Domestic Water Supply Permit No. 03-12-08P-004 issued by the State Water Board on April 10, 2008. The Water System is using groundwater sources to supply potable water to the distribution system: Well 06 – Raw, Garzoli Well – Raw, and Browning Rd Well – Raw.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

CCR, Title 22, Section 64444, Maximum Contaminant Levels – Organic Chemicals states that public water systems shall comply with the primary MCLs established in table 64444-A (see Appendix 1). The MCL for 1,2,3-TCP is 0.000005 milligrams per liter (hereinafter "mg/L").

CCR, Title 22, Section 64445. 1(c)(5)(B) Repeat Monitoring and Compliance – Organic Chemicals states that water systems serving more than 3,300 persons shall sample monthly for six months and shall submit the results to the State Board. If the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples does not exceed the MCL the water supplier may reduce the sampling frequency to once every three months. If the running annual average or the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples exceeds the MCL, the water system shall be deemed to be in violation of Section 64444.

The State Water Board received laboratory results for three (3) 1,2,3-TCP samples collected on March 19, 2018, June 5, 2018, and July 19, 2018, from Browning Rd Well - Raw. The six-month average 1,2,3-TCP concentration from the three samples was 0.000006 mg/L. A summary of the Water System's most recent 1,2,3-TCP monitoring results are presented in Table 1 below:

Table 1 – Browning Rd Well – Raw 1,2,3-TCP Sample Results (mg/L)
(1,2,3-TCP MCL is 0.000005 mg/L)

Compliance Period	Sample Date	Result
1st Quarter 2018	3/19/2018	0.000020
1st Month Follow-up	6/5/2018	0.000015
2nd Month Follow-up	7/19/2018	0.0000078
Six-month Running Average (RA):		**0.000006***

* If any one sample or average of monthly samples would cause the six-month average to exceed the MCL, the water system is immediately in violation.

1,2,3-TCP results from Garzoli Well – Raw is also showing detections of 1,2,3-TCP. Garzoli Well – Raw was sampled for 1,2,3-TCP on June 5, 2018. The sample showed a 1,2,3-TCP concentration of 0.000015 mg/L. The Water System will continue with initial monitoring of this well.

DETERMINATION

Furthermore, this Order will extend to the Water System's additional source(s) in the event a compliance determination, made by the State Water Board, finds that the Water System's additional source(s) fail to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, the Water System is hereby directed to take the following actions:

1. By **September 28, 2021**, comply with CCR, Title 22, Section 64444.

2. Quarterly sampling for 1,2,3-TCP from Browning Rd Well – Raw shall begin with the **3rd quarter** and must continue every quarter thereafter. The analytical result(s) of the sample(s) must be submitted electronically to the State Water Board, by the laboratory, that conducts the analysis, no later than the tenth day of the month following completion of the analyses.

3. Monthly sampling for 1,2,3-TCP from Garzoli Well – Raw must continue until six months of monthly monitoring has been completed or a compliance determination has made by the State Water Board.

4. By **October 28, 2018**, notify all persons served by the Water System of the violation of CCR, Title 22, Section 64444, in conformance with Sections 64463.4 and 64465. Public notification to the persons served by the Water System shall continue every three months until the State Water Board determines that the 1,2,3-TCP contamination is resolved. Appendix 2: Notification Template must be used to fulfill this directive, unless otherwise approved by the State Water Board.

5. Complete Appendix 3: Certification of Completion of Public Notification Form. Submit it together with a copy of the public notification required by Directive No. 4 to the State Water Board within 10 days following distribution of each quarterly notification. The first quarterly certification of completion of public notification form is due by **January 10, 2018.**

6. Prepare for State Water Board approval, a Corrective Action Plan, identifying improvements to the water system designed to correct the water quality problems identified as an exceedance of the 1,2,3-TCP 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 1,2,3-TCP MCL, which date shall be no later than **September 28, 2021.**

7. On or before **November 30, 2018**, submit and present the Corrective Action Plan to the State Water Board's office located at 265 W. Bullard Ave., Suite 101, Fresno, CA 93722.

8. Perform the State Water Board approved Corrective Action Plan, and each and every element of said plan, according to the time schedule set forth therein.

9. On or before **November 30, 2018**, the Water System shall submit a plan to the State Water Board of how the use of Browning Rd Well – Raw will be minimized to reduce 1,2,3-TCP exposure from water produced at this well.

10. On or before **October 30, 2018**, and every month thereafter, the Water System must record the monthly production at all of their sources, and submit a running report of the monthly production from each source to the State Water Board.

11. On or before **January 10, 2018**, and every three months thereafter, submit a report to the State Water Board in the form provided as Appendix 4 showing actions taken during the previous quarter (calendar three months) to comply with the Corrective Action Plan.

12. This Order and its directives shall become effective for any additional Water System source(s) in the event that the State Water Board determines that other sources are in violation of the 1,2,3-TCP MCL. The Water System should take into account that the likelihood of this occurring is highly possible and include any additional sources in the Corrective Action Plan with an appropriate timeline.

13. Not later than ten (10) days following **September 28, 2021**, demonstrate to the State Water Board that the water delivered by the Water System complies with the 1,2,3-TCP MCL.

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

15. By **October 28, 2018**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Order as Appendix 5. Completion of this form confirms that the Water System has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals required by this Citation, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation must include the following information: <u>Water System name and number, citation number and title of the document being submitted.</u>

Tricia A. Wathen, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Visalia District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

Dwpdist12@waterboards.ca.gov

The State Water Board reserves the right to make 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.

Nothing in this Order relieves the Water System of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted 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 the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order 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 State Water 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 State Water 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 State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Order.

9-28-2018

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

Date

Appendices (5):
1. Applicable Statutes and Regulations
2. Notification Template
3. Certification of Completion of Public Notification
4. Quarterly Progress Report
5. Notification of Receipt

Certified Mail No. 7018 0040 0000 3159 8404

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR Compliance Order No. 03_12_18R_041 1,2,3-TCP Maximum Contaminant Level Violation

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271. Transition of CDPH duties to State Board states in relevant part:

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).

(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.

(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.

(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).

(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.

(6) Chapter 7 (commencing with Section 116975).

(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).

(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).

(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.

(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116275. Definitions states in relevant part:

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

Section 116555. Operational requirements 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.

(2) Will not be subject to backflow under normal operating conditions.

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

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

(1) Preparing, issuing, and monitoring compliance with, an order or a citation.

(2) Preparing and issuing public notification.

(3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625. Revocation and suspension of permits states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650. Citations states:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116655. Orders states:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board 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 state board.

(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 state board.

Section 116701. Petitions to Orders and Decisions states:

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

(A) Denial of an application for certification or accreditation under Section 100855.

(B) Issuance of an order directing compliance under Section 100875.

(C) Issuance of a citation under Section 100880.

(D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations, Title 22 (CCR):

Section 64444. Maximum Contaminant Levels--Organic Chemicals states:
The MCLs for the primary drinking water chemicals shown in table 64444-A shall not be exceeded in the water supplied to the public.

Table 64444-A
Maximum Contaminant Levels Organic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
(a) Volatile Organic Chemicals (VOCs)	
Benzene	0.001
Carbon Tetrachloride	0.0005
1,2-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.005
1,1-Dichloroethane	0.005
1,2-Dichloroethane	0.0005
1,1-Dichloroethylene	0.006
cis-1,2-Dichloroethylene	0.006
trans-1,2-Dichloroethylene	0.01
Dichloromethane	0.005
1,2-Dichloropropane	0.005
1,3-Dichloropropene	0.0005
Ethylbenzene	0.3
Methyl-*tert*-butyl ether	0.013
Monochlorobenzene	0.07
Styrene	0.1
1,1,2,2-Tetrachloroethane	0.001
Tetrachloroethylene	0.005
Toluene	0.15
1,2,4-Trichlorobenzene	0.005
1,1,1-Trichloroethane	0.200
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Trichlorofluoromethane	0.15
1,1,2-Trichloro-1,2,2-Trifluoroethane	1.2
Vinyl Chloride	0.0005
Xylenes	1.750*

Table 64444-A (continued)
Maximum Contaminant Levels Organic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
(b) Synthetic Organic Chemicals (SOCs)	
Alachlor	0.002
Atrazine	0.001
Bentazon	0.018
Benzo(a)pyrene	0.0002
Carbofuran	0.018
Chlordane	0.0001
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.004
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002

Ethylene Dibromide	0.00005
Glyphosate	0.7
Heptachlor	0.00001
Heptachlor Epoxide	0.00001
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.03
Molinate	0.02
Oxamyl	0.05
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated Biphenyls	0.0005
Simazine	0.004
Thiobencarb	0.07
Toxaphene	0.003
1,2,3-Trichloropropane	0.000005
2,3,7,8-TCDD (Dioxin)	3 x 10-8
2,4,5-TP (Silvex)	0.05

Section 64445. Initial Sampling - Organic Chemicals states:

(a) Each community and nontransient-noncommunity water system shall collect four quarterly samples during the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993, from each water source at a site prior to any treatment and test for all applicable organic chemicals listed in table 64444-A. The State Board will designate the year based on historical monitoring frequency and laboratory capacity. For surface sources, the samples shall be taken at each water intake. For groundwater sources, the samples shall be taken at each well head. Where multiple intakes or wells draw from the same water supply, the State Board will consider sampling of representative sources as a means of complying with this section. Selection of representative sources shall be based on evidence which includes a hydrogeological survey and sampling results. Wells shall be allowed to flow for a minimum of 15 minutes before sampling to insure that the samples reflect the water quality of the source. In place of water source samples, a supplier may collect samples at sites located at the entry points to the distribution system. The samples shall be representative of each source after treatment. The system shall collect each sample at the same sampling site, unless a change is approved by the State Board.

(b) For any organic chemical added to table 64444-A, the water system shall initiate the quarterly monitoring for that chemical in January of the calendar year after the effective date of the MCL.

(c) A water system may request approval from the State Board to composite samples from up to five sampling sites, provided that the number of the sites to be composited is less than the ratio of the MCL to the DLR in §64445.1. Approval will be based on a review of three years of historical data, well construction and aquifer information for groundwater, and intake location, similarity of sources, and watershed characteristics for surface water. Compositing shall be done in the laboratory and analyses shall be conducted within 14 days of sample collection.

(1) Systems serving more than 3,300 persons shall composite only from sampling sites within a single system. Systems serving 3,300 persons or less may composite among different systems up to the 5-sample limit.

(2) If any organic chemical is detected in the composite sample, a follow-up sample shall be analyzed within 14 days from each sampling site included in the composite for the contaminants which were detected. The water supplier shall report the results to the State Board within 14 days of the follow-up sample collection. If available, duplicates of the original sample taken from each sampling site used in the composite may be used instead of resampling.

(d) A water system may apply to the State Board for a monitoring waiver for one or more of the organic chemicals on table 64444-A in accordance with the following:

(1) A source may be eligible for a waiver if it can be documented that the chemical has not been previously used, manufactured, transported, stored, or disposed of within the watershed or zone of influence and therefore, that the source can be designated nonvulnerable.

(2) If previous use of the chemical locally is unknown or the chemical is known to have been used previously and the source cannot be designated nonvulnerable pursuant to Paragraph (d)(1), it may still be eligible for a waiver based on a review related to susceptibility to contamination. The application to the State Board for a waiver based on susceptibility shall include the following:

(A) previous monitoring results;
(B) user population characteristics;
(C) proximity to sources of contamination;
(D) surrounding land uses;
(E) degree of protection of the water source;
(F) environmental persistence and transport of the chemical in water, soil and air;
(G) elevated nitrate levels at the water supply source; and

(H) historical system operation and maintenance data including previous State Board inspection results.

(3) To apply for a monitoring waiver for VOCs, the water system shall have completed the initial four quarters of monitoring pursuant to subsection (a) or three consecutive years of monitoring with no VOCs detected. If granted a waiver for VOC monitoring, a system using groundwater shall collect a minimum of one sample from every sampling site every six years and a system using surface water shall not be required to monitor for the term of the waiver. The term of a VOC waiver shall not exceed three years.

(4) To obtain a monitoring waiver for one or more of the SOCs, the water system may apply before doing the initial round of monitoring or shall have completed three consecutive years of annual monitoring with no detection of the SOC(s) listed. If the system is granted a waiver for monitoring for one or more SOC(s), no monitoring for the waived SOC(s) shall be required for the term of the waiver, which shall not exceed three years.

(e) For water sources designated by a water supplier as standby sources, the water supplier shall sample each source for any organic chemical added to table 64444-A once within the three-year period beginning in January of the calendar year after the effective date of the MCL.

(f) Water quality data collected prior to January 1, 1988, for VOCs, or January 1, 1990, for SOCs, and/or data collected in a manner inconsistent with this section shall not be used in the determination of compliance with the monitoring requirements for organic chemicals.

(g) MTBE data (i.e., a single sample) collected in a manner consistent with this section after January 1, 1998 in which no MTBE is detected, along with a designation of nonvulnerability pursuant to subsection (d), may be used to satisfy the initial monitoring requirements in subsection (a). If the requirements are satisfied in this way by a water system, the system shall begin annual monitoring pursuant to section 64445.1(b)(1).

(h) Water quality data collected in compliance with the monitoring requirements of this section by a wholesaler agency providing water to a public water system shall be acceptable for use by that system for compliance with the monitoring requirements of this section.

(i) Results obtained from groundwater monitoring performed for an organic chemical in accordance with this section and not more than two calendar years prior to the effective date of a regulation establishing the MCL for that organic chemical may be substituted to partially satisfy the initial monitoring requirements required by this section for that organic chemical. Requests to substitute groundwater monitoring results shall be made in accordance with the following:

1. Requests shall be made in writing by the water system to the State Board; and
2. If the State Board approves the request then results from a given calendar quarter will only be eligible to substitute for a single required initial monitoring result during that same quarter of initial monitoring. (e.g. the second quarter of 2016 may be substituted for the second quarter of 2018).
3. No more than three of the four quarterly samples as required by section 64445(a) or (b) may be substituted.

Section 64445.1. Repeat Monitoring and Compliance – Organic Chemicals states:

(a) For the purposes of this article, detection shall be defined by the detection limits for purposes of reporting (DLRs) in table 64445.1-A:

Table 64445.1-A
Detection Limits for Purposes of Reporting (DLRs)
for Regulated Organic Chemicals

Chemical	*Detection Limit for Purposes of Reporting (DLR)(mg/L)*
(a) All VOCs, except as listed	0.0005
Methyl-tert-butyl ether	0.003
Trichlorofluoromethane	0.005
1,1,2-Trichloro-1,2,2-Trifluoroethane	0.01
(b) SOCs	
Alachlor	0.001
Atrazine	0.0005
Bentazon	0.002
Benzo(a)pyrene	0.0001
Carbofuran	0.005
Chlordane	0.0001
2,4-D	0.01
Dalapon	0.01
Dibromochloropropane (DBCP)	0.00001
Di(2-ethylhexyl)adipate	0.005

Di(2-ethylhexyl)phthalate	0.003
Dinoseb	0.002
Diquat	0.004
Endothall	0.045
Endrin	0.0001
Ethylene dibromide (EDB)	0.00002
Glyphosate	0.025
Heptachlor	0.00001
Heptachlor epoxide	0.00001
Hexachlorobenzene	0.0005
Hexachlorocyclopentadiene	0.001
Lindane	0.0002
Methoxychlor	0.01
Molinate	0.002
Oxamyl	0.02
Pentachlorophenol	0.0002
Picloram	0.001
Polychlorinated biphenyls (PCBs)	
(as decachlorobiphenyl)	0.0005
Simazine	0.001
Thiobencarb	0.001
Toxaphene	0.001
1,2,3-Trichloropropane	0.000005
2,3,7,8-TCDD (Dioxin)	5 x 10-9
2,4,5-TP (Silvex)	0.001

(b) When organic chemicals are not detected pursuant to table 64445.1-A.

(1) A water system which has not detected any of the VOCs on table 64444-A during the initial four quarters of monitoring, shall collect and analyze one sample annually. After a minimum of three years of annual sampling with no detection of a VOC in table 64444-A, a system using groundwater may reduce the monitoring frequency to one sample during each compliance period. A system using surface water shall continue monitoring annually.

(2) A system serving more than 3,300 persons which has not detected an SOC on table 64444-A during the initial four quarters of monitoring shall collect a minimum of two quarterly samples for that SOC in one year during the year designated by the State Board of each subsequent compliance period. The year will be designated on the basis of historical monitoring frequency and laboratory capacity.

(3) A system serving 3,300 persons or less which has not detected an SOC on table 64444-A during the initial four quarters of monitoring shall collect a minimum of one sample for that SOC during the year designated by the State Board of each subsequent compliance period. The year will be designated on the basis of historical monitoring frequency and laboratory capacity.

(c) When organic chemicals are detected pursuant to table 64445.1-A.

(1) Prior to proceeding with the requirements of paragraphs (2) through (7), the water supplier may first confirm the analytical result, as follows: Within seven days from the notification of an initial finding from a laboratory reporting the presence of one or more organic chemicals in a water sample, the water supplier shall collect one or two additional sample(s) to confirm the initial finding. Confirmation of the initial finding shall be shown by the presence of the organic chemical in either the first or second additional sample, and the detected level of the contaminant for compliance purposes shall be the average of the initial and confirmation sample(s). The initial finding shall be disregarded if two additional samples do not show the presence of the organic chemical.

(2) If one or both of the related organic chemicals heptachlor and heptachlor epoxide are detected, subsequent monitoring shall analyze for both chemicals until there has been no detection of either chemical for one compliance period.

(3) A groundwater sampling site at which one or more of the following chemicals has been detected shall be monitored quarterly for vinyl chloride: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. If vinyl chloride is not detected in the first quarterly sample, the sampling site shall be monitored once for vinyl chloride during each compliance period.

(4) If the detected level of organic chemicals for any sampling site does not exceed any shown in table 64444-A, the water source shall be resampled every three months and the samples analyzed for the detected chemicals. After one year of sampling an approved surface water system or two quarters of sampling a groundwater system, the State Board will consider allowing the water supplier to reduce the sampling to once per year upon request, based on a review of previous sampling data. Systems shall monitor during the quarter(s) which previously yielded the highest analytical results.

(5) If the detected level of an organic chemical for any sampling site exceeds that listed in table 64444-A, the water supplier shall report this information to the State Board within 48 hours of receipt of the result. Unless use of the

contaminated source is discontinued, the water supplier shall resample the contaminated source and compliance shall be determined as follows:

(A) Water systems serving more than 3,300 persons shall sample monthly for six months and shall submit the results to the State Board as specified in section 64469. If the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples does not exceed the MCL shown in table 64444-A the water supplier may reduce the sampling frequency to once every three months. If the running annual average or the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples exceeds the MCL shown in table 64444-A, the water system shall be deemed to be in violation of section 64444.

(B) Water systems serving 3,300 persons or less shall sample quarterly for a minimum of one year and shall submit the results to the State Board as specified in section 64469. If the running annual average concentration does not exceed the MCL in table 64444-A, the water supplier may reduce the sampling frequency to once every year during the quarter that previously yielded the highest analytical result. Quarterly monitoring shall resume if any reduced frequency sample result exceeds the MCL. If the running annual average concentration exceeds the MCL in table 64444-A, the water system shall be deemed to be in violation of section 64444.

(C) If any sample would cause the running annual average to exceed the MCL, the water 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.

(6) If any resample, other than those taken in accordance with paragraph (5), of a water sampling site shows that the concentration of any organic chemical exceeds a MCL shown in table 64444-A, the water supplier shall proceed in accordance with paragraphs (1) and (4), or paragraph (5).

(7) If an organic chemical is detected and the concentration exceeds ten times the MCL, the water supplier shall notify the State Board within 48 hours of the receipt of the results and the contaminated site shall be resampled within 48 hours to confirm the result. The water supplier shall notify the State Board of the result of the confirmation sample(s) within 24 hours of the receipt of the confirmation result(s).

(A) 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 proceed in accordance with paragraph (5).

(B) If the average concentration of the original and confirmation samples exceeds ten times the MCL, use of the contaminated water source shall immediately be discontinued, if directed by the State Board. Such a water source shall not be returned to service without written approval from the State Board.

Section 64445.2. Sampling of Treated Water Sources states:

(a) Each water supplier utilizing treatment to comply with any MCL for an organic chemical listed in table 64444-A shall collect monthly samples of the treated water at a site prior to the distribution system. If the treated water exceeds the MCL, the water supplier shall resample the treated water to confirm the result and report the result to the State Board within 48 hours of the confirmation.

(b) The State Board will consider requiring more frequent monitoring based on an evaluation of (1) the treatment process used, (2) the treatment effectiveness and efficiency, and (3) the concentration of the organic chemical in the water source.

Section 64463. General Public Notification Requirements states:

(a) Each public (community, nontransient-noncommunity and transient-noncommunity) water system shall give public notice to persons served by the water system pursuant to this article.

(b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board.

(c) Each wholesaler shall give public notice to the owner or operator of each of its retailer systems. A retailer is responsible for providing public notice to the persons it serves. If the retailer arranges for the wholesaler to provide the notification, the retailer shall notify the State Board prior to the notice being given.

(d) Each water system that has a violation of any of the regulatory requirements specified in section 64463.1(a), 64463.4(a), or 64463.7(a) in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system may limit distribution of the notice to only persons served by that portion of the system that is out of compliance, if the State Board has granted written approval on the basis of a review of the water system and the data leading to the violation or occurrence for which notice is being given.

(e) Each water system shall give new customers public notice of any acute violation as specified in section 64463.1(a) that occurred within the previous thirty days, any continuing violation, the existence of a variance or exemption, and/or any other ongoing occurrence that the State Board has determined poses a potential risk of adverse effects on human health [based on a review of estimated exposures and toxicological data associated with the contaminant(s)] and requires a public notice. Notice to new customers shall be given as follows:

(1) Community water systems shall give a copy of the most recent public notice prior to or at the time service begins; and

(2) Noncommunity water systems shall post the most recent public notice in conspicuous locations for as long as the violation, variance, exemption, or other occurrence continues.

Section 64463.4 Tier 2 Public Notice states:
(a) A water system shall give public notice pursuant to this section if any of the following occurs:
(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
(A) Where a Tier 1 public notice is required under section 64463.1; or
(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
(4) Failure to comply with the terms and conditions of any variance or exemption in place.
(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.
(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;
(A) Mail or direct delivery 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; and
(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.
(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
(A) Posting in conspicuous locations throughout the area served by the water system; and
(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

Section 64465. Public Notice Content and Format states:
(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
(5) Whether alternative water supplies should be used;
(6) What actions consumers should take, including when they should seek medical help, if known;
(7) What the water system is doing to correct the violation or occurrence;
(8) When the water system expects to return to compliance or resolve the occurrence;
(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public 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; and
(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).
(1) An explanation of the reasons for the variance or exemption;
(2) The date on which the variance or exemption was issued;
(3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
(4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
(2) For a Tier 2 or Tier 3 public notice:
(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and
(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:
(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
(3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-F. Health Effects Language - Synthetic Organic Contaminants

Contaminant	Health Effects Language
1,2,3-Trichloropropane	Some people who drink water containing 1,2,3-trichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Section 64469. Reporting Requirements states:

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the State Board no later than the tenth day of the following month.

(b) Analytical results of all sample analyses completed by water wholesalers in a calendar month shall be reported to retail customers and the State Board no later than the tenth day of the following month.

(c) Analytical results shall be reported to the State Board electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

Section 64481. Content of the Consumer Confidence Report states in relevant part:
(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

APPENDIX 2. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Por favor hable con alguien que lo pueda tradúcir.

City of McFarland water system Has levels of 1,2,3-TCP Above Drinking Water Standards

---

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 you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. The standard for 1,2,3-Trichloropropane (1,2,3-TCP) is equivalent to 0.005 ug/L (micrograms per liter). Testing results from _____[Insert date(s) or month, year] show that our system exceeds the standard, or maximum contaminant level (MCL), for 1,2,3-trichloropropane (1,2,3-TCP). The average level of 1,2,3-TCP over the last year was _____ ug/L.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing 1,2,3-trichloropropane in excess of the MCL over many years may have an increased risk of 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?

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] _____
[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 City of McFarland in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: 1510013. Date distributed: _____

APPENDIX 3
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: 03_12_18R_041

Name of Water System: City of McFarland

System Number: 1510013

Attach a copy of the public notice distributed to the water system's customers.

This form, when completed and sent to dwpdist12@waterboards.ca.gov for the Division of Drinking Water, Visalia District 12, 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704 serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **1,2,3-TCP MCL** was conducted on:

Notification was made on _____ (date).

For the following monitoring period: **1st** **2nd** **3rd** **4th** quarter(s) of _____ (year).
(Circle appropriate quarter(s))

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

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (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. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title_____

Signature _____

Date _____

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 4: QUARTERLY PROGRESS REPORT

Water System: City of McFarland	Water System No: 1510013
Compliance Order No: 03_12_18R_041	Violation: 1,2,3-TCP MCL
Calendar Quarter:	Date:

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, Visalia District 12 Office to the following email address: dwpdist12@waterboards.ca.gov titled appropriately.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipated compliance date:

Printed Name **Signature**

Title **Date**

APPENDIX 5 – NOTIFICATION OF RECEIPT

Compliance Order Number: 03_12_18R_041

Name of Water System: City of McFarland

System Number: 1510013

Certification

I certify that I am an authorized representative of the City of McFarland and that Compliance Order No. 03_12_18R_041 was received on _____. Further I certify that the Order has been reviewed by the appropriate management staff of the City of McFarland and it is clearly understood that Compliance Order No. 03_12_18R_041 contains legally enforceable directives with specific due dates.

_____ _____

Signature of Water System Representative Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN October 25, 2018.

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

CCR, Title 22, Section 64445. 1(c)(5)(B) Repeat Monitoring and Compliance – Organic Chemicals states that water systems serving more than 3,300 persons shall sample monthly for six months and shall submit the results to the State Board. If the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples does not exceed the MCL the water supplier may reduce the sampling frequency to once every three months. If the running annual average or the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples exceeds the MCL, the water system shall be deemed to be in violation of Section 64444.

The State Water Board received laboratory results for three (3) 1,2,3-TCP samples collected on March 19, 2018, June 5, 2018, and July 19, 2018, from Browning Rd Well - Raw. The six-month average 1,2,3-TCP concentration from the three samples was 0.000006 mg/L. A summary of the Water System's most recent 1,2,3-TCP monitoring results are presented in Table 1 below:

Table 1 – Browning Rd Well – Raw 1,2,3-TCP Sample Results (mg/L)
(1,2,3-TCP MCL is 0.000005 mg/L)

Compliance Period	Sample Date	Result
1st Quarter 2018	3/19/2018	0.000020
1st Month Follow-up	6/5/2018	0.000015
2nd Month Follow-up	7/19/2018	0.0000078
Six-month Running Average (RA):		**0.000006***

* If any one sample or average of monthly samples would cause the annual average to exceed the MCL, the water system is immediately in violation.

1,2,3-TCP results from Garzoli Well – Raw is also showing detections of 1,2,3-TCP. Garzoli Well – Raw was sampled for 1,2,3-TCP on June 5, 2018. The sample showed a 1,2,3-TCP concentration of 0.000015 mg/L. The Water System will continue with initial monitoring of this well.

DETERMINATION

The State Water Board has determined that the Water System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444.