CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

July 13, 2018

System No.: 2000550

Mr. Ahmad Alkhayyat, Public Works Director
Madera County MD6 – Lake Shore Park Water System
200 West 4th Street
Madera, CA 93637

CITATION NO. 03-11-18C-035 FOR ARSENIC AND URANIUM MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is Compliance Order No. 03-11-18C-035 (hereinafter "Order") issued to the Madera County MD6 – Lake Shore Park Water System (hereinafter "System") public water system. **Please note there are legally enforceable deadlines associated with this Citation starting on page 6 of the Order.**

The 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 Citation. 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 or citation. At this time, the State Water Board has spent approximately 2.0 hours on enforcement activities associated with this violation.

The 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 Company for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board 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 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 me at 559-447-3316.

Sincerely,

Kassy D. Chauhan, P.E.
Senior Sanitary Engineer, Merced District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7018 0040 0000 3159 8190

KDC
Enclosures
cc: Madera County Environmental Health Department

Citation No. 03-11-18C-035

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Madera County – MD6 Lake Shore Park Water System

Water System No: 2000550

Attention: Mr. Ahmad Alkhayyat, Public Works Director
200 West 4th Street
Madera, CA 93637

Issued: July 13, 2018

CITATION FOR NONCOMPLIANCE

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431 and 64442

MAXIMUM CONTAMINANT LEVELS FOR

ARSENIC AND URANIUM AND

DIRECTIVES OF COMPLIANCE ORDER NO. CC0002567

2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation 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 Citation No. 03-11-18C-035 (hereinafter "Order") pursuant to Section 116650 of the CHSC to the Madera County MD6 – Lake Shore Park Water System (hereinafter "System"), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64431 and 64442 (a) Maximum Contaminant Levels (hereinafter "MCL") – Arsenic and Uranium.

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

STATEMENT OF FACTS

The System is currently classified as a community public water system with a population of 130, serving 46 connections. Regulatory jurisdiction of the System is provided by Madera County Local Primacy Agency (hereinafter "LPA") – Madera County Environmental Health Department. The System operates under Domestic Water Supply Permit No. PT0002677 issued by the LPA on June 3, 2015. In a letter dated May 25, 2018, the LPA requested a transfer of enforcement actions from the LPA to the Division. See attached letter, Attachment 7.

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 and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

CCR, Title 22, Section 64431 requires public water systems to comply with the primary MCL's in Table 64431-A. CCR, Title 22, Section 64432 (a) requires all community and nontransient-noncommunity water systems to monitor to determine compliance with the MCLs in Table 64431-A. Table 64431-A establishes an MCL for arsenic of 0.010 mg/L. CCR, Title 22, Section 64432 (i) specifies compliance with the MCLs shall be determined by a running annual average (RAA); if any one sample would cause the average to exceed the MCL, the system is immediately in violation.

CCR, Title 22, Section 64442 (a) requires each community and nontransient-noncommunity water system to comply with the primary MCLs in Table 64442 in the drinking water supplied to the public. Table 64442 establishes an MCL for uranium of 20 pCi/L. CCR, Title 22, Section 64442 (h)(3) specifies compliance shall be determined by a RAA.

Beginning on January 23, 2006, the U.S. Environmental Protection Agency (hereinafter "USEPA") adopted a revised MCL for arsenic of 0.010 mg/L. The arsenic MCL of 0.010 mg/L was adopted for California and became effective on November 28, 2008. Prior to this date, any non-compliance issues were referred to USEPA for enforcement action.

Since 2006, the water produced by the System's wells has exceeded the arsenic and uranium MCLs. As such, the LPA issued a compliance order (No. CC0002567) requiring the System to comply with the arsenic and uranium MCLs by June 18, 2018. The System failed to comply with the directives in the compliance order and continues to provide water to the public in excess of the MCLs for arsenic and uranium.

The System has two active wells (Wells Nos. 1 and 2) to supply the public water system. Table 1 below summarizes the most current arsenic and uranium results from Wells Nos. 1 and 2 and the associated RAAs.

Table 1 – Arsenic and Uranium Results

Date	Well 1		Well 2	
	Arsenic, mg/L	Uranium, pCi/L	Arsenic, mg/L	Uranium, pCi/L
Q3-17	0.084	No sample	0.120	No Sample
Q4-17	0.085	80.4	0.100	34.17
Q1-18	0.081	80.4	0.098	40.87
Q2-18	0.082	No Sample	0.098	No Sample
RAA	**0.083**	**80.4**	**0.104**	**37.5**

The LPA-issued Compliance Order (No. CC0002567) directed the System to take certain actions, including the following:

1. Cease and desist from failing to comply with CHSC, Sections 116655 (a)(1) and (3) and Section 64432(g)(h) and (i) by ensuring the System is provided with a reliable and adequate source of pure, wholesome, healthful and potable water which is in compliance with all primary drinking water standards.

2. On or before July 30, 2015, submit a written response to the Division indicating the System's agreement to comply with directives of this order and with the corrective action plan addressed herein.

3. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problems and ensure that the System delivers water to consumers that meets the 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 System will be in compliance with the natural uranium and arsenic MCLs, which date shall be no later than June 18, 2018.

4. On or before March 31, 2016, and every three months thereafter, submit a report to the Division in the form provided as Attachment A, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

5. The System shall provide public notification to all users prior to operating the water sources that result in the concentration of natural uranium and arsenic, exceeding the MCL and continue public notification quarterly during the months the sources are in operation. The notification procedures and templates are available at the link below. Proof of public notification shall be submitted to the Division following each notification.

6. Continue quarterly monitoring for natural uranium and arsenic from each well and ensure that the analytical results are reported to the Division by the analyzing laboratory by no later than the 10th day of the following month in which the analysis was completed.

7. The Division 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.

To date, the System has failed to comply with Directive No. 3 of LPA-issued Compliance Order No. CC00002567. The System continues to violate the MCLs for arsenic and uranium and has not made progress towards the compliance deadline established in Directive No. 3, of June 18, 2018.

The System is currently classified as a community water system based on the current total population of 130 and service connections of 46. During recent discussions, the System expressed concern about the classification of the public water system. The System consists of both permanent residences and second-home cabins/vacation rentals. An exact number of each type of connection could not be determined. A survey is required to determine the number of permanent residences and second-home cabins/vacation rentals to ensure proper classification of the public water system.

DETERMINATION

Based on the above Statement of Facts, the State Water Board has determined that the System continues to fail to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the arsenic and uranium MCL pursuant to CCR, Title 22, Sections 64431 and 64442 (a). The System has failed to comply with Directive No. 3 of the LPA-issued Compliance Order (No. CC0002567).

ADMINISTRATIVE PENALTIES

CHSC Section 116650 (a) allows for the issuance of a citation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, permit, standard, citation, or order issued thereunder. Section 116650 (d) and (e) allows for the assessment of a penalty not to exceed one thousand dollars ($1,000.00) per day for each day that a violation occurs.

The System has failed to comply with the directives contained in LPA-issued Compliance Order No. CC0002567 and continues to provide water that exceeds the arsenic and uranium MCLs to the persons served by the water system. Therefore, the Division hereby assesses an administrative penalty of one thousand dollars per day for each day

past the return to compliance day commencing on January 1, 2020. Directive No. 15 below describes the requirements for payment of the penalty and conditions under which the Division may waive the requirement to pay the penalty.

DIRECTIVES

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

1. Conduct a customer survey of each service connection served by the public water system to determine the number of primary residences and the number of second home/vacation rentals.

2. On or before October 1, 2018, submit the results of the customer surveys identifying the number of primary residences and the number of second home/vacation rentals served by the water system to the Division.

3. If the Division determines the System is a community water system, Directives 4 through 15 shall be complied with.

4. On or before **December 31, 2019**, comply with CCR, Title 22, Sections 64431 and 64442 (a).

5. Quarterly sampling for arsenic and uranium from Wells Nos. 1 and 2 shall continue in the third quarter 2018, and shall continue every three months thereafter. The System shall ensure that the analytical results are reported to the State Water Board and the LPA electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

6. Quarterly public notification to the customers of the System shall continue in the third quarter 2018 and continue every three months until the State Water Board determines the arsenic and uranium contamination is resolved. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.1 and 64465. A copy of Sections 64463.1 and 64465 is included in Appendix 1. Appendix 2: Notification Template shall be used to fulfill this Directive, unless otherwise approved by the State Water Board.

   - Public notification for new customers shall be conducted in conformance with CCR, Title 22, Section 64463(e) where the System shall give new customers a copy of the most recent public notice prior to or at any time service begins.

7. Complete Appendix 3: Certification of Completion of Notification Form. Submit it together with a copy of the public notification conducted in compliance with Directive No. 6, to the State Water Board within 10 days following each notification.

8. Prepare for State Water Board approval, an updated Corrective Action Plan, identifying improvements to the water system designed to correct the water quality problems identified as exceedances of the arsenic and uranium MCL and ensure that the 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 System will be in compliance with the arsenic and uranium MCLs, which date shall be no later than **December 31, 2019**.

9. On or before **December 1, 2018**, submit the Corrective Action Plan required under Directive No. 8 above, to the State Water Board's office located at 265 W. Bullard Avenue, Suite 101, Fresno, CA, 93704.

10. 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.

11. On or before **December 1, 2018,** and every three months thereafter, submit a report to the State Water Board and the LPA 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. Not later than ten (10) days following **December 31, 2019**, demonstrate to the State Water Board that the water delivered by the System complies with the arsenic and uranium MCLs.

13. 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 System anticipates it will not timely meet such performance deadline.

14. On or before **August 31, 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 System has received this Order and understands that it contains legally enforceable directives with due dates.

15. On or before January 31, 2020, pay the penalty of one thousand dollars per day ($1,000.00) for every day past December 31, 2019, the System remains out of compliance with the arsenic and uranium MCLs. Payment shall be made payable

to the State Water Resources Control Board – Division of Drinking Water. Further instruction on submittal of the payment is provided in Appendix 6, *Notice of Citation Issuance Penalty*.

All submittals required by this Citation, with exception of analytical results, shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Order shall include the following information: Water System name and number, citation number and title of the document being submitted.

Kassy D. Chauhan, Merced District Engineer
265 W. Bullard Avenue, Suite 101, Fresno, CA, 93704.
Dwpdist11@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the 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 Citation shall apply to and be binding upon the System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the 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 Citation.

7-13-2018

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

Date

Appendices [7]:

1. Applicable Statutes and Regulations
2. Notification Template
3. Certification of Completion of Public Notification
4. Quarterly Progress Report
5. Notification of Receipt Form
6. Notice of Citation Issuance Penalty
7. Regulatory Transfer Letter – May 25, 2018

Certified Mail No. 7018 0040 0000 3159 8190

APPENDIX 1. Applicable Statutes and Regulations for Citation No. 03-11-18C035 Arsenic and Uranium 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 states in relevant part:

(a) The State Water Resources Control 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 Water Resources Control 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 Water Resources Control Board shall refer to the State Water Resources Control 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 Water Resources Control 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 Water Resources Control 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, but are not subject to reconsideration, by the State Water Resources Control Board. 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 Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 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 116625 (Revocation and suspension of permits) states:

(a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department 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 permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.

(b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.

(c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof 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 and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650 states in relevant part:
(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 116701 (Petitions to Orders and Decisions) states:
(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
(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 deputy director 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 of the deputy director.
(f) If an order of the deputy director 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 116625 or 116700.

Section 64431 of Title 22, California Code of Regulations (CCR) states in relevant part: §64431. Maximum Contaminant Levels-Inorganic Chemicals.
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*
Aluminum	1.
Antimony	0.006

Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO3)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Section 64442 states in relevant part: §64442. MCLs and Monitoring - Gross Alpha Particle Activity, Radium-226, Radium-228, and Uranium

(a) Each community and nontransient-noncommunity water system (system) shall comply with the primary MCLs in Table 64442 in the drinking water supplied to the public and use the DLRs for reporting monitoring results:

Table 64442
Radionuclide Maximum Contaminant Levels (MCLs)
and Detection Levels for Purposes of Reporting (DLRs)

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

(b) Each system shall monitor to determine compliance with the MCLs in table 64442, as follows:

(1) Monitor at each water source, or every entry point to the distribution system that is representative of all sources being used under normal operating conditions; conduct all monitoring at the same sample site(s) unless a change is approved by the State Board, based on a review of the system and its historical water quality data;

(2) For quarterly monitoring, monitor during the same month (first, second or third) of each quarter during each quarter monitored;

(3) By December 31, 2007, complete initial monitoring that consists of four consecutive quarterly samples at each sampling site for each radionuclide in table 64442, except that nontransient-noncommunity water systems shall not be required to monitor radium-228 as a separate analyte, but shall monitor for compliance with the combined radium MCL using the analytical method described in Prescribed Procedures for Measurement of Radioactivity in Drinking Water, Section 6, Alpha-emitting Radium Isotopes in Drinking Water, Method 903.0 (EPA/600/4-80-032, August 1980):

(A) Data collected for a sampling site between January 1, 2001, and December 31, 2004, may be used to satisfy the initial monitoring requirement, subject to the State Board's approval based on whether the analytical methods, DLRs, sampling sites, and the frequency of monitoring used were consistent with this article.

(B) For gross alpha particle activity, uranium, radium-226 and radium-228, the State Board may waive the final two quarters of initial monitoring at a sampling site if the results from the previous two quarters are below the DLR(s) and the sources are not known to be vulnerable to contamination.

(c) Any new system or new source for an existing system shall begin monitoring pursuant to Subsection (b) within the first quarter after initiating water service to the public.

(d) After initial monitoring, each system shall monitor for each radionuclide at each sampling site at a frequency determined by the monitoring result(s) [single sample result or average of sample results if more than one sample collected] from the most recent compliance period as follows:

(1) For nontransient-noncommunity water systems, the results for the total radium analyses shall be averaged.

(2) For community water systems, the results of radium-226 and radium-228 analyses shall be added and the average calculated.

(3) The values used for the radionuclide MCLs and DLRs shall be as specified in Table 64442.

(4) If the single sample result or average is:

A. Below the DLR, the system shall collect and analyze at least one sample every nine years (3 compliance periods).

B. At or above the DLR, but at or below ½ the MCL, the system shall collect and analyze at least one sample every six years.

C. Above ½ the MCL, but not above the MCL, the system shall collect and analyze at least one sample every three years.

(e) A system that monitors quarterly may composite up to four consecutive samples from a single sampling site if analysis is done within a year of the first sample's collection. If the result of the composited sample is greater than ½ the MCL, at least one additional quarterly sample shall be analyzed to evaluate the range and trend of results over time before allowing the system to reduce the monitoring frequency.

(f) A gross alpha particle activity measurement may be substituted for other measurements by adding the 95% confidence interval (1.65σ, where σ is the standard deviation of the net counting rate of the sample) to it; and if,

(1) For uranium and radium measurements (after initial radium-228 monitoring has been completed), the gross alpha measurement does not exceed 5 pCi/L; or

(2) For radium measurements (after initial radium-228 monitoring has been completed), the result obtained from subtracting the uranium measurement from the gross alpha measurement does not exceed 5 pCi/L.

(g) If any sample result is greater than an MCL:

(1) For a system monitoring less than quarterly, quarterly samples shall be collected and analyzed to determine compliance, pursuant to subsection (h);

(2) For a system that already has four consecutive quarterly results, compliance shall be determined pursuant to subsection (h).

(3) The system shall monitor quarterly until the results of four consecutive quarterly sample results do not exceed the MCL.

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

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

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

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

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

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

(C) If a sample result is less than the DLR in table 64442, zero shall be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226, total radium, and/or uranium. In that case, if the gross alpha particle activity result is less than the DLR, ½ the DLR shall be used to calculate the annual average.

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

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

(6) Each system shall ensure that the laboratory analyzing its samples collected for compliance with this article calculates and reports the sample-specific Minimum Detectable Activity at the 95% confidence level (MDA_{95}) along with the sample results. The MDA_{95} shall not exceed the DLR and shall be calculated as described in ANSI N42.23 Measurement and Associated Instrumentation Quality Assurance for Radiobioassay Laboratories, Appendix A.7.6 (September 10, 1995).

Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64463.4. Tier 2 Public Notice.

(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 Department determines that a Tier 1 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 Department 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 Department's written approval based on the violation or occurrence having been resolved and the Department'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 Department'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

. . . . .

(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 Department 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 Department 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. of Title 22, California Code of Regulations (CCR) states in relevant part:
§64465. Public Notice Content and Format.
(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."

. . . . .

(c) Each public notice given pursuant to this article 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 water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(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-C. Health Effects Language Radioactive Contaminants.

Contaminant	*Health Effects Language*
Uranium	Some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer.

Appendix 64465-D. Health Effects Language Inorganic Contaminants.

Contaminant	*Health Effects Language*
Arsenic	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 of getting cancer.

Section 64469. Reporting Requirements state in relevant part:

(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.

DRINKING WATER WARNING

Madera County MD6 – Lake Shore Park Water System Water System has levels of Arsenic and Uranium Above Drinking Water Standards

Our water system continues to fail drinking water standards.
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. Testing results we received between the 3rd quarter 2017 and 2nd quarter 2018 showed that our system's running annual average exceeds the standards, or maximum contaminant level (MCL), for arsenic and uranium. The MCL for arsenic and uranium are 0.010 mg/L and 20.0 pCi/L, respectively. The most recent arsenic concentration from Wells Nos. 1 and 2 were ____ and _____ mg/L, respectively. The most recent uranium concentrations from Wells Nos. 1 and 2 were _____ and _____ pCi/L, respectively.

What should I do?

- **You <u>do not</u> 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 arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer. Additionally, some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?
[Describe corrective action]_____
_____

We anticipate resolving the problem by December 31, 2019. For more information, please contact [name] _____ at [phone number] _____ or at the following 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 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 the MD6 – Lake Shore Park water system.
State Water System ID#: 2000550. Date distributed: _____.

APPENDIX 3
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Citation Number: 03-11-18C-035

Name of Water System: Madera County MD6 – Lake Shore Park Water System

System Number: 2000550

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

This form, when completed and sent to dwpdist11@waterboards.ca.gov for the Merced District 11, 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 **arsenic and uranium MCLs** was conducted on:

Notification was made on _____ (date).

For the month, year of _____, _____.

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 nontransient noncommunity 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: Madera County MD6 – Lake Shore Park Water System	Water System No: 2000550
Citation No: 03-11-18C-035	Violation: Arsenic and Uranium **MCL**
Calendar Quarter:	Date:

This form should be prepared and signed by System personnel with appropriate authority to implement the directives of the Citation 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, Merced District 11 Office to the following email address: dwpdist11@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

Citation Number: 03-11-18C-035

Name of Water System: Madera County MD6 – Lake Shore Park Water System

System Number: 2000550

Certification

I certify that I am an authorized representative of the Madera County MD6 – Lake Shore Park Water System and that Citation No. 03-11-18C-035 was received on _____. Further, I certify that the Order has been reviewed by the appropriate management staff of the Madera County MD6 – Lake Shore Park Water System and it is clearly understood that Citation No. 03-11-18C-035 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 August 1, 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.

Community and Economic Development
Environmental Health Division

Dexter Marr
Deputy Director

- 200 W. 4th Street, Suite 3100
- Madera, CA 93637
- (559) 675-7823
- FAX (559) 675-7919
- envhealth@madera-county.com

May 25, 2018

State Water Resources Control Board
Division of Drinking Water
Attention: Kassy Chauhan
265 West Bullard, Suite 101
Fresno, CA 93704

RE: Transfer of Enforcements Action for Madera County Maintenance District #6- North Shore Lake Park and Madera County Maintenance District #7- Marina View Heights Community Water Systems to the State Water Resources Control Board-Division of Drinking Water.

Dear Mrs. Chauhan,

The purpose of this letter is in response to the ongoing compliance issues with the Madera County Maintenance District #6- Lake Shore Park (MD #6) and Madera County Maintenance District #7- Marina View Heights (MD #7) Water Systems. The water systems are currently under the regulatory authority of Madera County Environmental Health Division-Local Primacy Agency (LPA). The water systems are under a Compliance Order for exceedance of the Uranium and Arsenic maximum contaminant level with a compliance end date of June 18, 2018, which currently cannot be met.

As requested by the State Water Resources Control Board-Division of Drinking Water (SWRCB-DDW) the LPA is transferring enforcement jurisdiction to the SWRCB-DDW. Enforcements of the water systems will be the only regulatory jurisdiction returned to the SWRCB-DDW and other regulatory requirements will remain under the LPA's authority. This transfer is effective on June 1, 2018.

Any questions or concerns regarding this matter, please contact Thongdy Madsen at 559-675-7823 ext 3423 or Thongdy.madsen@maderacounty.com.

Sincerely,

Dexter Marr, REHS
Deputy Director
Community & Economic Development
Environmental Health Division