April 20, 2018
System No.: 2410001

Ms. Lori Waterman, City Manager
City of Atwater
750 Bellevue Road
Atwater, CA 95301

COMPLIANCE ORDER NO. 03-11-18R-014
1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is Compliance Order No. 03-11-18R-014 (hereinafter "Order") issued to the City of Atwater (hereinafter "City") public water system. **Please note there are legally enforceable deadlines associated with this Order starting on page 4 of the Order.**

The City 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 two hour(s) on enforcement activities associated with this violation.

The City 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 City 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 Bruce Ramsden at 559-447-3314 of my staff or me at 559-447-3316.

Sincerely,

Kassy D. Chauhan

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

Certified Mail No. 7016 3010 0000 0446 1898

KDC/MLM
Enclosures
cc: Merced County Environmental Health Department
Mr. Brian Shaw, Chief Operator, 470 Aviator Drive, Atwater, CA 95301

Compliance Order No. 03-11-18R-014

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: City of Atwater

Water System No: 2410001

Attention: Ms. Lori Waterman, City Manager
City of Atwater
750 Bellevue Road
Atwater, CA 95301

Issued: April 20, 2018

COMPLIANCE ORDER FOR NONCOMPLIANCE

1,2,3-TCP MAXIMUM CONTAMINANT LEVEL VIOLATION

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444

First Quarter 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. 03-11-18R-014 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the City of Atwater (hereinafter "City") 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 are included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The City is classified as a community public water system with a population of 30,406 persons served through 6,780 service connections. The City of Atwater operates under Domestic Water Supply Permit No. 03-11-17P-001 issued by the State Water Board on January 6, 2017. The City utilizes eight (8) groundwater wells as its source of domestic water: Wells Nos. 13, 14, 15, 16, 17, 18, 19 and 21. The City provides Granular Activated Carbon (GAC) treatment at Well No. 15 to remove DBCP and 1,2,3-TCP. Water produced by Well No. 15 complies with the 1,2,3-TCP MCL.

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.

The State Water Board received laboratory results for 1,2,3-TCP sample(s) collected from Wells Nos. 13, 14, 16, 17, 18, 19 and 21. A summary of the City's most recent 1,2,3-TCP monitoring results excluding Well No. 15 are presented in Table 1 below. The sample results and the

calculated average results of 1,2,3-TCP concentration in milligrams per liter (hereinafter "mg/L") are shown below.

Table 1 – 1,2,3-TCP Sample Results (mg/L)

1,2,3-TCP MCL is 0.000005 mg/L

Sources	1st Q 2018 sample	1st Q confirmation sample	2nd Q 2018 sample	Quarterly Average	Running Annual Average (RAA)*
Well No. 13	Offline		0.000020		0.000003
Well No. 14	0.000064	0.000034		0.000049	**0.000007**
Well No. 16	0.000130	0.000087		0.000109	**0.000016**
Well No. 17	0.000140	0.000089		0.000115	**0.000016**
Well No. 18	0.000022	<0.000005		0.000011	0.000002
Well No. 19	0.000017	0.0000053		0.000011	0.000002
Well No. 21	< 0.000005				0

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

In the first quarter of 2018, Wells Nos. 14, 16, 17, 18 and 19 are all showing detections of 1,2,3-TCP. Well No. 21 was non-detect for 1,2,3-TCP. Because Well No. 13 was offline in the first quarter of 2018, first initial sample was collected in the second quarter of 2018 and 1,2,3-TCP was detected.

Notification to the public of the 1,2,3-TCP violation was not yet been performed by the City in conformance with CCR, Title 22, Sections 64463.4(b) and (c) and 64465.

DETERMINATION

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 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 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.

As shown in Table 1, the 1,2,3-TCP RAA from Wells Nos. 14, 16 and 17 showed results ranging from 0.000007 mg/l and 0.000016 mg/l. Therefore, the State Water Board has determined that the City 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 during **2018**.

Furthermore, this Order will extend to Wells Nos.13, 18, 19 and 21 in the event that a compliance determination is made by the State Water Board that Wells Nos.13, 18, 19 and 21 fails 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 City is at all times safe, wholesome, healthful, and potable, the City is hereby directed to take the following actions:

1. On or before **April 30, 2021**, comply with CCR, Title 22, Section 64444.

2. **Quarterly** sampling for 1,2,3-TCP from **Wells Nos. 14, 16 and 17** shall continue in the **second quarter of 2018** and shall continue every three months thereafter. The City shall ensure that the laboratory, which conducts the analysis, submits the analytical results

electronically by State Water Board approved method no later than the 10th day following the month in which the analysis was completed.

3. **Quarterly** sampling for 1,2,3-TCP from **Well No. 21** shall continue until **four quarters** of monitoring have been completed or a compliance determination is made by the State Water Board that the 1,2,3-TCP MCL is in violation.

4. **Monthly** sampling for 1,2,3-TCP from **Wells Nos. 13, 18 and 19** shall continue until **six months** of monitoring have been completed or a compliance determination is made by the State Water Board that the 1,2,3-TCP MCL is in violation.

5. By **May 10, 2018**, public notification to the customers of the City shall be conducted and shall continue every three months until the State Water Board determines that the 1,2,3-TCP contamination is resolved. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.4 and 64465. Appendix 2: Notification Template shall be used to fulfill this directive, unless otherwise approved by the State Water Board.

6. Complete Appendix 3: Certification of Completion of Notification Form. Submit it together with a copy of the public notification conducted in compliance with the public notification requirement listed above to the State Water Board within 10 days following each notification.

7. 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 City 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 City will be in compliance with the 1,2,3-TCP MCL, which date shall be no later than **April 30, 2021**.

8. On or before **July 31, 2018**, submit and present the Corrective Action Plan required under Directive No. 6 above, to the State Water Board's office located at 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704.

9. 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.

10. On or before **September 30, 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.

11. This Order and its directives shall become effective for **Wells Nos. 13, 18, 19 and 21** in the event that the State Water Board determines that **Wells Nos. 13, 18, 19 and 21** are in violation of the 1,2,3-TCP MCL. The City should take into account that the likelihood of this occurring is highly possible and include **Wells Nos. 13, 18, 19 and 21** in the Corrective Action Plan with an appropriate timeline.

12. Not later than ten (10) days following **April 30, 2021**, demonstrate to the State Water Board that the water delivered by the City complies with the 1,2,3-TCP MCL.

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 City anticipates it will not timely meet such performance deadline.

14. By **May 15, 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 City has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals, with exception of analytical results, required by this Order 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, compliance order number and title of the document being submitted.

Kassy D. Chauhan, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Merced District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

Dwpdist11@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 City 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 City, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Order are severable, and the City 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.

4-20-2018

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. 7016 3010 0000 0446 1898