



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

August 27, 2013
System No. 1000359

Ms. Betty Brown
FCSA # 32 / Cantua Creek
2220 Tulare Street, 6th Floor
Fresno, CA 93725

RE: Compliance Order No. 03-23-13R-007 For HAA5 MCL Non-Compliance

Dear Ms. Brown:

The California Department of Public Health (Department) has issued Compliance Order No. 03-23-13R-007 to the FCSA # 32 / Cantua Creek Water System for violation of the Haloacetic Acids Five (HAA5) Maximum Contaminant Level (MCL). The Compliance Order requires your Water System to present to the Department a Corrective Action Plan for improvements to the Water System to correct the water quality problem (violation of the HAA5 MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards." The Compliance Order also requires that the Water System complete a project to resolve the HAA5 MCL violation no later than **August 31, 2016**.

Please submit a written response to our office by September 20, 2013, regarding your intent to comply with the attached Compliance Order. The Compliance Order also requires the submission of quarterly progress reports to the Department, even if no progress has been made. The first progress report is due no later than February 28, 2014.

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. Compliance Order Item No. 1(e) requires that the Corrective Action Plan be presented to the Department no later than **November 30, 2013**. Arrangement for presenting the plan can be made by contacting Sudarshan Poudyal or me at (559) 447-3300.

Sincerely,

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/SP



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
<http://www.fypower.org>

Southern California Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704
(559) 447-3300; Fax (559) 447-3304
Internet Address: <http://www.dhs.ca.gov/ps/ddwem/>

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **FCSA # 32 / CANTUA CREEK**
Water System No. 1000359

TO: Ms. Betty Brown
Special Districts Administrator
2220 Tulare Street, 6th Floor
Fresno, CA 93725

**COMPLIANCE ORDER FOR NONCOMPLIANCE
OF HALOACETIC ACIDS FIVE MAXIMUM CONTAMINANT LEVEL**

Issued on August 27, 2013

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

FINDINGS

The Fresno County Service Area (FCSA) # 32 / Cantua Creek water system (hereinafter Water System) is a community water system located in Fresno County that supplies water for domestic purposes to a year-round population of approximately 230 persons through 78 service connections. The Water System operates under a domestic Water Supply Permit No. 03-23-09P-017 issued by the California Department of Public Health, Drinking Water Program (hereinafter Department) in January 2009.

1 The Water System receives raw water from the California Aqueduct, Westlands Water
2 District lateral #13. The raw water is treated by means of a Roberts Pacer II package
3 treatment plant. The raw water is pretreated with polymer, rapid mixed with an inline flash
4 mixer, clarified through a coarse media clarifier, filtered by a gravity flow multi-media
5 filter, and chlorinated. The chlorinated water is stored in a 240,000 gallons capacity storage
6 tank prior to distribution.

7
8 Beginning January 1, 2004, the U.S. Environmental Protection Agency's (U.S. EPA) Stage
9 1 Disinfectants/Disinfection By-Products (D/DBP) Rule required water systems serving less
10 than 10,000 persons to begin monitoring and reporting disinfection byproduct and residual
11 disinfectant levels to the Department. The D/DBP Rule was adopted by the State of
12 California, effective June 17, 2006. The D/DBP Rule applies to any community or non-
13 transient non-community water system that uses a chemical disinfectant in any part of the
14 treatment process or which provides water that contains a chemical disinfectant. The
15 D/DBP Rule set a maximum contaminant level (MCL) in drinking water for total
16 trihalomethanes (TTHM) of 80 $\mu\text{g/L}$, and for haloacetic acids (HAA5) of 60 $\mu\text{g/L}$.

17
18 Compliance with the HAA5 MCL is based on a running annual average (RAA), computed
19 quarterly, of all samples collected within the distribution system. If the RAA of any
20 consecutive four-quarter period exceeds the HAA5 MCL, the system is not in compliance.
21 Compliance can also be determined in less than four quarters of monitoring if the resulting
22 average of one quarter exceeds 4 times the MCL, if the resulting average of two quarters
23 exceeds 2 times the MCL, or if the resulting average of three quarters exceeds 1.34 times
24 the MCL. Table 1 presents historical HAA5 monitoring data for the Water System. The
25 most recent monitoring shows that the Water System's HAA5 four-quarter RAAs in the
26 first and second quarter of 2013 were 63 $\mu\text{g/L}$ and 68 $\mu\text{g/L}$, respectively, which exceed the
27 HAA5 MCL of 60 $\mu\text{g/L}$. The TTHM RAAs were also above the MCL of 80 $\mu\text{g/L}$. The

1 Water System was issued a Compliance Order No. 03-12-08O-003 on February 14, 2008
 2 for TTHM MCL violation.

3 **Table 1: TTHMand HAA5 monitoring data**

Date	TTHM (MCL = 80 µg/L)	TTHM RAA (µg/L)	HAA5 (MCL = 60 µg/L)	HAA5 RAA (µg/L)
1 st Qtr 2012	130	93	41	43
2 nd Qtr 2012	140	109	55	43
3 rd Qtr 2012	130	118	54	47
4 th Qtr 2012	140	135	34	46
1 st Qtr 2013	190	150	110	63
2 nd Qtr 2013	140	150	75	68

9 **CONCLUSIONS OF LAW**

10 Based on the above Findings, the Department has determined that the FCSA # 32 / Cantua
 11 Creek Water System has violated provisions contained in the California Health and Safety
 12 Code (CHSC) and Title 22, California Code of Regulations (CCR). These violations
 13 include, but are not limited to, the following:

- 14 1. CHSC Section 116555 (a)(1): Specifically, the FCSA # 32 / Cantua Creek Water
 15 System has failed to provide water that complies with primary drinking water
 16 standards.
- 17 2. CHSC Section 116555 (a)(3): Specifically, the FCSA # 32 / Cantua Creek Water
 18 System has failed to ensure that a reliable and adequate supply of pure, wholesome,
 19 healthful, and potable water is provided to all of its consumers.
- 20 3. CCR, Section 64533: Specifically, the water produced by the FCSA # 32 / Cantua
 21 Creek Water System exceeds the Maximum Contaminant Level for Haloacetic
 22 Acids of 60 µg/L.

1 **ORDER**

2 To ensure that the water supplied by the FCSA # 32 / Cantua Creek Water System is at all
3 times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the
4 CHSC, the FCSA # 32 / Cantua Creek Water System is ordered to take the following
5 actions:

6
7 1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1), (a)(3)
8 and CCR Section 64533 by ensuring that the system is provided with a reliable and
9 adequate supply of pure, wholesome, healthful, and potable water, in compliance
10 with all primary drinking water standards.

11
12 b) The FCSA # 32 / Cantua Creek Water System shall provide quarterly public
13 notification of its inability to meet the HAA5 MCL during any calendar quarter
14 that the four-quarter RAA exceeds the HAA5 MCL. Notification procedures require
15 mail or direct delivery of notice to each customer receiving a bill including those
16 that provide their drinking water to others (e.g., school and other commercial
17 service connections). The notice is provided in Attachment A. The first public
18 notification shall be conducted by **September 20, 2013**. Proof of public notification
19 shall be provided to the Department following each quarterly notification by the 10th
20 day of the month following notification, using the form provided in Attachment B.
21 The first proof of public notification is due by **October 10, 2013**.

22
23 c) FCSA # 32 / Cantua Creek Water System shall continue to collect quarterly
24 samples for TTHMs and HAA5s from the distribution system in accordance with the
25 approved DBP monitoring plan. The analytical results shall be reported to the
26 Department no later than the 10th day following the month in which the sample was
27 collected.

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d) The FCSA # 32 / Cantua Creek Water System shall prepare a Corrective Action Plan for improvements to the Water System to correct the water quality problem (exceedance of the HAA5 MCL) and eliminate the need to deliver water to consumers that does not meet the DBP standards. The plan shall include a time schedule for completion of various phases of the project such as evaluation of alternatives, design, construction, startup and public information. The plan must include an evaluation of the options that are outlined in Attachment C.

e) The Corrective Action Plan required under Item (1)(d) above shall be presented to the Department in an office meeting no later than **November 30, 2013**.

f) The FCSA # 32 / Cantua Creek Water System shall submit quarterly progress reports on the status of the implementation of the plan to the Department beginning **Febraury 2014**.

g) The FCSA # 32 / Cantua Creek Water System shall operate the existing water system to minimize formation of TTHMs and HAA5s.

2. The FCSA # 32 / Cantua Creek Water System shall submit a written response by **September 15, 2013**, indicating its willingness to comply with the directives of this Compliance Order.

3. The FCSA # 32 / Cantua Creek Water System shall complete a project to resolve the HAA5 MCL violation no later than **August 31, 2016**.

1 4. The Department reserves the right to make such modifications to this Order as it may
2 deem necessary to protect public health and safety. Such modifications may be issued
3 as amendments to this Order and shall be effective upon issuance.

4
5 5. All submittals required by this Order shall be addressed to:

6 Betsy S. Lichti, P.E., Senior Sanitary Engineer
7 Department of Public Health
8 Southern California Branch
9 Drinking Water Field Operations
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

10
11 6. If the FCSA # 32 / Cantua Creek Water System is unable to perform the tasks
12 specified in this Order for any reason, whether within or beyond its control, and if
13 the Water System notifies the Department in writing no less than five days in
14 advance of the due date, the Department may extend the time for performance if the
15 Water System demonstrates that it has used its best efforts to comply with the
16 schedule and other requirements of this Order.

17
18 7. If the FCSA # 32 / Cantua Creek Water System fails to perform any of the tasks
19 specified in this Order by the time described herein or by the time subsequently
20 extended pursuant to Item 6 above, the Water System shall be deemed to have not
21 complied with the obligations of this Order and may be subject to additional judicial
22 action, including civil penalties specified in CHSC, Sections 116725 and 116730.

23
24 8. The State of California shall not be liable for any injuries or damages to persons or
25 property resulting from acts of omissions by the FCSA # 32 / Cantua Creek Water
26 System, its employees, agents, or contractors in carrying out activities pursuant to
27 this Order, nor shall the State of California be held as a party to any contract entered

1 into by the FCSA # 32 / Cantua Creek Water System or its agents in carrying out
2 activities pursuant to this Order.

3
4 **PARTIES BOUND**

5 This Order shall apply to and be binding upon the FCSA # 32 / Cantua Creek Water System
6 water system, its officers, directors, agents, employees, contractors, successors, and
7 assignees.

8
9 **SEVERABILITY**

10 The requirements of this Order are severable, and the FCSA # 32 / Cantua Creek Water
11 System shall comply with each and every provision thereof notwithstanding the
12 effectiveness of any provisions.

13
14 **CIVIL PENALTIES**

15 Failure to comply with any provision or Compliance Schedule of the Compliance Order
16 may result in the Department imposing additional enforcement actions (Citations) and
17 administrative penalties.

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19
20 8-27-2013
Date


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

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26 BSL/SP

- 27 **Attachments:**
Attachment A: Public Notification Method & Notice
Attachment B: Proof of Notification Form
Attachment C: Improvement Plan Options

