

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: IMPROVEMENT DISTRICT #1
System No. 5400968

TO: Board of Directors
Improvement District #1
P.O. Box 482
Three Rivers, CA 93271

CC: County of Tulare
Health & Human Services Agency
5957 S. Mooney Boulevard
Visalia, CA 93277

**COMPLIANCE ORDER
FOR
VIOLATION OF THE SURFACE WATER TREATMENT RULE**

Issued on March 4, 2013

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The Improvement District #1 Water System (hereinafter Water System) is a community water system that supplies water for domestic purposes to a community population of approximately 200 persons served through 78 service connections, including businesses,

1 churches and residential customers. The Water System utilizes 5 (five) active groundwater
2 wells, 2 (two) of which are under the direct influence of surface water from the Kaweah
3 River. The Water System is operating under the authority of Permit No. 1644 issued by
4 Tulare County Health and Human Services Agency (hereinafter County) on September 10,
5 2003. On October 1, 2011 regulatory oversight for Improvement District #1 was
6 transferred from the Tulare County Health and Human Services Agency (Tulare County) to
7 the California Department of Public Health - Drinking Water Program (Department),
8 Visalia District.
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11 In 2003 when the permit was issued, the Water System was treating the raw water by
12 means of 2 (two) vertical media pressure filters which were pretreated with a
13 polyaluminum hydroxychloride coagulant (Aqua Pac 5150), then chlorinated in a 10,000
14 gallon tank. This alternative filtration has been identified as in-line filtration technology.
15 The 2003 permit specified that finished water turbidity should be less than 0.5 NTU in 95
16 percent of the measurements taken each month and should not exceed 1.0 NTU at any time.
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19 Furthermore, in 2005, the turbidity performance standard for in-line filtration technologies
20 was further reduced to 0.1 NTU in 95 percent of the measurements taken each month and
21 require to not exceed 0.5 NTU at any time. The Water System was notified of these
22 requirements by the County via a letter dated February 6, 2006, and has failed to comply
23 with the reduced turbidity performance standards since the issuance of the County's letter.
24 Multiple Notices of Violations were issued to the Water System while under the County's
25 jurisdiction for not complying with the reduced turbidity performance standards. The
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1 Water System commenced with public notification to the customers of the Water System
2 on June 11, 2006, informing them of the violation. It should also be noted that in 2011, the
3 filtration plant became inoperable and the Water System found it necessary to by-pass
4 filtration treatment of the raw water. Since the onset of the transfer in regulatory oversight
5 to the Department in October 2011, the Water System has been providing a Boil Water
6 Order to the customers of the Water System because they are delivering untreated surface
7 water to its customers.
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10 The Water System applied for USDA funds to replace their distribution system and later
11 additional funds with USDA were available to install 2 (two) package plants. In addition,
12 the Water System also submitted a universal pre-application for CDPH funding. In 2012,
13 upon invitation by the Department, the Water System submitted a Prop. 50 application for
14 an additional treatment plant. This application is currently under review.

15 Due to the ongoing turbidity performance standard violations as previously noted, the
16 above violation is classified as a **continuing** violation.
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19 **CONCLUSIONS OF LAW**

20 Based on the above Findings, the Department has determined that the Improvement District
21 #1 water system has violated provisions contained in the California Health and Safety Code
22 and Title 22, California Code of Regulations (CCR). These violations include, but are not
23 limited to the following:
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26 1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the Water System
27 has failed to provide water that complies with primary drinking water standards.

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2. H&S Code Section 116555(a)(3). Specifically, the Water System failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.

3. Title 22, Division 4, Chapter 17, Section 64652. Specifically, the Water System has failed to provide multibarrier treatment that reliably ensures that 3-log *Giardia lamblia* cysts and 4-log viruses are reduced through filtration and disinfection.

4. Title 22, Division 4, Chapter 17, Section 64653. Specifically the Water System has failed to provide 1 (one) of the 4 (four) approved filtration technologies or an approved alternative process.

ORDER

In order to ensure that the water supplied by Improvement District #1 is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the Water System is ordered to take the following actions:

1. Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.

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2. By **April 15, 2013**, the Water System shall develop and submit to the Department, for review and approval, a plan for improvements to the water system encompassing a project designed to correct the existing water quality problem and eliminate the need to deliver water to the system that does not meet the primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project, such as design, construction, and start-up.

3. The project completion date shall be no later than February 1, 2014.

4. The Water System shall submit quarterly progress reports to the Department beginning on **April 10, 2013**. The quarterly progress reports shall describe the status of compliance with the plan and the proposed project. The quarterly progress report shall be provided by the 10th day of the following month of each quarter.

5. The Water System shall continue to provide public notification to all customers informing them of the need to boil their water for any time period that the water does not meet the requirements of the SWTR. The notification to the public shall be **repeated every three months as long as the violation exists** and must include the mandatory language contained in **Attachment A**. The notice should be mailed or hand-delivered to the customers of the Water System.

6. Notification shall be provided by the Water System continuously until the problem is corrected. Proof of public notification shall be provided to the Department

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following each quarterly notification by the 10th day of the month following notification. The proof of notification form is included in **Attachment B**.

7. The Water System shall continue to provide disinfection of the water delivered from its sources until further notice.

8. The Water System shall submit a written response by **April 1, 2013**, indicating its willingness to comply with the directives of this Compliance Order.

9. The Department reserves the right to make such 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.

All submittals required by this Order shall be addressed to:

Tricia A Wathen, P.E.
Senior Sanitary Engineer
Department of Public Health
Southern California Branch
Drinking Water Field Operations
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

10. If the Water System is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Water System notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the Water System demonstrates

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that it has used its best efforts to comply with the schedule and other requirements of this Order.

11. If the Water System fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 10 above, the Water System shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in H&S Code, Section 116725 and 116730.

12. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the Water System, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Water System or its agents in carrying out activities pursuant to this Order.

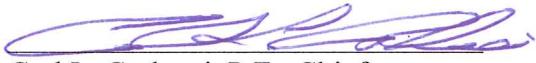
1 **PARTIES BOUND**

2 This Order shall apply to and be binding upon Improvement District #1, its officers,
3 directors, agents, employees, contractors, successors, and assignees.
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6 **SEVERABILITY**

7 The requirements of this Order are severable, and Improvement District #1 shall comply
8 with each and every provision thereof notwithstanding the effectiveness of any provisions.
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12 3-4-2013
Date


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

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15 CLC/TAW/LR
16 Attachment A: Boil Water Order template
17 Attachment B: Proof of Notification template

18 03-12-13R-001540096842c FiltAvoid ID 3.4.13
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BOIL WATER ORDER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING BOIL YOUR WATER BEFORE USING

Failure to follow this advisory could result in stomach or intestinal illness.

The water delivered to the customers of Improvement District No. 1 (District) is impacted by surface water from the Kaweah River and is not treated. Untreated surface water may have disease-causing organisms that if left untreated may cause stomach or intestinal illness. The California Department of Public Health in conjunction with the District are advising residents to use boiled tap water or bottled water for drinking and cooking purposes as a safety precaution.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- *These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.* The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers.

What happened? What is being done?

[Describe the outbreak, corrective action, and when the outbreak might end]. We will inform you when you no longer need to boil your water.

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Improvement District No. 1.

Date: _____

PROOF OF NOTIFICATION
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Improvement District No. 1** of the failure to comply with the Surface Water Treatment Rule for the:

Circle one: 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____
(date)

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

The notice was distributed by mail or direct delivery to each customer served by the water system. Specify other direct delivery method(s) used: _____

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

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by: Name _____

Signature _____

Title _____

Date _____

Due to the Dept. of Public Health within 10 days of notification to the public
Enforcement Action No.: 03-12-13R-001