



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

November 19, 2013
System No. 1000042

Ms. Betty Brown
Special Districts Administration
FCWWD # 40 / Shaver Springs
2220 Tulare Street, 6th Floor
Fresno, CA 93721

RE: Compliance Order No. 03-23-13R-010 For Gross Alpha MCL Non-Compliance

Dear Ms. Brown:

The California Department of Public Health (Department) has issued Compliance Order No. 03-23-13R-010 to the FCWWD # 40 / Shaver Springs Water System for violation of the Gross Alpha 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 Gross Alpha 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 Gross Alpha MCL violation no later than **November 30, 2016**.

Please submit a written response to our office by December 10, 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 May 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 **December 31, 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/>

3 **STATE OF CALIFORNIA**
4 **DEPARTMENT OF PUBLIC HEALTH**

5 IN RE: FCWWD #40/SHAVER SPRINGS
6 Water System No. 1000042

7 TO: Ms. Betty Brown
8 Special Districts Administrator
9 2220 Tulare Street, #600
10 Fresno, CA 93721

11 **COMPLIANCE ORDER NO. 03-23-13R-010**
12 **FOR VIOLATION OF THE**
13 **GROSS ALPHA MAXIMUM CONTAMINANT LEVEL**

14 **Issued on November 19, 2013**

15
16 Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code
17 authorizes the issuance of an Order for failure to comply with a requirement of the
18 California Safe Drinking Water Act, or any regulation, standard, permit, or order issued
19 thereunder.

20
21 **FINDINGS**

22 The FCWWD #40/Shaver Springs water system (hereinafter “Water System”) is a
23 community water system located in the County of Fresno and supplies water to residential
24 community. The Water System serves a population of approximately 160 people through
25 64 service connections. The Water System operates under a domestic water supply permit
26 issued by the California Department of Public Health (hereinafter “Department”) in
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December 2008. Regulatory oversight of this Water System was transferred from Fresno County Environmental Health Division to the Department on September 1, 2007.

The California Code of Regulations (CCR) Section 64442 establishes the Maximum Contaminant Levels (MCL) for Gross Alpha of 15 pCi/L, and for Uranium of 20 pCi/L. CCR Section 64442(g) specifies that if any radionuclide sample result is greater than an MCL, quarterly samples shall be collected and analyzed. Compliance shall be determined based on the running annual average of four consecutive quarterly samples. If any sample result causes the annual average at any sample site to exceed the MCL, the system shall be out of compliance immediately upon receiving the result.

In accordance with the CCR Section 64442(a) and (h) compliance with the Gross Alpha MCL is determined by a calculation of the running annual average of Gross Alpha particle activity excluding Radon and Uranium.

Compliance Order No. 03-23-09O-013 was issued to the Water System on June 16, 2009 for the Uranium MCL violation at Well 05 and Well 06. Since the issuance of that Compliance Order, Well 06 has also exceeded the Gross Alpha MCL as presented in Table 1. Specifically, the Water System exceeded the Gross Alpha MCL of 15 pCi/L as specified in § 64442 (a), Title 22, California Code of Regulations (CCR) during the first and fourth quarter of 2012, and the first and second quarter of 2013. Note that Radon testing has not been performed.

The Water System has also been issued a Compliance Order No. 03-23-100-005 in April 26, 2010 for an ongoing Arsenic MCL violation in Well 06.

Table 1. Radiological Monitoring Summary – Well 06

Sample Date	Gross Alpha (pCi/L)	Uranium (pCi/L)	Ra-226 (pCi/L)	Ra-228 (pCi/L)	GA-Ur (pCi/L)	GA-Ur Quarterly RAA (pCi/L)
06/04/2009	22.0	10.7	ND	ND	11.3	
09/15/2009	19.4	10.0	13.1	4.9	9.4	
12/22/2009	10.0	10.7	-	-	0.0	
03/25/2010	97.8	67.3	-	-	30.5	12.8
06/10/2010	28.5	26.4	2.5	1.0	1.6	10.4
06/23/2010	28.0	27.0	3.2	1.4		
12/21/2010	20.0	9.4	1.7	1.7	10.6	10.7
04/13/2011	23.7	18.8	1.8	ND	12.6	13.8
06/21/2011	36.5	16.2	2.1	ND		
09/13/2011	34.6	34.4	ND	1.0	0.2	6.3
12/15/2011	31.9	10.0	2.8	ND	21.9	11.3
03/14/2012	37.3	8.3	3.4	ND	29.0	15.9
06/07/2012	16.0	12.3	3.2	ND	3.7	13.7
10/04/2012	42.4	14.6	2.9	ND	21.7	19.1
12/06/2012	27.4	11.9	3.4	ND		
03/07/2013	34.8	17.9	2.7	1.4	16.9	17.8
06/11/2013	43.3	17.3	2.6	ND	26.0	17.1

Gross Alpha MCL = 15 pCi/L, Uranium MCL = 20 pCi/L, Combined Ra-226+Ra-228 MCL = 5 pCi/L.

Due to the Gross Alpha MCL violation, the Water System is required to conduct public notification within 30 days of receipt of this Order, which must be repeated every three months as long as the violations exist.

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2 **CONCLUSIONS OF LAW**

3 Based on the above Findings, the Department has determined that the FCWWD
4 #40/Shaver Springs Water System has violated provisions contained in the California
5 Health and Safety Code and Title 22, California Code of Regulations (CCR). These
6 violations include, but are not limited to, the following:

- 7
- 8 1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the FCWWD
9 #40/Shaver Springs Water System is operating Well 06 that produces water that
10 does not comply with the primary drinking water standards.
 - 11
 - 12 2. H&S Code Section 116555(a)(3). Specifically, the FCWWD #40/Shaver Springs
13 Water System failed to ensure that a reliable and adequate supply of pure,
14 wholesome, healthful, and potable water is provided to all of its consumers.
 - 15
 - 16 3. CCR Section 64442(a). Specifically, the water produced by the FCWWD #
17 40/Shaver Springs Water System, Well 06 exceeds the maximum contaminant level
18 for Gross Alpha, and therefore does not comply with the primary drinking water
19 standard.
 - 20

21 **ORDER**

22 In order to ensure that the water supplied by the FCWWD #40/Shaver Springs Water
23 System is at all times safe, wholesome, healthful, and potable, and pursuant to Section
24 116655 of the H&S Code, the Water System is ordered to take the following actions:

- 25
- 26 1. (a) Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and
27 (3) by ensuring that the system is provided with a reliable and adequate source of

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pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.

(b) The FCWWD #40/Shaver Springs Water System shall prepare a Corrective Action Plan for improvements to the Water System to correct the water quality problem (exceedance of the Gross Alpha MCL) and eliminate the need to deliver water to consumers 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 evaluation of alternatives, design, construction, startup and public information.

(c) The Corrective Action Plan required under Item 1(b) shall be presented to the Department in an office hearing no later than **December 31, 2013**.

(d) FCWWD #40/Shaver Springs Water System shall submit quarterly progress reports to the Department, beginning **May 2014**. The progress reports shall describe the status of compliance with the plan and the proposed project.

(e) By **November 30, 2016**, FCWWD #40/Shaver Springs Water System shall achieve compliance with the Gross Alpha MCL, demonstrating a Gross Alpha particle activity (excluding Radon and Uranium) quarterly running annual average that is less than 15 pCi/L in the water delivered to consumers. The Water System shall notify the Department in writing of the date that compliance has been achieved, no later than ten days after receiving the laboratory sampling results.

(f) The FCWWD #40/Shaver Springs Water System must conduct public notification in accordance with CCR Section 64463 and inform the public of its inability to meet the Gross Alpha MCL at Well 06 until a project is completed to provide water

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2 meeting drinking water standards. The Water System shall distribute the
3 Department-approved notice (Attachment A) to all consumers. Notification must be
4 directly delivered to all customers. The first notification shall be conducted within
5 30 days of receipt of this citation, but no later than **December 10, 2013**.
6 Notification to the public shall be **repeated every three months as long as the**
7 **violation exists**. Please contact our office in order to request an electronic copy of
8 the notice (Attachment A).

9
10 (g) Proof of public notification (Attachment B) to all Water System users shall be
11 provided to the Department following each quarterly notification by the 10th day of
12 the month following notification.

13
14 (h) Quarterly monitoring for Gross Alpha, Uranium, Radium-226, and Radium-228 of
15 Well 05 and Well 06 must be conducted, preferably before each quarterly notice is
16 released, so the notice can reflect the most recent sample results.

17
18 2. The FCWWD #40/Shaver Springs Water System shall submit a written response by
19 **December 10, 2013**, indicating its willingness to comply with all directives of this
20 Compliance Order.

21
22 3. The FCWWD #40/Shaver Springs Water System shall comply with the directives
23 specified in Compliance Order No. 03-23-09O-013 related to the Uranium MCL
24 violation and issued on June 16, 2009, and Compliance Order No. 03-23-10O-005
25 related to Arsenic MCL violation in Well 06 and issued on April 26, 2010.
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4. 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:

Betsy S. Lichti, 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

5. If the FCWWD #40/Shaver Springs 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 that it has used its best efforts to comply with the schedule and other requirements of this Order.

6. If the FCWWD #40/Shaver Springs 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 5 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.

7. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the FCWWD #40/Shaver Springs

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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.

PARTIES BOUND

This Order shall apply to and be binding upon the FCWWD #40/Shaver Springs Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the FCWWD #40/Shaver Springs Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

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CIVIL PENALTIES

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

11-19-2013
Date


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

BSL/sp

Attachments:
Attachment A: Public Notification Notice
Attachment B: Proof of Notification Form



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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

**FCWWD #40/Shaver Springs Has Levels of Gross Alpha
Above Drinking Water Standards**

Water produced by Well 06 of our water system failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on [Insert date(s) or month year,] show that our system exceeds the standard, or maximum contaminant level (MCL), for Gross Alpha. The standard for Gross Alpha is 15pCi/L excluding Uranium and Radon. The average level of Gross Alpha over the last year was [level].

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- *This is not an emergency. If it had been, you would have been notified immediately. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action.] _____.
We anticipate resolving the problem within [estimated time frame] _____.
For more information, please contact _____ [insert name of contact] at
_____ [insert phone number] or at the following mailing address:
_____ [insert 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 FCWWD#40/Shaver Springs Date distributed: _____.

Attachment B

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 **FCWWD#40/Shaver Springs Water System** of the failure to meet the **Gross Alpha MCL** for the:

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

Notification was made on _____ by
(date)

hand delivered and/or mailed written notice.
(circle all completed)

Signature of Water System Representative

Date

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.

Due to the Dept. of Public Health within 10 days of notification to the public
Gross Alpha MCL Exceedance
Compliance Order No. 03-23-13R-010
System Number: 1000042