

1 **APPLICABLE AUTHORITIES**

2 **Section 116650 of California Health and Safety Code provides:**

3 "116650. Citations.

4 (a) If the department determines that a public water system is in violation
5 of this chapter or any regulation, permit, standard, citation, or order issued or adopted
6 thereunder, the department may issue a citation to the public water system. The
7 citation shall be served upon the public water system personally or by certified mail.
8 Service shall be deemed effective as of the date of personal service or the date of
9 receipt of the certified mail. If a person to whom a citation is directed refuses to accept
10 delivery of the certified mail, the date of service shall be deemed to be the date of
11 mailing.

12 (b) Each citation shall be in writing and shall describe the nature of the
13 violation or violations, including a reference to the statutory provision, standard, order,
14 citation, permit, or regulation alleged to have been violated.

15 (c) A citation may specify a date for elimination or correction of the
16 condition constituting the violation.

17 (d) A citation may include the assessment of a penalty as specified in
18 subdivision (e).

19 (e) The department may assess a penalty in an amount not to exceed
20 one thousand dollars (\$1,000) per day for each day that a violation occurred, and for
21 each day that a violation continues to occur. A separate penalty may be assessed for
22 each violation."
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24 **California Code of Regulations, Title 22, Section 64533, subsection (a) provides,**
25 **in relevant part:**
26



1 64465-G, in addition to reporting to the Department pursuant to sections 64537
2 through 64537.6.”

3 **California Code of Regulations, Title 22, Section 64463.4, subsection (b)**
4 **provides, in relevant part:**

5 (b) A water system shall give the notice as soon as possible within 30 days
6 after it learns of a violation or occurrence specified in subsection (a), except that the
7 water system may request an extension of up to 60 days for providing the notice.
8 This extension would be subject to the Department’s written approval based on the
9 violation or occurrence having been resolved and the Department’s determination that
10 public health and welfare would in no way be adversely affected. In addition, the
11 water system shall:

12 (1) Maintain posted notices in place for as long as the violation or occurrence
13 continues, but in no case less than seven days;

14 (2) Repeat the notice every three months as long as the violation or occurrence
15 continues.

16 ...

17 STATEMENT OF FACTS

18 BACKGROUND

19 The Brawley water system is operated under Water Supply Permit No. 05-14-01P-
20 003, issued on June 8, 2001. Brawley is a community water system that supplies
21 water for domestic purposes to approximately 25,906 residents through 5,717 service
22 connections. The water system purchases raw water from Imperial Irrigation District
23 via the Central Main Canal and stores it in two Hypalon lined raw storage ponds that
24 have a total storage volume of 32.5 million gallons. From the raw water pond, water is
25 pumped to the treatment plant. Brawley owns and operates a conventional surface
26 water treatment plant consisting of rapid mix/coagulation, flocculation (three stage),

1 sedimentation (two basins), filtration (four mixed media rapid sand filter basins), and
2 chlorine inactivation (to achieve 0.5-log Giardia and 2-log Virus inactivation under
3 typical raw water bacteriological water quality conditions). Brawley has a total treated
4 water storage capacity of 9.0 MG, consisting of three welded steel reservoirs.

5 **ENFORCEMENT HISTORY**

6 No enforcement actions have been previously issued to Brawley for TTHM MCL
7 violations. Brawley did not exceed the TTHM maximum contaminant running annual
8 average until the violation described in this citation.

9 **VIOLATION OF SECTION 64533 - STAGE 2 TTHM MCL**

10 Brawley is a Schedule 3 system under the Stage 2 Disinfection Byproducts Rule
11 (DBPR). As of October 1, 2013, pursuant to CCR, Title 22, Section 64534.2(d),
12 Brawley is required to collect four distribution system samples per quarter for TTHM
13 and haloacetic acids (HAA5) analyses at the locations in their approved Compliance
14 Monitoring Plan, which are shown in the following table:

15 **Table 1: Brawley's Stage 2 DBPR Sampling Locations**

Sample Site	PS Code	Location	Pressure Zone	Source Reservoir
Site 1	1310002-900	Allen & Rio Vista	SW	Water Plant
Site 2	1310002-901	9th & G	Center of Town	Water Plant
Site 4	1310002-902	River Drive	NE	Water Plant
Site 7	1310002-903	Marjorie & Main	W	Water Plant

16 According to Section 64535.2(e)(1), "For systems monitoring quarterly, each
17 locational running annual average (LRAA), computed quarterly, shall not exceed the
18 MCLs specified in section 64533", which for TTHMs is 80 µg/L.

19 During the period of 4th quarter 2013 through 4th quarter 2014, Brawley collected
20 TTHM and HAA5 samples as required. TTHMs results for this period are shown in
21 **Table 2**. The HAA5 MCL was not exceeded during this period.

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Table 2: Brawley's 2013-2014 TTHM Results (all results in µg/L)

Sample Site	4 th Q 2013	1 st Q 2014	2 nd Q 2014	3 rd Q 2014	4 th Q 2014
Site 1	55.0	65.0	79.6	100.0	44.0
Site 2	63.0	71.0	84.4	86.0	48.0
Site 4	78.0	89.0	146.0	90.0	45.0
Site 7	70.0	63.0	88.6	94.0	32.0
OEL Calculations			2 nd Q 2014	3 rd Q 2014	4 th Q 2014
Site 1	-	-	70	86	67
Site 2	-	-	76	82	67
Site 4	-	-	115	104	82
Site 7	-	-	78	85	62
LRAA Calculations			2 nd Q 2014	3 rd Q 2014	4 th Q 2014
Site 1	-	-	-	74.9	72
Site 2	-	-	-	76.1	72
Site 4	-	-	-	100.8	93
Site 7	-	-	-	78.9	69

2 During the 2nd quarter of 2014, Brawley exceeded the Operational Evaluation Level
3 (OEL) at Site 4 "River Drive", which required an OEL report to be submitted to the
4 Division. The report was submitted on October 9, 2014. The OEL report concluded
5 that the following factors and/or variations in the plant and distribution system
6 performance contributed to the elevated TTHM results:

- 7 • A Significant Industrial User (SIU) within the city's water service area shut down its
8 operations. This SIU had typically used 40% of the water plant daily production (2
9 to 2.5 million gallons per day (mgd).
- 10 • Conservation efforts had been increased including a decrease in the execution of
11 the Water Distribution Flushing program, and a reduction in residential usage.
- 12 • This reduction in water usage of approximately 20% has caused an increase in
13 water age and caused longer filter run times at the water treatment plant.

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1 On October 10, 2014, Brawley reported the 3rd quarter 2014 TTHM results. As shown
2 in Table 2 above, the locational running annual average (LRAA) at Site 4 "River Drive"
3 exceeded the TTHM MCL of 80 µg/L. In addition, the OEL was exceeded at four
4 locations: Site 1 "Allen & Rio Vista", Site 2 "9th & G", Site 4 "River Drive" and Site 7
5 "Marjorie & Main".

6 On November 14, 2014, the Division directed Brawley to conduct a Tier 2 Public
7 Notice (PN). PN was issued by Brawley on November 24, 2014. The Proof of
8 Notification form was received by the Division on December 1, 2014.

9 On January 22, 2015, Brawley reported the 4th quarter 2014 TTHM results. As shown
10 in Table 2 above, the locational running annual average (LRAA) at Site 4 "River Drive"
11 exceeded the TTHM MCL of 80 µg/L. In addition, the OEL was exceeded at Site 4
12 "River Drive".

13 On January 23, 2015, Brawley notified the Division of process changes that they were
14 implementing to target the high TTHM levels, based on trial testing that had shown
15 significant improvements. These changes included the addition of cationic polymer in
16 the sedimentation basins as well as moving the chlorine injection from the front of the
17 sedimentation basins to the midpoint of the basins.

18 February 13, 2015, Brawley submitted a new OEL report to the Division. The new
19 OEL report repeated some conclusions of the October OEL report and cited TTHM
20 result improvements attributed to changes in water age management at the Jones
21 water reservoir and the movement of chlorine injection from pre-sedimentation basin
22 to mid-sedimentation basin.

1 On March 9, 2015, Brawley submitted the reporting summary for the 4th quarter 2014
2 TTHM results to the Division.

3 On March 27, 2015, Brawley provided Tier 2 public notice for the 4th quarter 2014
4 TTHM MCL exceedance to customers by utilizing the following methods:

- 5 1. Publishing the notice in the Imperial Valley Press newspaper.
- 6 2. Posting the Notice at City building bulletin boards including the
7 Administration Building (383 Main St.), the Utility Billing / Finance offices
8 (400 Main St.), and the Public Works building (180 S. Western Ave.).
- 9 3. Posting the Notice on the City's web page.
- 10 4. Inserting the Notice into the next billing mailer (scheduled for first week
11 of May).

12 Brawley provided proof of Tier 2 public notice posting for items #1, 2, and 3 above.
13 The Proof of Notification form will be submitted to the Division after item 4 is
14 complete.

15 On April 7, 2015, Brawley provided a list of actions taken since October 2014 as part
16 of a TTHM reduction plan to mitigate the high TTHM levels. Actions taken to date
17 include

- 18 • Relocation of Chlorine injection from pre-sed basin to mid-basin (11/6/2014).
- 19 • Additional distribution system flushing by increasing flush time of automatic
20 flushing system (10/31/2014).
- 21 • Jar testing of Polydyne polymer (11/10/2014) and changeover to new
22 polymer (12/2/2014).
- 23 • Closure of influent pipe to Jones tank and pump station located in the
24 distribution system (1/13/2015). The Jones tank is now offline.

1 **DETERMINATION**

2 The Division has determined that Brawley failed to comply with Section 64533 for the
3 total trihalomethanes (TTHM) Maximum Contaminant Level (MCL) at the Site 4 “River
4 Drive” sample site for the four-quarter monitoring period from October 1, 2013 to
5 September 30, 2014 (3Q2014) and for the monitoring period from January 1, 2014 to
6 December 31, 2014 (4Q2014). Section 64535.2(e)(1) is used to determine
7 compliance with Section 64533 during the previous four quarter monitoring period.
8 Section 64535.2(e)(1) states: “For systems monitoring quarterly, each locational
9 running annual average (LRAA), computed quarterly, shall not exceed the MCLs
10 specified in section 64533”, which for TTHMs is 80 µg/L. The LRAA at Site 4 for the
11 period ending December 31, 2014 is 93 µg/L and therefore the system is in violation
12 of the TTHM MCL in Section 64533 at this location.

13 The Division has determined that Brawley failed to comply with Section 64463.4(b) by
14 failing to provide public notice within 60 days after it learned of the 4Q2014 MCL
15 violation.

16 **DIRECTIVES**

17 Brawley is hereby directed to take the following actions:

- 18 1. At all times subsequent to this Citation, comply with California Code of
19 Regulations, Title 22, Section 64533’s MCL for the TTHM of 80 µg/L in drinking
20 water supplied to the public.
- 21 2. By **May 10, 2015**, Brawley shall report the 1st quarter 2015 TTHM results to the
22 Division.

1 3. Brawley shall repeat public notification every three months for as long as the
2 TTHM MCL violation continues in accordance with CCR, Title 22, Section 64463.4.
3 Public notice shall be via 1. Mail or direct delivery to each customer, and 2.
4 Posting notice using one or more of the following methods: posting on the internet
5 and/or local newspaper, posting in conspicuous public spaces served by the water
6 system, and delivery to community organizations. A draft notification shall be
7 submitted to the Division for review and approval prior to conducting public
8 notification. The public notice shall be updated quarterly with the most recent
9 TTHM results.

10 4. By **June 5, 2015**, Brawley shall provide to the Division certification of public
11 notification using the enclosed form (Attachment No. 1). The certification of
12 notification must identify the number of notices posted, the locations where the
13 notices were posted, and how long the notices were posted.

14 5. Brawley shall include information regarding the TTHM MCL violation identified in
15 this Citation in the 2014 Consumer Confidence Report, which must be completed
16 and distributed to customers by July 1, 2015. A draft of the 2014 Consumer
17 Confidence Report shall be submitted to the Division for review and approval prior
18 to distribution and/or posting.

19 The Division reserves the right to make such modifications to this Citation as it may
20 deem necessary to protect public health and safety. Such modifications may be
21 issued as amendments to this Citation, and shall be deemed effective upon issuance.

22 Nothing in this Citation relieves Brawley of its obligation to meet the requirements of
23 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
24 issued or adopted thereunder.

1 All submittals required by this Citation shall be submitted to the Division at the
2 following address:

3 Sean Sterchi, P.E.
4 District Engineer
5 State Water Resources Control Board
6 Division of Drinking Water
7 1350 Front Street, Room 2050
8 San Diego, CA 92101

9 **PARTIES BOUND**

10 This Citation shall apply to and be binding upon Brawley, its officers, directors,
11 shareholders, agents, employees, contractors, successors, and assignees.

12 **SEVERABILITY**

13 The Directives of this Citation are severable, and Brawley shall comply with each and
14 every provision thereof, notwithstanding the effectiveness of any other provision.

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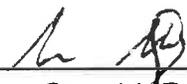
FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, standard 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the 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 Board. The Board does not waive any further enforcement action by issuance of this citation.

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4/20/15

Date



Sean Sterchi, P.E.
District Engineer
San Diego District
Division of Drinking Water
State Water Resources Control Board

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ATTACHMENTS:

1) Proof of Notification Form

cc: Jeff Lamoure, Deputy Director for Environmental Health Services, County of Imperial (via email)
Ruben Mireles, Superintendent of Operations, City of Brawley (via email)

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: _____
Signature of Person Serving Notice

**** Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of posting the notification.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a 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 each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.

