CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 29, 2016
System No.: 2400248

Mr. Michael Ban, Owner
Yosemite Valley Beef Packing Company
970 E. Sandy Mush Road
Merced, CA 95341

RE: **Compliance Order No. 03-11-16R-008 Violation of Title 22, California Code of Regulations, Section 64431, Arsenic MCL**

Dear Mr. Ban:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-16R-008 to the Yosemite Valley Beef Packing Company Water System (Water System), for violation of the Arsenic Maximum Contaminant Level (MCL). The compliance order is enclosed.

As required in the Compliance Order, the Water System is expected to propose a solution and implement a project to ensure that water delivered to customers meets the arsenic MCL. The Water System is required to provide quarterly public notification for the arsenic MCL violation and to continue quarterly arsenic monitoring.

The Water System will be billed at the Division's hourly rate (currently estimated at $161.00) for the time spent on issuing this Compliance Order. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year. If you have any questions regarding this matter, please contact me at (559) 447-3316.

Sincerely,

Kassy D. Chauhan

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

Certified No: 7016 1370 0000 0455 3758
CLC/KDC/mlm
Enclosures
cc: Merced County Environmental Health Department
Mr. Raul Navarro, QC Manager, same address
Mr. Tom Galindo, Westside Water Conditioning 45 West G Street Los Banos, CA 93635

Compliance Order No. 03-11-16R-008

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **YOSEMITE VALLEY BEEF PACKING COMPANY**
Water System No. 2400248

TO: Mr. Michael Ban, Owner
970 E. Sandy Mush Road
Merced, CA 95341

CC: Merced County Environmental Health Department
Mr. Raul Navarro, QC Manager (same address)
Mr. Tom Galindo, Westside Water Conditioning, 45 W. G Street, Los Banos, CA 93635

COMPLIANCE ORDER FOR VIOLATION
OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431
ARSENIC MCL VIOLATION

Issued on November 29, 2016

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.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a compliance order to the Yosemite Valley Beef Packing Company (hereinafter "Water System") (970 E. Sandy Mush Road, Merced, CA 95341) for violation of California Code of Regulations (CCR), Title 22, Section 64431.

APPLICABLE AUTHORITIES

The applicable statutes and regulations are provided in Appendix A, attached hereto and incorporated by reference.

FINDINGS

The Yosemite Valley Beef Packing Company is a nontransient-noncommunity water system located in Merced County. The Water System serves water to the beef processing operations through a single service connection. The Water System has a population of at least 45 employees for more than six months of the year. The Water System uses groundwater obtained from the onsite well (Well No. 1).

Beginning on January 23, 2006, the U.S. Environmental Protection Agency (USEPA) adopted a revised maximum contaminant level (MCL) for arsenic of 0.010 mg/L (milligrams per liter). The arsenic MCL of 0.010 mg/L was adopted for California and became effective on November 28, 2008. Prior to this date, any non-compliance issues were referred to U.S. EPA for enforcement action.

In July 2015, the Water System failed to meet the arsenic MCL of 0.010 mg/l in water produced by Well No. 1. The Water System has been monitoring Well No. 1 for arsenic on a quarterly basis. Based on the most recent quarterly arsenic results, Well No. 1 was showing a running annual average (RAA) that exceeds the arsenic MCL. The quarterly arsenic analysis results and the calculated running annual average are shown in the table below:

Table 1: Well 1 - Arsenic Analysis Results and RAA

Sample Date	Sample Result (mg/l)
07/22/2015	0.017
04/27/2016	0.017
07/21/2016	0.017
10/06/2016	0.018
RAA	0.017

DETERMINATIONS

Based on the above Findings, the Division has determined that the Water System has violated provisions contained in Title 22, California Code of Regulations (CCR) Section 64431 (a). Specifically, the water produced by the Water System exceeds the maximum contaminant level of 0.010 mg/L for arsenic, and therefore, does not comply with a primary drinking water standard.

DIRECTIVES

To ensure that the water supplied by the Yosemite Valley Beef Packing Company water system is at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA H&S Code, the Yosemite Valley Beef Packing Company is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64431 (a) in future monitoring periods after conducting upgrades of the treatment facility and treatment operations.

2. The Yosemite Valley Beef Packing Company shall prepare a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the Arsenic MCL) and eliminate the need to deliver water to consumers that does not meet 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 and startup.

3. The Correction Action Plan required under Directive No. 2 above shall be submitted to the Division no later than January 31, 2017.

4. The Water System shall submit quarterly progress reports using the form provided as Appendix D to the Division, beginning the first quarter of 2017. The report will be due by the 10th day of the month following the end of the calendar quarter. The progress reports must include status updates on the blending project that has been proposed for complying with the arsenic standards.

5. Since the Water System must use the affected well to meet system demand, public notification shall be provided in accordance with CCR Section 64463.4 of its inability to meet the arsenic MCL until a project is completed to provide water meeting the drinking water standards. The Water System shall distribute the Division-approved notice (Appendix B) to all consumers. Notification to the public shall be repeated every three months as long as the violation exists. Proof of public notification (Appendix C) to all water system users shall continue to be provided to the Division following each quarterly notification by the 10th day of the month following notification.

6. Quarterly arsenic monitoring must be continued for Well No. 1.

7. The Division 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.

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

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

9. The Water System shall complete a project to resolve the arsenic MCL violation no later than January 31, 2020.

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 Division in writing no less than five days in advance of the due date, the Division 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.

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, 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 or 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.

PARTIES BOUND

This Order shall apply to and be binding upon the Yosemite Valley Beef Packing Company, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the Yosemite Valley Beef Packing Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to issue citations and compliance orders 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, permit 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 Division 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

Division; 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 Division. The Division does not waive any further enforcement action by issuance of this compliance order.

11-29-2016
Date

Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
State Water Resources Control Board
Southern California Branch
Drinking Water Field Operations

Certified No.: 7016 1370 0000 0455 3758

CLC/KDC/mlm

Appendices:

Appendix A: Applicable Authorities

Appendix B: Public Notification Notice

Appendix C: Proof of Notification Form

Appendix D: Quarterly Progress Report Form

Applicable Statues and Regulations for Citation No. 03-11-16R-008

Section 116655 of the CHSC states in relevant part:

(a)Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.
(2) Directing compliance in accordance with a time schedule set by the department.
(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.
(2) That purification or treatment works be installed.
(3) That the source of the water supply be changed.
(4) That no additional service connection be made to the system.
(5) That the water supply, the plant, or the system be monitored.
(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Section 64431 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64431. Maximum Contaminant Levels-Inorganic Chemicals.

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO3)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:
§64463.4. Tier 2 Public Notice.

(a) A water system shall give public notice pursuant to this section if any of the following occurs:
   (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
      (A) Where a Tier 1 public notice is required under section 64463.1; or
      (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

. . . .

   (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
   (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
   (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
   (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

. . . . .

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
   (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;
      (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
      (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
         1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
   (A) Posting in conspicuous locations throughout the area served by the water system; and
   (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
      1. Publication in a local newspaper or newsletter distributed to customers;
      2. E-mail message to employees or students;
      3. Posting on the Internet or intranet; or
      4. Direct delivery to each customer.

Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:
§64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
   (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
   (2) The date(s) of the violation or occurrence;
   (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
   (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
   (5) Whether alternative water supplies should be used;
   (6) What actions consumers should take, including when they should seek medical help, if known;
   (7) What the water system is doing to correct the violation or occurrence;
   (8) When the water system expects to return to compliance or resolve the occurrence;
   (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
   (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public 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"; and
   (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we *['did not monitor or test'* or *'did not complete all monitoring or testing']* for *[contaminant(s)]*, and therefore, cannot be sure of the quality of your drinking water during that time."

. . . . .

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
   (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
   (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:
   (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
   (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
   (3) Not contain language that minimizes or contradicts the information being given in the public notice.