



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

August 22, 2016

System No. 3500923

Mr. Jeff Cattaneo, General Manager
San Benito County Water District
30 Mansfield Road
Hollister, CA 95024

COMPLIANCE ORDER NO. 02_05_16R_001_3500923-02
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1), AND TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64533(a)

Enclosed is a Compliance Order issued to the Fairview Road Water System.

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

The Fairview Road Water System will receive a bill from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Fairview Road Water System for the current fiscal year.

If you have any questions regarding this matter, please contact Querube Moltrup of my staff at (831) 655-6936 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008-1830-0004-5435-2565

cc: San Benito County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Fairview Road Water System

Water System No. 3500923

Attention: Mr. Jeff Cattaneo, General Manager
San Benito County Water District
30 Mansfield Road
Hollister, CA 95024

Issued: August 22, 2016

COMPLIANCE ORDER NO. 02_05_16R_001_3500923_02
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555(a)(1) AND
TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64533(a)
THE PRIMARY DRINKING WATER STANDARD FOR
TOTAL TRIHALOMETHANES

The State Water Resources Control Board (hereinafter "State Board") acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Fairview Road Water System (Fairview Road WS) for violation of CHSC, Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64533(a).

1 A copy of the applicable statutes and regulations are included in Appendix 1, which is
2 attached hereto and incorporated by reference.

3 4 **STATEMENT OF FACTS**

5 The Fairview Road WS is owned and operated by the San Benito County Water District
6 (SBCWD). The Fairview Road WS is a community water system (as defined in CHSC,
7 Section 116275) located in San Benito County, which serves a population of
8 approximately forty (40) persons through ten (10) service connections. The Fairview
9 Road WS operates under Domestic Water Supply Permit No. **02-05-07(P)-3500923**,
10 issued on April 17, 2007.

11
12 The Fairview Road WS consists of one groundwater source, Well 02, sodium
13 hypochlorite for disinfection, and one storage tank.

14
15 Pursuant to Title 22, CCR, Section 64534.2(d)(5), Fairview Road WS is required to
16 collect one dual distribution system sample per quarter (taken every 90 days) for total
17 trihalomethanes (hereinafter "TTHM") and haloacetic acids (five) (hereinafter "HAA5").
18 Under Title 22, CCR, Section 64535.2(e)(1), compliance with the TTHM MCL of 0.080
19 mg/L (80 ug/L) is based on a locational running annual average (hereinafter "LRAA")
20 calculated quarterly, for each monitoring location.

21
22 A summary of the Fairview Road WS TTHM and HAA5 results at its approved sample
23 location (6540 Fairview Road) is presented in Table 1. All results are as reported to the
24 Division by the laboratory that performed the analysis, except for the May 4, 2016 results,
25 which were included in the Quarterly TTHM and HAA5 Reports for Disinfection
26 Byproducts Compliance submitted to the Division by the Fairview Road WS on June 6,

1 2016. As of July 28, 2016, the May 4th results had not been reported to the Division by
 2 the laboratory.

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Table 1: TTHM and HAA5 Results in ug/L

Site: 6540 Fairview Road		9/18/14	12/10/2014	3/5/15	6/4/15	9/3/15	No sample	2/19/16	5/4/16
		3Q2014	4Q2014	1Q2015	2Q2015	3Q2015	4Q2015	1Q2016	2Q2016
TTHM	Result	17	3.3	9.8	0.77	140		37	250
	LRAA	68	53	45	8	38	50	59	142
HAA5	Result	9.3	3.7	6	0.0	23		8.1	63
	LRAA	24	18	14	5	8	10	10	31

5 LRAA = Locational Running Annual Average example: (4Q2014+1Q2015+2Q2015+3Q2015)/4

6 **Bold** indicates exceedance of MCL based on LRAA

7

8 Title 22, CCR, Section 64535.2(e)(1) specifies: for systems monitoring quarterly, each
 9 locational running annual average (LRAA), computed quarterly, shall not exceed the
 10 MCLs specified in Section 64533 (80 ug/L for TTHM and 60 ug/L for HAA5).

11

12 As shown in Table 1, the LRAA for the 2nd quarter in 2016 for the 6540 Fairview Road
 13 sampling location exceeds the TTHM MCL of 80 ug/L.

14

15 The Fairview Road WS was previously issued Citation No. 02_05_14C_010_3500923_02
 16 on June 30, 2014, for exceeding the TTHM MCL based on the LRAA at 6540 Fairview
 17 Road sample location during the second quarter of 2014. As shown above, the Fairview
 18 Road WS returned to compliance in the third quarter of 2014 based on the LRAA.

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21

1 **DETERMINATIONS**

2 Based on the above Statement of Facts, the Division has determined that the Fairview
3 Road WS has violated CHSC, Section 116555 and Title 22, CCR, Section 64533(a) in
4 that the Fairview Road WS failed to comply with the MCL for TTHM at the 6540 Fairview
5 Road sample location during the second quarter of 2016. For a public water system
6 monitoring quarterly, each LRAA, computed quarterly, shall not exceed the MCL of 80
7 ug/L for TTHM, which consists of chloroform, bromodichloromethane,
8 dibromochloromethane, and bromoform. The Division further has determined that said
9 violation has continued through the date of this Order.

10
11 **DIRECTIVES**

12 The Fairview Road WS is hereby directed to take the following actions:

- 13
- 14 1. On or before **December 31, 2017**, comply with MCL for TTHM as specified in
15 Title 22, CCR, Section 64533(a) and remain in compliance.
 - 16
17 2. The Fairview Road WS shall provide quarterly public notification to all
18 customers and water users for the TTHM MCL violation in accordance with
19 Sections 64463, 64463.4 and 64465, Chapter 15, Title 22, CCR, including the
20 language in appendix 64465-G. Quarterly public notification must be provided
21 to all customers and water users during any calendar quarter that the LRAA
22 exceeds the MCL for TTHM. Notification must be provided within 30 days after
23 the water system becomes aware of the violation. The notification shall be
24 completed using the following methods:
25
26 a) Mail or direct delivery of the Public Notification to each customer
27 served by the water system within 30 days of receipt of this



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Compliance Order. Repeat the notice every three months for as long as the violation continues and during any calendar quarter that the LRAA exceeds the MCL for TTHM.

3. Public notification by secondary method to reach persons not likely to be reached by mail or direct delivery shall be conducted within 30 days of receipt of this Compliance Order. The public notice shall remain posted for as long as the violation continues and shall be repeated during any calendar quarter that the LRAA exceeds the MCL for TTHM. The Fairview Road WS must determine which secondary method below will be used to distribute the public notification and notify the Division of their decision within 10 days of receipt of this Compliance Order:

1. By publication in a local newspaper; or
2. By internet posting of the notice; or
3. By posting the public notice in conspicuous public places within the water system; or
4. Delivery to community organizations

4. The public notification must be submitted to the Division for approval prior to distribution.

5. Proof of notification (Proof of Notification Form included in Appendix 2) and copies of the notices posted and delivered to customers shall be submitted to the Division within 10 days following completion of the Public Notification requirements specified in Directives 2 and 3 of this Compliance Order.

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6. The Fairview Rd. WS must conduct an operational evaluation in accordance with Section 64534.2(d)(6) of Title 22, CCR and submit a report to the Division pursuant to Section 64537(d) within 90 days of receipt of this Compliance Order.
7. By **September 20, 2016**, the Fairview Road WS shall submit to the Division for review and approval, a Corrective Action Plan that describes proposed improvements to the water system designed to correct the water quality problem (violation of the TTHM MCL) and ensure that the Fairview Road WS delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project. The project phases shall include planning, design, construction, completing an operations plan, and startup, and a date as of which the Fairview Road WS will be in compliance with the TTHM MCL, which shall be no later than **December 31, 2017**.
8. On or before **September 20, 2016**, present the Corrective Action Plan required under Directive No. 7, above to the Division in person at the Division's office located at 1 Lower Ragsdale Drive, Building 1, Suite 120, in Monterey, California. Please contact the Monterey District office in advance to schedule an appointment.
9. Complete the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
10. The Fairview Road WS shall submit to the Division **quarterly** progress reports summarizing the progress to date in the implementation of the approved

1 corrective action plan requested in Directive No. 7 above. The progress
2 reports are due by the tenth day of the month following the end of the calendar
3 quarter. The progress report for the 4th quarter of 2016 is due on **January 10,**
4 **2017.** Subsequent quarterly progress reports shall be submitted to the
5 Division on April 10, July 10, October 10 and January 10 of each year until the
6 proposed solution has been fully implemented.
7

8 11. The Fairview Road WS shall continue to collect **quarterly** samples for TTHM
9 and HAA5 at the approved sample location (6540 Fairview Road) and ensure
10 that the analytical results are reported to the Division electronically by the
11 analyzing laboratory no later than the 10th day following the month in which the
12 analysis was completed.
13

14 12. Until formally notified of their return to compliance, the Fairview Road WS shall
15 include information regarding the TTHM MCL violation identified in this
16 Compliance Order in the annual Consumer Confidence Reports, which must
17 be completed and distributed by **July 1st of every year.** A draft of each
18 Consumer Confidence Report shall be submitted to the Division for review and
19 approval prior to distribution and/or posting.
20

21 13. Not later than ten (10) days following the date of compliance with the TTHM
22 MCL, the Fairview Road WS shall demonstrate to the Division that the water in
23 the distribution system as sampled at the approved sample site complies with
24 the TTHM MCL.
25

26 14. The Fairview Road WS shall notify the Division in writing no later than five (5)
27 days prior to the deadline for performance of any Directive set forth herein if

1 the Fairview Road WS and/or its owner of record anticipate it will not timely
2 meet such performance deadline.
3

4 All submittals required by this Order shall be submitted to the Division at the following
5 address:

6
7 Jan R. Sweigert, P.E.
8 District Engineer, Monterey District Office
9 State Water Resources Control Board
10 Division of Drinking Water
11 1 Lower Ragsdale Drive, Building 1, Suite 120
12 Monterey, CA 93940
13

14 As used in this Order, the date of issuance shall be the date of this Order; and the date of
15 service shall be the date of service of this Order, personal or by certified mail, on the
16 Fairview Road WS or its owner of record.
17

18 The Division reserves the right to make such modifications to this Order and/or to issue
19 such further order(s) as it may deem necessary to protect public health and safety. Such
20 modifications may be issued as amendments to this Order and shall be deemed effective
21 upon issuance.
22

23 Nothing in this Order relieves the Fairview Road WS or its owner of record of its
24 obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or
25 any regulation, standard, permit or order issued thereunder.
26

27 **PARTIES BOUND**

28 This Order shall apply to and be binding upon Fairview Road WS, its owners,
29 shareholders, officers, directors, agents, employees, contractors, successors, and
30 assignees.

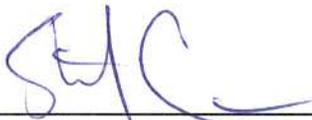
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SEVERABILITY

The Directives of this Order are severable, and the Fairview Road WS and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

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



Stefan Cajina, P.E., Chief
North Coastal Section
State Water Resources Control Board
Division of Drinking Water

Aug. 22, 2016

Date



Certified Mail No. 7008 1830 0004 5435 2565

cc: San Benito County Environmental Health Department (no attachments)

1 **APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR**
2 **COMPLIANCE ORDER NO. 02_05_16R_001_3500923_02**

3
4 **CHSC, Section 116555(a)(1) states in relevant part:**

5 (a) Any person who owns a public water system shall ensure that the system does all of
6 the following:

7 (1) Complies with primary and secondary drinking water standards.
8

9 **CHSC, Section 116655 states in relevant part:**

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

13 (1) Directing compliance forthwith.

14 (2) Directing compliance in accordance with a time schedule set by the
15 department.

16 (3) Directing that appropriate preventive action be taken in the case of a
17 threatened violation.

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

20 (1) That the existing plant, works, or system be repaired, altered, or added to.

21 (2) That purification or treatment works be installed.

22 (3) That the source of the water supply be changed.

23 (4) That no additional service connection be made to the system.

24 (5) That the water supply, the plant, or the system be monitored.

25 (6) That a report on the condition and operation of the plant, works, system, or
26 water supply be submitted to the department.
27

1 Title 22, CCR, Section 64533(a) (hereinafter "Section 64533(a)"), states in relevant
2 part:

3 (a) Using the monitoring and calculation methods specified in sections 64534, 64534.2,
4 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table
5 64533-A shall not be exceeded in drinking water supplied to the public.

6
7 **Table 64533-A**

8 Maximum Contaminant Levels and Detection Limits for
9 Purposes of Reporting Disinfection Byproducts

	<i>Maximum Contaminant</i>	<i>Detection Limit for Purposes of Reporting</i>
<u>Disinfection Byproduct</u>	<u>Level (mg/L)</u>	<u>(mg/L)</u>
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010

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21 Compliance with the TTHM maximum contaminant level (hereinafter "MCL") is
22 determined by Title 22, CCR, Section 64535.2(e)(1), which states:

23
24 (e) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(d),
25 shall be determined as follows:

26 (1) For systems monitoring quarterly, each locational running annual average
27 (LRAA), computed quarterly, shall not exceed the MCLs specified in Section
28 64533;



1 **Title 22, CCR, Section 64534.2(d)(5) (hereinafter “Section 64534.2(d)(5)”)**, states in
2 **relevant part:**

3 (5) Systems that are required to monitor at a particular location annually or less
4 frequently than annually pursuant to table 64534.2-C or 64534.2-D shall increase
5 monitoring to dual sample sets once per **quarter** (taken every 90 days) at all locations if a
6 TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.

7
8 **Title 22, CCR, Section 64463.4 (hereinafter “Section 64463.4”)**, states in relevant
9 **part:**

10 (a) A water system shall give public notice pursuant to this section if any of the following
11 occurs:

12 (1) Any violation of the MCL, MRDL, and treatment technique requirements...

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

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

21 (2) Repeat the notice every three months as long as the violation or occurrence
22 continues. Subject to the State Board’s written approval based on its
23 determination that public health would in no way be adversely affected, the water
24 system may be allowed to notice less frequently but in no case less than once per
25 year. No allowance for reduced frequency of notice shall be given in the case of a
26 total coliform MCL violation or violation of a Chapter 17 treatment technique
27 requirement...

1 **Title 22, CCR, Section 64465 (hereinafter “Section 64465”), states in relevant part:**

2 (a) Each public notice given pursuant to this article, except Tier 3 public notices for
3 variances and exemptions pursuant to subsection (b), shall contain the following:

4 (1) A description of the violation or occurrence, including the contaminant(s) of
5 concern, and (as applicable) the contaminant level(s);

6 (2) The date(s) of the violation or occurrence;

7 (3) Any potential adverse health effects from the violation or occurrence, including
8 the appropriate standard health effects language from appendices 64465-A
9 through G;

10 (4) The population at risk, including subpopulations particularly vulnerable if
11 exposed to the contaminant in drinking water;

12 (5) Whether alternative water supplies should be used;

13 (6) What actions consumers should take, including when they should seek
14 medical help, if known;

15 (7) What the water system is doing to correct the violation or occurrence;

16 (8) When the water system expects to return to compliance or resolve the
17 occurrence;

18 (9) The name, business address, and phone number of the water system owner,
19 operator, or designee of the water system as a source of additional information
20 concerning the public notice;

21 (10) A statement to encourage the public notice recipient to distribute the public
22 notice to other persons served, using the following standard language: “Please
23 share this information with all the other people who drink this water, especially
24 those who may not have received this public notice directly (for example, people in
25 apartments, nursing homes, schools, and businesses). You can do this by posting
26 this public notice in a public place or distributing copies by hand or mail.”; and...

27

1 **Title 22, CCR, Section 64534.2(d)(6) (hereinafter “Section 64534.2(d)(6)”)**, states in
2 **relevant part:**

3 (6) If the operational evaluation level (OEL) exceeds 0.080 mg/L for TTHM or 0.060 mg/L
4 for HAA5 at any monitoring location, systems shall conduct an operational evaluation.
5 The operational evaluation shall include the examination of system treatment and
6 distribution operational practices, including storage tank operations, excess storage
7 capacity, distribution system flushing, changes in sources or source water quality, and
8 treatment changes or problems that may contribute to TTHM and HAA5 formation and
9 what steps could be considered to minimize future exceedances. Systems that are able
10 to identify the cause of the OEL exceedance may submit a written request to the State
11 Board to limit the scope of the evaluation. The request to limit the scope of the
12 evaluation shall not extend the schedule in section 64537(d) for submitting the written
13 report to the State Board;

14
15 **Title 22, CCR, Section 64537(d) (hereinafter “Section 64537(d)”)**, states in relevant
16 **part:**

17 (d) Systems required to conduct an operational evaluation pursuant to section
18 64534.2(d)(6) shall submit a written report of the evaluation to the State Board no later
19 than **90 days** after being notified of the analytical result that caused the OEL
20 exceedance. Systems shall make the written report available to the public upon request.
21 If the State Board approves the system's written request to limit the scope of the
22 evaluation under section 64534.2(d)(6), the system shall keep the written approval with
23 the completed report.

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APPENDIX 2

PROOF OF NOTIFICATION

Fairview Road Water System

System Number: 3500923

Certification

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Fairview Road Water System of the violations of Title 22, California Code of Regulations for the compliance period of _____ 2016. I complied with the directives of this Order as indicated below:

<i>Required Action</i>	<u>Date Completed</u>
Public Notification – Mail or Direct Delivery	
Public Notification – List 2 nd method used: _____	
Proof of Notification	
_____	_____
Signature of Water System Representative	Date

***** Attach a copy of the notice posted and distributed. *****

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 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 a fine of not more than \$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.