DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 • Fax: 209.525.6774
www.stancounty.com

January 11, 2017

Tom Coleman
26836 River Road
Newman, CA 95360

TRANSMITTAL OF COMPLIANCE ORDER NO. DER-17CO-002 FOR Hexavalent Chromium Violation

The Fisherman's Bend Water System violated the Maximum Contamination Level (MCL) for Hexavalent Chromium during the fourth quarter of 2015, as specified in the Domestic Water Quality and Monitoring Regulations, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Compliance Order No. DER-17CO-002 in response to this violation. The citation is being transmitted to the Fisherman's Bend under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of $106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Senior Registered Environmental Health Specialist

Enclosure (1)

cc: Sam Hedge, 30000 Kasson, Box Unit 290, Tracy, CA 95304

STANISLAUS COUNTY

DEPARTMENT OF ENVIRONMENTAL RESOURCES

DIVISION OF ENVIRONMENTAL HEALTH

TO: Fisherman's Bend MHP
26836 River Road
Newman, CA 95360

Attn: Tom Coleman
River Park Newman, LLC

COMPLIANCE ORDER NO. DER- 17CO-002

FOR

VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)

AND THE PRIMARY DRINKING WATER STANDARD FOR HEXAVALENT CHROMIUM

WATER SYSTEM NO. 5000058

Issued on January 10, 2017

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Fisherman's Bend MHP (hereinafter, "Fisherman's") for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

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APPLICABLE AUTHORITIES

Section 116555(a) (1) of the CHSC states in relevant part:

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

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

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.

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CCR, Title 22, Section 64431, states in relevant part:

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 nitrogen)	10.
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.

CCR Title 22, Section 64432, states in relevant part:

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

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(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the Department.

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(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

STATEMENT OF FACTS

Fisherman's is operated under Water Supply Permit No. 2015-03-018, which was issued on March 18, 2015.

Fisherman's water system is located in Stanislaus County along Interstate 5, approximately 2.38 miles northeast of the City of Newman. Fisherman's service area is approximately 23 acres in size.

Fisherman's water system is classified as a community water system that serves the residents of a mobile home park. According to the 2016 Bacteriological Sample Site Plan to the Division, Fisherman's serves approximately 50 people through 64 service connections. Zero (0) of these service connections are metered and sixty-four (64) are un-metered. The water system obtains its water supply from one active wells located on Fisherman's property.

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The well discharges to two 200-gallon pressure tanks, prior to entering the domestic water system. Irrigation demands are not provided by this well.

Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community water systems must comply with the maximum contaminant level for hexavalent chromium of 0.010 mg/L, as established in Title 22 CCR Section 64431.

Samples collected in February 2015 showed hexavalent chromium concentrations over the MCL in water produced by West – MHP Well (PS Code 5000058-002) as noted in **Table 1** below. Therefore, in accordance with Section 64432 (g), Fisherman's was required to begin quarterly hexavalent chromium monitoring of each non-compliant well, unless it chose to submit an additional sample (which it did not do). Section 64432 (i) provides that compliance with the hexavalent chromium MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Furthermore, Section 64432 (i) states: "If any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

A summary of the wells that produce water with hexavalent chromium above the MCL is presented in the table below. All results are as reported to the Division by the laboratory that performed the analysis.

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Table 1: Hexavalent Chromium Monitoring Results (in mg/L)

Sample Quarter	1st Quarter 2015	2nd Quarter 2015	3rd Quarter 2015	4th Quarter 2015	Running Annual Average
West MHP Well	0.013	0.016	0.018	0.015	**0.016**

DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431, Title 22, CCR, since the water produced by West MHP Well during the 4th quarter of 2015 exceeded the hexavalent chromium MCL, as shown in **Table 1** above, and continues to be in violation through the date of this Order. Furthermore, it is highly likely that the West MHP Well will exceed the hexavalent chromium MCL this year and be in violation of CHSC, Section 116555 and Section 64431.

DIRECTIVES

Fisherman's is hereby directed to take the following actions:

1. On or before February 13, 2017, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

2. Commencing on the date of service of this Order, provide quarterly public notification, in accordance with **Enclosure No. 1**, of Fisherman's failure to meet the hexavalent chromium MCL during any calendar quarter that RAA exceeds the MCL.

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2. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with **Directive No. 2**, herein above, within 10 days following each such notification, using the form provided as **Enclosure No. 2**.

4. Commencing on the date of service of this Order collect quarterly samples for hexavalent chromium from each well, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

5. Prepare for Division review and approval, and prior to implementation, a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the hexavalent chromium MCL) and ensure that Fisherman's 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, such as design, construction, and startup, and a date as of which Fisherman's will be in compliance with the hexavalent chromium MCL.

6. On or before April 11, 2017, present the Corrective Action Plan required under **Directive No. 5**, herein above, to the Division in person at the Division's office located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

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7. Perform each and every element of the Division's approved Corrective Action Plan according to its time schedule.

8. On or before July 10, 2017, and every three months thereafter, submit a report to the Division using the form provided as **Enclosure No. 3** (enclosed) showing actions taken to comply with the Corrective Action Plan during the previous three months.

9. Not later than ten (10) days following the date of compliance with the hexavalent chromium MCL, demonstrate to the Division that the water delivered by Fisherman's complies with the hexavalent chromium MCL.

10. Notify the Division in writing no later than five (5) days prior to the deadline for performance of each **Directive,** set forth herein, if Fisherman's anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Rachel Riess, REHS
Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358

As used in this Order, the "date of issuance" shall be the date of this Order; and the "date of service" shall be the date this Order was served, personally or by certified mail, to Fisherman's.

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The Division reserves the right to make modifications to this Order and/or to issue further Order(s) as it may deem necessary to protect public health and safety. Modifications may be issued as amendments to this Order and shall become effective upon issuance.

Nothing in this Order relieves Fisherman's of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or Order issued thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon Fisherman's, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and Fisherman's shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Department to: issue a 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 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 Department to take action to suspend or revoke a permit that has

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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 Department; 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 Department. The Board does not waive any further enforcement action by issuance of this Order.

Rachel Riess, REHS
Senior Environmental Health Specialist
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

1/10/17
Date

Certified Mail No. 7014 3490 0001 6851 3093

Enclosures: (1) Public Notification Template w/ Instructions
(2) Proof of Public Notification Form
(3) Quarterly Progress Report

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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.

[System] Has Levels of Hexavalent Chromium Above the Drinking Water Standard

Pursuant to a California regulation adopted July 1, 2014, the level of a substance called hexavalent chromium should not exceed 0.010 mg/l in drinking water provided by a public water system. This number is known as the maximum contaminant level or MCL. Senate Bill 385, which became law effective September 4, 2015, allows public water systems, with sources that produce water with a hexavalent chromium concentration above the MCL, time to come into compliance. So long as a public water system complies with the new law (Health & Safety Code, section 116431), it will not be deemed in violation of the MCL. In addition to other requirements, the new law requires the water system to come into compliance at the earliest feasible date prior to January 1, 2020.

After xx months of monitoring for hexavalent chromium, and as of the date of this notice, the level of hexavalent chromium in the water provided by our water system is determined to be xx [list latest Running Annual Average (RAA) based on quarterly monitoring expressed in mg/l] which is above the MCL.

Although this is not an emergency, as our customer, 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. We will continue to monitor for the level of hexavalent chromium and provide you with regular notices, at least twice a year.

What should I do?

- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.*

- If you have other health issues or concerns regarding your consumption of this water, you may wish to consult your doctor.

If you wish to avoid drinking the water provided by our water system, you may wish to use alternative water for drinking and cooking.

Alternative Drinking Water

The [water system] has identified various locations for alternative drinking water. This information is available on our website at ?? and from time to time will be updated to provide you with the most accurate and recent information possible.

[List locations where water can be purchased or obtained by your customers. For example, bottled water locations, vending machines if the vending machine reduces the hexavalent chromium to below the MCL. Also, if treatment devices are available for purchase and installation in homes or business, a list can be included in the notice or posted on the utility website. Specific information on hexavalent chromium levels in bottled water can be obtained from the bottled water website or Food and Drug Branch]

What happened? What is being done?

We intend to take steps to provide water with hexavalent chromium at or below the MCL. However, to achieve that will take time and money. We have a plan for achieving compliance with the MCL; and on date. We submitted our proposed compliance plan to the State Water Resources Control Board's Division of Drinking Water for its review and approval. The plan requires us to achieve compliance no later than xx , which we believe is the earliest feasible date considering the complexity of the plan and the amount of funding required. [If the plan has been approved revise paragraph: The compliance plan was approved on [date.]

The approved compliance plan contains the following actions that the [water system] will be taking, including a milestone schedule. This notice will be updated twice each year.

[example actions below]

1. Funding for the project – best estimate of funding required for the project (include information on plan for acquiring the funding – applications made/to be made – granted, etc.)

2. Timeline and milestones, example, planning, design, permitting, financing, construction, testing and start-up of the needed facilities. Water system should include the compliance date in the approved compliance plan.

3. Any measures the water system is taking to reduce the hexavalent chromium exposer to their customers, example: lowest level hexavalent chromium wells are used first until needed facilities are completed.

[Note to water utilities: In the section above, the water utility will have to continue to modify this section which will need to include a description of the work complete on each task/subtask identified in the compliance plan since the last report, the percentage of completion for each task/subtask, a description of any factors which could prevent the system from achieving compliance by the date specified in the approved compliance plan, and any requests for

revision of the approved compliance plan found necessary to achieve compliance with the hexavalent chromium MCL by the earliest feasible date.

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.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

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If you wish to avoid drinking the water provided by our water system, you may wish to use alternative water for drinking and cooking.

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The [water system] has identified various locations for alternative drinking water. This information is available on our website at ?? and from time to time will be updated to provide you with the most accurate and recent information possible.

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The approved compliance plan contains the following actions that the [water system] will be taking, including a milestone schedule. This notice will be updated twice each year.

[example actions below]

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2. Timeline and milestones, example, planning, design, permitting, financing, construction, testing and start-up of the needed facilities. Water system should include the compliance date in the approved compliance plan.

3. Any measures the water system is taking to reduce the hexavalent chromium exposer to their customers, example: lowest level hexavalent chromium wells are used first until needed facilities are completed.

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revision of the approved compliance plan found necessary to achieve compliance with the hexavalent chromium MCL by the earliest feasible date.

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.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

Drinking Water Notification to Consumers
PROOF OF NOTIFICATION

Name of System: _____

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

_____

_____

Consumers Notified _____**Yes** _____**No (if no 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.

_____ Newspaper (if the problem has been corrected).

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

_____ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)

_____Other Approved Method: _____

_____

I hereby declare the foregoing to be true and correct.

Dated: _____ _____

Signature of Person Serving Notice

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within **7 Days** after notifying water users.

Enclosure #2

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, _____ District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date

Enclosure #3