

JAN 7 2009

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

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IN RE: City of Hughson Water System
System No. 5010008

TO: David Chase
Director of Public Works
7018 Pine Street, P.O. Box 9
Hughson, CA 95326

COMPLIANCE ORDER
FOR
VIOLATION OF THE ARSENIC MAXIMUM CONTAMINANT LEVEL

ISSUED ON JANUARY 5, 2009

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.

FINDINGS

The City of Hughson is located southeast of the City of Modesto in Stanislaus County. The Hughson Water System serves a population of approximately 6,122 people in the town of Hughson, via 1,816 service connections. The system serves the Hughson area with water from five (5) active deep groundwater wells located within the service area and has no interconnections

1 with other water systems. Hughson's groundwater supply is now disinfected on
2 a regular basis using sodium hypochlorite solution to produce a free chlorine
3 residual in the water. The Hughson Water System has one above ground
4 storage tank (0.75 MG). The City of Hughson water system operates under the
5 authority of a Domestic Water Supply Permit, No. 79-060, granted on June 11,
6 1979 by the Department.
7

8
9 Three (out five) of the Hughson's active wells exceed the arsenic maximum
10 contaminant level (MCL) of 0.010 mg/L. Prior to the State of California's
11 adoption of the new arsenic MCL, effective November 28, 2008, the Department
12 required Hughson to provide ongoing public notification due to violation of the
13 Federal Arsenic Rule with the exceedence of the Federal MCL for arsenic,
14 which is also 0.010 mg/L. A Notice of Non-Compliance (No. 03-10-07NNC-001)
15 dated January 19, 2007 was sent to the City, which specified the public
16 notification requirements that the City has been conducting on a quarterly basis.
17

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19 Specifically, based on four quarters of monitoring, the City exceeds the arsenic
20 MCL of 0.010 mg/L in Wells Nos. 4, 5, and 6. Well No. 4 had arsenic at 0.012
21 mg/L, Well No. 5 arsenic level was 0.011 mg/L, and Well No. 6 had an arsenic
22 level of 0.017 mg/L.
23

24 The City submitted a pre-application for Safe Drinking Water State Revolving
25 Funds (SRF) in July 2005 in anticipation of the requirement to provide arsenic
26 treatment to comply with the Federal arsenic MCL. In the August 2008, Hughson
27 was invited to submit an application for funding to pay for arsenic treatment. The
application was submitted by the deadline of October 15, 2008 and is currently



1 being processed by the Department. Hughson has encountered a number of
2 unforeseen delays in finalizing the details of the specific arsenic removal
3 treatment system best suited for the wells. As of the date of this Order, the
4 treatment technology has been selected and Hughson is moving forward with
5 securing SRF funds to be used in constructing the treatment system that will
6 ultimately resolve the arsenic compliance problem. The selected treatment
7 approach will use a oxidation/coagulation/filtration treatment plant that will treat
8 the flow from Well No. 6. No treatment has been proposed for removing arsenic
9 from Wells Nos. 4 and 5 as to this date. The City, however, has drilled a brand
10 new well, No. 7, and plans to install a similar treatment facility on that well for
11 arsenic treatment.
12
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14 **CONCLUSIONS OF LAW**

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16 Based on the above Findings, the Department has determined that the City of
17 Hughson water system has violated provisions contained in the California Health
18 and Safety Code and Title 22, California Code of Regulations (CCR). These
19 violations include, but are not limited to the following:

- 20 1. Health and Safety (H&S) Code Section 116555(a)(1) Specifically, The City of
21 Hughson water system is operating Wells Nos. 4, 5, and 6 that produce water
22 that does not comply with a primary drinking water standard.
23
- 24 2. H&S Code Section 116555(a)(3) Specifically, the City of Hughson water
25 system failed to ensure that a reliable and adequate supply of pure,
26 wholesome, healthful, and potable water is provided.
27



1 3. 22CCR Section 64431(a) Specifically, the water supplied by the City of
2 Hughson water system exceeds the maximum contaminant level of 0.010
3 mg/L for arsenic and, therefore, does not comply with a primary drinking
4 water standard.
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7 **ORDER**

8 In order to ensure that the water supplied by the City of Hughson water system is
9 at all times safe, wholesome, healthful, and potable, and pursuant to Section
10 116655 of the H&S Code, the water system is ordered to take the following
11 actions:
12

13 1. Cease and Desist from failing to comply with CHSC Sections
14 116555(a)(1) and (a)(3) and Section 64431 Title 22, California Code of
15 Regulations (CCR) by ensuring that the system is provided with a reliable
16 and adequate supply of pure, wholesome, healthful, and potable water,
17 which is in compliance with all primary drinking water standards according
18 to the plan and schedule set forth in this Order.
19

20 2. By **July 31, 2009**, submit to the Department of Public Health, for review
21 and approval, a final plan to correct the existing water quality problem and
22 eliminate the need to deliver water to the system that does not meet the
23 primary drinking water standards. The plan shall include a time schedule
24 for completion. The plan and time schedule shall be reviewed and
25 approved by the Department.
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27 3. Complete all the improvements and/or additions outlined in the City's
proposed arsenic removal treatment system construction program in

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accordance with the approved plan and schedule, but **no later than July 31, 2012.**

4. Since the City of Hughson water system must make some use of water from its wells to meet system demand until a project is completed to provide water meeting drinking water standards, the water system shall continue to provide public notification in accordance with Section 64467 Title 22, CCR of its inability to meet the arsenic MCL.

The City of Hughson shall provide quarterly public notification of its inability to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average from Wells Nos. 4, 5, or 6, exceeds the MCL. The notification procedures and format are provided in Attachment A. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment B.

5. The City of Hughson shall continue to collect quarterly samples from Wells Nos. 4, 5, and 6 for arsenic analysis. The analytical results shall be reported to the Department no later than the 10th day following the month in which the samples were collected.

6. The District shall submit quarterly progress reports to the Department **beginning in April 2009** for the first quarter of 2009. The progress reports shall provide updated information related to the actions that have occurred during the last quarter to move the water system toward compliance, any problems that may have set the compliance program



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behind schedule, and the responses planned by the water system to make up any lost time.

7. The City of Hughson shall make every reasonable attempt to minimize the arsenic concentration in the water provided to the consumers. When wells are required to meet demand, the City shall utilize the wells with the lowest arsenic concentration first. At present, Well No. 3 followed by Well No. 7 has the lowest reported arsenic concentration (below the MCL) and should be utilized before other wells are brought online providing that distribution hydraulics facilitate such well use prioritization. Arsenic concentrations may change over time and the City's required quarterly monitoring will provide regular updates on arsenic concentrations so that well use priorities can be adjusted as needed. Every reasonable attempt shall be made to sequence the use of the lowest arsenic concentration wells before higher arsenic wells.

The City shall submit a plan to the Department by **January 31, 2009** for maximizing use of surface water and sequencing the use of wells with lower arsenic levels over those with higher arsenic levels within the limitations of distribution system hydraulics. The plan shall include a water conservation program that will help to minimize the use of water from wells with arsenic greater than the MCL until compliance is achieved.

8. The Department reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such

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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:

Joseph O. Spano, P.E.
California Department of Public Health
Southern California Branch
Drinking Water Field Operations
31 East Channel Street, Room 270
Stockton, CA 95202

9. If the City of Hughson water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the City of Hughson 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 City of Hughson water system demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

10. If the City of Hughson 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 6 above, the City of Hughson 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.

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The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the City of Hughson 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 City of Hughson 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 City of Hughson water system, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

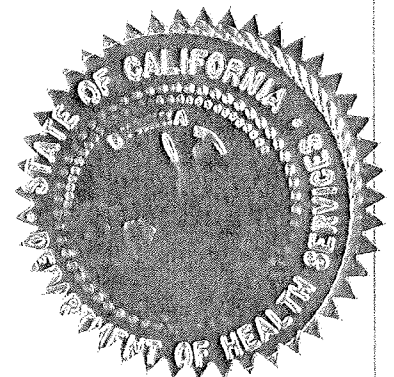
The requirements of this Order are severable, and the City of Hughson water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

Date

June 5 2009

[Signature]

Richard L. Haberman, P.E., Chief
Central California Section
Southern California Branch
Drinking Water Field Operations



ATTACHMENT A – Public Notification

