REGION 9
SAN FRANCISCO, CA 94105

October 22, 2024

SENT VIA EMAIL ONLY

Jennifer Hodges
President, Havasu Water Company
P.O. Box 1690
Havasu Lake, CA 92363
havasuwater@outlook.com

Re: Fourth Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008
Havasu Water Company
Public Water System ID No. 090600202

Dear Jennifer Hodges:

This letter is regarding the above-referenced Administrative Order (Order) that the U.S. Environmental Protection Agency Region 9 (EPA) issued to you on May 28, 2024, under Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g).

Noncompliance with Order
EPA is notifying you that the Havasu Water Company (HWC) has failed to comply with conditions in the Order. EPA issued the Order to bring the HWC public water system (System) into compliance with numerous violations of the SDWA, including failure to submit a compliance plan for EPA approval, continuous failure to provide sufficient evidence that qualified personnel are physically operating the system, continuous failure to maintain the total trihalomethanes (TTHMs) levels below the maximum contaminant level (MCL) as required by the Disinfection Byproduct Rule (DBPR), and continuous failure to correct significant deficiencies.

Failure to Submit Compliance Plan
The Order required you to submit a Compliance Plan by July 27, 2024 that describes in detail the steps and schedule HWC will follow to comply with this Order and the SDWA. This includes a detailed plan for how HWC will comply with the exceedances of the MCL for TTHMs as detailed in Paragraph 63, by December 31, 2024.

The brief description provided in your September 5, 2024, email about Mr. Hoban's "correctional plan" to control TTHM was not a submission of a compliance plan. It was a reference to a plan that EPA has not received and did not include any detail on steps or schedule to return to compliance in accordance with the requirements of the order. You must submit a compliance plan as soon as possible for EPA's review.

Failure to Submit Written Quarterly Report

In your email dated October 14, 2024, you erroneously stated the quarterly report is to provide an update on actions pursuant to the Compliance Plan and then implied no report is required because a plan has not been finalized. The quarterly report must include steps taken to comply with the approved compliance plan **and** all requirements described from paragraphs 63 to 72 of the Order. It is not limited to reporting on the compliance plan, but all actionable requirements of the Order. You have failed to submit the quarterly report for the reporting period of July 2024 – September 2024 and must submit a written report with the required content as soon as possible.

Failure to Comply with Disinfection Byproduct Rule

The Order required the System to retain and provide verification of a certified operator with at least Water Treatment 2 and Water Distribution 1 certifications to physically operate the System by July 1, 2024, per paragraph 68 of the Order. HWC submitted documentation for two different operators: Treatment 2 certification for Pat Hoban and Distribution 1 certification for Rick Miller on July 1, 2024. However, EPA has determined that water treatment processes including conducting water treatment and chlorination, and operational decisions are regularly conducted by individuals without certification. In addition, actions taken to manage elevated disinfectant byproducts are made by non-certified individuals. Until EPA can verify that a qualified treatment operator is onsite to physically operate the system when treating water, add disinfectant, and make all process control decisions, including management of disinfection byproducts, HWC will continue to be in violation of the Order and the DBPR.

EPA has also determined that the certified distribution operator you identified has not been physically present at the system in documented history to conduct physical inspections, respond to line breaks, oversee repairs and maintain the distribution system infrastructure. In addition to these tasks, operational decisions regarding management of disinfection byproducts and physical flushing of the system have not been conducted by a certified operator. As long as these operational duties and decisions are conducted by a non-certified operator, HWC will continue to be in violation of the DBPR and the Order. It is critical that a properly certified treatment and distribution operator has operational and decisional control of the system to ensure the delivery of safe water to your customers and to mitigate HWC's ongoing noncompliance of primary drinking water standards.

Failure to Collect Valid Total Trihalomethane (TTHM) Samples

The Order requires quarterly sampling at the EPA-approved sampling locations, per paragraph 65 of the Order. The System did not submit valid TTHM samples to EPA from the required two EPA-approved sampling locations for the quarterly monitoring period of July 1 through September 30. The samples collected on July 19, 2024, are not considered valid samples as they were not collected during normal operating conditions – the hydrants were flushed prior to sampling and the samples were collected shortly after a water outage. EPA contacted you on July 22, 2024 to inform you that the samples would not be valid, but EPA was told that you wanted the samples processed for your own reference. As you know, EPA subsequently informed you that the system should not be flushed for five days before sampling to ensure the sample is representative of normal operating conditions. EPA understands that the lab sampler again visited Havasu Landing on September 6, 2024 to take DBP samples but was ordered not to sample by HWC as the system "did not prepare" for sampling, which was later clarified to EPA to mean flushing. No flushing was reported in the five days leading up to September 6, 2024, samples taken would have been considered valid for compliance purposes, but HWC cancelled the testing. As a result, there was no valid sample for the past quarterly monitoring period in violation of the Order.

Failure to Correct Significant Deficiencies

In addition, the Order required HWC to correct three unaddressed significant deficiencies by June 27, 2024, per paragraph 70 of the Order. These significant deficiencies were identified based on observations from EPA's December 15, 2023 inspection and were identified in EPA's January 30, 2024 letter. While two of these three significant deficiencies in the Order have been addressed, one significant deficiency has not been sufficiently corrected as of the date of this letter:

1) Provide sufficient documentation demonstrating the physical location of the second chlorine injection point and its location within the System.

The information shared thus far has not sufficiently demonstrated the actual injection point. Despite your conclusion in your email that the information provided was "sufficient," EPA determined that HWC has not provided sufficient documentation. You must provide sufficient photographic evidence of the actual injection point into the water line to show its physical condition (i.e., unearth the line, if necessary), provide a schematic of how it fits into the System, and a wider photograph that demonstrates the injection point's location within the treatment plant grounds.

As stated in the Order at Paragraph 86, violation of any term of the Order may subject you to civil enforcement that may include a judicial penalty of up to $69,733 per day of violation for each day in which such violation occurs, assessed by the United States District Court, under SDWA sections 1414(b) and 1414(g)(3). 42 U.S.C. §§ 300g-3(b) and 300g-3(g)(3). Violation of any term of this Order may, in the alternative, subject you to an administrative penalty of up to $48,586 after notice and opportunity for a hearing, under SDWA section 1414(g)(3), 42 U.S.C. § 300g-3(g)(3). *See also* 40 C.F.R. § 19.4.

If you have any questions about this letter, please contact Christopher Chen of the Enforcement and Compliance Assurance Division at (213) 244-1853 or at chen.christopher@epa.gov. You may also have your legal counsel contact Alexa Engelman in our Office of Regional Counsel at (415) 972-3884, or by email at engelman.alexa@epa.gov.

We appreciate your cooperation and prompt attention to this matter.

Sincerely,

/S/ October 22, 2024

Lawrence Torres, Manager
Drinking Water Section
Enforcement and Compliance Assurance Division