



## REGION 9

SAN FRANCISCO, CA 94105

February 14, 2024

### SENT VIA EMAIL ONLY

Jennifer Hodges  
President, Havasu Water Company, Inc.  
P.O. Box 1690  
Havasu Lake, CA 92363  
Email: [havasuwater@outlook.com](mailto:havasuwater@outlook.com)

Subject: Current Boil Water Notice

Dear Jennifer Hodges:

As you know, EPA required you to provide a Boil Water Notice to all Havasu Water Company (HWC) customers on February 8, 2024, after you failed to submit required and overdue monitoring reporting on your system. We would like to take this opportunity to clarify several matters.

### Inadequate Monthly Monitoring Reports

As discussed with you on January 18, 2024, the HWC must submit complete Monthly Operating Reports (MOR) to ensure your surface water system is compliant with the Safe Drinking Water Act (SDWA) and that there are no immediate risks to public health from the consumption of the water you serve your customers. During our January meeting, EPA reviewed in detail the requirements of our template MOR and discussed what was needed to properly record and complete data for the reporting. Operator guidance materials describing MOR instructions were provided in December 2023. The MOR for December 2023 was due to EPA by January 10, 2024. When this deadline passed without any reporting, EPA contacted you and your staff to provide guidance and determine when reporting would be available.

Due to the HWC's continued delay in submitting the December MOR and the upcoming deadline for the January MOR on February 10th, EPA required that you submit a complete December 2023 MOR by close of business February 1st or a Boil Water Notice would need to be

issued to customers. EPA reiterated that daily reporting must be recorded on the MOR, in addition to regular calibration of equipment. You responded that Pat Hoban would be back the following week to complete reports, so a revised deadline of close of business on February 7th was set to account for his return. In the late afternoon of February 7th, you sent incomplete MORs for December 2023 and January 2024. EPA informed you shortly afterwards that the reports were incomplete and unacceptable. These reports lacked daily chlorine residuals as well as disinfection contact time data (peak flow time, pH, temperature, and clear well depth measurements) for the days the plant was run. Later that evening, past the deadline, you re-sent the MORs with disinfection contact time data, however the data had identical values for each metric on each day and the only variable data was the chlorine residual. Pat commented in the MOR that the identical values were approximations and conservative estimates. Daily measurements cannot be approximated; they must be taken from properly calibrated equipment and recorded.

### Timeliness of Notice

EPA again directed the HWC to issue a Boil Water Notice at approximately noon on February 8th, with direction that the distribution must be completed within 24 hours, per 40 CFR §141.202. In the late afternoon, you responded that you had gotten clarification from your operator that the tank level had not gone below 8 feet and that the chlorine residual level had been within acceptable standards for the month of January. There was no communication regarding distribution of the Boil Water Notice.

On the morning of the 9th, EPA informed you this information was insufficient for completing the MORs and asked if you had distributed the Boil Water Notice as specified on the day before. You responded at noon saying you had some chlorine residual data taken since our meeting on January 18th to report. This data was never subsequently provided to EPA and would not have changed our considerations. The additional information that the HWC provided after the deadline of close of business February 7th was unusable as it was not taken in real-time or was a verbal account of the status of the system instead of daily data collection as required. As the 24-hour deadline to distribute the Boil Water Notice passed with no confirmation of notice distribution, another email was sent with the order to issue the notices immediately. Criteria for lifting the notice were also outlined within.

On February 11th, the HWC provided an incomplete certificate of delivery of the Boil Water Notice, lacking the attached actual notice. On February 12<sup>th</sup>, EPA made two requests for the actual notice to be included and received confirmation that the correct notice was distributed on February 13th. According to 40 CFR §141.202, the Boil Water Notice had to be disseminated to customers within 24 hours of EPA's directive, which concluded midday on February 9th. EPA did not receive any certification of delivery of the Boil Water Notice until February 11th, and another 2 days passed before the complete certification was provided. The delay in distribution of the Boil Water Notice is unacceptable. The HWC was required to immediately distribute the Boil Water Notice upon EPA's request, and submission of the additional (and insufficient) data did not defer the HWC's responsibility to circulate the notice as required.

## Misinformation Communicated to Customers

EPA was informed that the HWC posted a letter to HWC customers publicly, dated February 10, 2024, that stated the Boil Water Notice was a precautionary measure because “the EPA has failed to fund the ‘installation of treatment equipment and process changes, the testing of treatment technology, and the analysis and processing of monitoring samples’ as required by the Federal Safe Drinking Water Act, Section 1545.” The letter purportedly quotes the SDWA (although Section 1545 does not exist) and further states that, “[w]e are working diligently to have the Boil Water Notice lifted as soon as possible upon receipt of the funding for the installation and calibration of the testing equipment EPA is now requiring.” (See Enclosure 1).

First, it is unacceptable to represent to your customers that the reason for the current Boil Water Notice is somehow related to EPA funding. The SDWA requires all public water systems to report monthly monitoring data to ensure the safety of the water they serve to customers. Your failure to submit the required reporting is the reason for the Boil Water Notice, as was stated in the notice we provided to you to distribute to your customers.

Second, your assertions in this letter to customers regarding the SDWA are wholly inaccurate. While the citation you provided in the letter does not exist, it appears you are quoting SDWA Section 1445, 42 U.S.C § 300j-4(a)(1)(C), which covers information EPA may request from a public water system “to assist the Administrator [of EPA] in **establishing regulations** under section 300-g-1 of this title...” and provides that “[t]he Administrator may not require **under this subparagraph** the installation of treatment equipment or process changes, the testing of treatment technology, or the analysis or processing of monitoring samples, except where the Administrator provides the funding for such activities” (emphasis added). The limit on EPA’s ability to request information in this subparagraph without providing funding is clearly limited in the plain language of the text to *circumstances when EPA is establishing new regulations*, which is not the case here. EPA is concerned that you are erroneously communicating to your customers that the Boil Water Notice is due somehow to EPA’s lack of funding of your privately-owned public water system. In this communication you have fully misrepresented to your customers the problem at hand, which is the HWC’s inaccurate and inadequate reporting of the standard data required to assure the water you are serving is safe to drink.

### Next steps

Effectively immediately, the HWC must cease to disseminate and post misinformation related to the current Boil Water Notice. We hope your efforts could rather be focused on acquiring the data needed to lift the Boil Water Notice and providing accurate and complete monitoring reports to EPA. As communicated on February 9, the Boil Water Notice must remain in place until HWC provides the following completed monitoring and reporting to EPA:

1. A minimum of two weeks of reporting with the following criteria met:
  - a. Actual (not estimated) readings of all parameters in the MOR, including:

- i. Daily chlorine residuals.
  - ii. Turbidity, flow, pH, temperature, and tank levels for each day the plant is operational.
2. All data must be collected from calibrated instruments. The data is not considered accurate until all calibratable meters are calibrated according to instrument standards (e.g. turbidity based on manufacturer's guidelines, pH, and chlorine where applicable)
  - a. You must show photo documented proof of the use of non-expired reagents used to calibrate your equipment. EPA would like to confirm the reagents you are currently using are not expired.

You may not lift the notice until EPA directs you to do so. We hope that going forward, the HWC can provide effective and timely reporting and ensure safe water service to its customers. If you have questions you can reach me at (415) 972-3969 or via email at [rapicavoli.emmanuelle@epa.gov](mailto:rapicavoli.emmanuelle@epa.gov) or Annie Hong, at (415) 972-3845 or at [hong.wan@epa.gov](mailto:hong.wan@epa.gov). If you and your counsel have legal questions related to EPA's regulation of the HWC, please contact Alexa Engelman of our Office of Regional Counsel at (415) 972-3884 or at [engelman.alexa@epa.gov](mailto:engelman.alexa@epa.gov).

Sincerely,  
/s/ by Emmanuelle Rapicavoli, 2/14/24

Emmanuelle Rapicavoli, Manager  
Tribal Drinking Water Section

Enclosures:

1. HWC Letter to Customers

cc: SENT VIA EMAIL ONLY  
Patrick Webb, Webb & Carey APC  
Terence Shia, Director, Water Division, California Public Utilities Commission

Enclosure 1:

# Havasu Water Company

Havasu Water Company  
PO Box 1690  
Havasu Lake, CA 92363  
760 858-4619 Office  
havasuwat@outlook.com

February 10, 2024

TO: Our Valued Customers

FROM: Havasu Water Company

Please be advised that the EPA has only recently asserted that it believes that HWC is within EPA's jurisdiction, and is now requiring that a Boil Water Notice be posted as a precautionary measure, because the EPA has failed to fund the "installation of treatment equipment and process changes, the testing of treatment technology, and the analysis and processing of monitoring samples," as required by the Federal Safe Water Drinking Act, Section 1545, which provides:

"The Administrator may not require under this subparagraph the installation of treatment equipment or process changes, the testing of treatment technology, or the analysis or processing of monitoring samples, except where the Administrator provides the funding for such activities."

We are working diligently to have the Boil Water Notice lifted as soon as possible upon receipt of the funding for the installation and calibration of the testing equipment EPA is now requiring.