



REGION 9

SAN FRANCISCO, CA 94105

August 7, 2024

SENT VIA EMAIL ONLY

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

Re: Third 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 (Act), 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 Act. However, HWC is in noncompliance of the order due to failure to submit a compliance plan for EPA approval, continuous failure to provide sufficient evidence that qualified personnel are physically operating the system as required within the Disinfection Byproduct Rule (DBPR) and to correct significant deficiencies.

Compliance Plan

The Order required you to submit a Compliance Plan by July 27th, 2024 that describes in detail the steps and schedule Respondent will follow to comply with this Order and the SDWA. This Compliance Plan is a detailed plan for how HWC will comply with the exceedances of the maximum contaminant level for total trihalomethanes as detailed in Paragraph 63 by December 31, 2024. A Compliance Plan must be submitted to EPA as soon as possible for review and approval.

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. 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, despite asking specific questions about the scope of work for these operators, HWC did not provide sufficient information for EPA to verify that Pat Hoban was physically operating the System's surface water treatment plant and that Rick Miller was physically operating the distribution system. Until EPA can verify that a qualified treatment operator is making all process control and system integrity decisions for treatment and is onsite to physically operate the system when treating water, and that a qualified distribution operator is onsite to appropriately make process control and system integrity decisions for distribution, including, but not limited to flushing of the distribution mains and direct repair of line breaks when they occur, HWC will continue to be in violation of the DBPR. To this end, a formal Request for Information is attached regarding operation of the water system.

It is critical to ensure the protection of public health that a properly certified 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.

Significant Deficiencies

In addition, the Order required HWC to correct three unaddressed significant deficiencies by June 27, 2024, as identified in EPA's January 30, 2024 letter. These significant deficiencies were identified based on observations from EPA's December 15, 2023, inspection. 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:

Chlorine Injection Point: 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. The picture provided to EPA was of an area of dirt that presumably covers the injection line. You must provide sufficient photographic evidence of the actual injection point into the water line (i.e., unearthen the line, if necessary), provide a schematic where the injection point is located within the treatment 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,

**LAWRENCE
TORRES**

Digitally signed by LAWRENCE
TORRES
Date: 2024.08.07 15:45:43 -0700

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

Enclosure:

1. Request for Information Pursuant to Section 1445 of the Safe Drinking Water Act for the Havasu Water Company Public Water System (PWS ID No. 090600202), dated August 7, 2024.