



## REGION 9

SAN FRANCISCO, CA 94105

June 3, 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: Significant Deficiencies at Havasu Water Company

Dear Jennifer Hodges,

I am writing regarding several outstanding significant deficiencies, both previously and newly identified, at the Havasu Public Water Company (HWC) public water system and your failure to comply with resulting public notice requirements related to the timely resolution of those significant deficiencies.

#### **Existing Significant Deficiencies:**

On January 30, 2024, EPA sent the Havasu Water Company (HWC) a letter documenting seven (7) significant deficiencies found during EPA's inspection of the water system on December 15, 2023 (Enclosure 1). The letter directed HWC to either correct the deficiencies or to complete a Corrective Action Plan (CAP), that included proposed corrections with EPA-approved deadlines, by March 15, 2024. On March 10, 2024, HWC presented EPA with an incomplete plan that included insufficient proposed corrections for all seven (7) significant deficiencies and lacked appropriate due dates (Enclosure 2). On March 12, 2024, EPA requested the plan provide more specific proposed corrections and include due dates for all items. Several significant deficiencies that required basic maintenance had an HWC-proposed due date of April 12, 2024, and EPA asked HWC to accelerate the deadline due to the straightforward nature of the corrections. The system did not respond to EPA's requests for amendments to the proposed CAP until March 24, 2024, and the response was inadequate. As a result, the March 15, 2024, deadline passed without an approved CAP and without any significant deficiencies corrected. HWC also failed to meet their own proposed deadline of April 12, 2024, to correct several significant deficiencies.

HWC currently has four outstanding significant deficiencies that require immediate resolution. The system partially addressed the system operating procedures and second chlorine injection point significant deficiencies on May 9, 2024, and May 16, 2024, respectively. We also understand that HWC is continuing to make updates to the old operations manuals and confirm the second chlorine injection point. We understand the polymer containers are reportedly on backorder by the manufacturer until the end of May. In accordance with the Unilateral Administrative Order issued by EPA on May 29, 2024, HWC must fully correct the three aforementioned outstanding significant deficiencies by June 29, 2024. The deadline for the fourth outstanding significant deficiency, having an on-site, T2 D1 certified operator, is July 1, 2024.

**Public Notice for Failure to Correct Significant Deficiencies:**

On April 16, 2024, EPA informed HWC that it was in violation of 40 C.F.R. § 141.723(c-d) for failing to address four (4) unresolved significant deficiencies within 45 days of notification and would need to distribute a public notification (PN) to all customers within 30 days (i.e., by the end of day on May 16, 2024). Because HWC included language that undermined the purpose of past consumer notices, EPA requested that HWC submit draft notices to EPA for its review, by April 18, 2024, prior to public distribution. On April 30, 2024, HWC communicated its objections to the PN requirement, including their belief that the due date was May 15, 2024. EPA responded to HWC pointing out that they did not meet their own proposed due date for significant deficiencies in their correspondence of March 10, 2024, and that any deficiencies corrected before the distribution date would still need to be included in a PN. On May 13, 2024, EPA sent a reminder to HWC that full distribution of an EPA-approved notice to all customers was due by the end of May 16, 2024. On May 15, 2024, HWC sent a letter to EPA that was addressed to its customers titled “EPA Notice” and disseminated it to customers through email at the same time (Enclosure 3). The letter contained misinformation and made false claims regarding the levels of Trihalomethanes in the HWC’s water and EPA was not given an opportunity to review the letter before it was distributed. EPA informed HWC this notice did not fulfill its public notification requirements and was misleading to consumers. EPA provided HWC with EPA-prepared PNs that were ready for distribution with the stipulation that only the date and contact information could be changed without pre-approval. On the evening of May 16, 2024, HWC began distribution of the EPA-provided PNs with unapproved modifications and emailed them to customers stating, “[t]he EPA has requested that we send these new notices to you.” HWC reported to EPA that it had completed distribution of the notice between May 16, 2024, and May 20, 2024. Therefore, it failed to complete distribution by the required deadline of May 16, 2024. HWC must provide timely, EPA-approved, public notices to its consumers that do not contain unapproved language to document the ongoing significant deficiencies that have not been corrected and the water company’s proposed actions to correct them.

**Newly Identified Significant Deficiencies:**

On the afternoon of May 8, 2024, EPA conducted a sanitary survey at HWC. During the survey, EPA identified two new significant deficiencies further described below. As per 40 CFR 141.723(b), “a significant deficiency includes a defect in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that EPA

determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.” It is likely that additional significant deficiencies will be communicated at a future date once the sanitary survey report is finalized.

1. *Lack of Backup Power*

*Deficiency Description:* HWC does not have a source of immediate backup power in case of emergencies to ensure water delivery to consumers. While a Quick Connect panel for the treatment plant was found during the survey, there is no generator on-site to power the treatment plant. Even with the Quick Connect panel in place, no backup connection was found for the pumping station, which means the operator would not be able to pump water to the pressure tank. The system would then be reliant on the water in the pressure tank to meet demand until power was restored. There is inadequate storage in the pressure tank to prevent depressurization of the distribution system. Depressurization could lead to backsiphonage and the introduction of contamination into the distribution system.

*Recommended Solution:* HWC must acquire as many on-site power generators as needed for the system to maintain normal water pressure and water quality to provide uninterrupted service during a power outage. Generators must be checked monthly to ensure they are in working order.

2. *Coliform sampling plan*

*Deficiency Description:* EPA observed the location of the only current routine coliform sampling site at the Havasu Estates (“H.E.S”) Intake Valve, which was very close to the treatment plant. As noted after the power outage, HWC should have multiple routine coliform sampling sites identified and cycle through them monthly to ensure its required monitoring is representative of the water quality in its entire distribution system. In addition, HWC needs to establish upstream and downstream sampling locations in the event of a positive routine total coliform sample. Those repeat sampling locations are required to properly establish the presence or absence of E. Coli. Currently, HWC does not have a site sampling plan that is approved by EPA.

*Recommended Solution:* HWC must propose a coliform sampling plan with a minimum of three (3) routine coliform sampling sites that are spread throughout the distribution system. Each sampling site must be accompanied by a set of repeat sampling locations, comprising of one upstream and one downstream location, each no more than five (5) service connections away from the original site.

Pursuant to 40 C.F.R. § 141.723(c-d), HWC must correct or develop an EPA-approved plan to correct these two significant deficiencies within 45 days of this letter. HWC must respond in writing to this letter, indicating how and on what schedule the system will address these new significant deficiencies. If HWC has not corrected these significant deficiencies or does not have an EPA-approved Compliance Plan by **July 18, 2024**, additional steps may be taken by EPA, which could include referring this matter to EPA’s Office of Enforcement and Compliance Assurance.

A summary of all current outstanding significant deficiencies is included as an attachment to this letter (Enclosure 4).

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 Wan, at (415) 972-3845 or at [wan.hong@epa.gov](mailto:wan.hong@epa.gov). If you or your counsel have legal questions, 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,

**EMMANUELLE  
RAPICAVOLI**

Emmanuelle Rapicavoli, Manager  
Tribal Drinking Water Section

Digitally signed by EMMANUELLE  
RAPICAVOLI  
Date: 2024.06.03 14:21:35 -0700'

Enclosures:

1. EPA letter to HWC, dated January 30, 2024.
2. CAP 2024 EPA
3. HWC letter to customers
4. List of outstanding significant deficiencies

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