



REGION 9

SAN FRANCISCO, CA 94105

July 10, 2024

SENT VIA EMAIL ONLY

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

Re: Second 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, including failure to retain qualified personnel as required within Disinfection Byproduct Rule (DBPR) and failure to correct significant deficiencies.

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 of Treatment 2 certification for Pat Hoban and Distribution 1 certification for Rick Miller on July 1, 2024. However, EPA was unable 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. EPA has previously requested documentation explaining the operators' roles and responsibilities to determine if the operators are able and available to physically operate the System, but this information has not been provided. Until EPA can verify that a qualified

operator is physically operating the system and making all control decisions, HWC will continue to be in violation of the DBPR. It is critical 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 one of these three significant deficiencies in the Order has been addressed, two significant deficiencies have not been sufficiently corrected as of the date of this letter:

- 1) Provide written procedures for treatment operations. The procedures must also include procedures for backwashing the treatment filters.
- 2) Provide sufficient documentation demonstrating the physical location of the second chlorine injection point and its location within the System.

Timely correction of these significant deficiencies is essential to ensure the proper operation of the PWS and safeguarding of public health.

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: 2024.07.10 15:17:10 -0700

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