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7 [Exempt from filing fees per Gov. Code § 6103]

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**

11 CALIFORNIA PUBLIC UTILITIES
12 COMMISSION,

13 Petitioner,

14 v.

15 HAVASU WATER COMPANY, also known
as Havasu Water Company, Inc., a California
16 corporation (U-352-W); JENNIFER L.
HODGES, an individual; and JH FAMILY
17 LIMITED PARTNERSHIP, a California
limited partnership.

18 Respondents.
19

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
8/27/2026 10:45
By: Alyssia Skinner, DEPUTY

CIVSB2625211

Case No. [TO BE ASSIGNED]

DECLARATION OF JAMES A. BOOTHE

Hearing: [TO BE SET UPON DEPARTMENT
ASSIGNMENT]

Remote appearance requested [Cal. Rules of
Court, rule 3.672]

Action filed: [August 27, 2026]

1 I, JAMES A. BOOTHE, declare:

2 1. I am a Program and Project Supervisor in the Water Division of the California
3 Public Utilities Commission (Commission). I have worked in the Water Division since 2008. I
4 make this declaration from my own personal knowledge, except where I state a matter on
5 information and belief, and as to those matters I believe them to be true. If called as a witness I
6 could and would competently testify to the matters stated here.

7 2. In my official capacity I am assigned to monitor, investigate, and review the
8 regulatory compliance, financial records, and operational status of Havasu Water Company
9 (Havasu), a Class D investor-owned water utility, Commission identification number U-352-W,
10 operating in the unincorporated community of Havasu Lake, San Bernardino County. Jennifer
11 L. Hodges is Havasu's president and sole owner.

12 3. The statements in this declaration are based on the Commission's official files
13 for Havasu; the record of Investigation (I.) 25-08-007; Havasu's annual reports filed with the
14 Commission for 2023, 2024, and 2025; Havasu's tariff schedules on file with the Commission;
15 Water Division inspection reports; certified copies of recorded deeds provided to me by counsel;
16 and my communications with Water Division staff assigned to this utility.

17 4. The Commission opened I.25-08-007 to investigate Havasu's operations,
18 maintenance, and practices. On June 11, 2026, after notice and an evidentiary hearing, the
19 Commission issued Decision (D.) 26-06-010. The Decision determined that Havasu is unable or
20 unwilling to adequately serve its ratepayers and is unresponsive to the Commission's rules and
21 orders, granted the request that the Commission's Legal Division petition the superior court for
22 the appointment of a receiver, and "ordered Havasu to pay penalties totaling \$33,000 (\$10,000
23 under Ordering Paragraph 4 and \$23,000 under Ordering Paragraph 5), each due within 60 days
24 of the decision's June 11, 2026 issuance – that is, by August 10, 2026. **A true and correct copy**
25 **of D.26-06-010 is attached as Exhibit A to the CPUC's concurrently filed Request for**
26 **Judicial Notice.**

1 5. The Water Division has investigated and inspected Havasu's system. The
2 Division's investigation and inspection reports are among the sources identified in paragraph 3,
3 are part of the record the Commission considered in I.25-08-007 and are available at the Court's
4 request.

5 6. Havasu has also been the subject of enforcement action by the United States
6 Environmental Protection Agency under the Safe Drinking Water Act, consisting of one
7 inspection notice, two emergency administrative orders, six notices of noncompliance, and five
8 boil water notices directed to Havasu's customers. **True and correct copies of these**
9 **documents are attached as Exhibit 1.**

10 7. Havasu's water system serves approximately 226 metered service connections,
11 mostly residential, and includes approximately 20 fire hydrants that provide fire protection for
12 the community.

13 8. Havasu's rates and charges are set by tariff schedules on file with the
14 Commission. Any change to those rates requires Commission authorization. I express no view
15 in this declaration on how the Commission would act on any future request by a receiver to
16 adjust rates, and I am not authorized to state what the Commission will do in response to such a
17 request.

18 9. The conditions the Commission found have not been corrected. Since D.26-06-
19 010 issued on June 11, 2026, the Water Division has received no notice or documentation from
20 Havasu showing that the company has retained a certified water operator at the grade required
21 for this system, restored its backup generator to operable condition, or completed inspection and
22 repair of the fire hydrants in its service area.

23 10. Havasu draws water from Lake Havasu, its only current water source. Havasu
24 uses water intake and pipeline infrastructure and equipment to transport surface water from the
25 lake to the distribution system that serves Havasu's customers. A federal court has ordered
26 Havasu to remove its water intake infrastructure and equipment that is located on Chemehuevi
27 Indian Tribe lands. (RJN Ex. C.) The initial removal deadline of June 15, 2026 contained in that
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1 order was modified by a further court order to provide a short extension to July 30, 2026. (RJN
2 Ex. J.)

3 11. D.26-06-010 ordered Havasu to pay penalties totaling \$33,000 within 60 days of
4 issuance, or by August 10, 2026. I have reviewed the Commission's records of payments
5 received. As of August 26, 2026, those records show no payment from Havasu.

6 12. Havasu's operations, funds, and records are under the control of one person, Ms.
7 Hodges. The person in actual possession of the water system's property is Ms. Hodges. Her
8 address as Havasu's agent for service of process, per the records of the California Secretary of
9 State, is 2312 Park Ave., #421, Tustin, California 92782. Her telephone number is not known to
10 me.

11 13. The property is in use as a public water system serving Havasu's customers in
12 Havasu Lake. The system includes the treatment plant, wells, storage tanks, distribution mains,
13 and the fire hydrants described above. The site of Havasu's treatment plant is Assessor's Parcel
14 Number 0649-212-19, 148896 Havasu Lake Road, Havasu Lake, California.

15 14. I have reviewed certified copies, provided to me by counsel, of three grant deeds
16 signed October 22, 2025 and recorded October 23, 2025 in the Official Records of San
17 Bernardino County as Document Nos. 2025-0257862, 2025-0257863, and 2025-0257864. The
18 deeds convey Assessor's Parcel Numbers 0649-212-19, 0649-281-28, and 0649-211-10 from
19 Havasu to JH Family Limited Partnership. I have also reviewed the Commission's records: as of
20 August 26, 2026, they contain no Commission approval for those conveyances, nor any
21 notification to the Commission of the conveyances or request by Havasu for Commission
22 approval of them. No disclosure of the conveyances appears in the record of I.25-08-007.

23 15. Havasu's business is the operation of the water system described above. Taking
24 of the property by a receiver would not stop the operation of the business; the receiver would
25 continue operating the system
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1 16. I am available to appear at the hearing on this application, including by remote
2 appearance, and to answer the Court's questions about the matters stated in this declaration.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed on August 27, 2026, at San Francisco, California.

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9 JAMES A. BOOTHE

EXHIBIT 1



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1. The United States Environmental Protection Agency, Region 9 (EPA) is issuing this Unilateral Administrative Order (“Order”) for the purpose of bringing the Havasu Water Company public water system, PWS ID. No. 090600202 (“System”), which is located within the external boundaries of the Chemehuevi Indian Reservation, into compliance with the requirements of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300f et seq., and the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. Part 141.

II. JURISDICTION

2. EPA issues this Order under the authority vested in the EPA Administrator by Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) which has been delegated to the EPA Region 9 Regional Administrator and in turn has been delegated to the EPA Region 9 Director of Enforcement and Compliance Assurance Division.

3. EPA has primary enforcement responsibility under Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3 to ensure that suppliers of water in the United States comply with the requirements of the SDWA.

4. The State of California, acting through its California State Water Resources Control Board Division of Drinking Water (DDW), previously asserted primary enforcement responsibility under Section 1413(a) of the SDWA, 42 U.S.C. § 300g-2(a), to ensure that public water systems in California comply with the applicable requirements of the SDWA. On November 2, 2023, in coordination with DDW, EPA notified Respondent that the System was located within the exterior boundaries of the Chemehuevi Indian Reservation and was therefore within EPA's jurisdiction. On January 1, 2024, DDW officially transferred oversight of the System to EPA.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

EPA makes the following findings of fact and conclusions of law:

5. Respondent is a "person" within the meaning of Section 1401(12) of the SDWA and 40 C.F.R. § 141.2.

6. Under Section 1401(5) of the SDWA, a "supplier of water," means any person who owns or operates a public water system. See 42 U.S.C. § 300f(5).

7. Respondent owns and/or operates a system known to EPA as the “Havasu Water Company public water system,” PWS ID. No. 090600202, located at 148896 Havasu Lake Road, Needles, CA 92363, for the provision to the public of piped water for human consumption.

8. Under Section 1401(4) of the SDWA, a “public water system,” means, in relevant part, a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals. See 42 U.S.C. § 300f(4)(A). Section 1401(15) of the SDWA further defines a “community water system,” as a “public water system” that serves at least 15 service connections used by year-round residents of the area served by the system; or regularly serves at least 25 year-round residents. See 42 U.S.C. § 300f(15).

9. The System utilizes a surface water source. The surface water source is an intake located at the west side of Lake Havasu. The intake comprises part of the System and is the System’s sole water source.

10. The System uses a pressure filter from Environmental Products Division Alternative Filtration Technology for surface water treatment.

11. The System uses chlorine gas as a chemical disinfectant in the water treatment process.

12. According to records provided by DDW, the System has 221 service connections and serves 361 people.

13. The System has at least 15 service connections or regularly serves at least 25 people and is therefore a “public water system” as that term is defined in Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a “community water system” as that term is defined in Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.

14. Respondent is individually an owner of a “public water system” and a “supplier of water” within the meaning of Section 1401(4) and (5) of the SDWA, 42 U.S.C. § 300f(4) and (5), and 40 C.F.R. § 141.2.

15. Respondent owns a “community water system” as defined by Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.

16. As a “person,” “supplier of water,” and “owner” of a “public water system,” Respondent is subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g *et seq.*, and all other applicable requirements of the SDWA as defined at 42 U.S.C. §300g-3(i), including all applicable State requirements under 42 U.S.C. §300g-3(i)(4).

17. As a “person,” “supplier of water,” and “owner” of a “public water system,” Respondent is jointly and severally liable for violations of Part B of the SDWA, 42 U.S.C. § 300g *et seq.*, the Act’s implementing regulations at 40 C.F.R. Part 141, and all other applicable requirements of the SDWA as defined at 42 U.S.C. §300g-3(i).

A. EXCEEDANCE OF THE TOTAL TRIHALOMETHANES MCL

18. The NPDWRs set a “maximum contaminant level” (MCL) for certain contaminants that may be found in drinking water. MCL is defined under 40 C.F.R. § 141.2 as the maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

19. Total trihalomethanes (TTHM) are a contaminant regulated under the NPDWRs. The MCL for TTHM is 80 ug/L. *See* 40 C.F.R. § 141.64(b).

20. For systems monitoring quarterly, compliance with MCLs in 40 C.F.R. § 141.64 must be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples collected by the system. 40 C.F.R. § 141.133(b).

21. Respondent has been conducting quarterly monitoring at two distribution system locations to determine compliance with the TTHM MCL in accordance with 40 C.F.R. § 141.621(a)(2). As the System has had TTHM exceedances since at least 2014, the System is required to collect dual sample sets once per quarter at all locations in accordance with 40 C.F.R. § 141.625(a). The analytical results of Respondent's quarterly monitoring at the two distribution system locations since 2019 are provided below, in addition to the calculated locational RAA:

Table 1. TTHM Results at the Approved Monitoring Locations

Date	Quarter (Calendar Year)	Result (ug/L) – Cement Plant	Locational RAA– Cement Plant	Result (ug/L) – Desert View Ln	Locational RAA– Desert View Ln
2019					
7/12/2019	3 rd	78.2	79.3	54.3	N/A
10/4/2019	4 th	58.9	79.3	37.3	N/A
2020					
2/7/2020	1 st	52.9	79.6	40.5	N/A
4/3/2020	2 nd	52.9	60.7	41	43.2
7/10/2020	3 rd	80.9	61.4	77.3	49.0
11/6/2020	4 th	48.9	58.9	53.4	53.1

Date	Quarter (Calendar Year)	Result (ug/L) – Cement Plant	Locational RAA – Cement Plant	Result (ug/L) – Desert View Ln	Locational RAA – Desert View Ln
2021					
2/5/2021	1 st	49.8	58.1	70.9	60.7
4/2/2021	2 nd	52.4	58	45.8	61.9
8/6/2021	3 rd	144.6	73.9	77.8	62.0
10/8/2021	4 th	163.2	102.5	118.3	78.2
2022					
1/7/2022	1 st	76.9	109.3	77.9	80.0
4/8/2022	2 nd	117.6	125.6	89.9	91.0
8/4/2022	3 rd	188.2	136.6	148.7	108.7
10/7/2022	4 th	253.4	159.2	77.5	98.5
2023					
1/6/2023	1 st	87.6	161.9	67.6	95.9
4/7/2023	2 nd	70.7	150.1	104.5	99.6
8/4/2023	3 rd	73.4	121.3	149.3	99.7
10/6/2023	4 th	135.3	91.8	115.4	109.2

2024					
Date	Quarter (Calendar Year)	Result (ug/L) – Everet St*	Locational RAA – Everet St*	Result (ug/L) – Desert View Ln	Locational RAA – Desert View Ln
1/18/24	1 st	84.7	91.0	68.2	109.4
4/5/24	2 nd	81.9	93.8	71.2	101.0

*Sample was taken at a property adjacent to the former sampling site (Cement Plant) due to its closure but was found by EPA to be an acceptable replacement sampling site.

22. Based on the analytical results of quarterly monitoring conducted at the Cement Plant and Desert View Lane as seen in Table 1, Respondent has exceeded the TTHM MCL of 80 ug/L specified at 40 C.F.R. § 141.64(b) based on the locational RAA starting in October 2021 at the Cement Plant sampling location (replaced in January 2024 by the Everet Street sampling location) and in April 2022 at Desert View Lane sampling location.

B. FAILURE TO MEET QUALIFIED PERSONNEL/OPERATOR REQUIREMENTS

23. Pursuant to the SDWA's Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproducts Precursors Rule (Disinfection Byproducts Rule) at 40 C.F.R. § 141.130(c), any CWS that adds a chemical disinfectant to the water in any part of the drinking water treatment process must be operated by qualified personnel who meet the requirements specified by the State (or EPA where it is the primacy agency).

24. Pursuant to the SDWA's Filtration and Disinfection Rule at 40 C.F.R. § 141.70(c), any CWS supplied by a surface water source must be operated by qualified personnel who meet the requirements specified by the State (or EPA where it is the primacy agency).

25. Respondent adds a chemical disinfectant to the water during the System's drinking water treatment process and the System is supplied by a surface water source. Therefore, the

System must be operated by qualified personnel pursuant to 40 C.F.R. § 141.130(c) and 40 C.F.R. § 141.70(c), with at least Water Treatment Level 2 and Water Distribution Level 1 certifications in accordance with the EPA Operator Certification Program.

26. Since the departure of the System's qualified personnel in April 2023, the System has not had properly certified personnel to operate the System. The current operator of the System does not have a Water Treatment Level 2 certification or a Water Distribution Level 1 certification.

27. Since at least May 2023, Respondent has failed to retain "qualified personnel," which is to have an operator with at least Water Treatment Level 2 and Water Distribution Level 1 certification, to operate the System as required by the SDWA's Disinfection Byproducts Rule at 40 C.F.R. § 141.130(c) and the SDWA's surface water filtration and disinfection requirement at 40 C.F.R. § 141.70(c).

D. FAILURE TO MONITOR AS REQUIRED BY THE SURFACE WATER TREATMENT RULE

28. In accordance with the 40 C.F.R. § 141.74(c), a PWS that uses a surface water source or a ground water source under the influence of surface water and provides filtration treatment must monitor and report filtered water turbidity every four hours when the treatment plant is filtering water. The system must also monitor the chlorine residual levels at the entry point to the distribution system daily. Furthermore, chlorine residual levels must be monitored at the same point and time as total coliform samples.

29. In accordance with 40 C.F.R. § 141.75(b), a PWS that uses a surface water source or a ground water source under the direct influence of surface water and provides filtration

treatment must report monthly turbidity measurements specified by § 141.74(c)(1) and disinfection information specified in § 141.74(c).

30. In addition, in accordance with 40 C.F.R. § 141.70(e), a PWS that serves fewer than 10,000 people must comply with Subpart T. Within Subpart T, in accordance with 40 C.F.R. § 141.570(a) and (b), public water systems meeting this definition must report monthly turbidity measurements.

31. All monthly reporting must be compiled into a Monthly Operating Report (MOR) to be submitted to EPA within 10 days after the last day of each month.

32. The System's December 2023 MOR failed to report daily lowest chlorine residual concentrations, measure disinfectant contact time performance metrics on days the treatment plant was in operation, and relied on instruments to measure turbidity and chlorine residual that were not properly calibrated. The December 2023 MOR was submitted on February 7, 2024, which was later than the due date of January 10, 2024.

33. The January 2024 MOR failed to report daily lowest chlorine residual concentrations, measure most disinfectant contact time performance metrics on days the treatment plant was in operation, and relied on instruments that were not properly calibrated. The MOR was submitted on February 7, 2024, which was prior to the due date of February 10, 2024, but as stated, was inadequate and missing essential data.

34. The February 2024 MOR did not include real-time data for contact time calculations, and relied on instruments that were not properly calibrated. The February 2024 MOR was submitted on March 22, 2024, which was past the due date of March 10, 2024.

35. The March 2024 MOR was submitted on April 11, 2024, which was past the due date of April 10, 2024. The MOR data continued to rely on instruments that were not properly calibrated.

36. The April 2024 MOR was submitted on May 16, 2024, which was past the due date of May 10, 2024. The MOR was missing some pH and temperature measurements used for disinfectant contact time calculations.

37. Respondent submitted MORs to EPA for December 2023, January 2024, February 2024, and March 2024 that did not meet Surface Water Treatment Rule requirements. In addition, the December 2023, February 2024, March 2024, and April 2024 MORs were submitted after the due dates. Respondent failed to submit MORs in accordance with 40 C.F.R. § 141.75(b) and 141.570(a) and (b).

E. FAILURE TO CORRECT SIGNIFICANT DEFICIENCIES

38. EPA conducted an onsite inspection of the System on December 15, 2023.

39. As defined in 40 C.F.R. § 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.

40. On January 30, 2024, EPA identified in a letter to Respondent seven significant deficiencies based on the December 15, 2023 inspection pursuant to 40 C.F.R. § 141.723. By March 15, 2024, the System was required to correct the significant deficiencies or develop an EPA-approved corrective action plan. Respondent did not submit a corrective action plan for

approval by EPA by March 15, 2024 and did not submit documentation demonstrating appropriate corrective action was taken for the seven identified significant deficiencies.

41. The seven significant deficiencies cited in EPA's January 30, 2024 letter were the following:

1. The System did not have written procedures for treatment plant operations and was unable to produce the manufacturer's manual. The System also lacked a backwash plan;
2. The storage tank overflow was not appropriately screened;
3. The System did not have an appropriately certified operator onsite to manage daily operations;
4. The second chlorine injection point was unknown;
5. The backwash pump was not properly mounted;
6. The polymer injection containers were not secure, not appropriately covered, and vulnerable to spillage; and
7. The turbidimeters and colorimeters had never been calibrated.

42. Respondent violated 40 C.F.R. § 141.723(c) by not submitting an EPA-approved schedule within 45 days of receipt of the EPA letter that reported and identified the significant deficiencies.

43. On April 5, 2024, Respondent submitted an email to EPA demonstrating appropriate corrective action to properly mount the backwash pump. On April 15, 2024, Respondent submitted an email demonstrating the tank overflow had been appropriately screened. On April 24, 2024, Respondent submitted sufficient documentation to EPA that the turbidimeters and

colorimeters had been calibrated, and that written procedures and a calibration schedule were in place. Therefore, these significant deficiencies have been resolved. However, the remaining significant deficiencies have not been resolved.

44. Respondent violated 40 C.F.R. § 141.723(d) by not correcting all the significant deficiencies within 45 days of receipt of the report or under an EPA-approved schedule.

F. FAILURE TO MEET PUBLIC NOTIFICATION REQUIREMENTS

45. 40 C.F.R. Part 141, Subpart Q, requires public water systems to provide public notice of any failure to comply with any NPDWR and other situations listed in Table 1 of 40 C.F.R. § 141.201.

46. Table 2 of 40 C.F.R. § 141.201(b) defines three public notification tiers, two of which are relevant here: Tier 1, Table 1 of § 141.202(a)(9), are required for situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the primacy agency either its regulations or a case by case basis; and Tier 2, Table 1 of § 141.203(a), are required for non-Tier 1 NPDWR violations and situations with potential to have serious adverse effects on human health.

47. Tier 1 Violations: Pursuant to Table 1 of 40 C.F.R. § 141.202, Tier 1 public notice is required when EPA determines there is a significant potential to have serious adverse effects on human health as a result of short-term exposure. A system must provide Tier 1 public notice no later than 24 hours after a system learns of the violation, or in this case, notification from EPA that Tier 1 public notification is necessary. As discussed in Paragraphs 48 and 50, Respondent has violated public notification requirements by failing to deliver the Tier 1 boil water notices within 24 hours of EPA's notification to issue boil water notices.

48. On February 8, 2024, EPA notified Respondent that it must deliver Tier 1 boil water notices to customers by the end of day on February 9, 2024, as EPA determined a significant potential of serious adverse effects to human health due to unreliable chlorine residual, turbidity, flow, pH, temperature and tank level data. Respondent began delivery of the boil water notices on February 9th but did not complete delivery until February 10, 2024, after the 24-hour deadline.

49. On February 10, 2024, a customer of the System informed EPA that Respondent distributed a notice along with the boil water notice that contained misinformation about the EPA-required boil water notice. This notice, that was not approved by EPA, erroneously and inappropriately cited the SDWA and made representations that were misleading to the public by suggesting that the boil water notice was not due to health and safety-based concerns. On February 14, 2024, EPA sent a letter to Respondent identifying the inaccuracies and misinformation in the notice and demanding that the Respondent must cease dissemination of the notice and any other misinformation to customers.

50. On March 21, 2024, EPA directed Respondent to issue a repeat Tier 1 boil water notice by March 22, 2024, due to continued unreliable monitoring data. Respondent certified that the delivery of boil water notices to customers was complete on March 27, 2024, which was several days after the 24 -hour deadline.

51. On March 28, 2024, EPA was notified by a System customer that the Respondent posted a notice that was physically placed in front of the required boil water notice in the community post office, blocking the boil water notice. The additional notice, which was not approved by EPA, made inaccurate assertions about the safety of the water and reason for the boil water

notice and obscured EPA's required boil water notice. The System customer stated this additional notice was also included with the customer's water bills.

52. Pursuant to 40 C.F.R. § 141.205(c), public notices must be displayed in a conspicuous location when posted and must not contain language that nullifies the purpose of the notice. As discussed in Paragraphs 49 and 51, Respondent posted misinformation that was not EPA-approved and nullified the purpose of the boil water notice. In addition, the unapproved language was located on top of the EPA-approved boil water notice, making it no longer conspicuous.

53. Tier 2 Violations. Pursuant to Table 1 of 40 C.F.R. § 141.203, Tier 2 public notice is required for certain violations. Tier 2 public notice must be provided no later than thirty (30) days after the System learns of the violation and must be repeated every three months for as long as the violation persists. As discussed in Paragraph 22, Respondent has continued to be in violation of the TTHM MCL RAA starting in October 2021 and was therefore required to provide Tier 2 public notice every quarter. As discussed in Paragraph 27 and pursuant to 40 C.F.R. § 141.201(a) Table 1 (3)(v), Respondent has been in violation of the "qualified personnel" operator requirements since at least May 2023 for failing to retain an operator with Water Treatment Level 2 and Water Distribution Level 1 water operator certifications. Therefore, Respondent is required to provide Tier 2 public notice every three months for as long as this violation persists.

54. Although notices are required quarterly for ongoing violations as described in Paragraph 53, Respondent only submitted public notices to DDW for a March 1, 2023 distribution and a June 15, 2023 distribution and Respondent did not submit the required certification forms for

these two public notices as required pursuant to 40 C.F.R. § 141.31(d) and California Code of Regulations, Title 22, § 64469(d).

55. EPA informed Respondent on April 16, 2024 that it was in violation of the TTHM MCL RAA and for ongoing and unresolved significant deficiencies and that it would need to provide public notice to all customers within 30 days in accordance 40 C.F.R. § 141.203. On May 15, 2024, Respondent circulated a letter to customers regarding the ongoing violations without EPA's approval, which included misleading and inaccurate statements regarding the TTHM and significant deficiencies violations. In response, EPA provided an accurate and appropriate Tier 2 public notice for Respondent to circulate on May 15, 2024. Respondent modified this notice without approval and did not complete distribution until May 20, 2024, per their certification to EPA.

56. Respondent failed to distribute the required public notice under 40 C.F.R. § 141.203(b) within 30 days of notice of the violation.

G. FAILURE TO SUBMIT A CONSUMER CONFIDENCE REPORT

57. Pursuant to 40 C.F.R. § 141.152(b), the Respondent is required to provide all water consumers served by the System with a Consumer Confidence Report (CCR) by July 1 of each year.

58. By no later than the date the system is required to distribute the report to its customers, each CWS must mail a copy of the report to the primacy agency, followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously

submitted to the primacy agency. 40 C.F.R. § 141.155(c) and California Code of Regulations, Title 22, § 64483(c).

59. Respondent failed to deliver the 2022 CCR to consumers of the System and DDW by July 1, 2023, in violation of 40 C.F.R. § 141.152(b) and California Code of Regulations, Title 22, § 64483(a-c).

60. Respondent failed to submit certification to DDW that the 2022 CCR had been distributed to customers by October 1, 2023, in violation of 40 C.F.R. § 141.155(c) and California Code of Regulations, Title 22, § 64483(c).

IV. ORDER FOR COMPLIANCE

Based on the foregoing findings and conclusions of law, and pursuant to the authority of SDWA section 1414(g), 42 U.S.C. § 300g-3(g), EPA hereby **ORDERS**:

61. **LETTER OF INTENT:** No later than **than fifteen (15) days** from this Order's Effective Date, Respondent shall transmit to EPA letter a describing its intention to comply with this Order, the SDWA, and its implementing regulations at 40 C.F.R. Part 141, i.e., the NPDWRs.

62. **COMPLIANCE PLAN:**

a. No later than **sixty (60) days** from this Order's Effective Date, as defined in Paragraph 91, Respondent must submit to EPA for its review and approval a written Compliance Plan that describes in detail the steps and schedule Respondent will follow to comply with this Order and to return its System to compliance with the SDWA and its NPDWRs. If EPA disapproves of Compliance Plan, then Respondent shall make requested changes to the Compliance Plan and resubmit it to EPA within **thirty (30) days** of receipt of a written disapproval from EPA.

b. EPA may require the Respondent to modify their draft Compliance Plan as necessary to effectuate the Respondent's compliance with the compliance deadlines set forth in this Order. Unless otherwise specified by EPA, the Respondent shall, within **fifteen (15) days** of receipt of comments from EPA, incorporate the modifications and resubmit this revised draft Compliance Plan to EPA for approval. After receiving EPA's approval of the Compliance Plan, the Respondent shall comply with all steps, deadlines, and other requirements described in the final Compliance Plan.

63. **INITIAL TTHM MCL COMPLIANCE:** The System shall achieve compliance with the MCL for TTHM, in accordance with 40 C.F.R. § 141.64(b), no later than **December 31, 2024**. The Respondent shall together provide written notification to EPA of the date on which the System has met this requirement within **ten (10) days** of receiving the sampling results from the laboratory. This notification shall include the laboratory reports showing the results of the TTHM analyses.

64. **CONTINUOUS COMPLIANCE WITH THE TTHM MCL:** After achieving initial compliance with the MCL for TTHM, as described in Paragraph 63, above, the Respondent shall maintain continuous compliance with the TTHM MCL in accordance with 40 C.F.R. § 141.625(c) for at least four consecutive quarters with the LRAA for every monitoring location ≤ 60 ppb for TTHM.

65. **SAMPLING AND ANALYSIS:** The Respondent shall conduct ongoing TTHM sampling in accordance with 40 C.F.R. § 141.625. All drinking water samples taken for purposes of compliance with 40 C.F.R. § 141.64(b) shall be analyzed by an EPA-certified laboratory in accordance with 40 C.F.R. § 141.28.

66. **QUARTERLY TTHM SAMPLING:** The Respondent shall conduct quarterly sampling for TTHM at the EPA-approved Sampling Points, until directed otherwise by EPA in writing, in accordance with 40 C.F.R. § 141.625. The Respondent shall comply with additional and/or more frequent TTHM sampling and analysis requirements if EPA determines in writing that these additional requirements are necessary and appropriate to assist with achieving or overseeing compliance with the TTHM MCL and/or this Order.

67. **REPORTING OF TTHM SAMPLING RESULTS:** The Respondent shall report to EPA the results of all TTHM monitoring conducted at the EPA-approved Sampling Points within **ten (10) days** of the end of the monitoring period for TTHM required by 40 C.F.R. § 141.23. If a TTHM result exceeds the MCL, the Respondent shall notify EPA within 24 hours of the System's receipt of notification of the TTHM exceedance.

68. **COMPLIANCE WITH OPERATOR CERTIFICATION REQUIREMENTS:** By **July 1, 2024**, Respondent must identify and provide verification (i.e., copy of active certifications) that the System has a qualified water operator who is physically operating the system and who maintains at least Water Treatment Level 2 certification and Water Distribution Level 1 certification.

69. **COMPLIANCE WITH THE SURFACE WATER TREATMENT RULE REQUIREMENTS:** Respondent shall submit MORs to EPA in accordance with 40 CFR §§ 141.74(c), 141.75(b), and 141.570(a) and (b).

70. **SIGNIFICANT DEFICIENCY CORRECTION:** Respondent shall correct the following unaddressed significant deficiencies within **thirty (30) days** of the Effective Date of the Order:

1. Provide written procedures for treatment plant 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.
3. Provide photographic documentation demonstrating an appropriate polymer injection container that is secure and protected from potential contamination.

71. **COMPLIANCE WITH PUBLIC NOTIFICATION REQUIREMENTS:** If any Tier 1 public notice is required, the Tier 1 public notice must be issued as required by 40 C.F.R. §§ 141.202 and 141.205. At the time of a Tier 1 violation or situation, Respondent must immediately consult with EPA and issue a Tier 1 notice provided by EPA. This EPA-provided notice may not be altered and cannot be accompanied by communications that nullify the purpose of the notice or otherwise violate 40 C.F.R. §§ 141.205(c). Respondent shall continue to issue Tier 2 public notices every three months for any TTHM MCL exceedances, significant deficiency violations, and/or Disinfection Byproduct Rule violations as required by 40 C.F.R. §§ 141.203(b) and 141.205. In addition, Respondent shall submit proposed Tier 2 notices to EPA for review and approval a minimum of **five (5) days** before the deadline for issuance of any Tier 2 notice. Respondent must circulate the EPA-approved notice to customers without alterations and the notice cannot be accompanied by communications that nullify the purpose of the notice or otherwise violate 40 C.F.R. §§ 141.205(c). Respondent shall submit a copy of the public notice and a certification statement to EPA that all public notice requirements have been met within **ten (10) days** of completing the public notification as required by 40 C.F.R. §§ 141.31(d) and 141.201(c)(3).

72. **COMPLIANCE WITH CONSUMER CONFIDENCE REPORT REQUIREMENTS:** Respondent shall deliver the 2022 and 2023 CCRs to customers by **July 1, 2024**, as required by 40 C.F.R. § 141.152(b), and submit a copy of the CCRs to EPA by **July 1, 2024**. By October 1, 2024, Respondent must submit a certification statement to EPA that the report has been distributed to customers and that information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency as required by 40 C.F.R. § 141.155(c).

73. **QUARTERLY PROGRESS REPORTS:** The Respondent shall submit to EPA written quarterly progress reports that describe the steps the Respondent has taken pursuant to the approved Compliance Plan to achieve compliance with the TTHM MCL, and all requirements described from Paragraphs 63 to Paragraph 72 during the previous quarter. The first report is due **June 30, 2024**. Subsequent reports are due by the last day of every calendar quarter thereafter.

74. **Quarterly Meetings:** Respondent must convene quarterly meetings (by teleconference or at a centralized meeting location) with the point of contacts identified in Paragraph 82 to:

- a. Discuss the adequacy of Respondent's compliance with the Order and the approved Compliance Plan;
- b. Establish any necessary managerial and governance protocols that will assist in Respondent's compliance with the Order and approved Compliance Plan; and
- c. Discuss how to best promote long-term and efficient drinking water compliance at the System.

The first meeting will be held at a date to be determined by Respondent in June 2024.

Respondent must send invitations to this first meeting at least seven (7) days in advance and at

a minimum must be sent to the point of contacts identified in Paragraph 82. Subsequent meetings must be convened before the last week of the last month of every quarter thereafter. Respondent must ensure that equipment is provided to allow parties to join any meeting either in person or via teleconference.

75. **DELAYS AND FORCE MAJEURE**: “*Force majeure*,” for purposes of this Order, is defined as any event arising from causes beyond Respondent’s control, or of any entity controlled by Respondent, or of Respondent’s contractors, which delays or prevents the performance of any obligation under this Order despite Respondent’s best efforts to fulfill the obligation. The requirement that Respondent exercise “best efforts to fulfill the obligation” includes using best efforts to anticipate any potential *force majeure* event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. Examples of events that are not *force majeure* events include, but are not limited to, increased costs or expenses of any work to be performed under this Order, loss of source(s) of funding for work to be performed under this Order, including federal funding sources, and normal inclement weather.

76. If any event occurs that causes or is likely to cause delay in the achievement of any requirement or time frame specified in this Order, Respondent shall notify EPA in writing, within seven (7) business days of learning of such event, of the anticipated length and cause of the delay, the measures Respondent has taken and/or to be taken to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures and achieve the requirement or meet the time frame. Respondent shall adopt all reasonable

measures to avoid or minimize delay. Submittal of the notice to EPA required by this paragraph does not extend any deadline or time frame in this Order.

77. Respondent has the burden of demonstrating, by a preponderance of the evidence, that the actual or anticipated delay has been or will be caused by a *force majeure* event, that the duration of the delay was or will be warranted under the circumstances, that Respondent exercised or is using its best efforts to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of this section.

78. If, upon receiving the notice required under Paragraph 76, EPA agrees that the delay or anticipated delay in compliance with this Order has been or will be caused by circumstances that constitute a *force majeure* event as defined in Paragraph 75, the compliance date may be extended for a period of time no longer than the delay resulting from the circumstances causing the delay. In such event, the EPA Region 9 Enforcement and Compliance Assurance Division may grant an extension of time.

79. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Order has been or will be caused by a *force majeure* event, EPA will notify Respondent in writing of EPA's decision and any delays will not be excused.

80. **ADDITIONAL INFORMATION:** Within fourteen (14) days of any request by EPA, Respondent shall submit to EPA such additional documents and information as EPA may reasonably request to determine Respondent's compliance with this Order, the approved Compliance Plan, or any other provisions of the NPDWRs.

81. All submittals to EPA made pursuant to this Order shall be accompanied by the following certification signed by Respondent or a representative for the Respondent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person(s) who managed the system, or of person(s) directly responsible for gathering the information, I certify that the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

82. All information required to be submitted by this Order to EPA shall be emailed to:

Christopher Chen
Enforcement Officer
U.S. EPA Region 9
Enforcement and Compliance Assurance Division
Drinking Water Section (ENF-3-3)
600 Wilshire Blvd, Suite 940
Los Angeles, CA 90017
Phone: (213) 244-1853
Email: chen.christopher@epa.gov

Hong (Annie) Wan
Program Manager
U.S. EPA Region 9
Tribal Drinking Water Team (WTR-4)
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3845
Email: wan.hong@epa.gov

V. GENERAL PROVISIONS

83. Respondent shall fully implement each item of this Order and the Compliance Plan approved under this Order in accordance with the schedules set forth therein. Respondent's failure to fully implement all requirements of this Order and the approved Compliance Plan in the manner and time period required shall be deemed a violation of this Order and of the SDWA.

84. Respondent's failure to comply with all the requirements of the SDWA and 40 C.F.R. Part 141 may subject Respondent to additional enforcement actions, including but not limited to judicial or administrative actions.

85. This Order will not prohibit, prevent, or otherwise preclude EPA from taking whatever action(s) it deems appropriate to enforce the SDWA in any manner and will not prohibit, prevent, or otherwise preclude EPA from enforcing or using this Order in subsequent administrative or judicial proceedings. Nothing in this Order constitutes a waiver, suspension, or modification of the requirements of the SDWA, or the rules and regulations promulgated thereunder, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any administrative or judicial action otherwise authorized under the law.

86. Violations of any term of this Order may subject Respondent to: (i) a civil judicial penalty of up to \$69,733 per day per violation for each day in which a violation occurs, as assessed by the United States District Court, under Sections 1414(b) and 1414(g)(3)(A) of the SDWA, 42 U.S.C. §§ 300g-3(g)(3)(A), and 40 C.F.R. §19.4; or (ii) an administrative penalty of up to \$48,586 under Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B). This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable state, federal, local, or tribal.

87. The provisions of this Order are severable. If any provision of this Order is found to be unenforceable, the remaining provisions will remain in full force and effect.

88. The provisions of this Order are binding upon Respondent, its officers, directors, agents, servants, authorized representatives, and successors or assigns.

89. Providing false or misleading information may subject Respondent to civil or criminal enforcement, or both.

90. EPA may amend or modify this Order by providing written notice of such amendment or modification to Respondents.

VII. EFFECTIVE DATE AND TERMINATION

91. This Order shall become effective immediately upon signature by EPA and will remain in effect until Respondent demonstrates compliance with the terms and conditions of this Order and EPA terminates the Order. EPA will provide this Order to Respondent via electronic mail with electronic confirmation and mail delivery.

92. After completing all the conditions of this Order and bringing its System into compliance with all requirements of the SDWA, Respondent may request in writing that EPA terminate this Order and such submittal shall include a discussion of why termination is appropriate. EPA may either agree to the request and terminate this Order or reject the request if outstanding SDWA compliance issues remain.

ORDERED, this 28 day of May, 2024.

/s/ by Amy C. Miller-Bowen on May 28, 2024

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region 9



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 -07'00'

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



REGION 9

SAN FRANCISCO, CA 94105

August 7, 2024

SENT VIA EMAIL ONLY

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

Re: Third Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008
Havasus 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 Havasus 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., unearth 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.

DRINKING WATER WARNING

PRECAUTIONARY BOIL WATER ADVISORY

Water Served By Havasu Water Company May be Unsafe Following County Disruption of Service

Our water system was required to shut down our distribution system on September 25, 2024 because the County of San Bernardino negligently buried our control valves on Showboat, which resulted in a temporary disruption of service to customers.

What should I do?

- **WE RECOMMEND TO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

When there is a disruption of service in a water system, there is a risk that contamination happens through backpressure or backsiphonage. We will be taking water samples in our distribution system to check for the presence of fecal coliform bacteria following the repair. When water service resumes, please let your taps run for at least 10 minutes before using the water.

For more information, please contact the following:

Havasu Water Co Office: (760) 858-4619 Emergency Contact: (949) 289-0532

Local Environmental Health contact: San Bernardino County: (800) 442-2283

Environmental Protection Agency contact Program Manager: Annie Wan, wan.annie@epa.gov, (415) 972-3845

General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline: 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice has been distributed to you by the Havasu Water Company (Public Water System ID#:090600202) on: September 25, 2024



REGION 9

SAN FRANCISCO, CA 94105

October 22, 2024

SENT VIA EMAIL ONLY

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

Re: Fourth Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008
Havasulake 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 Havasulake 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.alex@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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105-3901**

IN THE MATTER OF:	)	Docket No. PWS-AO-2025-002
	)	
Havasu Water Company,	)	
Jennifer Hodges,	)	
Public Water System, PWS ID. No. 090600202	)	
	)	
Respondent.	)	
	)	
Proceedings pursuant to Section 1431(a) of the	)	
Safe Drinking Water Act, 42 U.S.C. § 300i(a).	)	
	)	

AUTHORITY

1. The Enforcement and Compliance Assurance Division for Region 9 of the U.S. Environmental Protection Agency (EPA) issues this Emergency Administrative Order (“Order”) to Jennifer Hodges (“Respondent”), owner of the Havasu Water Company public water system (“System”) pursuant to EPA’s authority under Section 1431(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.

2. EPA has primary enforcement responsibility for the SDWA public water system supervision program in Indian Country in California, including the Chemehuevi Indian Reservation (“Reservation”). The State of California, acting through its California State Water Resources Control Board Division of Drinking Water (DDW), previously asserted primary enforcement responsibility over the System under Section 1413(a) of the SDWA, 42 U.S.C. § 300g-2(a). However, it was determined that the System was located within the exterior boundaries of the Chemehuevi Indian Reservation and was therefore within EPA’s jurisdiction. On January 1, 2024, DDW officially transferred oversight of the System to EPA.

3. EPA may issue an Order pursuant to Section 1431(a) of the SDWA, 42 U.S.C. § 300i(a), when a contaminant is present or is likely to enter a public water system, which may present an imminent and substantial endangerment to the health of persons, and appropriate state and local authorities have not acted to protect the health of such persons.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

4. Respondent, Jennifer Hodges (doing business as Havasu Water Company), is an individual and therefore is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
5. Respondent owns and/or operates a “public water system” (PWS) within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, known as the Havasu Water Company public water system, which serves drinking water for human consumption through approximately 221 service connections to approximately 361 persons located on the Reservation at 148896 Havasu Lake Road, Needles, CA 92363.
6. Respondent’s ownership and/or operation of a PWS makes them a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2, and subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations at 40 C.F.R. Part 141.
7. The System regularly serves at least twenty-five (25) year-round residents and is therefore a “community water system” (CWS) within the meaning of Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.
8. The System is supplied by a surface water source accessed through an intake in Lake Havasu and uses a chemical disinfectant (chlorine) to treat the raw water.
9. The SDWA's Stage 1 Disinfection Byproducts Rule (DBPR) at 40 C.F.R. § 141.130(c) requires, among other things, that any CWS that adds a chemical disinfectant (e.g., chlorine) to the water in any part of the drinking water treatment process must be operated by “qualified” personnel who meet the requirements specified by the State (or the EPA where it is the primacy agency). Similarly, the Surface Water Treatment Rule (SWTR) at 40 C.F.R. § 141.70(c) requires that any CWS supplied by a surface water source be operated by qualified personnel.
10. Since March 2022, the System has had many water distribution line breaks, water outages, and pressure loss incidents, as described below. California’s DDW provided information about incidents prior to January 1, 2024. DDW was notified of at least five water outages from March 2022 and December 2023. Since EPA assumed regulatory oversight of HWC on

January 1, 2024, EPA has been notified of five water outages. The ten reported water outages since March 2022 were due to the following reasons: five were caused by water line breaks within the distribution system, two were caused by power outages, and three were due to lack of a certified operator to appropriately operate the system.

11. During four of these water outage incidents, the System did not issue a Boil Water Notice (BWN) even though there was a loss of pressure in the system. Despite clear direction from EPA, Respondent failed to issue a timely BWN to all customers on both occasions where EPA explicitly required it. In several instances, the Respondent has distributed misinformation to customers with language that nullified the purpose of the required notice and by physically covering a BWN posted in a public place with a letter with misinformation, despite EPA providing a template and direction for the issuance of BWN's.
12. Due to lack of a certified treatment operator, DDW required Respondent to issue a BWN from October 31, 2023 until November 21, 2023 due to Respondent's failure to submit monthly operating reports from June 2023 through September 2023 that could demonstrate the surface water treatment plant was operating properly. EPA also required Respondent to issue a BWN from February 8, 2024, until April 26, 2024 as EPA was unable to verify the water was safe to drink due to incomplete and unreliable surface water treatment data.
13. Since March 2022, the System has been under a BWN for approximately 300 days due to water outages or failure to submit sufficient surface water treatment data to demonstrate the System was serving safe drinking water.
14. The System's D1 certified distribution operator does not regularly conduct onsite visits to adequately operate the distribution system. The System did not have a record of any onsite work by the distribution operator. The distribution operator only provides remote assistance when onsite personnel call for guidance. Line breaks repairs are conducted without onsite direction of a certified distribution operator and have been conducted without proper permitting and safety standards.
15. The System's distribution system is not properly operated. The System has a history of water outages due to: frequent line breaks, inadequate knowledge of the distribution system's layout (i.e., valve and pipe locations), poorly maintained valves, flushing of the distribution system conducted and overseen by noncertified individuals, no consistent

source of back-up power during power outage events, and no certified distribution operator appropriately maintaining the distribution system infrastructure.

16. The System's treatment system is not properly operated. The System has not had consistent staffing of a certified T2 operator over several years to conduct essential onsite treatment operations. Respondent has provided information indicating that water treatment processes for the surface water system are regularly conducted by individuals without certification, including water treatment. In addition, operational decisions such as determining when to turn on the system to treat water and actions taken to manage elevated disinfectant byproducts are made by individuals without proper certification.
17. The System has no standard operating procedures for pressure loss or emergency response plans in place. The lack of an emergency response plan was identified as a significant deficiency during a sanitary survey conducted at the System on May 8, 2024. EPA found that the lack of a defined emergency response plan, especially in light of the frequent loss of pressure incidents and water line breaks, has the potential to cause the introduction of contaminants into the water delivered to customers.
18. Prior to issuing this Order, EPA confirmed that tribal and local authorities have not acted to protect the health of persons in this instance. During the State's tenure regulating the System, the State initiated enforcement against the System but the SDWA violations and conditions causing risk to public health have persisted. EPA has primary enforcement authority of SDWA over the System due to its location within the exterior boundaries of the Reservation.
19. EPA has determined that the following conditions at the System may present an imminent and substantial endangerment to the health of persons, and that this Order is necessary to protect public health.

Loss of Pressure in Drinking Water Distribution System

20. The System has had broken water lines at least four times since June 2024, resulting in a water outage and subsequent loss of pressure in the System. Due to problems in the distribution system, including a lack of knowledge of where isolation valves are located, pressure loss due to line breaks are likely to occur in the future. Additional, power outages may result in loss of pressure if there is no back-up power available to keep the System's

treatment plant and pumps running.

21. A loss of pressure in a drinking water distribution system may cause a net movement of water from outside of a pipe to the inside through cracks, breaks, or joints in the drinking water distribution system that are common in all water systems. Back siphonage is also a condition resulting from low or no pressure. Such system failures, coupled with the fact that there is no cross-connection control device, carry a high potential for fecal contamination or other disease-causing organisms to enter a drinking water distribution system.

Use of Unqualified Personnel to Operate the System

22. Respondent has provided information that indicates that the System has been operated by non-certified individuals who do not meet the requirement to be “qualified personnel” to operate the system with at least Treatment Level 2/Distribution Level 1 (T2/DI certification) to operate the System as required by the DBPR at 40 C.F.R. § 141.130(c) and the SWTR at 40 C.F.R. § 141.70(c). Failure to use a “qualified” operator creates conditions that may pose an imminent and substantial endangerment to the health of persons. The EPA has found that unqualified and inadequately trained and certified operators, particularly at small systems, may lack adequate knowledge of operations and maintenance of drinking water treatment systems, and may not be aware of the latest drinking water requirements. See generally U.S. EPA, *Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems*, 64 Fed. Reg 5916, 5918 (Feb. 5, 1999).

EMERGENCY ORDER

Intent to Comply

23. Within twenty-four (24) hours of the Order’s effective date, Respondent must notify EPA Points of Contact in writing of their intent to comply with the terms of this Order. To satisfy this requirement, Respondent must email the EPA Points of Contact as identified below in Paragraph 24.
24. All responses, submittals, and/or other correspondences must be submitted via email to the EPA staff (Points of Contact) identified below. The EPA Points of Contact may designate an alternative or additional point of contact via email at any time.

Christopher Chen
SDWA Enforcement Section
U.S. Environmental Protection Agency
600 Wilshire Blvd, Suite 940 (ENF-3-3)
Los Angeles, CA 90017
Phone: (213) 244-1853
E-mail: chen.christopher@epa.gov

Annie Wan
Tribal Drinking Water Team
U.S. Environmental Protection Agency
75 Hawthorne Street (WTR-4)
San Francisco, CA 94105
Phone: (415) 972-3845
Email: wan.annie@epa.gov

Water Outages Responses and Boil Water Notices

25. Whenever the System has a full or partial system water outage, within twenty-four (24) hours, but as soon as possible after learning of the water outage, Respondent must issue a BWN using the template attached as Appendix A and notify EPA Points of Contact of the water outage. The System must also issue a BWN when directed by EPA. The BWN must be distributed in the format specified in Appendix A, and the only language that may be changed are the dates highlighted in yellow. Any further alterations to the BWN language are not permitted without prior EPA approval. The BWN must be issued to all users of the System and must remain in place until EPA provides written notification to Respondent that the BWN is no longer needed. Respondent must issue the BWN by, at minimum, delivering or posting the BWN on the front door of every residence and/or building served by HWC.
26. Respondent must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q.
27. For full system outages, Respondent must collect total coliform bacteria samples at all EPA-approved sample sites in the system after pressure is restored. For partial system outages,

Respondent must collect at minimum two total coliform bacteria samples from the affected area of the water outage after pressure is restored. All samples testing “positive” or “present” for total coliform bacteria must also be analyzed for the presence of *E. coli*. Respondent must conduct the monitoring in accordance with National Primary Drinking Water Regulations, including but not limited to 40 C.F.R. § 141.31 and 40 C.F.R. § 141.405, use a certified laboratory, and send the analytical results via email to EPA Points of Contact within twenty-four (24) hours of receiving the results.

28. Respondent must comply with any additional and/or more frequent drinking water sampling and analysis requirements determined necessary by EPA following written notice by EPA of any such requirements.
29. Once EPA has received a satisfactory number of negative total coliform bacteria samples, EPA will provide written notification to Respondent that the boil water notice is no longer in effect and may be lifted.
30. Any repairs to a water main, such as due to a line break, must be completed by a licensed contractor, with all required permits. Any repaired water mains must be disinfected in accordance with American Water Works Association (AWWA) Standard C651. Any excavation work conducted to complete water main repairs or to assess the distribution system must be completed in accordance with San Bernardino County Code.

Emergency Standard Operating Procedures for Pressure Loss

31. Within thirty (30) days of the Order’s effective date, Respondent must develop and submit to the EPA Points of Contact for review and approval a Standard Operating Procedure (SOP) for responding to emergency pressure loss incidents at the System. The SOP, at minimum, must include detailed, exact steps for the following:
 - a. How the System will identify the cause and location of the pressure loss;
 - b. How the System will ensure appropriate and timely notification of all residents with the EPA-approved Boil Water Notice;
 - c. Steps the System will take to conduct a line break repair that has caused pressure loss, if applicable. This section must also include information about licensed contractors who can respond in a timely manner and plans for required personnel to be onsite (including the certified distribution operator);

- d. Steps the System will take to respond to a power outage that has caused pressure loss, if applicable. This section must also include plans for required personnel to be onsite (including the certified distribution operator and any required equipment);
 - e. How the System will implement disinfection procedures in accordance with AWWA Standard C651; and
 - f. When and how the System will collect the appropriate total coliform samples to demonstrate the System does not have the presence of acute contaminants.
32. If EPA disapproves the SOP, Respondent has seven (7) days to revise and resubmit the SOP to address any deficiencies identified by EPA. Once the SOP is approved by EPA in writing, Respondent must implement the SOP to ensure emergency pressure loss situations are appropriately addressed.

Alternative Water

33. Whenever the System is aware of a water outage or subject to a Boil Water Notice, Respondent must immediately make available an alternative source of water (e.g., bottled water) to all users of the System.
34. Within seven (7) days of the Order's effective date, Respondent must develop and submit to EPA Points of Contact for review and approval an Alternative Water Source Plan (AWSP). In the AWSP, Respondent must detail how and where they will make available at least one gallon of potable water per day, per person whenever there is a boil water notice in effect. This per person daily allotment of alternative water must be made accessible to all persons served by the System immediately following a water outage. Additionally, the AWSP must outline how Respondent plans to inform every person served by the Water System when and where the alternative water source will be made available. If bottled water is going to be used by Respondent as the alternative water in accordance with this Order, Respondent must ensure that the bottled water is certified by the International Bottled Water Association or the National Science Foundation International.
35. Any alternative source of water must meet all applicable SDWA requirements at 40 C.F.R. Part 141. Respondent must provide the alternative source of water to the impacted public at no direct or indirect cost (e.g., by raising rent, raising water rates or collecting fees) to the impacted public.

36. If EPA disapproves the AWSP, Respondent has twenty-four (24) hours to revise and resubmit the AWSP to address any deficiencies identified by EPA. Once the AWSP is approved by EPA in writing, Respondent must implement the AWSP to ensure alternative water is available to residents whenever a boil water notice is in effect. The requirement to provide bottled water according to the AWSP will remain in effect until EPA provides written notification to Respondent that AWSP implementation is no longer required.
37. If the System has had a water outage and/or is under a Boil Water Notice without an EPA-approved AWSP in place, the System must make bottled water available to each user one gallon of potable water per day, per person, immediately after becoming aware of the water outage and/or Boil Water Notice requirement, but no later than 12 hours after becoming aware. This per person daily allotment of alternative water must be made accessible at a central location to all persons served by the System (i.e., System's office, community center). This central location must be available for users to retrieve alternative water from 9:00am – 5:00pm every day until the Boil Water Notice has been lifted by EPA. Respondent must ensure that the bottled water is certified by the International Bottled Water Association or the National Science Foundation International.

Assessment and Corrective Action of Drinking Water Distribution System

38. In order for the System to effectively repair water main breaks and appropriately operate and maintain the distribution system, an updated, accurate, detailed map of the distribution system is needed that identifies actual locations of pipes, valves, service line connections, and other appurtenances to the extent possible. In addition, a professional assessment of the state of maintenance and repairs to the distribution system is needed. To ensure appropriate development of this map and assessment, Respondent must:
- a. **Identify Technical Provider for Approval:** Within fourteen (14) days of the Order's effective date, Respondent must identify and request EPA's approval to retain one or more properly certified, third-party technical provider(s) with sufficient technical and/or engineering knowledge and experience in drinking water operations and design to develop an updated system map and conduct a maintenance assessment. Respondent must request approval of the technical provider(s) via email to EPA Points of Contact.

- b. Retain Technical Provider Approved by EPA: Upon EPA's approval of the technical provider(s), Respondent has forty-eight (48) hours to retain the technical provider(s).
- c. Submit Work Plan: Within fourteen (14) days of EPA's approval of the technical provider(s), Respondent must develop and submit a written work plan ("Work Plan") to EPA Points of Contact for review and approval, which must include: (1) a schedule by which the technical provider(s) will generate a technical assessment report ("Technical Report") of the System on the topics identified below, and (2) a description of the processes and/or procedures created by the technical provider(s) that will be used to conduct the technical assessment.

Required elements of Technical Assessment:

- i. Develop a current infrastructure design layout for the drinking water distribution system pipes, valves, and other appurtenances;
 - ii. Precise locations of pipes, valves, and other appurtenances to the extent possible;
 - iii. Identify any and all deficiencies in the distribution system and elements of the system in need of repair and/or maintenance and provide recommended solutions to remedy those deficiencies; and
 - iv. Identify estimated timeline for completion of elements of Technical Assessment.
- d. Seek EPA Approval and Implement Work Plan: Upon approval by EPA, Respondent must implement the Work Plan in accordance with the schedule set forth therein. If EPA disapproves of the Work Plan, Respondent must submit a revised Work Plan within five (5) days of receipt of EPA's disapproval, and Respondent must incorporate into the revised Work Plan any change required by EPA or address any deficiencies to the plan identified by EPA.
- e. Submit Technical Report: Within seven (7) days of the completion of the Technical Report, Respondent must submit the Technical Report as identified in Paragraph 39 to EPA Points of Contact.
- f. Implementation of Technical Report: After EPA has reviewed the Technical

Report, EPA will identify which deficiencies require immediate attention by Respondent and communicate these via email or a virtual meeting. Within fourteen days (14) of EPA's identification of the deficiencies requiring corrective action, Respondent must retain a qualified and licensed contractor to conduct the work EPA has identified as necessary to correct the deficiencies within the timeframes as determined by EPA.

Operator Duties

39. The certified distribution operator, who must hold a D1 certification at minimum, must be physically on-site to review, operate, and maintain the system a minimum of once per month. The certified operator must be present for any scheduled maintenance activities, including, but not limited to, flushing of the distribution system, line repairs/replacements, valve repairs/replacement, meter installations, ensuring other personnel are executing work properly, and routine tank and pump inspections. Whenever the System has a line break, the certified distribution operator must be present to oversee any repairs. Monthly distribution operator logs, maintained only by the certified distribution operator, must describe any work the certified distribution operator conducted, including dates the work occurred. These operator logs must be emailed to the EPA Points of Contact every month no later than 10 days after the previous month passed (for example, the November 2024 operator log would be due by December 10, 2024).
40. The certified treatment operator, who must hold a T2 certification at minimum, must: be physically on-site to make operational decisions whenever the System is making water and/or when the treatment plant is actively treating the water, be the only authorized individual to physically operate and maintain chlorine dosage, and complete the monthly operating report as required by the SWTR. Monthly treatment operator logs, maintained only by the certified treatment operator, must describe any work the certified treatment operator conducted, including dates the work occurred. These treatment operator logs must be emailed to the EPA Points of Contact every month no later than 10 days after the previous month passed (for example, the November 2024 operator log would be due by December 10, 2024).

Reporting

41. Respondent must submit to EPA Points of Contact written updates on a monthly basis by

the last day of each month that describe Respondent's progress on complying with this Order. Respondent must use the monthly progress report template as specified in Appendix B. At a minimum, the update must include description of all activities Respondent has taken to identify and address the problems with the distribution system and a summary of all efforts to meet the requirements of this Order including the provision of alternative water, details regarding loss of pressure incidents including information on repairs, staff present during the incident/repairs and causes of the pressure loss. These reports must be submitted by email to the EPA Points of Contact.

GENERAL PROVISIONS

42. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action. Under Section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a), Respondent may seek federal judicial review of SDWA Section 1431 emergency orders.
43. EPA may modify or supplement this Order. Any such modifications or supplementations shall be in writing to Respondent, effective upon EPA's issuance of the supplement or modification, and unless explicitly stated, shall not otherwise terminate or change any compliance obligations contained in this Order.
44. This Order does not relieve Respondent from its obligation to comply with applicable federal, tribal, or local law.
45. Pursuant to SDWA Section 1431(b), 42 U.S.C. § 300i, in the event Respondent violates, fails or refuses to comply with any of the terms or provisions of this Order, EPA may commence a civil action in U.S. District Court to require compliance with this Order and to assess a civil penalty of up to \$29,154 per day of violation under the SDWA, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.
46. EPA reserves all rights against the Respondent and all other persons to take any further civil, criminal, or administrative enforcement action pursuant to any available legal authority. Nothing in this Order shall preclude EPA from taking any additional enforcement actions,

including modification of this Order or issuance of additional Orders, and/or additional actions as the EPA may deem necessary, and/or from requiring Respondent in the future to perform additional activities pursuant to the SDWA or any other applicable law.

47. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order, including any additional tasks determined by EPA to be required under this Order or any continuing obligation or promises, have been satisfactorily completed.

Issued and effective this 6th day of November 2024.

Amy C. Miller-Bowen, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Of counsel:

Alexa Engelman
Office of Regional Counsel
U.S. EPA – Region 9

List of Appendices

Appendix A: Boil Water Notice Template

Appendix B: Monthly Progress Report Template

APPENDIX A: BOIL WATER NOTICE TEMPLATE

DRINKING WATER WARNING

PRECAUTIONARY BOIL WATER ADVISORY

Water Served By Havasu Water Company May be Unsafe Following Loss of Water Pressure

Our water system recently experienced an incident on **INSERT DATE**, which resulted in a subsequent loss of system pressure and water for customers. We cannot verify that our distribution system is free of fecal coliform bacteria.

What should I do?

- **WE RECOMMEND TO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

When a loss of pressure occurs in a water system, there is a risk that contamination happens through backpressure or back siphonage. We will be taking water samples throughout our distribution system to check for the presence of fecal coliform bacteria following the resolution of the incident.

For more information, please contact the following:

Water Utility contact: Jennifer Hodges, Owner: (760) 858-4619

Local Environmental Health contact: San Bernardino County: (800) 442-2283

Environmental Protection Agency contact: Program Manager: Annie Wan, wan.annie@epa.gov, (415) 972-3845

General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline: 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice has been distributed to you by the Havasu Water Company (Public Water System ID#:090600202) on: **INSERT DATE**

APPENDIX B:
MONTHLY PROGRESS REPORT TEMPLATE

Emergency Administrative Order
Havasu Water Company Public Water System
Page 17 of 17

Paragraph #	Requirement	Due Date	Current Status
23	Intent to comply	24 hours of the effective date	
25-26	Issue Boil Water Notice	Within 24 hours of learning about water outage	
27-29	Collect total coliform bacteria samples with negative results	Prior to EPA approval to lift BWN	
31-32	Submit emergency SOP for pressure loss	30 days of the effective date	
33, 37	Make available alternative water	During water outages	
34-36	Submit Alternative Water Source Plan	7 days of the effective date	
38(a)	Identify Technical Provider for Approval	14 days of the effective date	
38(b)	Retain Technical Provider	48 hours of EPA's approval of Technical Provider	
38(c)-(d)	Submit Work Plan	14 days of EPA's approval of Technical Provider	
38(e)	Submit Technical Report	7 days of completion of Technical Report	
38(f)	Implementation of Technical Report	14 days of EPA identification of deficiencies	
39	Distribution Operator Duties – Distribution Operator Logs	Monthly – no later than 10 days after the previous month	
40	Treatment Operator Duties – Treatment Operator Logs	Monthly – no later than 10 days after the previous month	
41	Monthly Progress Report	Monthly - by the last day of each month	



REGION 9

SAN FRANCISCO, CA 94105

December 13, 2024

SENT VIA EMAIL ONLY

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

Re: Notice of Noncompliance for EPA Emergency Administrative Order No. PWS-AO-2025-002
Havasus Water Company
Public Water System ID No. 090600202

Dear Jennifer Hodges:

This letter is regarding the above-referenced Emergency Administrative Order ("Emergency Order") that the U.S. Environmental Protection Agency Region 9 (EPA) issued to you on November 6, 2024, under Section 1431(a) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i(a).

Noncompliance with Emergency Order

As of this date, you have failed to comply with conditions in the Emergency Order. EPA issued the Emergency Order to ensure the Havasus Water Company (HWC) public water system ("System") addressed public health endangerments posed by repeated water outages. You failed to submit a Standard Operating Procedure (SOP) for the System's planned response to emergency pressure loss incidents, failed to identify an appropriate technical provider, failed to submit the monthly distribution operator log, and failed to submit the monthly progress report.

Failure to Submit Emergency SOP for Pressure Loss

You have not submitted an emergency SOP for pressure loss to EPA. Paragraph 31 of the Emergency Order required you to submit an emergency SOP for pressure loss by December 6, 2024 that includes detailed, exact steps for how the System will respond to an incident, including, but not limited to: how to identify an incident, how to appropriately notify the public of the incident, how to conduct a line break repair, how to respond to power outages, and how to disinfect the System following an incident and how to demonstrate water is safe from bacterial contamination.

Failure to Identify Technical Provider for Approval

You have not submitted to EPA an appropriate third-party technical provider for approval. Paragraph 38(a) of the Emergency Order required you to identify a properly certified, third-party technical provider to assess the distribution system by December 6, 2024. On December 9, 2024, you submitted Rick Miller as the proposed technical provider, but as the current named distribution operator for the System and an employee of HWC, this submission is not appropriate or valid as he is not a third-party technical provider. Please submit a new technical provider for approval by December 19, 2024.

Failure to Submit Monthly Distribution Operator Logs

Paragraphs 39 and 40 of the Emergency Order, respectively, required you to submit a monthly distribution operator log and monthly treatment operator log within ten days after the operating month (i.e., the November 2024 operator log would be due December 10, 2024).

You have not submitted the November 2024 distribution operator log to EPA, which must be maintained by the certified operator on record. In your email on December 10, 2024, you stated the certified distribution operator had nothing to report. However, Paragraph 39 of the Emergency Order requires the certified distribution operator to review, operate, and maintain the System at minimum once per month. The email would indicate the certified distribution operator failed to meet the minimum standard of on-site work of at least once per month. In addition, it appears according to our records that meter replacements, valve replacements, and booster pump maintenance may have been conducted during November 2024, which are activities required to be conducted under the direct, in-person supervision of the certified distribution operator.

You submitted the November 2024 treatment operator log to EPA on December 11, 2024, but it was due on December 10, 2024. Please ensure documents are submitted within the required timeframe in future iterations.

Failure to Submit Written Progress Report

You have not submitted the November 2024 progress report to EPA. Paragraph 41 of the Emergency Order requires you to submit a monthly progress report by the last day of each month (i.e., a November 2024 progress report would be submitted no later than November 30, 2024). The progress report must use the template provided in Appendix B of the Emergency Order to ensure an update on each requirement is included.

As stated in the Emergency Order at Paragraph 45, in the event you fail to comply with the Emergency Order, EPA may commence action in U.S. District Court to require compliance with this Order and to assess a civil penalty of up to \$29,154 per day of violation under the SDWA.

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, Manager
Drinking Water Section
Enforcement and Compliance Assurance Division



REGION 9

SAN FRANCISCO, CA 94105

February 6, 2025

SENT VIA EMAIL ONLY

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

Re: Fifth Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008
and Second Notice of Noncompliance for EPA Emergency Administrative Order No.
PWS-AO-2025-002; 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) and the Emergency Administrative Order (Emergency Order) that EPA issued to you on November 6, 2024, under Section 1431(a) of the Act.

Noncompliance with Administrative Order

By this letter, EPA is notifying you of your failure 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 compliance with the maximum contaminant level for total trihalomethanes (TTHM), 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 by the Disinfection Byproduct Rule (DBPR), and continuous failure to correct significant deficiencies.

Failure to Conduct Quarterly Total Trihalomethane Sampling

The Order requires you to collect quarterly TTHM monitoring at EPA-approved sampling points. In addition, the Order requires you to comply with additional sampling requirements if determines it is necessary to oversee compliance. EPA has repeatedly provided clear direction in writing that any samples collected within five days of a flushing event would not be considered a valid sample as the sample is not representative of the normal operating conditions of the System. In response to your claims that the system is regularly flushed we requested a flushing plan, but that was not provided. However, despite

EPA's direct communication regarding not flushing before a sample you proceeded to collect TTHM samples immediately after flushing the water mains in July and October 2024. Subsequently, the TTHM samples collected for Q3 2024 and Q4 2024 were deemed invalid.

You have failed to collect valid quarterly TTHM samples in Q3 2024 and Q4 2024 pursuant to Paragraph 65 and 66.

Failure to Comply with Total Trihalomethane Maximum Contaminant Level

Pursuant to Paragraph 63, the Order required you to achieve compliance with the MCL of 80 micrograms per liter for TTHM no later than December 31, 2024. The System has failed to provide a valid TTHM sample demonstrating the TTHM levels were below the MCL by December 31, 2024. The latest locational running annual averages as of the date of this letter are 101 ug/L at Desert Lane and 94 ug/L at Malamedia Road, which both exceed the TTHM MCL.¹

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 TTHM as detailed in Paragraph 63 by December 31, 2024. EPA did not receive a Compliance Plan by this date, and it must be submitted to EPA as soon as possible for review and approval.

Failure to Submit Written Quarterly Reports

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 as there is no approved Compliance Plan. The report must include steps taken to comply with the approved compliance plan, which has not been submitted to date, **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 October 2024 – December 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. HWC submitted documentation for two different operators: Treatment 2 certification for Pat Hoban and Distribution 1 certification for Rick Miller on July 1, 2024 but did not specify the scope of duties and whether those operators were physically operating the system as required. However, based on statements made by Pat Hoban, the certified treatment operator, during EPA's December 17, 2024 inspection, Pat Hoban was not always physically operating the System's surface water treatment plant. In addition, Rick Miller has not physically been operating the distribution system and no System representative could recall the last time Rick Miller had been onsite to conduct routine distribution operator work. Written responses to a formal Request for Information pursuant to Section 1445 of the Act also confirm noncertified individuals are conducting essential operational activities that could adversely impact the health of System customers.

¹ These locational running annual averages are based on the last four quarters of available data of valid quarterly test results due to the failure of HWC to collect valid TTHM samples in Q3 and Q4 in 2024.

Until EPA can verify that a qualified treatment operator is onsite to physically operate the system consistent with paragraph 39 of the Emergency Order (i.e., when treating water and making all process control decisions), and that a qualified distribution operator is onsite to appropriately handle activities consistent with paragraph 40 of the Emergency Order (i.e., flushing of the distribution mains and line breaks when they occur), HWC will continue to be in violation of the DBPR, the Emergency Order, and the Order. 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.

Failure to Correct 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:

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

After EPA's December 17, 2024 inspection, the System operator stated that the location of the chlorine injection point into the water line was unknown and buried underground. The location cannot be found without extensive excavation of the site. You must provide sufficient photographic evidence of the actual injection point into the water line (i.e., unearth the line), provide a schematic of how this fits into the System, and a wider photograph that demonstrates the injection point's location within the treatment plant grounds. Alternatively, you may physically disconnect the current line aboveground and connect the injection point into an easily accessible location along the water line.

Noncompliance with the Emergency Order

As of this date, you have failed to comply with conditions in the Emergency Order. EPA issued the Emergency Order to ensure the System addressed public health endangerments posed by repeated water outages and loss of pressure incidents in the System. As of this date you have failed to submit a Standard Operating Procedure (SOP) for the System's planned response to emergency pressure loss incidents, failed to identify an appropriate technical provider to conduct a critical assessment of the System infrastructure, failed to submit the monthly treatment and distribution operator logs, and failed to submit the monthly progress report.

Failure to Submit Emergency SOP for Pressure Loss

You have not submitted an emergency SOP for pressure loss to EPA. Paragraph 31 of the Emergency Order required you to submit an emergency SOP for pressure loss by December 6, 2024 that includes detailed, exact steps for how the System will respond to an incident, including, but not limited to: how to identify an incident, how to appropriately notify the public of the incident, how to conduct a line break repair, how to respond to power outages, and how to disinfect the System following an incident and how to demonstrate water is safe from bacterial contamination.

Failure to Identify Technical Provider for Approval

You have not submitted to EPA an appropriate third-party technical provider for approval. Paragraph 38(a) of the Emergency Order required you to identify a properly certified, third-party technical provider to assess the distribution system by December 6, 2024. On December 9, 2024, you submitted Rick Miller as the proposed technical provider, but as the current named distribution operator for the System and an employee of HWC, EPA determined on December 9, 2024, that this submission was not appropriate or valid as he was not a third-party technical provider.

In the December 13, 2024 Notice of Noncompliance, EPA required a technical provider to be named by December 19, 2024, but no technical provider has yet to be named. Please submit a new technical provider for approval as soon as possible.

Failure to Submit Monthly Distribution Operator Logs

Paragraphs 39 and 40 of the Emergency Order, respectively, require you to submit a monthly distribution operator log and monthly treatment operator log within ten days after the operating month (i.e., the November 2024 operator log would be due December 10, 2024). You have not submitted the November 2024 distribution operator log to EPA, which must be maintained by the certified operator on record. In your email on December 10, 2024, you stated the certified distribution operator had nothing to report. However, Paragraph 39 of the Emergency Order requires the certified distribution operator to review, operate, and maintain the System at minimum once per month. The email would indicate the certified distribution operator failed to meet the minimum standard of onsite work of at least once per month. In addition, it appears according to our records that meter replacements, valve replacements, and booster pump maintenance may have been conducted during November 2024, which are activities required to be conducted under the direct, in-person supervision of the certified distribution operator and per the Emergency Order paragraph 39.

You have not submitted the December 2024 distribution operator log to EPA, which was due on January 10, 2025.

Failure to Submit Written Progress Report

You have not submitted the November 2024 and December 2024 progress report to EPA. Paragraph 41 of the Emergency Order requires you to submit a monthly progress report by the last day of each month (i.e., a November 2024 progress report would be submitted no later than November 30, 2024). The progress report must use the template provided in Appendix B of the Emergency Order to ensure an update on each requirement is included.

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 (now \$ 71,545 due to inflation adjustments) 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 (now \$ 49,848 due to inflation adjustments) 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.

Additionally, as stated in the Emergency Order at Paragraph 45, in the event you fail to comply with the Emergency Order, EPA may commence action in U.S. District Court to require compliance with this Order and to assess a civil penalty of up to \$29,154 (now \$29,911 due to inflation adjustments) per day of violation under the SDWA.

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.alex@epa.gov.

We appreciate your cooperation and prompt attention to this matter.

Sincerely,

**LAWRENCE
TORRES**

Digitally signed by LAWRENCE
TORRES
Date: 2025.02.06 13:11:00 -08'00'

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



REGION 9

SAN FRANCISCO, CA 94105

July 23, 2025

SENT VIA EMAIL ONLY

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

Re: Sixth Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008
and Second Notice of Noncompliance for EPA Emergency Administrative Order No.
PWS-AO-2025-002; 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) and the Emergency Administrative Order (Emergency Order) that EPA issued to you on November 6, 2024, under Section 1431(a) of the Act.

Noncompliance with Administrative Order

By this letter, EPA is notifying you of your failure 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 compliance with the maximum contaminant level for total trihalomethanes (TTHM), 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 by the Disinfection Byproduct Rule (DBPR), and continuous failure to correct significant deficiencies.

Failure to Comply with Total Trihalomethane Maximum Contaminant Level

Pursuant to Paragraph 63, the Order required you to achieve compliance with the MCL of 80 micrograms per liter for TTHM no later than December 31, 2024. The System has failed to provide a valid TTHM sample demonstrating the TTHM levels were below the MCL by the deadline of December 31, 2024. The latest locational running annual averages as of the date of this letter are 71.8 ug/L at Desert View Lane and 83.6 ug/L at Flasher/Everet Road, of which the Flasher/Everet Road location exceeded the TTHM

MCL.¹ In addition, once initial compliance with the MCL for TTHM is met, which has not yet occurred, the Respondent must maintain continuous compliance with the TTHM MCL in accordance with 40 C.F.R. § 141.625(c) for at least four consecutive quarters with the LRAA for every monitoring location ≤ 60 ppb for TTHM.

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 TTHM, as detailed in Paragraph 63, by December 31, 2024. EPA did not receive a Compliance Plan by this date, and it must be submitted to EPA as soon as possible for review and approval.

Failure to Submit Written Quarterly Reports

You have failed to submit the quarterly report for the reporting period of Q3 2024, Q4 2024, Q1 2025, and Q2 2025. The report must include steps taken to comply with the approved compliance plan, which has not been submitted to date, **and** all requirements described from paragraphs 63 to 72 of the Order. The quarterly reports are not limited to reporting on the compliance plan, but all actionable requirements of the Order.

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. HWC submitted documentation for two different operators: Treatment 2 certification for Pat Hoban and Distribution 1 certification for Rick Miller on July 1, 2024 but did not specify the scope of duties and whether those operators were physically operating the system as required. However, based on statements made by Pat Hoban, the certified treatment operator, during EPA's December 17, 2024 inspection, it is clear that Pat Hoban is not always physically operating the System's surface water treatment plant. In addition, Rick Miller has not been physically operating the distribution system and when asked by EPA, no System representative could recall the last time Rick Miller had been onsite to conduct routine distribution operator work. Written responses to a formal Request for Information pursuant to Section 1445 of the Act also confirm noncertified individuals are conducting essential operational activities that could adversely impact the health of System customers.

Until EPA can verify that a qualified treatment operator is onsite to physically operate the system consistent with paragraph 39 of the Emergency Order (i.e., when treating water and making all process control decisions), and that a qualified distribution operator is onsite to appropriately handle activities consistent with paragraph 40 of the Emergency Order (i.e., flushing of the distribution mains and line breaks when they occur), HWC will continue to be in violation of the DBPR, the Emergency Order, and the Order. It is critical that properly certified operator(s) have 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.

¹ These locational running annual averages are based on the last four quarters of available data of valid quarterly test results due to the failure of HWC to collect valid TTHM samples in Q3 and Q4 in 2024.

Noncompliance with the Emergency Order

As of this date, you have failed to comply with conditions in the Emergency Order. EPA issued the Emergency Order to ensure the System addressed public health endangerments posed by repeated water outages and loss of pressure incidents in the System. As of this date you have failed to submit an adequate Standard Operating Procedure (SOP) for the System's planned response to emergency pressure loss incidents, failed to identify an appropriate technical provider to conduct a critical assessment of the System infrastructure, failed to submit adequate distribution operator logs, and failed to submit the monthly progress report.

Failure to Submit Emergency SOP for Pressure Loss

You submitted an Emergency Response Plan to EPA on July 22, 2025, which included an emergency SOP for pressure loss. Paragraph 31 of the Emergency Order required you to submit an emergency SOP for pressure loss by December 6, 2024 that includes detailed, precise steps for how the System will respond to an incident, including, but not limited to: how to identify the cause and location of an incident, how to appropriately notify the public of the incident, how to conduct a line break repair, how to respond to power outages, and how to disinfect the System following an incident and how to demonstrate water is safe from bacterial contamination. The Emergency Response Plan included information about how to disinfect the System following an incident and how to demonstrate water is safe from bacterial contamination, but did not include adequate details for meet the requirements listed within Paragraph 31(a)-(d).

Failure to Identify Technical Provider for Approval

You have not submitted to EPA an appropriate third-party technical provider for approval. Paragraph 38(a) of the Emergency Order required you to identify a properly certified, third-party technical provider to assess the distribution system by December 6, 2024. On December 9, 2024, you submitted Rick Miller as the proposed technical provider, but as the current named distribution operator for the System and an employee of HWC, EPA determined and notified you on December 9, 2024 that this submission was not appropriate or valid as he was not a third-party technical provider.

In the December 13, 2024 Notice of Noncompliance, EPA required a technical provider to be named by December 19, 2024, but no technical provider has yet to be named. Please submit a new technical provider for approval as soon as possible.

Failure to Submit Adequate Monthly Distribution Operator Logs

Paragraph 39 of the Emergency Order requires you to submit a monthly distribution operator log within ten days after the operating month (i.e., the November 2024 operator log would be due December 10, 2024). While distribution operator logs have been submitted monthly since March 2025, the logs have not met the requirements set forth in Paragraph 39 as the certified operator has not been onsite for any scheduled maintenance activities, and the logs do not include the dates work occurred.

Failure to Submit Written Progress Reports

You have not submitted a monthly progress report to EPA since issuance of the Emergency Order. Paragraph 41 of the Emergency Order requires you to submit a monthly progress report by the last day of each month (i.e., a November 2024 progress report would be submitted no later than November 30, 2024). The progress report must use the template provided in Appendix B of the Emergency Order to

ensure an update on each requirement is included.

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 (now \$ 71,545 due to inflation adjustments) 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 (now \$49,848 due to inflation adjustments) 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.

Additionally, as stated in the Emergency Order at Paragraph 45, in the event you fail to comply with the Emergency Order, EPA may commence action in U.S. District Court to require compliance with this Order and to assess a civil penalty of up to \$29,154 (now \$29,911 due to inflation adjustments) per day of violation under the SDWA.

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: 2025.07.23 09:52:37 -07'00'

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

DRINKING WATER WARNING

PRECAUTIONARY BOIL WATER ADVISORY

Water Served By Havasu Water Company May be Unsafe Following Loss of Water Pressure

Our water system recently experienced a temporary loss of pressure this afternoon. Even though water has been restored to all customers the EPA requires we issue this precautionary boil water notice until the lab results are in. Please be advised, that bottled water will be available at our office located at 148896 Havasu Lake Rd from 9 to 12 & 1 to 5 starting tomorrow, January 7th.

What should I do?

- **WE RECOMMEND TO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

When a loss of pressure occurs in a water system, there is a risk that contamination happens through backpressure or backsiphonage. We will be taking water samples throughout our distribution system to check for the presence of fecal coliform bacteria following the return of water service.

For more information, please contact the following:

Havasu Water Co Office (760) 858-4619

Local Environmental Health contact: San Bernardino County: (800) 442-2283

Environmental Protection Agency contact: Program Manager: Annie Wan, wan.annie@epa.gov, (415) 972-3845

General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline: 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice has been distributed to you by the Havasu Water Company (Public Water System ID#:090600202) on: January 6th, 2026.

Thank you



REGION 9

SAN FRANCISCO, CA 94105

April 21, 2026

SENT VIA EMAIL ONLY

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

Re: Seventh Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008; Third Notice of Noncompliance for EPA Emergency Administrative Order No. PWS-AO-2025-002;
Havasul 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) and the Emergency Administrative Order (Emergency Order) that EPA issued to you on November 6, 2024, under Section 1431(a) of the Act.

Immediate Required Actions

EPA required Havasul Water Company (HWC) to issue a boil water notice (BWN) on April 3, 2026, for failure to have a certified grade 2 treatment operator physically on-site making operational decisions as required in paragraph 40 of the Emergency Order. EPA has not received certification of delivery of this required BWN. HWC must take the following actions:

1. **Issue BWN:** Immediately issue the required BWN as required by 40 C.F.R. part 141, subpart Q within the next 24 hours;
2. **Provide Alternative Water:** Immediately make alternative water available to any customers of the HWC public water system (System) as required in the Emergency Order;
3. **Provide Photographic Evidence:** Provide photographic evidence that a properly certified treatment operator was physically onsite to operate the System each day

the System operates the treatment system (produces treated water) or adds disinfectant. These photographs must be date and time stamped and sent to EPA on the day the picture was taken;

- 4. Requirements to Lift BWN- The BWN will remain in effect for at least one month. To lift the BWN, HWC must provide EPA with the following:**
 - a. At least one month of valid photographic evidence showing the certified treatment operator was physically present during treatment system operation and chlorination; and**
 - b. A complete, accurate and timely monthly operating report by the 10th day of the following month.**

Noncompliance with Administrative Order

By this letter, EPA is notifying you of your failure to comply with conditions in the Order. EPA issued the Order to bring the System into compliance with numerous violations of the Act, including compliance with the maximum contaminant level for total trihalomethanes (TTHM), failure to have a valid compliance plan, continuous failure to provide sufficient evidence that qualified personnel are physically operating the system as required by the Disinfection Byproduct Rule (DBPR), and continuous failure to correct significant deficiencies.

1. Failure to have Certified Operator Physically Operate the System

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. Based on information from the January 2026 – March 2026 monthly operating reports (MORs) and the accompanying monthly treatment operator logs, Pat Hoban had not been onsite to physically operate the treatment plant when producing treated water except for 1/6/26, 1/11/26, and 3/31/26. In addition, Rick Miller has continually not been physically present to operate and maintain the distribution system.

Until EPA can verify that a qualified treatment operator is onsite to physically operate the system consistent with paragraph 40 of the Emergency Order (i.e., when treating water and making all process control decisions), and that a qualified distribution operator is onsite to appropriately handle activities consistent with paragraph 39 of the Emergency Order (i.e., flushing of the distribution mains and line breaks when they occur), HWC will continue to be in violation of the DBPR and surface water treatment rule (see 40 C.F.R. § 141.130(c) and 40 C.F.R. § 141.70(c)), the Emergency Order, and the Order (see paragraphs 23-27). It is critical that properly certified operator(s) have 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.

2. Failure to Comply with Total Trihalomethane Maximum Contaminant Level

Pursuant to Paragraph 63, the Order required you to achieve compliance with the MCL of 80 micrograms per liter for TTHM no later than December 31, 2024. The System has failed to provide a valid TTHM sample demonstrating the TTHM levels were below the MCL by the deadline of December 31, 2024. The latest locational running annual averages as of the date of this letter are 103.9 ug/L at Desert View Lane and 102.4 ug/L at Flasher/Everet Road, showing that both locations exceeded the TTHM MCL.¹ In addition, once initial compliance with the MCL for TTHM is met, which has not yet occurred, the Respondent must maintain continuous compliance with the TTHM MCL in accordance with 40 C.F.R. § 141.625(c) for at least four consecutive quarters with the locational running annual averages for every monitoring location ≤ 60 ppb for TTHM.

3. Failure to Submit Valid 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 TTHM, as detailed in Paragraph 63, by December 31, 2024. EPA received a Compliance Plan on October 10, 2025. On October 14, 2025, EPA sent an email stating that the compliance plan must include a schedule for additional actions the System will take to address the ongoing TTHM MCL violations. The System still does not have an EPA-approved Compliance Plan.

4. Failure to Submit Timely MORs

You have routinely failed to submit the MOR on time. Pursuant to paragraph 69 of the Order, MORs must be submitted in accordance with the SDWA, which includes submittal of each MOR by the 10th of the following month. January 2026 MOR was submitted on 3/11/26, February 2026 MOR was submitted on 3/12/26, and March 2026 MOR was submitted on 4/12/26. This continues a trend of submitting MORs past the required date that has persisted since the Order was first issued in 2024.

5. Failure to Submit Written Quarterly Reports

You have failed to submit the quarterly report for the reporting period of Q4 2025 and Q1 2026. The last quarterly report received was on 10/8/25. The report must include steps taken to comply with the approved compliance plan, which has not been submitted to date, and all requirements described from paragraphs 63 to 72 of the Order. The quarterly reports are not limited to reporting on the compliance plan, but all actionable requirements of the Order.

¹ These locational running annual averages are based on the last four quarters of available data of valid quarterly test results due to the failure of HWC to collect valid TTHM samples in Q1 2026.

6. Failure to Correct Significant Deficiencies

The Order was amended on September 30, 2025, to require HWC to correct three unaddressed significant deficiencies by November 7, 2025. These significant deficiencies were identified based on observations from EPA's May 8, 2024 sanitary survey and were identified in EPA's June 28, 2024 letter. All three significant deficiencies have not been sufficiently corrected as of the date of this letter:

- i. Lack of emergency response plan
 - o Status: The 9/11/25 submission was insufficient.
- ii. Lack of flow meters for raw water inlet, finished water outlet, and backwash outlet.
 - o Status: The backwash outlet flow meter installed is acceptable. On January 5, 2026, EPA required the raw water inlet and finished water outlet flow meters to be replaced by February 16, 2026, as the meters are not NSF-61 certified. These two flow meters have not yet been replaced.
- iii. Lack of cleaning and inspection schedule for storage tank.
 - o Status: The storage tank cleaning scheduled for December 2025 was delayed and not rescheduled.

Noncompliance with the Emergency Order

As of this date, you have failed to comply with conditions in the Emergency Order. EPA issued the Emergency Order to ensure the System addressed imminent public health endangerments posed by repeated water outages and loss of pressure incidents in the System. As of this date you have failed to have a certified treatment operator physical operate the System, submit an adequate Standard Operating Procedure (SOP) for the System's planned response to emergency pressure loss incidents, failed to identify an appropriate technical provider to conduct a critical assessment of the System infrastructure, failed to submit adequate distribution operator logs, and failed to submit the monthly progress report.

1. Failure to have Certified Operator Physically Operate the System

As mentioned earlier in this letter, until EPA can verify that a qualified treatment operator is onsite to physically operate the system consistent with paragraph 40 of the Emergency Order (i.e., when treating water and making all process control decisions), and that a qualified distribution operator is onsite to appropriately handle activities consistent with paragraph 39 of the Emergency Order (i.e., flushing of the distribution mains and line breaks when they occur), HWC will continue to be in violation of the DBPR, the Emergency Order, and the Order. It is critical that properly certified operator(s) have 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.

2. Failure to Provide Alternative Water and Distribute Tier 1 Boil Water Notice

EPA required HWC to issue a precautionary BWN on April 3, 2026, for failure to have a certified treatment operator physically onsite to operate the treatment system from January 2026 – March 2026. HWC has not distributed the required precautionary BWN.

Per paragraph 33 of the Emergency Order, HWC must immediately make available an alternative source of water when subject to a BWN. In your April 6, 2026, email, you state that alternative water is not required and only provided as a courtesy. This letter serves as a reminder of your obligation to provide alternative water when the System is under a BWN – this requirement is part of the Emergency Order issued pursuant to EPA’s authority under Section 1431(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i(a) and is **not** optional.

3. Failure to Submit Adequate Emergency SOP for Pressure Loss

You submitted an Emergency Response Plan to EPA on September 11, 2025, which included an emergency SOP for pressure loss. Paragraph 31 of the Emergency Order required you to submit an emergency SOP for pressure loss by December 6, 2024 that includes detailed, precise steps for how the System will respond to an incident, including, but not limited to: how to identify the cause and location of an incident, how to appropriately notify the public of the incident, how to conduct a line break repair, how to respond to power outages, and how to disinfect the System following an incident and how to demonstrate water is safe from bacterial contamination. The Emergency Response Plan included the required information *except* for how the System will identify the cause and location of pressure loss.

4. Failure to Identify Technical Provider for Approval

You have not submitted to EPA an appropriate third-party technical provider for approval. Paragraph 38(a) of the Emergency Order required you to identify a properly certified, third-party technical provider to assess the distribution system by December 6, 2024. On December 9, 2024, you submitted Rick Miller as the proposed technical provider, but as the current named distribution operator for the System and an employee of HWC, EPA determined and notified you on December 9, 2024 that this submission was not appropriate or valid as he was not a third-party technical provider.

In the December 13, 2024 Notice of Noncompliance, EPA required a technical provider to be named by December 19, 2024, but no technical provider has yet to be named. Please submit a new technical provider for approval as soon as possible.

5. Failure to Submit Adequate Monthly Distribution Operator Logs

Paragraph 39 of the Emergency Order requires you to submit a monthly distribution operator log within ten days after the operating month (i.e., the November 2024 operator log would

be due December 10, 2024). While distribution operator logs have been submitted monthly since March 2025, the logs have not met the requirements set forth in Paragraph 39 as the certified operator has not been onsite for any scheduled maintenance activities, and the logs do not include the dates work occurred.

6. Failure to Submit Written Progress Reports

You have not submitted a monthly progress report to EPA since the September 2025 report. Paragraph 41 of the Emergency Order requires you to submit a monthly progress report by the last day of each month (i.e., a November 2024 progress report would be submitted no later than November 30, 2024). The progress report must use the template provided in Appendix B of the Emergency Order to ensure an update on each requirement is included.

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 (now \$ 71,545 due to inflation adjustments) 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 (now \$49,848 due to inflation adjustments) 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.

Additionally, as stated in the Emergency Order at Paragraph 45, in the event you fail to comply with the Emergency Order, EPA may commence action in U.S. District Court to require compliance with this Order and to assess a civil penalty of up to \$29,154 (now \$29,911 due to inflation adjustments) per day of violation under the SDWA.

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.alex@epa.gov.

We appreciate your cooperation and prompt attention to this matter.

Sincerely,

/s/ April 21, 2026

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