



## REGION 9

SAN FRANCISCO, CA 94105

February 6, 2025

### **SENT VIA EMAIL ONLY**

Jennifer Hodges  
President, Havasu Water Company  
P.O. Box 1690  
Havasulake, CA 92363  
havasulwater@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.<sup>1</sup>

#### 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.

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<sup>1</sup> 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](mailto: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](mailto: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