



## REGION 9

SAN FRANCISCO, CA 94105

April 21, 2026

### **SENT VIA EMAIL ONLY**

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

### **Immediate Required Actions**

EPA required Havasu 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 10<sup>th</sup> 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.<sup>1</sup> 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 10<sup>th</sup> 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.

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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 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 physically 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](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.alexa@epa.gov](mailto:engelman.alexa@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