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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

**In Re: Rainbow Municipal Water District  
Water System No. 3710016**

**To: Mr. Chuck Sneed  
O&M Manager  
3707 Old Highway 395  
Fallbrook, CA 92028**

**COMPLIANCE ORDER FOR NONCOMPLIANCE**

**Compliance Order No. 05-14-10CO-001  
Issued on March 15, 2010**

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the California Department of Public Health, Division of Drinking Water and Environmental Management (CDPH) to issue a compliance order for failure to comply with the requirements of Chapter 4, the California Safe Drinking Water Act, or any regulation, permit, standard, or order issued or adopted thereunder.

**FINDINGS**

Rainbow Municipal Water District (Rainbow) provides water to the northern San Diego County, including the unincorporated communities of Rainbow, Bonsall, and portions of Fallbrook and Pala. Rainbow services an area of approximately 80 square miles containing 18,250 residents, 7,200 service connections, and over 300 miles of water mains. The Rainbow service area is predominantly rugged and mountainous with

1 elevations ranging from 150 feet up to 2,200 feet above mean-sea-level. The service area  
2 is largely agricultural with mature citric and avocado groves.

3

4 Rainbow is a member agency of the San Diego County Water Authority (SDCWA) and  
5 purchases 100% of its water as imported treated (filtered and chloraminated) water  
6 through eight connections to the two SDCWA treated water aqueducts. The purchased  
7 water is stored in a total of 16 water tanks and reservoirs, and is conveyed to 12 major  
8 presser zones; utilizing 7 potable water pump stations and over 30 pressure reducing  
9 stations. Rainbow has two remaining uncovered finished water storage facilities in  
10 operation which contain approximately 75% of the system's total storage capacity; Morro  
11 reservoir at 151.5 MG and Beck reservoir at 203.7 MG. The water leaving these  
12 uncovered finished water storage facilities is disinfected by injecting chlorine before it  
13 enters the distribution system to meet the required residual levels within the system.

14

15 Rainbow has been issued previous citations regarding system operation and deadlines to  
16 mitigate the hazards of the uncovered finished water storage facilities. The most recent  
17 citation, Citation 05-14-05C-020, is appended in Attachment A. It contains detailed  
18 information on the following past enforcement actions:

19

- 20 1. Citation 04-138 (November 10, 1993)
- 21 2. Citation 05-14-04C-005 (April 30, 2004)
- 22 3. Citation 05-14-05C-011 (August 15, 2005)
- 23 4. Citation 05-14-05C-020 (December 6, 2005)

1 Rainbow has requested the following extensions to deadlines set forth in the previous  
2 citations.

- 3
- 4 1. A letter dated September 1, 2004. Rainbow proposed a Capital Improvements  
5 Program to cover the uncovered finished water storage facilities by 2009 in response to  
6 Citation 05-14-04C-005.
- 7 2. A letter dated October 7, 2005. CDPH granted deadline extensions for directives set  
8 forth in Citation 05-14-05C-011.
- 9 3. A letter dated December 29, 2005. CDPH granted deadline extensions for directives  
10 set forth in Citation 05-14-05C-020.
- 11 4. A letter dated March 1, 2007. CDPH granted further deadline extensions for directives  
12 set forth in Citations 05-14-05C-011 and 05-14-05C-020.
- 13 5. A letter dated July 31, 2007. CDPH requested from Rainbow new proposed dates to  
14 meet the past-due directives set forth in Citation 05-14-05C-020.
- 15 6. A letter dated September 4, 2007. Rainbow proposed new dates to meet the past-due  
16 directives set forth in Citation 05-14-05C-020.
- 17 7. A letter dated March 20, 2008. Rainbow proposed new dates to meet those missed in  
18 the above September 4, 2007 letter.
- 19 8. An email dated March 20, 2009. Rainbow proposed new dates to meet past-due  
20 directives set forth in Citation 05-14-05C-020.

21

22 As of the date of this compliance order, the current status of the uncovered finished water  
23 storage facilities are as follows. The Morro reservoir floating cover plans (90% complete

1 level) were approved in a CDPH letter dated March 27, 2007, the North reservoir floating  
2 cover construction was completed in November 2009, and the Northside reservoir's  
3 floating cover construction began on January 21, 2010. The Beck reservoir will be  
4 removed from service once construction is complete on one of two new six-million gallon  
5 steel tanks on the soon-to-be demolished Pala Mesa reservoir site. The design for the new  
6 steel tanks began early January 2010.

7  
8 On January 5, 2006, the U.S. Environmental Protection Agency published the  
9 Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). A major provision  
10 of the rule requires systems with an uncovered finished water storage facility to either  
11 cover the uncovered finished water storage facility or treat the discharge to achieve  
12 inactivation and/or removal of at least 4-log for viruses, 3-log for Giardia Lamblia, and 2-  
13 log for Cryptosporidium. The LT2ESWTR requires systems to meet this specific provision  
14 of the rule by April 1, 2009.

15  
16 **CONCLUSIONS OF LAW**

17 Based on the above Findings, CDPH has determined that Rainbow has violated provisions  
18 contained in the H&S Code and Title 22, California Code of Regulations (CCR). These  
19 violations include, but are not limited to, the following:

- 20  
21 1. H&S Code, Section 116555 (a)(3): Specifically, Rainbow has failed to ensure that the  
22 system is provided with a reliable and adequate supply of pure, wholesome, healthful,  
23 and potable water.

1 2. H&S Code, Section 116655: Specifically, Rainbow failed to comply with Directive A in  
2 Citation 05-14-05C-020 issued by CDPH on December 6, 2005.

3  
4 3. CCR, Section 64585 (a)(4): Specifically, Rainbow's uncovered finished water storage  
5 facilities create a contamination hazard for the distribution system.

6  
7 **ORDER**

8 Rainbow is hereby ordered to take the following directives:

9  
10 1. Forthwith, cease and desist from failing to comply with H&S Code, Section  
11 116555(a)(3) by ensuring that the system is provided with a reliable and adequate  
12 supply of pure, wholesome, healthful, and potable water.

13  
14 2. By December 31, 2010, Rainbow shall complete construction of a floating cover for the  
15 Northside uncovered finished water storage facility.

16  
17 3. Provide one of the following alternatives for the Beck uncovered finished water storage  
18 facility:

19 a. treatment of the reservoir effluent, meeting the requirements of the LT2ESWTR

20 b. reservoir floating cover system

21 c. replacement with a reservoir meeting the Waterworks Standards (CCR,  
22 Section 64585)

23 d. remove the reservoir from service

- 1 4. By March 30, 2010, Rainbow must submit a detailed plan and time schedule to
- 2 accomplish one of the alternatives in Directive 3 above.
- 3
- 4 5. By April 20, 2010, Rainbow must provide proof of a design contract to accomplish one
- 5 of the alternatives in Directive 3 above.
- 6
- 7 6. By June 25, 2010, Rainbow must submit conceptual (30% level) design drawings to
- 8 accomplish one of the alternatives in Directive 3 above.
- 9
- 10 7. By November 22, 2010, Rainbow must submit 90% level design drawings to
- 11 accomplish one of the alternatives in Directive 3 above.
- 12
- 13 8. By April 15, 2011, Rainbow must begin construction to accomplish one of the
- 14 alternatives in Directive 3 above.
- 15
- 16 9. By July 31, 2012, Rainbow must complete construction to accomplish one of the
- 17 alternatives in Directive 3 above.
- 18
- 19 10. Provide one of the following alternatives for the Morro uncovered finished water
- 20 storage facility (On March 27, 2007, CDPH approved the Morro 90% plans to install a
- 21 floating cover):
- 22 a. treatment of the reservoir effluent, meeting the requirements of the LT2ESWTR
- 23 b. reservoir floating cover system

1 c. replacement with a reservoir meeting the Waterworks Standards (CCR,  
2 Section 64585)

3 d. remove the reservoir from service  
4

5 11. By March 30, 2010, Rainbow must submit a detailed plan and time schedule to  
6 accomplish Directive 10 above.  
7

8 12. By August 1, 2010 Rainbow must submit updated 90% level design drawings to  
9 accomplish one of the alternatives in Directive 10 above.  
10

11 13. By January 3, 2011, Rainbow must begin construction to accomplish one of the  
12 alternatives in Directive 10 above.  
13

14 14. By January 31, 2012, Rainbow must complete construction to accomplish one of the  
15 alternatives in Directive 10 above.  
16

17 15. Rainbow shall submit a written response by April 16, 2010, indicating its willingness to  
18 comply with the directives of this Order.  
19

20 16. CDPH reserves the right to make such modifications to this Order as it may deem  
21 necessary to protect public health and safety. Such modifications may be issued as  
22 amendments to this Order and shall be effective upon issuance. All submittals required

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by this Order shall be addressed to:

Sean Sterchi, P.E.  
District Engineer  
California Department of Public Health  
Southern California Branch  
Drinking Water Field Operations  
1350 Front Street, Room 2050  
San Diego, CA 92101

17. If Rainbow is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if Rainbow notifies CDPH in writing no less than five days in advance of the due date, CDPH may extend the time for performance if Rainbow demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.
18. If Rainbow fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 16 above, Rainbow shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in H&S Code, Sections 116725 and 116730.
19. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by Rainbow, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of

1 California be held as a party to any contract entered into by Rainbow or its agents in  
2 carrying out activities pursuant to this Order.

3

4 **PARTIES BOUND**

5 This Order shall apply to and be binding upon Rainbow, its officers, directors, agents,  
6 employees, contractors, successors, and assignees.

7

8 **SEVERABILITY**

9 The requirements of this Order are severable, and Rainbow shall comply with each and  
10 every provision thereof notwithstanding the effectiveness of any provisions.

11

12 **CIVIL PENALTIES**

13 Section 116650(e) of the H&S Code allows for the assessment of a civil penalty for failure  
14 to comply with the requirements of Chapter 4. This section specifically defines penalties  
15 for violations.

16

17 Failure to comply with any provision or compliance schedule of this Order may result in  
18 CDPH imposing additional enforcement actions and administrative penalties.

19

20 *March 15, 2010*

21 Date

*Heather L. Collins*

22 Heather Collins, P.E.  
23 Regional Engineer  
24 Central California Section  
25 Southern California Branch  
26 Drinking Water Field Operations



1 **ATTACHMENTS:**

2  
3 Attachment A: Citation 05-14-05C-020  
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7  
8 cc: Mark McPherson, Chief, Land and Water Quality Division, County of San  
9 Diego, Department of Environmental Health (w/ attachment)

10  
11 Corine Li, P.E., Manager, Drinking Water Office, U.S. EPA, Region 9  
12 75 Hawthorne Street, San Francisco, CA 94105 (w/attachment)