



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

May 2, 2014  
System No. 1000602

Mr. Steve Dessauer  
Environmental Compliance Officer  
Baker Commodities, Inc.  
P.O. Box 416  
Kerman, CA 93630

**RE: Compliance Order No. 03-23-14R-003 For Arsenic MCL Non-Compliance**

Dear Mr. Dessauer:

The California Department of Public Health (Department) has issued Compliance Order No. 03-23-14R-003 to the Baker Commodities, Inc. Water System for violation of the Arsenic MCL. The Compliance Order requires your Water System to present to the Department a Corrective Action Plan for improvements to the Water System to correct the water quality problem (violation of the Arsenic MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards." The Compliance Order also requires that the Water System complete a project to resolve the Arsenic MCL violation no later than **December 31, 2016**.

**Please submit a written response to our office by May 16, 2014, regarding your intent to comply with the attached Compliance Order.** The Compliance Order also requires the submission of quarterly progress reports to the Department, even if no progress has been made. The first progress report is due no later than October 2014.

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. Compliance Order Item No. 1(e) requires that the Corrective Action Plan be presented to the Department no later than **July 31, 2014**. Arrangement for presenting the plan can be made by contacting Sudarshan Poudyal or me at (559) 447-3300.

Sincerely,

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer, Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

BSL/SP



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
<http://www.fypower.org>

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Southern California Drinking Water Field Operations Branch  
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704  
(559) 447-3300; Fax (559) 447-3304  
Internet Address: <http://www.dhs.ca.gov/ps/ddwem/>

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **BAKER COMMODITIES, INC.**  
Water System No. 1000602

TO: Mr. Steve Dessauer  
Baker Commodities, Inc.  
P.O. Box 416  
Kerman, CA 93630

**COMPLIANCE ORDER FOR NONCOMPLIANCE WITH THE  
ARSENIC MAXIMUM CONTAMINANT LEVEL**

**Issued on May 2, 2014**

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

**FINDINGS**

The Baker Commodities, Inc. water system (hereinafter, "Water System") is a nontransient noncommunity water system located in the County of Fresno and supplies water to approximately sixty (60) employees through six (6) service connections. The Water System operates under a domestic water supply permit no. 03-23-13P-010 issued by the California Department of Public Health (hereinafter "Department") in June 2013. The

1 source of domestic water for the Water System is groundwater obtained from one active  
2 Well 03 and a standby well, Well 01.  
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5 The California Code of Regulations (CCR) Section 64431 establishes the Maximum  
6 Contaminant Level (MCL) for arsenic at 10 µg/L. CCR Section 64432(i) states that  
7 compliance with the MCL shall be determined based on the running annual average (RAA)  
8 of four consecutive quarterly samples, and that if a system fails to complete four quarters of  
9 consecutive monitoring, the running annual average shall be based on the average of the  
10 available data. If any sample result causes the running annual average at any sample site to  
11 exceed the MCL, the system shall be out of compliance immediately upon receiving the  
12 result.  
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15 Based on the arsenic monitoring data submitted to the Department for Well 03, the average  
16 of the quarterly samples collected since the second quarter of 2013 exceeds the arsenic  
17 MCL. As a result, the Water System failed to comply with the CCR, Title 22 Section  
18 64432(i). The available arsenic results from Well 03 are summarized in Table 1.  
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**Table 1 –Well 03 Arsenic Monitoring Summary**

Quarter	Sample Date	Well 03	
		Arsenic (µg/L)	Arsenic RAA (µg/L)
		MCL = 10 µg/L	
2 <sup>nd</sup> Quarter 2013	6/14/2013	15	
4 <sup>th</sup> Quarter 2013	11/5/2013	17	
1 <sup>st</sup> Quarter 2014	1/3/2014	14	
2 <sup>nd</sup> Quarter 2014	4/1/2014	13	<b>14.7</b>

Due to the arsenic MCL violation, the Water System is required to conduct quarterly public notification within 30 days of receipt of this order. The notification must be conducted every quarter in which the Water System is in violation.

#### CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the Baker Commodities, Inc. water system has violated provisions contained in the California Health and Safety Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the Baker Commodities, Inc. water system is operating Well 03 that produces water that does not comply with the primary drinking water standards.

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2. H&S Code Section 116555(a)(3). Specifically, the Baker Commodities, Inc. water system failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.
  3. CCR Title 22, Section 64431. Specifically, the water produced by the Baker Commodities, Inc. water system's Well 03 exceeds the maximum contaminant level for arsenic, and therefore does not comply with the primary drinking water standards.

12 **ORDER**

13 In order to ensure that the water supplied by the Baker Commodities, Inc. water system is  
14 at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the  
15 H&S Code, the water system is ordered to take the following actions:  
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- 18 1. (a) The Baker Commodities, Inc. water system shall cease and desist from  
19 failing to comply with CHSC Sections 116555(a)(1), (a)(3) and CCR Section  
20 64533 by ensuring that the system is provided with a reliable and adequate supply  
21 of pure, wholesome, healthful, and potable water, in compliance with all primary  
22 drinking water standards.  
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  - 24 (b) The Baker Commodities, Inc. water system shall provide quarterly public  
25 notification of its inability to meet the arsenic MCL during any calendar quarter  
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1 that a four-quarter RAA exceeds the arsenic MCL for Well 03. Notification to the  
2 public shall be **repeated every quarter, as long as the violation exists.**  
3 Notification procedures and format are provided in Attachment A. An electronic  
4 version of Attachment A is available upon request. Proof of public notification shall  
5 be provided to the Department following each quarterly notification by the 10<sup>th</sup> day  
6 of the month following notification, using the form provided as Attachment B.  
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10 (c) The Baker Commodities, Inc. water system shall continue to collect  
11 quarterly samples for arsenic from Well 03. The analytical results shall be reported  
12 to the Department electronically by the analyzing laboratory no later than the 10th  
13 day following the month in which the analysis was completed.  
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16 (d) The Baker Commodities, Inc. water system shall prepare a Corrective  
17 Action Plan for improvements to the water system to correct the water quality  
18 problem (violation of the arsenic MCL) and eliminate the need to deliver water to  
19 customers that does not meet primary drinking water standards. The plan shall  
20 include a time schedule for completion of various phases of the project such as  
21 alternative evaluation, design, construction, permitting, startup, and public  
22 information.  
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25 (e) The Corrective Action Plan required under Item (1)(d) above shall be  
26 presented to the Department in an office meeting no later than **July 31, 2014.**  
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3 (f) The Baker Commodities, Inc. water system shall submit quarterly progress  
4 reports to the Department. The first quarterly progress report shall be submitted to  
5 the Department by **October 2014**.

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7 (g) By no later than **December 31, 2016**, the Baker Commodities, Inc. water  
8 system shall achieve compliance with the arsenic MCL, demonstrating an arsenic  
9 running annual average that is less than 10 µg/L. The Water System shall notify the  
10 Department in writing of the date that compliance has been achieved, no later than  
11 ten days after receiving the laboratory sampling results.  
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14 2. The Baker Commodities, Inc. water system shall submit a written response by **May**  
15 **9, 2014**, indicating its willingness to comply with all directives of this Compliance  
16 Order.  
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19 3. The Department reserves the right to make such modifications to this Order as it  
20 may deem necessary to protect public health and safety. Such modifications may be  
21 issued as amendments to this Order and shall be effective upon issuance.  
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26 issued as amendments to this Order and shall be effective upon issuance.  
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5. All submittals required by this Order shall be addressed to:

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer  
Department of Public Health  
Southern California Branch  
Drinking Water Field Operations  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

6. If the Baker Commodities, Inc. water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Water System notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

7. If the Baker Commodities, Inc. water system 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 6 above, the Water System 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, Section 116725 and 116730.

8. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the Baker Commodities, Inc. water system, its employees, agents, or contractors in carrying out activities pursuant to

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this Order, nor shall the State of California be held as a party to any contract entered into by the Water System or its agents in carrying out activities pursuant to this Order.

**PARTIES BOUND**

This Order shall apply to and be binding upon the Baker Commodities, Inc. water system, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The requirements of this Order are severable, and the Baker Commodities, Inc. water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

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CIVIL PENALTIES

Failure to comply with any provision or Compliance Schedule of the Compliance Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties.

5-2-2014

Date



Carl L. Carlucci, P.E., Chief  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

CLC/BSL/SP

Attachments:

- Attachment A: Public Notification Notice
- Attachment B: Proof of Notification Form



**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

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**Baker Commodities, Inc. Has Levels of Arsenic  
Above Drinking Water Standards**

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Water produced by our water system failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Results of water samples collected over the last year show an average arsenic concentration of \_\_\_\_\_ in Well 03. This is above the standard or maximum contaminant level (MCL) of 0.010 mg/L or 10 ug/L.

**What should I do?**

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- *This is not an emergency. If it had been, you would have been notified immediately. However, some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer*
- If you have other health issues concerning the consumption of this water, you may wish to consult a doctor.

**What happened? What was done?**

[Describe corrective action.] \_\_\_\_\_.  
We anticipate resolving the problem within [estimated time frame] \_\_\_\_\_.  
For more information, please contact \_\_\_\_\_ [insert name of contact] at  
\_\_\_\_\_ [insert phone number] or at the following mailing address:  
\_\_\_\_\_ [insert mailing address].

*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.*

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by  
Baker Commodities, Inc. – State Water System No. 1000602

Date distributed \_\_\_\_\_.

**PROOF OF NOTIFICATION**  
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Baker Commodities, Inc. Water System** of the failure to meet the **Arsenic MCL** for the:

Circle one: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_ by  
(date)

hand delivered and/or mailed and/or posted written notice.  
(circle all completed)

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Dept. of Public Health within 10 days of notification to the public  
Arsenic MCL Exceedance Compliance Order No. 03-23-14R-003  
System Number: 1000602