



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 14, 2014
System No. 1000377

Mr. Michael Pappas
St. Nicholas Ranch and Retreat
P.O. Box 400
Dunlap, CA 93621-0400

RE: Compliance Order No. 03-23-14R-005 For Uranium MCL Non-Compliance (Well 04)

Dear Mr. Pappas:

The California Department of Public Health (Department) has issued Compliance Order No. 03-23-14R-005 to the St. Nicholas Ranch and Retreat Water System for violation of the Uranium 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 Uranium 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 Uranium MCL violation no later than **May 31, 2016**.

Please submit a written response to our office by May 31, 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 December 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 **August 31, 2014**. Arrangement for presenting the plan can be made by contacting Mariadela Hurtado 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/MH
Enclosure

CC: Abbess Markella
Greek Orthodox Monastery of Theotokos
P.O. Box 549
Dunlap, CA 93621



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<http://www.fypower.org>

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: St. Nicholas Ranch & Retreat
Water System No. 1000377

TO: Michael Pappas
St. Nicholas Ranch & Retreat
P.O. Box 400
Dunlap, CA 93621-0400

**COMPLIANCE ORDER
FOR VIOLATION OF THE
URANIUM MAXIMUM CONTAMINANT LEVEL-Well 4**

Issued on May 14, 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 St. Nicholas Ranch and Retreat water system (hereinafter "Water System") is a non-transient non-community water system that serves a resort, that includes a retreat camp, and a monastery. The Water System uses water obtained from three active wells; Well 1, Well 3, and Well 4. It is located in the County of Fresno, 40 miles east of Fresno, CA and serves approximately ten employees year-round and 23 monastery residents and 250 transient customers through six (6) service connections. The St. Nicholas Ranch & Retreat water system operates under a water supply permit issued August 13, 2012 by the

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2 California Department of Public Health, Drinking Water Program (Department). Under
3 that permit, the public water system classification was changed from transient non-
4 community to non-transient non-community. As a non-transient non-community water
5 system, initial monitoring for radiological constituents under the Radiological Rule was
6 initiated in November 2012, which requires four quarter of gross alpha monitoring.

7
8 The California Code of Regulations (CCR) Section 64442 establishes the Maximum
9 Contaminant Levels (MCL) for Gross Alpha of 15 pCi/L, and for Uranium of 20 pCi/L.
10 CCR Section 64442(g) specifies that if any radionuclide sample result is greater than the
11 MCL, quarterly samples shall be collected and analyzed. Compliance shall be determined
12 based on the running annual average (RAA) of the four consecutive quarterly samples.
13 Section 64442 (h) (3) specifies that if any sample result causes the annual average at any
14 sample site to exceed the MCL, the system shall be out of compliance immediately upon
15 receiving the result. The results collected to date from Well 4 are summarized in Table 1.

16
17 **Table 1. Gross Alpha (GA) and Uranium (Ur) Monitoring Summary – Well 4**

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Sample Date	Gross Alpha (pCi/L)	GA RAA (pCi/L)	Uranium (pCi/L)	Ur RAA (pCi/L)
	MCL = 15 pCi/L		MCL = 20 pCi/L	
11/26/12	27.1		27	
01/03/13	15.5		8.2	
04/18/13	32		34	
07/01/13	13.2	22.0	8.1	19.3
10/02/13	29.3	22.5	29	19.8
02/12/14	41.4	28.98	44	28.8
04/03/14	25.4	27.3	28	27.3

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The Water System is in violation of the Uranium MCL based on Section 64442 (h) (3) using the annual average of the four (4) quarterly samples collected in 2013 and 2014. The RAA Gross Alpha minus the RAA Uranium concentrations (GA-Ur) is less than 15 pCi/L. Therefore, there is no violation of the Gross Alpha MCL. The RAA (GA-Ur) is less than 5 pCi/L.

Monitoring for gross alpha and uranium in Wells 1 and 3 shows elevated concentration, but no violation of the respective MCL's based on the RAA's. The Water System is unable to meet Maximum Day Demand without the use of Well 4.

Due to the Uranium violation, the Water System is required to conduct public notification within 30 days of receipt of this Order, which must be repeated every three months as long as the violations exist.

CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the St. Nicholas Ranch and Retreat 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 St. Nicholas Ranch and Retreat water system is operating Well 4 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 St. Nicholas Ranch and Retreat 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 Section 64442(a). Specifically, the water produced by the St. Nicholas Ranch and Retreat water system Well 4 exceeds the MCL for Uranium, and therefore does not comply with the primary drinking water standards.

ORDER

In order to ensure that the water supplied by the St. Nicholas Ranch and Retreat water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the water system is ordered to take the following actions:

1. (a) Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and (3) and CCR Section 64442(a) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
- (b) The St. Nicholas Ranch and Retreat water system shall prepare a Corrective Action Plan for improvements to the water system to correct the water quality problem (exceedance of the uranium MCL) and eliminates the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as evaluation of alternatives, design, construction, and startup.
- (c) The Corrective Action Plan required under (1)(b) above shall be presented to the Department in an office meeting no later than **August 31, 2014**.

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(d) St. Nicholas Ranch and Retreat water system shall submit quarterly progress reports to the Department, beginning **August 2014**. The progress reports shall describe the status of compliance with the plan and the proposed project.

2. (a) The Water System must conduct public notification in accordance with CCR Section 64463 and inform the public of its inability to meet the uranium MCL until a project is completed to provide water meeting drinking water standards. The Water System shall distribute the Department-approved notice (Attachment A) to all consumers. Notification must be directly delivered to all customers (mail or hand delivery). The first notification shall be conducted within 30 days of receipt of this citation, but no later than **June 5, 2014**. Notification to the public shall be **repeated every three months as long as the violation exists**. Please contact our office in order to request an electronic copy of the notice (Attachment A).

(b) Proof of public notification (Attachment B) to all water system users shall be provided to the Department following each quarterly notification by the 10th day of the month following notification. The first Proof of Notification certification shall be submitted to the Department by **July 10, 2014**.

(c) Quarterly monitoring for Gross Alpha and Uranium from Well 4 must be conducted, preferably before each quarterly notice is released, so the notice can reflect the most recent sample results.

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3. The St. Nicholas Ranch and Retreat water system shall submit a written response by **May 31, 2014**, indicating its willingness to comply with all directives of this Compliance Order.

4. The St. Nicholas Ranch and Retreat shall complete a project to resolve the Uranium MCL violation no later than **May 31, 2016**.

5. The Department reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

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 St. Nicholas Ranch and Retreat 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 St. Nicholas Ranch and Retreat water system fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently

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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 St. Nicholas Ranch and Retreat water system, its employees, agents, or contractors in carrying out activities pursuant to 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 St. Nicholas Ranch and Retreat water system, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the St. Nicholas Ranch and Retreat water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

5-14-2014
Date


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



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BSL/MH

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.

**St. Nicholas Ranch and Retreat Has Levels of Uranium
Above Drinking Water Standards**

Water produced by Well 4 of 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. Water sample results collected on _____ [date] showed uranium levels of _____ [level and units]. This is above the standard or maximum contaminant level (MCL) of 20 pCi/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 uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your 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 St. Nicholas Ranch and Retreat

Date distributed: _____.

Water System Number: 1000377

Attachment B

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 **St. Nicholas Ranch and Retreat Water System** of the failure to meet the **Uranium MCL** for the:

Circle one: 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____ by
(date)

hand delivered and/or mailed _____ 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
Uranium MCL Exceedance
Compliance Order No. 03-23-14R-005
System Number: 1000377