



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

August 7, 2014  
System No. 1000465

Mr. Kanwarjit Batth  
Batth Dehydrator  
P.O. Box 309  
Caruthers, CA 93609

**RE: Compliance Order No. 03-23-14R-007 for non-compliance with the Nitrate MCL**

Dear Mr. Batth:

The purpose of this letter is to inform you that the State Water Resources Control Board, Division of Drinking Water (Division) has issued Compliance Order No. 03-23-14R-007 to the Batth Dehydrator Water System (Water System) on July 29, 2014.

**The Compliance Order requires that you submit a written response to our office by August 22, 2014, acknowledging receipt of this order and your intent to comply with the directives within. The Compliance Order requires the preparation and presentation of a Corrective Action Plan. This plan must be presented to the Division in an office meeting by September 30, 2014. The Compliance Order also requires the submission of quarterly progress reports on the Corrective Action Plan to the Department. The first progress report is due no later than January 1, 2015. By August 1, 2016, the Water System shall complete the project designed to achieve Nitrate MCL compliance.**

If you have any questions regarding this matter, please contact Sudarshan Poudyal or myself at (559) 447-3300.

Sincerely,

A handwritten signature in blue ink that reads "Betsy S. Lichti".

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

BSL/SP

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

265 West Bullard Avenue, Suite 101, Fresno, CA 93704 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

**STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER**

**IN RE:       BATTH DEHYDRATOR**  
                  WATER SYSTEM NO. 1000465

**TO:           MR. KANWARJIT BATTH**  
                  BATTH DEHYDRATOR  
                  P.O. Box 309  
                  Caruthers, CA 93609

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

**Issued on August 7, 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 Batth Dehydrator Water System (“Water System”) is a small non-transient non-community water system, located in western Fresno County, which provides domestic

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water to a dehydrator facility and its employees. The Water System serves a year round population of approximately 50 employees through five (5) service connections. The Water System currently provides GAC treatment at Well 01 for DBCP removal.

The Water System operates under Domestic Water Supply Permit No. 03-23-13P-039 issued by the California Department of Public Health - Drinking Water Program on December 31, 2013. Effective July 1, 2014, the Drinking Water Program has moved to the State Water Resources Control Board, Division of Drinking Water (Division).

The California Code of Regulations (“CCR”), Title 22, Section 64431, establishes the MCL for nitrate at 45 mg/L as NO<sub>3</sub>. CCR Section 64432.1 establishes the monitoring and compliance requirements for nitrate. The Water System has had raw water samples from Well 01 exceed the nitrate MCL. Specifically, Well 01 samples collected on July 2, 2013 and May 27, 2014, each showed a nitrate concentration of 47 mg/L as NO<sub>3</sub>. The Water System provides GAC treatment for DBCP and is required to collect post GAC nitrate samples every month due to nitrate sloughing concerns. The Water System has had post GAC treatment samples exceed the nitrate MCL. Historical nitrate concentrations from Well 01 and post GAC treatment are shown in Table 1 and 2, respectively.

*Issued on August 7, 2014*

**Table 1: Well 01 Nitrate Monitoring Summary**

Sample Date	Nitrate (mg/L as NO <sub>3</sub> )	Sample Date	Nitrate (mg/L as NO <sub>3</sub> )
01/05/2012	9	07/02/2013	47*
04/05/2012	44	07/24/2013	31
07/12/2012	26	10/03/2013	26
10/04/2012	28	01/03/2014	13
01/03/2013	8	04/03/2014	15
04/04/2013	18	05/27/2014	47*
<i>*Sample result exceeds nitrate MCL</i>			

**Table 22: Post GAC Treatment Nitrate Monitoring Summary**

Sample Date	Nitrate (mg/L as NO <sub>3</sub> )
03/06/2014	9.1
05/01/2014	53*
05/13/2014	47*
05/27/2014	51*
06/03/2014	48*
06/10/2014	46*
<i>*Sample result exceeds nitrate MCL</i>	

The Water System is in violation of the nitrate MCL in the water produced by Well 01. The Water System also exceeds the Nitrate MCL in the treated water from the GAC treatment system at Well 01. Raw water DBCP concentrations have ranged from 0.15 µg/L to 1.7 µg/L in the past year of monitoring. Treated water DBCP concentrations have been below 0.07 µg/L (MCL = 0.2 µg/L) during the same period.

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**CONCLUSIONS OF LAW**

Based on the above Findings, the Division has determined that the Batth Dehydrator Water System has violated provisions contained in Title 22, California Code of Regulations and in the California Health and Safety Code (“CHSC”). These violations include, but are not limited to the following:

- 1. CHSC Section 116555(a)(1). Specifically, the Batth Dehydrator Water System is a public water system that produces water that does not comply with a primary drinking water standard.
- 2. CHSC Section 116555 (a)(3): Specifically, the Batth Dehydrator Water System has 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 64431 (a): Specifically, the water produced by Well 01 has exceeded the nitrate maximum contaminant level of 45 mg/L (as NO<sub>3</sub>), as shown in Table 1 above. No treatment is provided to reduce the nitrate concentration in water delivered the distribution system.

**ORDER**

In order to ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the Health and Safety Code, the Batth Dehydrator Water System is ordered to take the following actions:

1. (a) Cease and Desist from failing to comply with CHSC Sections 116555(a)(1) and 116555(a)(3) 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 Batth Dehydrator Water System shall provide Tier 1 public notification in English and in Spanish, in accordance with CCR Section 64463.1, of its inability to meet the nitrate MCL. Attachment A is a Division approved notice to be provided to all consumers. An electronic copy of this attachment is available upon request. The notification shall be provided to consumers by posting the notice at prominent locations, and specifically at locations where consumption of the water may occur, and by mail or direct delivery to each employee. **The Water System has already provided the public notification.**

(c) The Batth Dehydrator Water System shall provide public notification to all water users quarterly until a project is completed to correct the problem. Proof of

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1 public notification shall be submitted to the Division by the 10<sup>th</sup> day of the month  
2 following each quarter. Attachment B shall be used to satisfy this requirement.  
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5 (d) Bath Dehydrator Water System personnel shall prepare a Corrective Action  
6 Plan identifying improvements to the water system designed to correct the water  
7 quality problem (violation of the nitrate MCL) and eliminate the need to deliver  
8 water to consumers that does not meet primary drinking water standards. The plan  
9 shall include a time schedule for completion of various phases of the project such  
10 as alternatives evaluation, project selection, design, construction, startup and public  
11 information.  
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14 (e) The Corrective Action Plan required under item (1)(d) above shall be  
15 presented to the Division in an office meeting no later than **September 30, 2014**.  
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18 (f) The Bath Dehydrator Water System shall submit quarterly progress reports  
19 to the Division on the implementation status of the Corrective Action Plan. The  
20 first quarterly progress report shall describe progress made in the fourth quarter of  
21 2014 and shall be submitted to the Division by **January 1, 2015**.  
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24 (g) By no later than **August 1, 2016**, the Bath Dehydrator Water System shall  
25 complete a project designed to achieve compliance with the nitrate MCL. The  
26 Water System shall notify the Division in writing of the date that the project has  
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*Issued on August 7, 2014*

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been completed. Any changes to the Water System's sources or treatment require prior Division approval.

2. Quarterly raw water monitoring of Well 01 for nitrate shall continue, and shall take place before each quarterly notice is released so that the notice can reflect the most recent sample results. The nitrate results must be submitted to the Division via electronic data transfer (EDT) using the following primary station code (PS-Code): 1000465-001.

3. The Bath Dehydrator Water System shall submit a written response by **August 22, 2014**, indicating its willingness to comply with this Compliance Order.

4. The Division 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.

5. All submittals required by this Order shall be addressed to:

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer  
State Water Resources Control Board  
Division of Drinking Water  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

*Issued on August 7, 2014*

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

7. If the Batth Dehydrator 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 Batth Dehydrator 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 CHSC 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 of omissions by the Batth Dehydrator 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 Batth Dehydrator Water System or its agents in carrying out activities pursuant to this Order.

*Issued on August 7, 2014*

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**PARTIES BOUND**

This Order shall apply to and be binding upon the Bath Dehydrator Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

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

8-7-2014  
Date

  
Carl L. Carlucci, P.E.  
Supervising Sanitary Engineer  
Central California Section  
Division of Drinking Water  
State Water Resources Control Board

CLC/BSL/SP

**Attachments:**  
Attachment A: Public Notification English/Spanish  
Attachment B: Proof of Notification Form

## DRINKING WATER WARNING

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

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### Batth Dehydrator water has high levels of nitrate.

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### DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR USE IT TO MAKE INFANT FORMULA

Water samples collected on [INSERT DATE] from Well No. X showed nitrate levels of XX mg/L as NO<sub>3</sub>. These levels are above the nitrate standard, or maximum contaminant level (MCL), of 45 mg/L as NO<sub>3</sub>. Nitrate in drinking water is a serious health concern for infants less than six months old.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

Batth Dehydrator is [Describe corrective action planned and applicable interim solution(s)].

The Batth Dehydrator water system must provide public notification at least once every three months until the problem is corrected. The Department has ordered Batth Dehydrator to submit a plan to correct the nitrate problem.

For more information, please contact [Name] at [Contact].

## DRINKING WATER WARNING

### Agua de Batth Dehydrator tiene altos niveles de nitrato.

#### NO LE DE ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD NI UTILICE PARA HACERLECHE DE FORMULA

Las muestras de agua recogidas de la [FECHA], del Pozo Numero X, presentaron niveles de nitrato de XX mg / L de NO<sub>3</sub>. Estos niveles están por encima de la norma, o nivel máximo de contaminante (MCL), de 45 mg / L de NO<sub>3</sub>. El nitrato en el agua potable es un problema de salud grave para los bebés de menos de seis meses de edad.

#### ¿Qué debo hacer?

- **NO LE DE ESTA AGUA A BEBES.** *Los bebés menores de seis meses que beben agua que contiene nitratos en exceso del MCL rápidamente pueden enfermarse gravemente y, si no es tratada, puede morir debido a los altos niveles de nitrato pueden interferir con la capacidad de la sangre del bebé para transportar oxígeno. Los síntomas incluyen dificultad para respirar y amoratamiento de la piel. Los síntomas en los bebés pueden desarrollar rápidamente, con deterioro de la salud durante un período de días. Si se presentan síntomas, busque atención médica inmediatamente.*
- **MUJERES EMBARAZADAS NO DEBEN CONSUMIR EL AGUA.** *Los altos niveles de nitratos también pueden afectar a la capacidad transportadora de oxígeno de la sangre de mujeres embarazadas.*
- Agua, jugo, y leche en polvo para niños menores de seis meses de edad no debe prepararse con agua del grifo. El agua embotellada o bajo otro tipo de agua de nitratos se debe utilizar para los niños hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar o dejar reposar el agua no reduce el nivel de nitrato. Hervir el agua puede hacer que la mayor concentración de nitratos, debido a que los nitratos permanecen cuando el agua se evapora.
- Si usted tiene otros problemas de salud sobre el consumo de esta agua, es posible que desee consultar a un médico.

#### ¿Qué pasó? ¿Qué se hace?

Sources of nitrates in drinking water sources can be natural, industrial or agricultural (including septic systems and runoff). Nitrate levels in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

Batth Dehydrator esta [Describe corrective action planned and applicable interim solution(s)].

Sistema de Batth Dehydrator agua debe proporcionar una notificación pública al menos una vez cada tres meses hasta que se solucione el problema. El Departamento ha ordenado a Batth Dehydrator para presentar un plan para corregir el problema de los nitratos.

Para obtener más información, póngase en contacto con [Contact Information].

Este aviso ha sido publicado por Batth Dehydrator  
Sistema de Agua del Estado Número 1000465

Fecha de distribución: \_\_\_\_\_

## PROOF OF NOTIFICATION

(Return with copy of Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Batth Dehydrator** water system of the failure to meet the **nitrate MCL** for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> (circle) quarter of \_\_\_\_\_ (year).

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

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

\_\_\_\_\_  
Name of Water System Representative

\_\_\_\_\_  
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 by the 10<sup>th</sup> day of the following month for each month or quarter that public notification was conducted.**

**Violation No. 03-23-14R-007**  
**System Name: Batth Dehydrator**  
**System No.: 1000465**