CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 13, 2014

Mr. Daniel Stephens
PO Box 1350
Selma, CA 93662

RE: Lion Raisins Packing Company – System No. 1000486
Compliance Order No. 03-23-14R-016

Dear Mr. Stephens:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-23-14R-016, for violation of the dibromochloropropane (DBCP) maximum contaminant level (MCL). The compliance order is enclosed. The compliance order requires the submittal of a written response, indicating the willingness to respond to the directives within, by **November 30, 2014**.

If you have any questions regarding this matter, please contact Philip Dutton at (559) 447-3300.

Sincerely,

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

BSL/PD

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

IN RE: **LION RAISINS PACKING COMPANY**
WATER SYSTEM NO 1000486

TO: MR DANIEL STEPHENS
LION RAISINS PACKING COMPANY
PO BOX 1350
SELMA, CA 93662

COMPLIANCE ORDER NO 03-23-14R-016

FOR NONCOMPLIANCE WITH THE DIBROMOCHLOROPROPANE MAXIMUM CONTAMINANT LEVEL SECTION 64444, TITLE 22, CALIFORNIA CODE OF REGULATIONS

Issued on November 14, 2014

Section 116655 of the California Health and Safety Code authorizes the issuance of a compliance order to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a compliance order to Lion

Raisins, Inc (hereinafter, Lion Raisins) for violation of California Code of Regulations (hereinafter "CCR"), Section 64444, Maximum Contaminant Levels – Organic Chemicals.

APPLICABLE AUTHORITIES

Section 116655, California SDWA, states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith

(2) Directing compliance in accordance with a time schedule set by the department

(3) Directing that appropriate preventive action be taken in the case of a threatened violation

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to

(2) That purification or treatment works be installed

(3) That the source of the water supply be changed

(4) That no additional service connection be made to the system

(5) That the water supply, the plant, or the system be monitored

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department

Section 64444, Title 22, CCR, states in relevant part:

The MCLs for the primary drinking water chemicals shown in Table 64444-A shall not be exceeded in the water supplied to the public.

Table 64444-A
Maximum Contaminant Levels
Organic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
(b) Non-Volatile Synthetic Organic Chemicals (SOCs)	
Alachlor	0.002
Atrazine	0.001
Bentazon	0.018
Benzo(a)pyrene	0.0002

Carbofuran	0.018
Chlordane	0.0001
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.004
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide	0.00005
Glyphosate	0.7
Heptachlor	0.00001
Heptachlor Epoxide	0.00001
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.03
Molinate	0.02
Oxamyl	0.05
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated Biphenyls	0.0005
Simazine	0.004
Thiobencarb	0.07
Toxaphene	0.003
2,3,7,8-TCDD (Dioxin)	3×10^{-8}
2,4,5-TP (Silvex)	0.05

Additional *Applicable Authorities* are located in Attachment A, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Lion Raisins Packing Company water system (hereinafter "Water System") is a privately owned nontransient noncommunity water system located in Fresno County that supplies water for domestic purposes to approximately 80 employees, as reported to the Division, and served through 3 commercial and industrial service connections. The Water

System operates under Domestic Water Supply Permit No 03-23-11P-017, issued on May 11, 2011.

The Water System utilizes nondisinfected groundwater from three groundwater wells. Each well discharges to a separate hydropneumatic pressure tank prior to discharge to the distribution system. The Water System has no dedicated storage facilities.

CCR, Title 22, Chapter 15, Article 5.5, establishes primary standards for organic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant level for dibromochloropropane (hereinafter "DBCP") of 0.0002 mg/L, as established in CCR, Section 64444.

For water systems serving a population less than 3,300 individuals, CCR, Section 64445.1(c)(5)(B), establishes an increased quarterly monitoring frequency when the level of an organic chemical is detected. The section further specifies ongoing compliance determinations for quarterly organic chemical monitoring; specifically, if the running annual average concentration (hereinafter "RAA"), based on four quarterly samples, exceeds the MCL in Table 64444-A, the water system shall be deemed to be in violation.

CCR, Section 64445.1(c)(5)(C) states that if any one sample would cause the RAA to exceed the MCL, the system is immediately in violation.

The Water System was required to begin quarterly DBCP monitoring of Well 02 and Well 03 after samples collected in the first quarter of 2010 showed detections of DBCP. A

summary of the Water System's DBCP monitoring for all sources is presented in Table 1 below.

Table 1: DBCP Monitoring Results (mg/L)

Sample Quarter	Well 01	Well 02	Well 03
1Q 2010	ND	0.00053*	0.00004
1Q 2012	ND	0.00047	0.00015
4Q 2012	--	0.00050	0.00003
1Q 2013	--	--	ND
4Q 2013	--	0.00033	0.00007
1Q 2014	--	0.00033	0.00010
2Q 2014	--	0.00030	0.00009
3Q 2014	--	0.00033	0.00013
3Q 2014 RAA	--	**0.00032**	**0.00010**

The RAA for Well 02, calculated as the four quarter period ending with the third quarter of 2014, is 0.00032 mg/L, which exceeds the DBCP MCL of 0.0002 mg/L. The four-quarter RAA for Well 03 of 0.00010 mg/L does not exceed the DBCP MCL.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Lion Raisins Packing Company Water System has violated the DBCP MCL during the third quarter of 2014, as shown in Table 1 above, in the water produced by Well 02.

DIRECTIVES

To ensure that the water supplied by the Lion Raisins Packing Company water system is at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, Lion Raisins is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64444 in future monitoring periods after conducting upgrades of the physical facility or implemting treatment operations.

2. Provide quarterly public notification of its inability to the meet the DBCP MCL during any calendar quarter that the four-quarter running annual average for any well exceeds the MCL. Notification procedures and format are provided in Attachment B. An electronic version of Attachment B is available upon request.

3. Provide proof of public notification to the Division following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment C.

4. Continue to collect quarterly samples for DBCP from Well 02 and Well 03, as required by CCR, Title 22, 64445.1(c)(5)(B). The analytical results shall be reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

5. Prepare a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the DBCP MCL) and eliminate 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 design, construction, and startup.

6. Present the Corrective Action Plan required under Directive No 5, above, to the Division in an office meeting no later than **February 28, 2015**.

7. Submit quarterly progress reports to the Division. The first quarterly progress report shall describe progress made in the first quarter of 2015 and shall be submitted to the Division by **April 30, 2015**, using the form provided as Attachment D.

8. Submit a written response by **November 30, 2014**, indicating its willingness to comply with the directives of this Compliance Order.

9. By no later than **December 31, 2016**, achieve compliance with the dibromochloropropane maximum contaminant level, with the completion of a project and demonstration that the running annual averages are reliably less than the MCL. The Water System shall provide written notification of the date that compliance is achieved, no later than ten days following receipt of the laboratory sampling results.

All submittals required by this Order shall be addressed to:

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

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. Nothing in this Compliance Order relieves Lion Raisins Packing Company of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

If the Lion Raisins Packing Company water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Lion Raisins Packing Company 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 Lion Raisins Packing Company water system demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

PARTIES BOUND

This Compliance Order shall apply to and be binding upon Lion Raisins, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Compliance Order are severable, and Lion Raisins shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to issue citations and compliance orders with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Division. The Division does not waive any further enforcement action by issuance of this compliance order.

11-14-2014
Date

Carl L Carlucci, PE
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CLC/PD

Attachments:

Attachment A: Applicable Authorities
Attachment B: Public Notification Form
Attachment C: Proof of Notification Form
Attachment D: Quarterly Progress Report Form

Applicable Authorities
Violation of Maximum Contaminant Levels for
Arsenic

California Health and Safety Code, Section 116655, states in relevant part:

> (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
>
> (1) Directing compliance forthwith.
>
> (2) Directing compliance in accordance with a time schedule set by the department.
>
> (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
>
> (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
>
> (1) That the existing plant, works, or system be repaired, altered, or added to.
>
> (2) That purification or treatment works be installed.
>
> (3) That the source of the water supply be changed.
>
> (4) That no additional service connection be made to the system.
>
> (5) That the water supply, the plant, or the system be monitored.
>
> (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

California Code of Regulations, Title 22, states in relevant part:

§64444. Maximum Contaminant Levels--Organic Chemicals.

> The MCLs for the primary drinking water chemicals shown in Table 64444-A shall not be exceeded in the water supplied to the public.

Table 64444-A
Maximum Contaminant Levels
Organic Chemicals

Chemical	Maximum *Contaminant Level, mg/L*
(a) Volatile Organic Chemicals (VOCs)	
Benzene	0.001
Carbon Tetrachloride	0.0005
1,2-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.005
1,1-Dichloroethane	0.005
1,2-Dichloroethane	0.0005
1,1-Dichloroethylene	0.006
cis-1,2-Dichloroethylene	0.006
trans-1,2-Dichloroethylene	0.01
Dichloromethane	0.005
1,2-Dichloropropane	0.005
1,3-Dichloropropene	0.0005
Ethylbenzene	0.3
Methyl-*tert*-butyl ether	0.013

Monochlorobenzene	0.07
Styrene	0.1
1,1,2,2-Tetrachloroethane	0.001
Tetrachloroethylene	0.005
Toluene	0.15
1,2,4-Trichlorobenzene	0.005
1,1,1-Trichloroethane	0.200
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Trichlorofluoromethane	0.15
1,1,2-Trichloro-1,2,2-Trifluoroethane	1.2
Vinyl Chloride	0.0005
Xylenes	1.750*

Table 64444-A (continued)
Maximum Contaminant Levels
Organic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
(b) Non-Volatile Synthetic Organic Chemicals (SOCs)	
Alachlor	0.002
Atrazine	0.001
Bentazon	0.018
Benzo(a)pyrene	0.0002
Carbofuran	0.018
Chlordane	0.0001
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.004
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide	0.00005
Glyphosate	0.7
Heptachlor	0.00001
Heptachlor Epoxide	0.00001
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.03
Molinate	0.02
Oxamyl	0.05
Pentachlorophenol	0.001

Picloram	0.5
Polychlorinated Biphenyls	0.0005
Simazine	0.004
Thiobencarb	0.07
Toxaphene	0.003
2,3,7,8-TCDD (Dioxin)	3×10^{-8}
2,4,5-TP (Silvex)	0.05

*MCL is for either a single isomer or the sum of the isomers.

§64445. Initial sampling - organic chemicals.

(a) Each community and nontransient-noncommunity water system shall collect four quarterly samples during the year designated by the Department of each compliance period beginning with the compliance period starting January 1, 1993, from each water source at a site prior to any treatment and test for all applicable organic chemicals listed in Table 64444-A. The Department will designate the year based on historical monitoring frequency and laboratory capacity. For surface sources, the samples shall be taken at each water intake. For groundwater sources, the samples shall be taken at each well head. Where multiple intakes or wells draw from the same water supply, the Department will consider sampling of representative sources as a means of complying with this section. Selection of representative sources shall be based on evidence which includes a hydrogeological survey and sampling results. Wells shall be allowed to flow for a minimum of 15 minutes before sampling to insure that the samples reflect the water quality of the source. In place of water source samples, a supplier may collect samples at sites located at the entry points to the distribution system. The samples shall be representative of each source after treatment. The system shall collect each sample at the same sampling site, unless a change is approved by the Department.

(b) For any organic chemical added to Table 64444-A, the water system shall initiate the quarterly monitoring for that chemical in January of the calendar year after the effective date of the MCL.

(c) A water system may request approval from the Department to composite samples from up to five sampling sites, provided that the number of the sites to be composited is less than the ratio of the MCL to the DLR in §64445.1. Approval will be based on a review of three years of historical data, well construction and aquifer information for groundwater, and intake location, similarity of sources, and watershed characteristics for surface water. Compositing shall be done in the laboratory and analyses shall be conducted within 14 days of sample collection.

(1) Systems serving more than 3,300 persons shall composite only from sampling sites within a single system. Systems serving 3,300 persons or less may composite among different systems up to the 5-sample limit.

(2) If any organic chemical is detected in the composite sample, a follow-up sample shall be analyzed within 14 days from each sampling site included in the composite for the contaminants which were detected. The water supplier shall report the results to the Department within 14 days of the follow-up sample collection. If available, duplicates of the original sample taken from each sampling site used in the composite may be used instead of resampling.

(d) A water system may apply to the Department for a monitoring waiver for one or more of the organic chemicals on Table 64444-A in accordance with the following:

(1) A source may be eligible for a waiver if it can be documented that the chemical has not been previously used, manufactured, transported, stored, or disposed of within the watershed or zone of influence and therefore, that the source can be designated nonvulnerable.

(2) If previous use of the chemical locally is unknown or the chemical is known to have been used previously and the source cannot be designated nonvulnerable pursuant to Paragraph (d)(1), it may still be eligible for a waiver based on a review related to susceptibility to contamination.

The application to the Department for a waiver based on susceptibility shall include the following:

(A) previous monitoring results;
(B) user population characteristics;
(C) proximity to sources of contamination;
(D) surrounding land uses;
(E) degree of protection of the water source;
(F) environmental persistence and transport of the chemical in water, soil and air;
(G) elevated nitrate levels at the water supply source; and
(H) historical system operation and maintenance data including previous Departmental inspection results.

(3) To apply for a monitoring waiver for VOCs, the water system shall have completed the initial four quarters of monitoring pursuant to subsection (a) or three consecutive years of monitoring with no VOCs detected. If granted a waiver for VOC monitoring, a system using groundwater shall collect a minimum of one sample from every sampling site every six years and a system using surface water shall not be required to monitor for the term of the waiver. The term of a VOC waiver shall not exceed three years.

(4) To obtain a monitoring waiver for one or more of the SOCs, the water system may apply before doing the initial round of monitoring or shall have completed three consecutive years of annual monitoring with no detection of the SOC(s) listed. If the system is granted a waiver for monitoring for one or more SOC(s), no monitoring for the waived SOC(s) shall be required for the term of the waiver, which shall not exceed three years.

(e) For water sources designated by a water supplier as standby sources, the water supplier shall sample each source for any organic chemical added to Table 64444-A once within the three-year period beginning in January of the calendar year after the effective date of the MCL.

(f) Water quality data collected prior to January 1, 1988, for VOCs, or January 1, 1990, for SOCs, and/or data collected in a manner inconsistent with this section shall not be used in the determination of compliance with the monitoring requirements for organic chemicals.

(g) Data (i.e., a single sample) collected in a manner consistent with this section after January 1, 1998 in which no MTBE is detected, along with a designation of nonvulnerability pursuant to subsection (d), may be used to satisfy the initial monitoring requirements in subsection (a). If the requirements are satisfied in this way by a water system, the system shall begin annual monitoring pursuant to Section 64445.1(b)(1).

(h) Water quality data collected in compliance with the monitoring requirements of this section by a wholesaler agency providing water to a public water system shall be acceptable for use by that system for compliance with the monitoring requirements of this section.

§64445.1. Monitoring and Compliance – Organic Chemicals.

(a) For the purposes of this article, detection shall be defined by the detection limits for purposes of reporting (DLRs) in Table 64445.1-A:

Table 64445.1-A
Detection Limits for Purposes of Reporting (DLRs)
for Regulated Organic Chemicals

Chemical	*Detection Limit for Purposes of Reporting (DLR)(mg/L)*
(a) All VOCs, except as listed	0.0005
Methyl-*tert*-butyl ether	0.003
Trichlorofluoromethane	0.005
1,1,2-Trichloro-1,2,2-Trifluoroethane	0.01
(b) SOCs	
Alachlor	0.001
Atrazine	0.0005
Bentazon	0.002
Benzo(a)pyrene	0.0001
Carbofuran	0.005
Chlordane	0.0001
2,4-D	0.01
Dalapon	0.01
Dibromochloropropane (DBCP)	0.00001
Di(2-ethylhexyl)adipate	0.005
Di(2-ethylhexyl)phthalate	0.003
Dinoseb	0.002
Diquat	0.004
Endothall	0.045
Endrin	0.0001
Ethylene dibromide (EDB)	0.00002
Glyphosate	0.025
Heptachlor	0.00001
Heptachlor epoxide	0.00001
Hexachlorobenzene	0.0005
Hexachlorocyclopentadiene	0.001
Lindane	0.0002
Methoxychlor	0.01
Molinate	0.002
Oxamyl	0.02
Pentachlorophenol	0.0002
Picloram	0.001
Polychlorinated biphenyls (PCBs)	
(as decachlorobiphenyl)	0.0005
Simazine	0.001
Thiobencarb	0.001
Toxaphene	0.001
2,3,7,8-TCDD (Dioxin)	5×10^{-9}
2,4,5-TP (Silvex)	0.001

(b) When organic chemicals are not detected pursuant to Table 64445.1-A.

(1) A water system which has not detected any of the VOCs on Table 64444-A during the initial four quarters of monitoring, shall collect and analyze one sample annually. After a minimum of three years of annual sampling with no detection of a VOC in Table 64444-A, a system using

groundwater may reduce the monitoring frequency to one sample during each compliance period. A system using surface water shall continue monitoring annually.

(2) A system serving more than 3,300 persons which has not detected an SOC on Table 64444-A during the initial four quarters of monitoring shall collect a minimum of two quarterly samples for that SOC in one year during the year designated by the Department of each subsequent compliance period. The year will be designated on the basis of historical monitoring frequency and laboratory capacity.

(3) A system serving 3,300 persons or less which has not detected an SOC on Table 64444-A during the initial four quarters of monitoring shall collect a minimum of one sample for that SOC during the year designated by the Department of each subsequent compliance period. The year will be designated on the basis of historical monitoring frequency and laboratory capacity.

(c) When organic chemicals are detected pursuant to Table 64445.1-A.

(1) Prior to proceeding with the requirements of paragraphs (c)(2) through (7), the water supplier may first confirm the analytical result, as follows: Within seven days from the notification of an initial finding from a laboratory reporting the presence of one or more organic chemicals in a water sample, the water supplier shall collect one or two additional sample(s) to confirm the initial finding. Confirmation of the initial finding shall be shown by the presence of the organic chemical in either the first or second additional sample, and the detected level of the contaminant for compliance purposes shall be the average of the initial and confirmation sample(s). The initial finding shall be disregarded if two additional samples do not show the presence of the organic chemical.

(2) If one or both of the related organic chemicals heptachlor and heptachlor epoxide are detected, subsequent monitoring shall analyze for both chemicals until there has been no detection of either chemical for one compliance period.

(3) A groundwater sampling site at which one or more of the following chemicals has been detected shall be monitored quarterly for vinyl chloride: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. If vinyl chloride is not detected in the first quarterly sample, the sampling site shall be monitored once for vinyl chloride during each compliance period.

(4) If the detected level of organic chemicals for any sampling site does not exceed any shown in Table 64444-A, the water source shall be resampled every three months and the samples analyzed for the detected chemicals. After one year of sampling an approved surface water system or two quarters of sampling a groundwater system, the Department will consider allowing the water supplier to reduce the sampling to once per year upon request, based on a review of previous sampling data. Systems shall monitor during the quarter(s) which previously yielded the highest analytical results.

(5) If the detected level of an organic chemical for any sampling site exceeds that listed in Table 64444-A, the water supplier shall report this information to the Department within 48 hours of receipt of the result. Unless use of the contaminated source is discontinued, the water supplier shall resample the contaminated source and compliance shall be determined as follows:

(A) Water systems serving more than 3,300 persons shall sample monthly for six months and shall submit the results to the Department as specified in §64469. If the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples does not exceed the MCL shown in Table 64444-A the water supplier may reduce the sampling frequency to once every three months. If the running annual average or the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples exceeds the MCL shown in Table 64444-A, the water system shall be deemed to be in violation of Section 64444.

(B) Water systems serving 3,300 persons or less shall sample quarterly for a minimum of one year and shall submit the results to the Department as specified in §64469. If the running annual average concentration does not exceed the MCL in Table 64444-A, the water supplier

may reduce the sampling frequency to once every year during the quarter that previously yielded the highest analytical result. Quarterly monitoring shall resume if any reduced frequency sample result exceeds the MCL. If the running annual average concentration exceeds the MCL in Table 64444-A, the water system shall be deemed to be in violation of §64444.

(C) If any sample would cause the running annual average to exceed the MCL, the water system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

(6) If any resample, other than those taken in accordance with (c)(5) of this section, of a water sampling site shows that the concentration of any organic chemical exceeds a MCL shown in Table 64444-A, the water supplier shall proceed in accordance with (c)(1) and (c)(4), or (c)(5).

(7) If an organic chemical is detected and the concentration exceeds ten times the MCL, the water supplier shall notify the Department within 48 hours of the receipt of the results and the contaminated site shall be resampled within 48 hours to confirm the result. The water supplier shall notify the Department of the result of the confirmation sample(s) within 24 hours of the receipt of the confirmation result(s).

(A) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall proceed in accordance with subsection (c)(5).

(B) If the average concentration of the original and confirmation samples exceeds ten times the MCL, use of the contaminated water source shall immediately be discontinued, if directed by the Department. Such a water source shall not be returned to service without written approval from the Department.

§64463.4. Tier 2 Public Notice

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would

in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

§64469 Reporting Requirements

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under 64463.7(d), each water system shall submit a certification to the Department that it has done so, along with a representative copy of each type of public notice given.

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.

Lion Raisins Packing Company Has Levels of Dibromochloropropane (DBCP) Above Drinking Water Standards

Water produced by Well 02 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 over the past four quarters showed an average DBCP concentration of _____[level and units]. This is above the standard or maximum contaminant level (MCL) of 0.2 ug/L.

What should I do?

- **You <u>do not</u> 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 DBCP in excess of the MCL over many years may experience reproductive difficulties 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 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 Lion Raisins Packing Company.
Date distributed:_____. PWS ID No. 1000486

Attachment C

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Fresno District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Lion Raisins Packing Company

Public Water System No.: 1000486

Public notification for **failure to comply with the** DBCP MCL **for the quarter of 20** ___ was performed by the following method(s) (check and complete those that apply):

☐ The notice was mailed to users on: _____
  ☐ A copy of the notice is attached.

☐ The notice was hand delivered to water customers on: _____
  ☐ A copy of the notice is attached.

☐ The notice was published in the local newspaper on: _____
  ☐ A copy of the newspaper notice is attached.

☐ The notice was published in conspicuous places on: _____
  ☐ A copy of the notice is attached.
  ☐ A list of locations the notice was posted is attached.

☐ The notice was delivered to community organizations on: _____
  ☐ A copy of the notice is attached.
  ☐ A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

_____
Printed Name

_____
Title

_____
Signature

_____
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 each day that the 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 imprisionment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers
System Number: 1000486
Enforcement Action No. - 03-23-14R-016

Attachment D

Quarterly Progress Report

Water System: Lion Raisins Packing Company	Water System No.: 1000486
Compliance Order No.: 03-23-14R-016	Violation: DBCP MCL
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date