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City, State, ZIP+4 FRESNO, CA 93706

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EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

March 11, 2015

Ray Moles
9503 S. Hughes
Fresno, CA 93706

RE: Ray Moles Farms (Marks Ave) – Water System No. 1000452
Compliance Order Amendment No. 03-23-15RA-002

Dear Mr. Moles:

On March 10, 2015, the State Water Resources Control Board – Division of Drinking Water (Division) issued Compliance Order Amendment No. 03-23-15RA-002 (enclosed) for the Ray Moles Farms (Marks Ave) Water System (Water System). This amendment adds to and revises the directives of Compliance Order No. 03-23-12O-009, issued to the Water System on September 6, 2012, for non-compliance with the nitrate maximum contaminant level.

The Amendment requires your water system to present to the Division a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the nitrate maximum contaminant level) and eliminate the need to deliver water to customers that does not meet primary drinking water standards. Directive No. C-2 requires that the Corrective Action Plan be presented to the Department in an Office Meeting no later than **May 30, 2015**. Arrangements for presenting the plan can be made by contacting our office.

The amended Compliance Order also requires that a project designed to achieve compliance with the nitrate MCL, be completed by no later than **June 30, 2016**. Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply.

The California Safe Drinking Water Act, Section 116577, provides for this agency to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this enforcement action. The Division's costs are approximately \$128 per hour. At this time, we have spent approximately 2 hours on enforcement activities associated with this action. You will receive an invoice for these costs in August 2015, following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

If there are any questions regarding this matter, or to schedule the required office meeting, please contact Philip Dutton at (559) 447-3300 or Philip.Dutton@waterboards.ca.gov.

Sincerely,



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

BSL/PD

Enclosure

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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **RAY MOLES FARMS**
 WATER SYSTEM NO. 1000452

TO: **RAY MOLES FARMS, INC.**
 ATTN: RAY MOLES
 9503 S. HUGHES
 FRESNO, CA 93706

COMPLIANCE ORDER AMENDMENT NO. 03-23-15RA-002

AMENDMENT TO COMPLIANCE ORDER NO. 03-23-12O-009

Issued on March 11, 2015

The State Water Resources Control Board (hereinafter “Board”), acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues this Compliance Order Amendment No. 03-23-15RA-002 to Compliance Order No. 03-23-12O-009 (hereinafter “Amendment”).

The Board, successor in interest to the California Department of Public Health, issued Compliance Order No. 03-23-12O-009 (hereinafter “Compliance Order”), provided as Attachment A to this amendment, to the Ray Moles Farms Water System (hereinafter “Water System”) on or about September 6, 2012.

1
2 The Board hereby amends the Compliance Order as follows:
3

4 A) Delete Order 2 and replace with the following:

5 “Prepare a Corrective Action Plan, for Division approval, identifying improvements
6 to the Water System designed to correct the water quality problem (violation of the
7 Surface Water Treatment Rule) and ensure that the Water System delivers water to
8 consumers that meets primary drinking water standards. The plan shall include a
9 time schedule for completion of each of the phases of the project such as alternative
10 evaluation and selection, design, construction, permitting, and startup. The Water
11 System shall include a plan for financing the necessary improvements and any
12 increases in the operation and maintenance costs.”
13
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15

16 B) Delete Order 8 and replace with the following:

17 “On or before **April 30, 2015**, submit a written response to the Division indicating
18 its agreement to comply with the directives of this amended Compliance Order.”
19
20

21 C) The Water System is further directed as follows:

22 **DIRECTIVES**
23

24 C-1: On or before **June 30, 2016**, comply with the nitrate maximum contaminant
25 level by completing a project to correct the violation. The Water System shall notify
26 the Division in writing of the date that the project has been completed.
27

C-2: On or before **May 30, 2015**, present the Corrective Action Plan, required under Order 2 above, to the Division's Fresno District Office in an office meeting.

Except as amended herein, all other terms of Compliance Order No. 03-23-12O-009 shall remain in full force and effect.

All submittals required by the Compliance Order or this amendment shall be addressed to:

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

3-11-2015
Date



Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA
DRINKING WATER FIELD OPERATIONS

CLC/PD



Attachments:
Attachment A: Compliance Order No. 03-23-12O-009

Certified Mail No. 7010 3090 0002 0396 4499

Compliance Order No. 03-23-12O-009

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: RAY MOLES FARMS (MARKS AVE)
WATER SYSTEM NO. 1000452

TO: MR. RAY MOLES, OWNER
RAY MOLES FARMS (MARKS AVE)
9503 S HUGHES AVE
FRESNO, CA 93706

COMPLIANCE ORDER FOR NONCOMPLIANCE WITH
THE NITRATE MAXIMUM CONTAMINANT LEVEL

Issued on September 6, 2012

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 Ray Moles Farms (Marks Ave.) Water System (Water System) is a transient noncommunity Water System, located in south Fresno County, which provides domestic water to a housing facility for temporary workers. The Water System's 2011 electronic Annual Report indicates a year-round transient population of 90 individuals served through a single service connection. The Water System uses untreated groundwater obtained from



1 one onsite well. The Water System operates under Domestic Water Supply Permit No. 03-
2 12-08P-054 (Permit) issued by the California Department of Public Health - Drinking
3 Water Program (Department) on October 20, 2008.
4

5
6 Prior to September 2007, jurisdiction for regulatory oversight of the Water System was
7 maintained by the Fresno County Environmental Health Division (County). The
8 Department's Water System Evaluation and Inspection Report, attached to the Permit,
9 describes the Handwashing Exemption issued to the Water System, in accordance with
10 California Health and Safety Code Section 116282. The Handwashing Exemption
11 exempted the Water System from complying with the water quality requirements
12 applicable to transient noncommunity Water Systems, including compliance with the
13 nitrate maximum contaminant level (MCL).
14

15
16 On October 7, 2011, Governor Brown signed Assembly Bill (AB) 1194. AB 1194 included
17 a provision repealing California Health & Safety Code Section 116282, which provided
18 statutory authority to issue Handwashing Exemptions. The repeal of the Handwashing
19 Exemptions was necessary to ensure that the California Safe Drinking Water Act conforms
20 to the provisions of the federal Safe Drinking Water Act. The repeal of the Handwashing
21 Exemptions became effective on January 1, 2012.
22

23
24 By letter dated March 5, 2012, the Department provided notice to the Water System of the
25 repeal of the Handwashing Exemption and the repeal's effect on the Water System.
26 Specifically, the Department (a) required an acknowledgement that the Handwashing
27

Issued on September 6, 2012

1 Exemption had been repealed; (b) required an application for a new Domestic Water
2 Supply Permit; (c) notified the Water System that it must comply with the California Safe
3 Drinking Water Act, including the nitrate maximum contaminant level (MCL) and the
4 monitoring and reporting requirements appropriate for a transient noncommunity Water
5 System.
6

7
8 Following the repeal of the Water System's Handwashing Exemption, the Department
9 conducted a review of the Water System's water quality data and technical files, pursuant
10 to the March 2012 letter. The Department's review has concluded that the Water System
11 fails to comply with the nitrate MCL of 45 mg/L. Nitrate analysis results in the
12 Department's database are shown in the table below:
13

14
15 **Table 1: Nitrate Analysis Results**

Sample Date	Sample Result (mg/L as NO ₃)
7/7/2005	52.7*
6/7/2007	53.2*
3/25/2008	79.3*
6/4/2008	57.8*
7/31/2008	72.0*
7/8/2010	87.9*
7/11/2011	70.6*
7/25/2012	52.0*

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**Sample Result Exceeds MCL*



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CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the Ray Moles Farms (Marks Ave.) Water System has violated provisions contained in Title 22, California Code of Regulations (CCR) 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 Ray Moles Farms (Marks Ave.) 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 Ray Moles Farms (Marks Ave.) 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 64654(a): Specifically, the water produced by Well 01 has exceeded the nitrate maximum contaminant level of 45 mg/L (as NO₃), as shown in Table 1 above, and therefore does not comply with a primary drinking water standard.

1 **ORDER**

2
3
4 In order to ensure that the water supplied by the Water System is at all times safe,
5 wholesome, healthful, and potable, and pursuant to Section 116655 of the Health and
6 Safety Code, the Ray Moles Farms (Marks Ave.) Water System is ordered to take the
7 following actions:

- 8
9
- 10 1. Cease and Desist from failing to comply with CHSC Sections 116555(a)(1) and
11 116555(a)(3) by ensuring that the system is provided with a reliable and adequate
12 source of pure, wholesome, healthful, and potable water that is in compliance with
13 all primary drinking water standards.
14
 - 15 2. By **December 1, 2012**, the Ray Moles Farms (Marks Ave.) Water System shall
16 submit to the Department, for review and approval, a plan for improvements to the
17 Water System encompassing a project designed to correct the water quality problem
18 (violation of the nitrate MCL) and eliminate the need to deliver water to consumers
19 that does not meet primary drinking water standards. The plan shall include a time
20 schedule for completion of various phases of the project such as evaluation of
21 alternatives, design, construction, and startup.
22
 - 23 3. The Ray Moles Farms (Marks Ave.) Water System shall submit quarterly progress
24 reports to the Department beginning by **March 31, 2013**. The quarterly reports shall
25
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27

Issued on September 6, 2012



1 discuss the progress the Water System has made to comply with the nitrate MCL, as
2 detailed in the plan to be submitted pursuant to Order No. 2.
3

4
5 4. The Ray Moles Farms (Marks Ave.) Water System shall provide Tier 1 public
6 notification in English and in Spanish, in accordance with CCR Section 64463.1, of
7 its inability to meet the nitrate MCL. Attachment A is a Department-approved
8 notice to be provided to all consumers. An electronic copy of this attachment is
9 available upon request. The notification shall be provided to consumers by posting
10 the notice at prominent locations, and specifically at locations where consumption
11 of the water may occur, and by mail or direct delivery to each employee.
12

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14 5. The Ray Moles Farms (Marks Ave.) Water System shall provide public notification
15 to all water users quarterly until a project is completed to correct the problem.
16

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18 6. Proof of public notification shall be submitted to the Department by the 10th day of
19 the month following the initial notification and each subsequent quarterly
20 notification. Attachment B shall be used to satisfy this requirement.
21

22
23 7. Quarterly monitoring of the well for nitrate shall be conducted, preferably before
24 each quarterly notice is released, so the notice can reflect the most recent sample
25 results. The nitrate results must be submitted to the Department via electronic data
26 transfer (EDT) using the following primary station code (PS-Code): 1000452-001.
27



1 8. The Ray Moles Farms (Marks Ave.) Water System shall submit a written response
2 by **October 1, 2012**, indicating its willingness to comply with the directives of this
3 Compliance Order.
4

5
6 9. The Department reserves the right to make such modifications to this Order as it
7 may deem necessary to protect public health and safety. Such modifications may be
8 issued as amendments to this Order and shall be effective upon issuance. All
9 submittals required by this Order shall be addressed to:
10

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

16
17 10. If the Ray Moles Farms (Marks Ave.) Water System is unable to perform the tasks
18 specified in this Order for any reason, whether within or beyond its control, and if
19 the Ray Moles Farms (Marks Ave.) Water System notifies the Department in
20 writing no less than five days in advance of the due date, the Department may
21 extend the time for performance if the Ray Moles Farms (Marks Ave.) Water
22 System demonstrates that it has used its best efforts to comply with the schedule
23 and other requirements of this Order.
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11. If the Ray Moles Farms (Marks Ave.) 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 10 above, the Ray Moles Farms (Marks Ave.) 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.

12. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the Ray Moles Farms (Marks Ave.) 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 Ray Moles Farms (Marks Ave.) 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 the Ray Moles Farms (Marks Ave.) Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

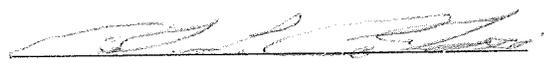


SEVERABILITY

The requirements of this Order are severable, and the the Ray Moles Farms (Marks Ave.) Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

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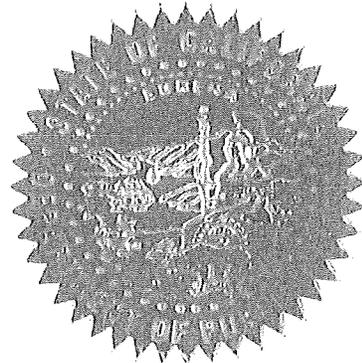


Date

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

CLC/PD

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



Issued on September 6, 2012

DRINKING WATER WARNING

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

The Ray Moles Farms (Marks Ave.) water system has high levels of nitrate.

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

Water samples collected on DATE from Well No. X showed nitrate levels of XX mg/L as NO₃. These levels are above the nitrate standard, or maximum contaminant level (MCL), of 45 mg/L as NO₃. 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.

The Ray Moles Farms (Marks Ave.) water system is [Describe corrective action planned and applicable interim solution(s)].

The Ray Moles Farms (Marks Ave.) water system must provide public notification at least once every three months until the problem is corrected. The Department has ordered the Ray Moles Farms (Marks Ave.) water system to submit a plan to correct the nitrate problem.

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

DRINKING WATER WARNING

Agua de Ray Moles Farms (Marks Ave.) 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 NO₃. Estos niveles están por encima de la norma, o nivel máximo de contaminante (MCL), de 45 mg / L de NO₃. 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 amaratamiento 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.

Ray Moles Farms (Marks Ave.) esta [Describe corrective action planned and applicable interim solution(s)].

Sistema de Ray Moles Farms (Marks Ave.) agua debe proporcionar una notificación pública al menos una vez cada tres meses hasta que se solucione el problema. El Departamento ha ordenado a Ray Moles Farms (Marks Ave.) 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 Ray Moles Farms (Marks Ave.)

Sistema de Agua del Estado Número 1000452

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 **Ray Moles Farms (Marks Ave.)** water system of the failure to meet the **nitrate MCL** for the 1st, 2nd, 3rd, or 4th (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 10th day of the following month for each month or quarter that public notification was conducted.

Violation No. 03-23-120-009
System Name: Ray Moles Farms (Marks Ave.)
System No.: 1000452