CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: JOHANN DAIRY
PWS ID No. CA1000604

ATTN: JOHN VERWEY
11511 W. Floral Avenue
FRESNO, CA 93706

CITATION NO. 03-23-16C-027
FOR
VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 116650(a) and TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64432.1(a)
ANNUAL NITRATE MONITORING AND REPORTING VIOLATION
CALENDAR YEAR 2015
April 18, 2016

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 citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to JOHANN DAIRY for violation of CHSC Section 116550(a) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64432.1(a).

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

CHSC, Section 116550 states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

CCR, Title 22, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

Title 22, CCR, Section 64432.1 (a) states in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems ...shall monitor annually ..."

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Chemical	*Maximum Contaminant Level, mg/L*
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO3)**	45.**
Nitrate+Nitrite (sum as	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.
**Effective January 1, 2016, the MCL for nitrate is now expressed as nitrogen (N) with an MCL of 10 mg/L.

STATEMENT OF FACTS

The Water System has failed to report a nitrate result for the calendar year 2015 for the following active sources:

TABLE 1

Source Name	Primary Station Code
WELL 02	1000604-002

The JOHANN DAIRY water system (hereinafter "Water System") is a public water system located in Fresno County that supplies water for domestic purposes to approximately 72 individuals through approximately 7 service connections. The Water System is a non-transient non-Community public water system as defined in CHSC, section 116275.

The Water System utilizes groundwater as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. All public water systems must comply with the monitoring and reporting requirement for nitrate, as established in Title 22 CCR Section 64432.1, in order to determine if they are in compliance with the maximum contaminant level for nitrate of 45 mg/L. Effective January 1, 2016, the Division revised the nitrate maximum contaminant level to 10 mg/L as nitrogen (N), which is equivalent to 45 mg/L nitrate as nitrate (NO_3). While the expression of the nitrate MCL has changed, the MCL expressed as nitrogen (N) is no more or less stringent that the prior MCL expressed as nitrate (NO_3). For subsequent nitrate monitoring, the Water System should have the analyzing laboratory report nitrate results in mg/L as nitrogen (N), using the storet code 00618.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has violated CHSC, Section 116550 and Section 64432.1(a) in that the water system failed to report a Nitrate result for the calendar year of 2015.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. By **May 15, 2016,** the JOHANN DAIRY water system shall provide public notification of the nitrate monitoring and reporting procedural failure by **mail or direct delivery to each customer receiving a bill** including those that provide water 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. The Water System is additionally required to use one or more of the following notification methods: publication in a local newspaper, posting in conspicuous public places served by the water system or on the Internet, or delivery to community organizations.

2. By **May 30, 2016**, the Water System shall provide to the Division proof of notification of the nitrate monitoring and reporting procedural violation using Attachment B. Upon completion of the public notification Attachment B shall be completed and submitted to:

   Betsy S. Lichti, Senior Sanitary Engineer
   Division of Drinking Water
   Drinking Water Field Operations Branch
   265 W. Bullard Avenue, Suite 101
   Fresno, CA 93704

3. The Water system shall ensure that monitoring is conducted annually for nitrate from all its active sources.

4. The Water System shall collect the 2016 annual nitrate sample from each active source by **June 30, 2016**.

5. The Water system shall ensure that the laboratory submits the analytical results to the Division using the Electronic Data Transfer (EDT) no later than the 10th day of the month following completion of the analyses.

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, by personal delivery or by certified mail, on the Water System

The Division reserves the right to make such modifications to this Citation and/or to issue such further citation(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be deemed effective upon issuance.

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Citation shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; 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 Board. The Board does not waive any further enforcement action by issuance of this Citation.

4/18/16
Date

Betsy Lichti, P.E., District Engineer
Fresno District
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. [X 7014 3490 0001 7868 8460

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.**

Nitrate Monitoring Requirements Not Met for JOHANN DAIRY Water System

Our water system failed to monitor as required for a drinking water monitoring standard during the year 2015 and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the year 2015 we did not monitor or test for nitrate and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the year 2015, how many samples we are required to take and how often, how many samples we many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Nitrate	Minimum is One Sample Annually	None	In the 2015 year	_____

If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Corrective action: _____

For more information, please contact _____ at:

Phone No. (_____) _____ - _____ or 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 in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Date Distributed: _____ *Water System No. CA1000604*

ATTACHMENT B

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 **JOHANN DAIRY**water system of the failure to meet the **monitoring and reporting requirement for Nitrate** for the year 2015 as directed by the Department.

Notification was made on _____ by
(date)

hand delivered or **mailed** or **posted** or **other (specify)** written notice.
(*circle all that apply*)

_____
Signature of Water System Representative

_____
Printed Name

_____
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 Department: May 30, 2016
2015 Nitrate M&R Violation
System Number: CA1000604
Enforcement Action Number: 03-23-16C-027