



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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

March 24, 2016

John Verwey, Owner  
11511 W. Floral Avenue  
Fresno, CA 93706

RE: Johann Dairy – Water System No. 1000604  
Arsenic MCL Violation – Compliance Order No. 03-23-16R-002

Dear Mr. Verwey:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-23-16R-002 (enclosed) to the Johann Dairy Water System (Water System) for violation of the arsenic maximum contaminant level (MCL).

The Compliance Order includes a number of Directives that your water system must comply with. The Compliance Order requires your water system, on or before **June 1, 2016**, to present to the Division a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the arsenic MCL) and eliminate the need to deliver water to customers that does not meet primary drinking water standards. Arrangements for presenting the plan can be made by contacting our office.

The Compliance Order further requires that the water system achieve an arsenic running annual average that is less than the arsenic MCL, at each arsenic sampling point, on or before **April 1, 2019**. Please note that Division approval is required before proceeding with any changes or additions to your source of supply or before adding any treatment.

Please submit a written response to our office by **April 10, 2016**, regarding your intent to comply with the Compliance Order. Note that the Water System is required to continue quarterly monitoring of Well 02 for arsenic.

If you have any questions regarding this matter, or to schedule the office meeting to present the Corrective Action Plan, please contact Philip Dutton or myself at (559) 447-3300.

Sincerely,



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

BSL/PD

Cc (with enclosures): Dan Roos, P.O. Box 3679, Merced, CA 95340

Enclosure

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

IN RE:       **JOHANN DAIRY**  
                  WATER SYSTEM NO. 1000604

TO:            VERWEY FAMILY REVOCABLE TRUST  
                  ATTN: MR. JOHN VERWEY  
                  11511 W. FLORAL AVENUE  
                  FRESNO, CA 93706

**COMPLIANCE ORDER NO. 03-23-16R-002**

**FOR VIOLATION OF THE  
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655(a)(1)  
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC**

**Issued on March 24, 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 compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Verwey Family Revocable Trust for violation of CHSC, Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431, Maximum Contaminant Levels – Inorganic Chemicals, in the water served by the Johann Dairy Water System.

**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 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.

**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.

**Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
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 nitrogen)	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.

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

**STATEMENT OF FACTS**

The Division is informed by the Verwey Family Revocable Trust and believes that the Johann Dairy Water System (hereinafter "Water System") is a privately owned nontransient noncommunity water system located in Fresno County that supplies water for domestic purposes to a population of 25 employees, as reported to the Division, served through 3 single family residential service connections and a connection to the dairy operations. The Water System operates under Domestic Water Supply Permit No. 03-23-15P-013, issued on February 17, 2015.

The Water System utilizes nondisinfected groundwater from one active groundwater well as its source of domestic water; an additional groundwater well is permitted as a standby source. The combined wells discharge to a single 100,000 gallon steel storage tank where a booster pump discharges the stored water into the distribution system.

1 CCR, Title 22, Division 4, Chapter 15, Article 4, establishes primary drinking water  
2 standards and monitoring and reporting requirements for inorganic constituents.  
3 Community and nontransient noncommunity water systems must comply with the  
4 maximum contaminant level for arsenic of 0.010 mg/L, as established in Section 64431.

5  
6 CCR, Section 64432(g), required the Water System to begin quarterly monitoring following  
7 an exceedance of an inorganic chemical's MCL. CCR, Section 64432(i), specifies ongoing  
8 compliance determinations for quarterly inorganic chemical monitoring; specifically,  
9 compliance with an inorganic chemical MCL is based on a "running annual average"  
10 (hereinafter "RAA") of the quarterly monitoring samples, computed each quarter. Further,  
11 the section states that if any one sample would cause the RAA to exceed the MCL, the  
12 system is immediately in violation.  
13

14  
15 The Water System was notified of the requirement to begin quarterly arsenic monitoring of  
16 its wells via a letter, dated October 20, 2015, after initial sampling showed an arsenic  
17 concentration of 0.036 mg/L in Well 02. Prior to the construction of Well 02, the Water  
18 System relied on Well 01 as its active source of domestic water and had been required to  
19 conduct quarterly arsenic monitoring of that source due to a sample that exceeded the  
20 arsenic MCL. A summary of the arsenic monitoring of Wells 01 and 02 on record with the  
21 Division is provided in the table below.  
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**Table 1: Arsenic Monitoring Results (mg/L)**

Sample Quarter	Sample Date	Sample Result
<b>Well 01 - Standby</b>		
3Q 2013	8/19/2013	0.015
<b>Well 02 - Active</b>		
4Q 2014	12/29/2014	0.036
4Q 2015	12/15/2015	0.029
<b>4Q 2015 Running Annual Average</b>		<b>0.029</b>

The Water System has failed to conduct the quarterly arsenic monitoring of Well 02 required by CCR, Section 64432(g). The running annual average arsenic concentration at Well 02 for the fourth quarter of 2015, calculated with the available sample results, was 0.029 mg/L, which each exceeds the arsenic MCL of 0.010 mg/L. Compliance with the arsenic MCL is determined by the available data, regardless of any monitoring and reporting violations.

The quarterly running annual average of all available data for Well 02 (i.e., averaging two samples over four quarters) shows a concentration of 0.016 mg/L, which also exceeds the arsenic MCL. A single arsenic monitoring result for the Water System's standby well, Well 01, exceeded the arsenic MCL; use of Well 01 is not a viable solution to the Water System's arsenic MCL violation.

**DETERMINATIONS**

Based on the above Statement of Facts, the Division has determined that the Water System and its owner of record has violated CHSC, Section 116555 and Section 64431 in that the water produced by Well 02 during the fourth quarter of 2015 exceeded the arsenic MCL as

1 shown in Table 1 above, and further has determined that said violation has continued  
2 through the date of this Order.

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4 **DIRECTIVES**

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6 The Johann Dairy Water System and its owner of record are hereby directed to take the  
7 following actions:

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10 1. On or before **April 1, 2019**, comply with Title 22, CCR, Section 64431, and remain  
11 in compliance, with the completion of a project designed to return the Water System  
12 to compliance with the arsenic MCL.
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14 2. On or before **April 1, 2016**, submit a written response to the Division indicating its  
15 agreement to comply with the directives of this Order.
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18 3. Commencing on the date of service of this Order, provide quarterly public  
19 notification in accordance with Attachment B, hereto, of Water System's failure to  
20 meet the arsenic MCL during any calendar quarter that the four-quarter running  
21 annual average exceeds the MCL.
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23  
24 4. Commencing on the date of service of this Order, submit proof of each public  
25 notification conducted in compliance with Directive No. 3, herein above, within 10  
26 days following each such notification, using the form provided as Attachment C,  
27 hereto.

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5. Commencing on the date of service of this Order, collect quarterly samples for arsenic from each well, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

6. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as alternatives evaluation and selection, design, permitting and construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which shall be no later than April 1, 2019. The Water System shall include a plan for financing the necessary improvements and any increases in the operation and maintenance costs.

7. On or before **June 1, 2016**, present the Corrective Action Plan required under Directive No. 6, above, to the Division's Fresno District Office in an office meeting.

8. Timely implement the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

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9. On or before **October 10, 2016**, and every three months thereafter, submit a report to the Division in the form provided as Attachment D, hereto, showing actions taken during the previous calendar quarter to comply with the Corrective Action Plan.
  10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Division that the water delivered by Water System complies with the arsenic MCL.
  11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

15 All submittals required by this Order shall be addressed to:

16 Betsy S. Lichti, P.E.,  
17 Senior Sanitary Engineer  
18 State Water Resources Control Board  
19 Division of Drinking Water  
20 Fresno District  
21 265 W. Bullard Avenue, Suite 101  
22 Fresno, CA 93704

23 As used in this Order, the date of issuance shall be the date of this Order; and the date of  
24 service shall be the date of service of this Order, personal or by certified mail, on the Water  
25 System or its owner of record.

26 The Division reserves the right to make such modifications to this Order and/or to issue  
27 such further order(s) as it may deem necessary to protect public health and safety. Such

1 modifications may be issued as amendments to this Order and shall be deemed effective  
2 upon issuance.

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4 Nothing in this Order relieves the Water System or its owner of record of its obligation to  
5 meet the requirements of the California SDWA, or any regulation, standard, permit or order  
6 issued thereunder.

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8 **PARTIES BOUND**

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

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14 **SEVERABILITY**

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17 The Directives of this Order are severable, and the Water System and its owner of record  
18 shall comply with each and every provision hereof, notwithstanding the effectiveness of any  
19 other provision.

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21 **FURTHER ENFORCEMENT ACTION**

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24 The California SDWA authorizes the Board to issue a citation with assessment of  
25 administrative penalties to a public water system for violation or continued violation  
26 of the requirements of the California SDWA or any regulation, permit, standard,  
27 citation, or order issued or adopted thereunder including, but not limited to, failure

1 to correct a violation identified in a citation or compliance order. The California  
2 SDWA also authorizes the Board to take action to suspend or revoke a permit that  
3 has been issued to a public water system if the public water system has violated  
4 applicable law or regulations or has failed to comply with an order of the Board; and  
5 to petition the superior court to take various enforcement measures against a public  
6 water system that has failed to comply with an order of the Board. The Board does  
7 not waive any further enforcement action by issuance of this Order.

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11  
12 3-24-2016  
13 Date



14 Carl L. Carlucci, P.E.  
15 Supervising Sanitary Engineer  
16 Central California Section  
17 SOUTHERN CALIFORNIA  
18 DRINKING WATER FIELD OPERATIONS

19 CLC/PD



22 **Attachments:**  
23 **Attachment A: Applicable Authorities**  
24 **Attachment B: Public Notification Form**  
25 **Attachment C: Proof of Notification Form**  
26 **Attachment D: Quarterly Progress Report Form**

27 Via Certified Mail: 7015166000007819265

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:

§64431. Maximum Contaminant Levels--Inorganic Chemicals.

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

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
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 NO <sub>3</sub> )	45.

Nitrate+Nitrite (sum as nitrogen)	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.

§64432. Monitoring and Compliance--Inorganic Chemicals.

(a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the Department of each compliance period beginning with the compliance period starting January 1, 1993.

(b) Unless directed otherwise by the Department, each community and nontransient-noncommunity water system shall initiate monitoring for an inorganic chemical within six months following the effective date of the regulation establishing the MCL for the chemical and the addition of the chemical to table 64431-A.

(1) If otherwise performed in accordance with this section, groundwater monitoring for an inorganic chemical performed no more than two years prior to the effective date of the regulation establishing the MCL may be used to satisfy the requirement for initiating monitoring within six months following such effective date.

(2) For routine monitoring required in subsection (c), chromium monitoring may be used in lieu of hexavalent chromium monitoring if the chromium results are less than the chromium DLR set forth in table 64432-A.

(c) Unless more frequent monitoring is required pursuant to this Chapter, the frequency of monitoring for the inorganic chemicals listed in table 64431-A, except for asbestos, nitrate/nitrite, and perchlorate, shall be as follows:

(1) Each compliance period, all community and nontransient-noncommunity systems using groundwater shall monitor once during the year designated by the Department. The Department will designate the year based on historical monitoring frequency and laboratory capacity. All community and nontransient-noncommunity systems using approved surface water shall monitor annually. All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually.

(2) Quarterly samples shall be collected and analyzed for any chemical if analyses of such samples indicate a continuous or persistent trend toward higher levels of that chemical, based on an evaluation of previous data.

(d) For the purposes of sections 64432, 64432.1, 64432.2, and 64432.3, detection shall be defined by the detection limits for purposes of reporting (DLRs) in table 64432-A.

**Table 64432-A  
Detection Limits for Purposes of Reporting (DLRs) for Regulated Inorganic Chemicals**

<i>Chemical</i>	<i>Detection Limit for Purposes of Reporting (DLR) (mg/L)</i>
Aluminum	0.05
Antimony	0.006
Arsenic	0.002
Asbestos	0.2 MFL>10um*
Barium	0.1
Beryllium	0.001
Cadmium	0.001
Chromium	0.01
Cyanide	0.1
Fluoride	0.1
Hexavalent chromium	0.001
Mercury	0.001
Nickel	0.01
Nitrate (as NO <sub>3</sub> )	2.
Nitrite (as nitrogen)	0.4
Perchlorate	0.004
Selenium	0.005
Thallium	0.001

\* MFL=million fibers per liter; DLR for fibers exceeding 10 um in length.

(e) Samples shall be collected from each water source or a supplier may collect a minimum of one sample at every entry point to the distribution system which is 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.

(f) A water system may request approval from the Department to composite samples from up to five sampling sites, provided that the number of sites to be composited is less than the ratio of the MCL to the DLR. 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.

(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 inorganic chemical is detected in the composite sample at a level equal to or greater than one fifth of the MCL, a follow-up sample shall be analyzed within 14 days from each sampling site included in the composite for the contaminants which exceeded the one-fifth-MCL level. If available, duplicates of the original sample taken from each sampling site used in the composite may be used instead of resampling; the analytical results shall be reported within 14 days. The water supplier may collect up to two additional samples each from one or more of the sources to confirm the result(s).

(3) Compliance for each site shall be determined on the basis of the individual follow-up samples, or on the average of the follow-up and confirmation sample(s) if the supplier collects confirmation sample(s) for each detection.

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

- (1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
- (2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

- (1) 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 monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.
- (2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;
  - (A) Immediately discontinue use of the contaminated water source; and
  - (B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the 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.

(j) If a system using groundwater has collected a minimum of two quarterly samples or a system using approved surface water has collected a minimum of four quarterly samples and the sample results have been below the MCL, the system may apply to the Department for a reduction in monitoring frequency.

(k) Water quality data collected prior to January 1, 1990, 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 inorganic chemicals.

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

(m) A water system may apply to the Department for a waiver from the monitoring frequencies specified in subsection (c)(1), if the system has conducted at least three rounds of monitoring (three periods for groundwater sources or three years for approved surface water sources) and all previous analytical results are less than the MCL. The water system shall specify the basis for its request. If granted a waiver, a system shall collect a minimum of one sample per source while the waiver is in effect and the term of the waiver shall not exceed one compliance cycle (i.e., nine years).

(n) A water system may be eligible for a waiver from the monitoring frequencies for cyanide specified in subsection (c)(1) without any prior monitoring if it is able to document that it is not vulnerable to cyanide contamination pursuant to the requirements in §64445(d)(1) or (d)(2).

(o) Transient-noncommunity water systems shall monitor for the inorganic chemicals in table 64431-A as follows:

- (1) All sources shall be monitored at least once for fluoride; and

(2) Surface water sources for parks and other facilities with an average daily population use of more than 1,000 people and/or which are determined to be subject to potential contamination based on a sanitary survey shall be monitored at the same frequency as community water systems.

#### **§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.

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**Johann Dairy Water System  
Has Levels of Arsenic Above Drinking Water Standards**

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Water produced by 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. Results of water samples collected over the last year show an average arsenic concentration of \_\_\_\_\_ in Existing Well, and \_\_\_\_\_ in New Well. These averages are above the standard or maximum contaminant level (MCL) of 0.010 mg/L or 10 ug/L.

**What should I do?**

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- *This is not an emergency. If it had been, you would have been notified immediately. However, some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, 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 a 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  
Lakeview Improvement Association – State Water System No. 1000604

Date distributed \_\_\_\_\_.

## 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: Johann Dairy

Public Water System No.: 1000604

Public notification for failure to comply with the Arsenic 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 imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers  
 System Number: 1000604  
 Enforcement Action No. 03-23-16R-002

## Quarterly Progress Report

Water System: Johann Dairy	Water System No.: 1000604
Compliance Order No.: 03-23-16R-002	Violation: Arsenic 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