

State Water Resources Control Board

Division of Drinking Water

June 17, 2016

Potter Valley Community Unified School District
Attn: Ms. Mary Thorton
P.O. Box 219
Potter Valley, CA 95469

CITATION NO. 02_03_16R_001 ISSUED TO POTTER VALLEY COMMUNITY UNIFIED SCHOOL DISTRICT PUBLIC WATER SYSTEM #2300755, NITRATE MAXIMUM CONTAMINANT LEVEL – APRIL 2016

The State Water Resources Control Board, Division of Drinking Water (herein as "State Board") is issuing the Potter Valley School public water system (herein as "System") a compliance order for violation of the primary drinking water standard for nitrate.

The System will be billed at the State Board's hourly rate (currently estimated at \$160.00) for the time spent on issuing this compliance order. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a compliance order. The System will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

Please read the order carefully. If you have any questions regarding this matter, please contact the Mendocino District office at (707) 576-2145.

Sincerely,



Sheri K. Miller, P.E.
District Engineer
Mendocino District

Encl: Compliance Order No. 02_03_16R_001

c: Mendocino County Environmental Health (w/o "Attachments")

1
2 STATE OF CALIFORNIA
3 WATER RESOURCES CONTROL BOARD
4 DIVISION OF DRINKING WATER
5

6 TO: POTTER VALLEY COMMUNITY UNIFIED SCHOOL DISTRICT
7 ATTN: MS. MARY THORTON
8 P.O. BOX 219
9 POTTER VALLEY, CA 95469
10

11 FOR: POTTER VALLEY SCHOOL PUBLIC WATER SYSTEM 2300755
12

13 **COMPLIANCE ORDER NO. 02_03_16R_001**
14 **FOR**
15 **VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)**
16 **PRIMARY DRINKING WATER STANDARD FOR NITRATE**
17 **Issued on June 17, 2016**
18

19 Section 116655 of the California Health and Safety Code (hereinafter "CHSC")
20 authorizes the issuance of a compliance order to a public water system for violations
21 or threatened violations of the California Safe Drinking Water Act (CHSC, Division
22 104, Part 12, Chapter 4, (commencing with Section 116270)) (hereinafter "California
23 SDWA"), or any permit, regulation, or standard issued or adopted thereunder.
24

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

1 (hereinafter "Order") to Potter Valley Community Unified School District (hereinafter
2 "the System"), for failure to comply with CHSC Section 116555(a)(1) and Title 22,
3 California Code of Regulations (hereinafter "CCR"), Section 64431.

4
5 A copy of the applicable statutes and regulations is included in Appendix 1, which is
6 attached hereto and incorporated herein by this reference.

7
8 **STATEMENT OF FACTS**

9 The System is a nontransient noncommunity public water system located in
10 Mendocino County that supplies water for domestic purposes to approximately 300
11 individuals through eighteen service connections. The System operates under
12 Domestic Water Supply Permit #02-03-20P23004. The System is a nontransient
13 noncommunity public water system as defined in CHSC, section 116275.

14
15 The System utilizes one groundwater well, Well 02, as its source of domestic water.
16 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water
17 standards and monitoring and reporting requirements for inorganic constituents.
18 Community and nontransient noncommunity water systems must comply with the
19 maximum contaminant level for nitrate (as N) of 10 mg/L, as established in Title 22
20 CCR Section 64431.

21
22 A sample collected on April 12, 2016, from Well 02 exceeded the nitrate maximum
23 contaminant level (MCL) of 10 mg/L of N (results of 11 mg/L of N). The System's
24 laboratory did not inform the System of the result. The Division informed the System
25 on April 21, 2016, after receiving notice from the state database. A confirmation
26 sample was collected on April 21 with results of 11 mg/L of N.

1 The System exceeded the nitrate MCL (10 mg/L as N) by delivering water to the
2 distribution system that was over the nitrate MCL.

3
4 **DETERMINATIONS**

5 The Division has determined that the System has violated CHSC, Section 116555
6 and Section 64431 in that the water produced by Well 02, exceeded the nitrate MCL,
7 and further has determined that said violation has continued from April 12, 2016,
8 through the date of this Order.

9
10 **DIRECTIVES**

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

- 12
- 13 1. On or before **July 1, 2019**, comply with Title 22, CCR, Section 64431 and
14 remain in compliance.
 - 15
 - 16 2. On or before **July 1, 2016**, submit a written response to the Division indicating
17 the Water System's agreement to comply with the directives of this Order and
18 with the Corrective Action Plan addressed herein.
 - 19
 - 20 3. Commencing on the date of service of this Order, provide quarterly public
21 notification in accordance with Attachment B, hereto, of the Water System's
22 failure to meet the nitrate MCL (10 mg/L as N) during any calendar quarter that
23 the sample results exceeds the MCL.
 - 24
 - 25 4. Commencing on the date of service of this Order, submit proof of each public
26 notification conducted in compliance with Directive No. 3, herein above, within
27

1 10 days following each such notification, using the form provided as Attachment
2 C, hereto.

3
4 5. Commencing on the date of service of this Order collect quarterly samples for
5 nitrate as N from Well 01, as required by Section 64432(g), and ensure that the
6 analytical results are reported to the Division electronically by the analyzing
7 laboratory no later than the 10th day following the month in which the analysis
8 was completed.

9
10 6. Prepare for Division approval a Corrective Action Plan identifying improvements
11 to the water system designed to correct the water quality problem (violation of
12 the nitrate MCL) and ensure that the Water System delivers water to
13 consumers that meets primary drinking water standards. The plan shall include
14 a time schedule for completion of each of the phases of the project such as
15 design, construction, and startup, and a date as of which the Water System will
16 be in compliance with the nitrate MCL, which date shall be no later than July 1,
17 2019. The System shall submit the Corrective Action Plan to the Division on or
18 before **September 1, 2016**.

19
20 7. By the last day of March, June, September, and December of each calendar
21 year following the Division's approval of the corrective action, provide progress
22 reports, form provided as Attachment D, to the Division regarding compliance
23 with said plan. The System shall continue submitting these reports until the
24 plan is fully implemented, or until the Division issues written approval to cease
25 submitting them.

1 8. Not later than ten (10) days following the date of compliance with the nitrate
2 MCL, demonstrate to the Division that the water delivered by the System
3 complies with the nitrate MCL.

4
5 9. Notify the Division in writing no later than five (5) days prior to the deadline for
6 performance of any Directive set forth herein if the System anticipates it will not
7 timely meet a performance deadline.

8
9 The Division reserves the right to make such modifications to this Order and/or to
10 issue such further order(s) as it may deem necessary to protect public health and
11 safety. Such modifications may be issued as amendments to this Order and shall be
12 deemed effective upon issuance.

13
14 Nothing in this Order relieves the System of its obligation to meet the requirements
15 of the SDWA, or any regulation, permit, standard or order issued or adopted
16 thereunder.

17
18 All submittals required by this Order shall be addressed to:

19
20 Sheri Miller, P.E., Senior Sanitary Engineer
21 State Water Resources Control Board
22 Division of Drinking Water, Mendocino District
23 50 D Street, Suite 200
24 Santa Rosa, CA 95404

25
26 **PARTIES BOUND**

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

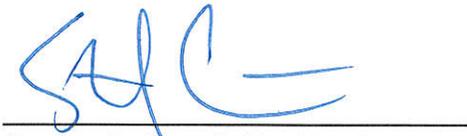
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SEVERABILITY

The Directives of this Order are severable, and the 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 Order.



Stefan Cajina, P.E., Chief
North Coastal Region
State Water Resources Control Board
Division of Drinking Water

June 17, 2016
Date

Certified Mail No. 701412000011677501

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



Applicable Authorities for Violation of Maximum Contaminant Levels for Nitrate**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, 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 nitrogen)	10.
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 µm in length.

California Code of Regulations, Section 64432, states in relevant part:

(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.

(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 nitrogen)	0.4
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 State Board.

(f) A water system may request approval from the State Board 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.

California Code of Regulations, Section 64432.1, states in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.

(C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

(2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling.

(3) For public water systems using approved surface water, the repeat monitoring frequency shall be quarterly following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than 50 percent of the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling. A system using approved surface water shall return to quarterly monitoring if any one sample is greater than or equal to 50 percent of the MCL.

(4) After any round of quarterly sampling is completed, each community and nontransient-noncommunity system which initiates annual monitoring shall take subsequent samples during the quarter which previously resulted in the highest analytical results.

California Code of Regulations, Section 64463.1 Tier 1 Public Notice, states in relevant part:

(a) A water system shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

(A) The State Board determines after consultation with the water system and a review of the data that a Tier 1 public notice is required; or

(B) The consultation between the State Board and the water system does not take place within 24 hours after the water system learns of the violation;

(b) As soon as possible within 24 hours after learning of any of the violations in subsection (a) or being notified by the State Board that it has determined there is a potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or (6)], the water system shall:

- (1) Give public notice pursuant to this section;
- (2) Initiate consultation with the State Board within the same timeframe; and
- (3) Comply with any additional public notice requirements that are determined by the consultation to be necessary to protect public health.

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

- (1) Radio or television;
- (2) Posting in conspicuous locations throughout the area served by the water system;
- (3) Hand delivery to persons served by the water system; or
- (4) Other method approved by the State Board, based on the method's ability to inform water system users.

California Code of Regulations, Section 64465 Public Notice Content and Format, states in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: “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 your drinking water meets health standards. During [*compliance period dates*], we [*‘did not monitor or test’* or *‘did not complete all monitoring or testing’*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time.”

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people’s attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-D. Health Effects Language
Inorganic Contaminants.

<i>Contaminant</i>	<i>Health Effects Language</i>
Nitrate	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. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

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.

DRINKING WATER WARNING

Potter Valley School District water has high levels of nitrate

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

Water sample results from an April 12, 2016 sample showed nitrate levels of 11 milligrams per liter (mg/L). A confirmation sample was collected on April 21, 2016 with results of 11 mg/L. Both sample results are above the nitrate standard, or maximum contaminant level, of 10 mg/L. 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?

For more information call:

Water System contact: Mary Thornton, receptionist, 707-743-72101, 10401 Main Street, Potter Valley, CA 95469

State Water Resources Control Board contact: Sheri Miller, (707) 576-2145

Local County Health Department contact: 707-263-1164.

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 public 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 Potter Valley School District.

CA State Water System ID#: 2300755. Date distributed: _____

COMPLIANCE CERTIFICATION

Compliance Order No.: 02_03_16R_001

Name of Water System: Potter Valley Community Unified School District

System Number: 2300755

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that the Potter Valley Community Unified School District complied with the directives of this citation as indicated below:

Required Action	Date Completed
Complete Attachment A, as required in Directive 2	<div style="border: 1px solid black; height: 25px; width: 100%;"></div>
Public Notification – Indicate at least 2 methods below.	<div style="border: 1px solid black; height: 25px; width: 100%;"></div>
<input checked="" type="checkbox"/> Post in conspicuous places within the area served by the water system for a minimum of 7 days (REQUIRED) (attach copy of posting, state locations and dates of posting); <p style="text-align: center;"><u>AND</u> choose at least one of the following:</p> <input type="checkbox"/> Publication in a local newspaper (attach copy of newspaper notice); OR <input type="checkbox"/> Mail or direct delivery to each customer (attach copy of notice and provide date of delivery); <input type="checkbox"/> E-mail message to employees or students; OR <input type="checkbox"/> Posting on the Internet or intranet (provide printout of website page).	

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION
INCLUDE COPIES OF ALL PUBLIC NOTICES**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 each 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 county jail not to exceed one year, or by both the fine and imprisonment

Quarterly Progress Report

Water System:	Potter Valley School	Water System No.:	2300755
Compliance Order No.:	02-03-16R-001	Violation:	Nitrate 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, Tulare District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date