

**State Water Resources Control Board**

Division of Drinking Water

April 17, 2015  
System No. 2400245

Mr. Randal Hartt, Coordinator  
Delhi Kingdom Hall  
99 Bothun Rd.  
Turlock, CA 95380

**COMPLIANCE ORDER FOR VIOLATION OF THE NITRATE DRINKING WATER STANDARD**

The Division of Drinking Water of the State Water Resources Control Board (Division) has issued Compliance Order No. 03-11-14R-004 (enclosed) to Delhi Kingdom Hall water system (hereinafter Water System) for violation of the nitrate drinking water standard. Domestic water produced by Well 1 (PS Code: 2400245-001) of the Water System contains nitrate at levels exceeding the Maximum Contaminant Level (MCL) of 45 mg/L.

As required in the Compliance Order, the Water System is expected to propose a solution and implement a plan to ensure that water delivered to customers meets the nitrate drinking water standard. The Water System must continue conducting quarterly nitrate monitoring of Well 1 and provide quarterly public notification whenever the nitrate MCL is exceeded. After providing quarterly public notification, a copy of the public notice along with a completed proof of notification form should be submitted to the Merced District office.

Your written response to the compliance order should be also submitted to our office. Failure to comply will result in additional enforcement action by the Division. If you have any questions regarding this matter, please contact Sarah Ferguson at (559) 447-3308.

Sincerely,



Kassy D. Chauhan, P.E.  
Senior Sanitary Engineer  
Merced District  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

cc: Merced County Environmental Health Department  
Turlock South Congregation of Jehovah's Witnesses, P.O. Box 3026, Turlock, CA 95381

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3 **CALIFORNIA**  
4 **STATE WATER RESOURCES CONTROL BOARD**  
5 **DIVISION OF DRINKING WATER**  
6

7 TO: Delhi Kingdom Hall  
8 ATTN: Randal Hartt, Coordinator  
9 99 Bothun Rd.  
10 Turlock, CA 95380

11 And

12 Turlock South Congregation of Jehovah's Witnesses  
13 P.O. Box 3026  
14 Turlock, CA 95381

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16 **COMPLIANCE ORDER NO. 03-11-15R-004**  
17 **FOR**  
18 **VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)**  
19 **AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE**  
20 **Dated April 14, 2015**

21 The State Water Resources Control Board (hereinafter "Board"), acting by and  
22 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director  
23 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order  
24 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety  
25 Code (hereinafter "CHSC") to Delhi Kingdom Hall and its owner of record, Turlock  
26 South Congregation of Jehovah's Witnesses, for violation of CHSC section  
27

1 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"),  
2 Section 64431.

3 **APPLICABLE AUTHORITIES**

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

- 5 (a) Any person who owns a public water system shall ensure that the system does  
6 all of the following:  
7 (1) Complies with primary and secondary drinking water standards.

8 **CHSC, Section 116655 states in relevant part:**

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

26 **Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant  
27 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,</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
<i>Chemical</i>	<i>Maximum Contaminant Level,</i>
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.

**Title 22, CCR Section 64432 (hereinafter “Section 64432”) provides in relevant part:**

**Section 64432.1**

(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 Department 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

1 (B) Analyze the new sample; if the average of the two nitrate sample results  
2 exceeds the MCL, report the result to the Department within 24 hours. If  
3 the average does not exceed the MCL, inform the Department of the  
4 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  
5 consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1  
6 and shall collect and analyze a confirmation sample within two weeks of  
7 notification of the results of the first sample.

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

### 13 STATEMENT OF FACTS

14 The Division is informed by the Water System and believes that the Delhi Kingdom  
15 Hall water system (hereinafter "Water System") is a privately-owned water system  
16 located in Merced County that supplies water for domestic purposes to  
17 approximately 350 individuals through approximately two service connections. The  
18 Water System is in the process of applying for a Domestic Water Supply Permit.  
19 The Water System is a transient noncommunity public water system as defined in  
20 CHSC, section 116275.

21 The Water System utilizes one groundwater well (Well 1) as its source of domestic  
22 water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking  
23 water standards and monitoring and reporting requirements for inorganic  
24 constituents. All public water systems must comply with the maximum contaminant  
25 level (MCL) for nitrate of 45 mg/L, as established in Title 22 CCR Section 64431.

26 A sample collected from Well 1 on March 9, 2015, had a nitrate concentration of  
27 50.2 mg/L. A confirmation sample collected on March 26, 2015, had a nitrate  
concentration of 51.7 mg/L. Based on the two nitrate results, the Division concludes  
that the Water System has violated the nitrate MCL.

1 **DETERMINATIONS**

2 Based on the above Statement of Facts, the Division has determined that the Water  
3 System and its owner of record have violated CHSC, Section 116555 and Section  
4 64431 in that the water produced by Well 1 during the first quarter of 2015 exceeded  
5 the nitrate MCL.  
6

7 **DIRECTIVES**

8 The Water System and its owner of record are hereby directed to take the following  
9 actions:

- 10 1. On or before April 30, 2018, comply with Title 22, CCR, Section 64431 and  
11 remain in compliance.  
12
- 13 2. On or before May 31, 2015, submit a written response to the Division indicating  
14 its agreement to comply with the directives of this Order and with the Corrective  
15 Action Plan addressed herein.  
16
- 17 3. Commencing on the date of service of this Order, provide quarterly public  
18 notification in accordance with Attachment A, hereto, of the Water System's  
19 failure to meet the nitrate MCL during any calendar quarter in which the nitrate  
20 MCL is exceeded.  
21
- 22 4. Commencing on the date of service of this Order, submit proof of each public  
23 notification conducted in compliance with Directive No. 3, herein above, within  
24 10 days following each such notification, using the form provided as Attachment  
25 B, hereto.  
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5. Commencing on the date of service of this Order collect quarterly samples for nitrate from Well 1, as required by Section 64432, and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10<sup>th</sup> 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 nitrate 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 design, construction, and startup, and a date as of which the Water System will be in compliance with the nitrate MCL, which date shall be no later than April 30, 2018.
7. On or before June 30, 2015, submit the Corrective Action Plan required under Directive No. 6, above, to the Division's offices located at 265 W. Bullard Avenue, Suite 101, Fresno, CA.
8. Timely perform the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
9. On or before September 30, 2015, and every three months thereafter, submit a report to the Division in the form provided as Attachment C, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.

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

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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 anticipates it will not timely meet such performance deadline.

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

11 Kassy Chauhan, Senior Sanitary Engineer  
12 State Water Resources Control Board  
13 Division of Drinking Water, Merced District  
14 265 W. Bullard Avenue, Suite 101  
15 Fresno, CA 93704

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17 As used in this Order, the date of issuance shall be the date of this Order; and the  
18 date of service shall be the date of service of this Order, personal or by certified  
19 mail, on the Water System.

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21 The Division reserves the right to make such modifications to this Order and/or to  
22 issue such further order(s) as it may deem necessary to protect public health and  
23 safety. Such modifications may be issued as amendments to this Order and shall be  
24 deemed effective upon issuance.  
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1 Nothing in this Order relieves Water System or its owner of record of its obligation to  
2 meet the requirements of the California SDWA, or any regulation, standard, permit  
3 or order issued thereunder.  
4

5 **PARTIES BOUND**

6 This Order shall apply to and be binding upon Water System, its owners,  
7 shareholders, officers, directors, agents, employees, contractors, successors, and  
8 assignees.  
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10 **SEVERABILITY**

11 The Directives of this Order are severable, and Water System and its owner of  
12 record shall comply with each and every provision hereof, notwithstanding the  
13 effectiveness of any other provision.  
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**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.



Carl Carlucci, P.E., Chief  
Central California Section  
State Water Resources Control Board  
Division of Drinking Water

4-14-2015

Date



Certified Mail No. [7010 3090 0002 0396 4130]

Cc: Merced County Environmental Health (w/o attachments)

## Instructions for Tier 1 Nitrate Notice Template

### Template Attached

Since exceeding the nitrate maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.1(b)]. **During this time period, you must also contact the State Water Resources Control Board, Division of Drinking Water (DDW). Each water system required to give public notice must submit the notice to the DDW for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].** You should also coordinate with your local health department.

### Notification Methods

You must use one or more of the following methods to deliver the notice to consumers [64463.1(c)]:

- Radio or television
- Posting in conspicuous locations throughout the area served by the water system
- Hand delivery to persons served by the water system

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand deliver, print your notice on letterhead, if available.

The notice attached is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for radio, TV, or posting. If you do, you must still include all required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system, and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

## **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

## **Alternative Sources of Water**

If you are providing alternative sources of water for infants or pregnant women, your notice should say where to obtain it. If you choose to provide bottled water, remember that bottled water can also be contaminated or high in nitrates if the bottler uses water from your system. If you are providing bottled water, make sure it meets standards by contacting the bottler and asking for the most recent test results.

## **Corrective Action**

In your notice, describe corrective actions you are taking. The bullet below describes one action commonly taken by water systems with nitrate/nitrite violations. Use this language, if appropriate, or develop your own:

- "We are investigating water treatment and other options. These may include drilling a new well, mixing the water with low-nitrate water from another source, or buying water from another water system."

## **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after issuing the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. They also need to make sure the water is not provided to infants and pregnant women in their care.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

## 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

Delhi Kingdom Hall 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 received \_\_\_\_\_ showed nitrate levels of \_\_\_\_\_ mg/L. This is above the nitrate standard, or maximum contaminant level (MCL), of 45 milligrams per liter. 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, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

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[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact \_\_\_\_\_ at (\_\_\_\_\_) \_\_\_\_\_ or the following 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 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 Delhi Kingdom Hall.

State Water System ID#: 2400245. Date distributed: \_\_\_\_\_.



# Quarterly Progress Report

Water System:	Delhi Kingdom Hall	Water System No.:	2400245
Compliance Order No.:	03-11-15R-004	Violation:	Nitrate
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, Merced District Office.

## Summary of Compliance Plan:

## Tasks completed in the reporting quarter:

## Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date