CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

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

May 11, 2016
System No.: 5402046

Mr. Matthew Kable
Waterman Industries LLC
P.O. Box 458
Exeter, CA 93221

RE: **Compliance Order No. 03-24-16R-020**
**Violation of the Nitrate Maximum Contaminant Level**

Dear Mr. Kable:

Enclosed is a Compliance Order issued to the Waterman Industries LLC (Water System) public water system.

As directed in the enclosed Compliance Order, please provide recognition of receipt of this Compliance Order and the Water System's intent to comply with the Order to the Division of Drinking Water, Tulare District office by **June 10, 2016**.

If you have any questions regarding this letter or the enclosed Compliance Order, please contact the Tulare District office at (559) 447-3300.

Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CJF/MRC
Enclosures

cc: Tulare County Environmental Health Division
Mr. Robert Protzman, Contract Operator (1401 61st St., Sacramento, CA 95819)

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

TO: Waterman Industries LLC
ATTN: Mr. Matthew Kable
P.O. Box 458
Exeter, CA 93221

**COMPLIANCE ORDER NO. 03-24-16R-020**
**FOR**
**VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555 (a)(1)**
**AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE**

**Dated May 11, 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 Waterman Industries LLC for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

## 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.

**Title 22, CCR, 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**

| *Chemical* | *Maximum Contaminant Level, mg/L* |
|---|---|
| Aluminum | 1. |
| Antimony | 0.006 |
| Nitrate | 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.

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 Division 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 Division within 24 hours. If the average does not exceed the MCL, inform the Division 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 Division reduce monitoring frequency to annual sampling.

## STATEMENT OF FACTS

Division is informed by the Waterman Industries LLC Water System (hereinafter "Water System") and believes that the Water System is a nontransient noncommunity water system located in Tulare County that supplies water for domestic purposes to approximately 127 individuals through one service connection. The Water System operates under Domestic Water Supply Permit issued by Tulare County. The Water System is a nontransient noncommunity public water system as defined in CHSC, section 116275.

The Water System utilizes one groundwater well (Well 01) 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. Community and nontransient noncommunity water systems must comply with the maximum contaminant level for nitrate (as N) of 10 mg/L, as established in Title 22 CCR Section 64431.

The Water System was issued a compliance order (No. 2010-19) in 2010 by Tulare County for exceeding the nitrate standard. In July 2014, the Division was given primacy over the Water System. Since that time, the Water System has been conducting quarterly sampling of its well for nitrate and provided its employees and customers with public notification for the nitrate exceedance quarterly.

A sample collected from the Water System on April 27, 2016, showed a nitrate concentration of 10.9 mg/L (as N) in Well 01. Sample results from October 2015 to present are provided in Table 1 below:

**Table 1: Well 01 Nitrate Monitoring Results**

| Sample Date | Well 01 |
|---|---|
| 10/27/15 | 11.3 mg/L |
| 1/4/16 | 11.2 mg/L |
| 4/27/16 | 10.9 mg/L |

Specifically, the Water System exceeded the nitrate MCL (10 mg/L as N) by delivering water to the distribution system that was over the nitrate MCL. The last sample result collected on April 27, 2016 was 10.9 mg/L as N.

By regulation, public notification is required on a quarterly basis as long as the well is being used. The Water System must also provide the Division with proof of public notification.

## DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has violated CHSC, Section 116555 and Section 64431 in that the water

produced by Well 01, exceeded the nitrate MCL, and further has determined that said violation has continued from April 27, 2016, and through the date of this Order.

**DIRECTIVES**

Water System is hereby directed to take the following actions:

1. On or before **June 10, 2019**, comply with Title 22, CCR, Section 64431 and remain in compliance.

2. On or before **June 10, 2016**, submit a written response to the Division indicating the Water System's agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of the Water System's failure to meet the nitrate MCL (10 mg/L as N) during any calendar quarter that the sample results exceeds the MCL.

4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment C, hereto.

5. Commencing on the date of service of this Order collect quarterly samples for nitrate as N from Well 01, 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 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 June 10, 2019.

7. On or before **August 10, 2016**, present the Corrective Action Plan required under Directive No. 6, above, to the Division in person at the Division's offices located at 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704.

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 **July 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 three months to comply with the Corrective Action Plan.

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.

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.

All submittals required by this Order shall be addressed to:

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

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

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

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

**PARTIES BOUND**

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

**SEVERABILITY**

The Directives of this Order are severable, and 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 Order.

5-11-2016

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

Date

Certified Mail No. 7015 1660 0000 0781 8503

**Attachments:**

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

cc: County of Tulare, Department of Environmental Health (w/o attachments)
Mr. Robert Protzman, Contract Operator (1401 61st St., Sacramento, CA 95819)

## Applicable Authorities

## 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, 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**

| *Chemical* | *Maximum Contaminant Level, mg/L* |
|---|---|
| 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.

§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**

| *Chemical* | *Detection Limit for Purposes of Reporting (DLR) (mg/L)* |
|---|---|
| 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 NO3) | 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.

# 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 Department. Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [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

*Spanish.* Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

*Non-English Speaking Groups Other than Spanish-Speaking.* For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice 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 Department 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 Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions, 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

Waterman Industries LLC 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 [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 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.

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

For more information, please contact [name of contact] at [phone number] 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 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 Waterman Industries LLC.

State Water System ID#: 5402046. Date distributed: _____.

# AVISO SOBRE SU AGUA POTABLE

## Agua del sistema Waterman Industries LLC tiene altos niveles de nitratos

## NO DAR DE BEBER ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD NI USARLA PARA HACER LECHE DE FORMULA

Resultados de muestras de agua colectadas [date of sample(s)]_____ muestran concentraciones de nitratos en el agua de nuestra sistema de [level and units] _____. Este nivel excede el estandar de nitrato, o el nivel máximo de contaminación de 10 mg/L (miligramos por litro) como nitrato. Nitrato en agua potable puede generar problemas serias de salud para bebés menores de 6 meses de edad.

### Que debo hacer?

- **NO LE DE ESTA AGUA A BEBES O A MUJERES EMBARAZADAS.** ***Bebés menores de seis (6) meses que toman agua con nitrato en exceso del nivel máximo de contaminación se pueden enfermar seriamente y, sin tratamiento medico, pueden morir. Los síntomas incluyen dificultad en respirar y síndrome de bebé azul.*** El síndrome de bebé azul se refiere al color azulado que toma la piel del bebé. Los síntomas en los bebes pueden desarrollarse con rapidez. Si los síntomas ocurren en infantes menores de seis (6) meses de edad, busque atención médica inmediatamente.
- **MUJERES EMBARAZADAS NO DEBEN BEBER ESTA AGUA.** Bebiendo agua con nitrato en exceso del nivel máximo de contaminación también puede afectar a mujeres embarzadas reduciendo la capacidad de la sangre para transportar oxígeno. Si usted está embarazada o tiene algún problema de salud en particular, puede optar por hacer una consulta con su médico.
- Agua, jugo o leche en polvo para bebés menores de seis (6) meses de edad no debe prepararse con agua del grifo. Deben usar agua embotellada o otra agua bajo el nitrato para los bebes hasta el próximo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar o dejar el agua en reposo no reduce el nivel de nitrato. De hecho, al hervir el agua puede aumentar aún más la concentración de nitrato, debido a que el nitrato permanece cuando parte del agua se evapora.
- Sin embargo, si usted está embarazada o tiene algún problema de salud en particular, puede optar por hacer una consulta con su médico.

### Qué pasó? Qué se está haciéndo al respecto?

Nitrato en el agua puede provenir de fuentes naturales, industriales o de la agricultura (incluyendo descargas de tanques sépticos y lluvias). La concentración de nitrato en el agua potable puede variar a traves del año. Nosotros les avisaremos cuando el nivel de nitrato esté nuevamente debajo de el nivel máximo de contaminación.

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

Para mas información, favor de contactar a [name of contact]_____ al teléfono [phone number]_____ o escribiendo a [mailing address]_____.

*Por favor comparta esta información con otros que pueden tomar de esta agua, colocando este aviso en lugares visibles, o remitiéndolo por correo, o entregandolo manualmente. Es de particular interés distribuir este aviso ampliamente si usted lo recibe representando un negocio, un hospital u hogar de infantes u hogar de ancianos o comunidad residencial.*

Este aviso ha sido enviado a usted de parte de _____ Waterman Industries LLC.

Fecha [date]: _____

# Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Tulare 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:** Waterman Industries LLC

**Public Water System No.:** 5402046

Public notification for **failure to comply with the** Nitrate 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: 5402046
Enforcement Action No. 03-24-16R-020

Attachment D

# Quarterly Progress Report

| | | | |
|---|---|---|---|
| Water System: | **Waterman Industries LLC** | Water System No.: | **5402046** |
| Compliance Order No.: | **03-24-16R-020** | 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**