

**Response to Comments to
Proposed Order Denying Petitions for Reconsideration by Bloomingcamp Water System**

No.	Name of Commenter	Summary of Comment	Response to Comment
1.1	Mathew Steinberg and Coni Bloomingcamp	Requests permission to operate with bottled water until there is a cost-effective solution for the system	The County rejected the Corrective Action Plan (CAP) because it proposed long-term, permanent reliance on bottled water. The County may allow bottled water as an interim or short-term solution while Bloomingcamp implements a permanent solution.
1.2	Mathew Steinberg and Coni Bloomingcamp	States that Bloomingcamp did not propose bottled water for use by its customers, and therefore it did not propose to use bottled water as a permanent solution for the public	A non-community water system's users may include users that are not customers of the business or members of the public. The system must provide all users for human consumption water that meets the SDWA. If Bloomingcamp Water System serves water to the bakery for human consumption (including cooking and sanitation by employees), it must meet Safe Drinking Water requirements.

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1.3	Mathew Steinberg and Coni Bloomingcamp	Requests that the board provide Bloomingcamp with a variance or exemption	<p>An exemption is only available for newly adopted drinking water standards, which the MCL for nitrate is not. A general variance is only available to a system that installs treatment and still cannot comply with an MCL due to poor source water quality. Bloomingcamp has not installed treatment. Further, there is no contention that the source water is too poor to treat to the MCL. A small system variance is only available for drinking water standards for which U.S. E.P.A. has established a small system variance technology. U.S. E.P.A. has not established a small system variance technology for the MCL for nitrate. For more information, visit U.S. E.P.A.'s website: https://www.epa.gov/sdwa/small-drinking-water-system-variances</p>
1.4	Mathew Steinberg and Coni Bloomingcamp	Requests that the board consider affordability in its decisionmaking process	<p>The state's MCLs must be at least as stringent as the federal MCL. Similarly, the state cannot issue an exemption or variance in a manner that is less stringent than the requirements under federal Safe Drinking Water Act. The State Water Board's recently adopted point-of-use and point-of-entry regulations provide a reasonable and affordable solution to some systems that cannot afford centralized treatment.</p>

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1.5	Mathew Steinberg and Coni Bloomingcamp	Requests that the board provide clear and specific regulatory requirements	The county has conveyed the requirements of the Safe Drinking Water Act. If the Petitioner has specific questions about the requirements for complying with the MCL for nitrate that the county is unable to answer, the State Water Board's Division of Drinking Water is available to provide clarification.

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1.6	Mathew Steinberg and Coni Bloomingcamp	Requests that the board rescind the penalty, which the petitioner argues is excessive and was unfairly issued while the first petition was pending review	<p>When a county issues a citation with a penalty, the State Water Board may consider whether the county acted based on an error in law or an abuse of discretion. The question is not whether the Division of Drinking Water would have exercised its discretion in the same manner as the county, but whether the county abused its discretion.</p> <p>The county did not act based on an error in law because the amount of the penalty was less than the legal maximum of \$1,000 per day. The county did not abuse its discretion because it repeatedly warned the petitioner that it was authorized to impose penalties, the petitioner repeatedly failed to comply with the compliance order (once, and then again after the second amendment to the compliance order), and the majority of the penalty amount was for failure to submit proof of public notification of the nitrate contamination. Public notification is an essential element of the Safe Drinking Water Act. Lastly, a petition for reconsideration does not automatically stay an enforcement proceeding. The petitioner could have submitted proof of public notification while the first petition was pending review. The petitioner also could have submitted a CAP that proposed a solution for all users of its system, without permanent use of bottled water. The petitioner could even have proposed using bottled water on a short-term or interim basis until it completed a long-term solution identified in its CAP. A petitioner that fails to comply during the pendency of its</p>
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			petition for reconsideration risks further enforcement action. The county's issuance of the citation was therefore not based on an error in law or an abuse of discretion of its authority to enforce the Safe Drinking Water Act.
1.7	Mathew Steinberg and Coni Bloomingcamp	Requests that the board waive the county's enforcement costs	The county may waive the requirement to reimburse its enforcement costs, but a water system may not petition the State Water Board under the SDWA for reconsideration of a county's invoice for reimbursement of enforcement costs.
1.8	Mathew Steinberg and Coni Bloomingcamp	States that Bloomingcamp posted public notification and submitted photos to the county, and that "the only harm may be that the LPA did not receive regular photographs of the posted signage."	Failure to comply with the requirements of the compliance order was a legal basis for the county's issuance of the citation, and the county's decision to impose a particular penalty amount was not an abuse of discretion for the reasons set forth in response to comment 1.6.
1.9	Mathew Steinberg and Coni Bloomingcamp	Requests an extension of Bloomingcamp's compliance deadline because of the time it has taken the State Water Board to address the petitions	The petition for reconsideration of the county's rejection of the CAP does not require the State Water Board to set or impose a compliance deadline. It is the county's responsibility to set a compliance deadline, and the county may amend the compliance order a third time to allow Bloomingcamp more time to comply.

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No.	Name of Commenter	Summary of Comment	Response to Comment
1.10	Mathew Steinberg and Coni Bloomingcamp	Requests that the county and the board reclassify Bloomingcamp's water system type because it only has one service connection from its well, rather than the seven service connections determined by the County.	The number of service connections has no bearing on the county's rejection of the CAP or imposition of the citation. Even if Bloomingcamp had only one service connection, it would still be classified as a transient non-community public water system based on the number of people served.
1.11	Mathew Steinberg and Coni Bloomingcamp	"Please confirm that the requirement is only for BWS [Bloomingcamp Water System] to provide "safe drinking water"."	The county set forth the requirements in its compliance order, including the requirement to comply with the MCL for nitrate. Note that "human consumption" under the Safe Drinking Water is defined to include the "use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." (Health & Saf. Code, § 116275, subd. (e).)
1.12	Mathew Steinberg and Coni Bloomingcamp	"How many locations per building are required to provide "safe drinking water"?"	Any water that Bloomingcamp supplies for human consumption must meet the requirements of the Safe Drinking Water Act.
1.13	Mathew Steinberg and Coni Bloomingcamp	"Please provide the [USEPA] affordability guidelines [for small water systems]."	The affordability guidelines referenced in the comment are in the context of small system variances, and there is not a small system variance for nitrate. There is therefore not an affordability guideline for complying with the MCL for nitrate.

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No.	Name of Commenter	Summary of Comment	Response to Comment
1.14	Mathew Steinberg and Coni Bloomingcamp	“Please provide clear requirements so that water systems can make proper decisions as part of the design process. Provide clear and specific feedback as required by law and regulations.”	The county has communicated the regulatory requirements in its compliance order and amendments to the compliance order. The Division of Drinking Water is available to assist the county, if necessary.
1.15	Mathew Steinberg and Coni Bloomingcamp	“What is the history of violation [leading up to the County’s issuance of the citation]?”	Bloomingcamp failed to submit an adequate CAP in response to the compliance order, and then again in response to the amended compliance order. Bloomingcamp also failed to submit proof of public notification for multiple months.
1.16	Mathew Steinberg and Coni Bloomingcamp	“Is the objective to provide safe drinking water for each person, or is the objective to obey regulators as they enforce <i>their</i> interpretation of the regulations?”	The State Water Board’s objective is to review the petitions for reconsideration in a manner that is consistent with the Safe Drinking Water Act.
1.17	Mathew Steinberg and Coni Bloomingcamp	“What is the affordability criteria for meeting water regulations in California? What is the reasonable maximum cost per individual or connection for complying with drinking water regulations?”	There is not an exemption for affordability from Safe Drinking Water Act drinking water standards.
1.18	Mathew Steinberg and Coni Bloomingcamp	“Does the LPA have authority or permission to allow the small water systems in Stanislaus County to have the benefit of the provisions in the SDWA?”	Yes. Stanislaus County is authorized to enforce the Safe Drinking Water Act for small systems in the county, in accordance with its delegation agreement.

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No.	Name of Commenter	Summary of Comment	Response to Comment
1.19	Mathew Steinberg and Coni Bloomingcamp	“Will the SWRCB / LPA approve proposed solutions based on the SDWA provisions for small water systems?”	Yes, but there is not a small system variance for nitrate. See response to comment 1.3.
1.20	Mathew Steinberg and Coni Bloomingcamp	“Will the SWRCB be forthcoming and provide information to very small water systems on the alternatives and variances/exemptions that would be allowable to them, and most importantly the degree of regulatory requirements that will be imposed during the operation phase? This information is necessary so the real operation costs can be determined, and small water systems can make decisions whether the alternative is affordable to operate or not before they invest money into water system improvement facilities.”	Yes, but see response to comment 1.3.

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No.	Name of Commenter	Summary of Comment	Response to Comment
1.21	Mathew Steinberg and Coni Bloomingcamp	“What are the licensed operator visit and water monitoring requirements for very small water systems? Will the SWRCB allow the LPA to reduce the frequency of or eliminate the need for licensed operator visits and testing and water monitoring equipment requirements on very small water systems in order to make the solution economically feasible?”	A public water system using groundwater must monitor for nitrate annually, unless it is performing repeat monitoring after an MCL exceedance, in which case it must monitor quarterly. (22 CCR, § 64432.1.) Point-of-use treatment requires a T1 certified operator.
1.22	Mathew Steinberg and Coni Bloomingcamp	“Will the SWRCB allow the LPA to approve variations of technology such as redundant treatment units to reduce the monitoring and licensed operator costs to make it affordable for small systems and business?”	The State Water Board’s Division of Drinking Water will assist the county in the review and approval of the technology and monitoring that the water system proposes.
1.23	Mathew Steinberg and Coni Bloomingcamp	“Will the SWRCB allow the LPA to approve very small water systems, that have very small quantities, to dispose of constituents removed from the groundwater such as nitrate by land application or dilution in irrigation water in order to make treatment economically feasible?”	Discharges of waste are regulated by the regional water board, which has been reasonable in its requirements and flexible in its approach.

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No.	Name of Commenter	Summary of Comment	Response to Comment
1.24	Mathew Steinberg and Coni Bloomingcamp	“With whom at the SWRCB can we discuss affordability criteria, alternative technologies and variations of applications, variances, exemptions and revised monitoring and operating requirements with the BWS, and to make a list of these that could meet the safe drinking water standards and possibly be acceptable to the Agency?”	The District Engineer for the Stockton District is available. He may be reached at Bhupinder.Sahota@waterboards.ca.gov or (209) 948-3881.
1.25	Mathew Steinberg and Coni Bloomingcamp	“As a result of the unclear, undefined regulations that do not differentiate between large and very small water systems, does SWRCB recognize the undue burden of administrative and engineering costs this places upon very water small systems?”	The State Water Board recognizes that some very small water systems face significant costs for providing safe drinking water. The board provides financial assistance to public- and privately-owned community water systems, where the burden falls on households to pay those costs.

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No.	Name of Commenter	Summary of Comment	Response to Comment
2.1	Assemblyman Health Flora, Assemblyman Adam Gray, Senator Andreas Borgeas, Senator Cathleen Galgiani, and Modesto City Councilman Tony Madrigal	Allow Bloomingcamp to operate with bottled water and POU in the restrooms.	<p>Thank you for your comments.</p> <p>Bottled water is not allowed as a long-term means of compliance with an MCL under the Safe Drinking Water Act. As explained in response to comment 1.1, bottled water may be a short-term or interim remedy while Bloomingcamp implements a permanent solution.</p> <p>POU treatment in the restrooms is allowed, but a public water system must treat water for all users.</p>
2.2	Assemblyman Health Flora, Assemblyman Adam Gray, Senator Andreas Borgeas, Senator Cathleen Galgiani, and Modesto City Councilman Tony Madrigal	Consider affordability, as required by the United States Environmental Protection Agency for small water systems, in the board's decision-making process	Please see responses to comments 1.4 and 1.13.

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2.3	Assemblyman Health Flora, Assemblyman Adam Gray, Senator Andreas Borgeas, Senator Cathleen Galgiani, and Modesto City Councilman Tony Madrigal	Rescind or reduce the penalty imposed by the county	Please see response to comment 1.6.
2.4	Assemblyman Health Flora, Assemblyman Adam Gray, Senator Andreas Borgeas, Senator Cathleen Galgiani, and Modesto City Councilman Tony Madrigal	Provide clear and specific regulatory requirements	Please see response to comment 1.14.

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2.5	Assemblyman Health Flora, Assemblyman Adam Gray, Senator Andreas Borgeas, Senator Cathleen Galgiani, and Modesto City Councilman Tony Madrigal	Extend the compliance deadlines	Please see response to comment 1.9.
3.1	U.S. Rep. Josh Harder	The State Water Board should work with the petitioner to reach a long-term solution that addresses water and public health concerns while providing a reasonable pathway to maintain his business	The State Water Board's point-of-use and point-of-entry treatment regulations may provide the petitioner with a reasonable long-term solution to the MCL exceedance.
3.2	U.S. Rep. Josh Harder	The State Water Board should help Bloomingcamp address water and public health concerns while providing a reasonable amount of time, economical options, and financial resources to help achieve these goals	The board's Drinking Water State Revolving Loan Program is not available to for-profit transient non-community systems, as prohibited by federal law. The State Water Board's point-of-use and point-of-entry treatment regulations may provide the petitioner with a long-term solution that is less costly than consolidation, drilling a new well, or installing centralized treatment.

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No.	Name of Commenter	Summary of Comment	Response to Comment
3.3	U.S. Rep. Josh Harder	The State Water Board should continue to work with the petitioner on a timely, safe, and reasonable solution	The State Water Board's Division of Drinking Water will work with the county and the petitioner as they move forward on a corrective action plan.
4.1	Stanislaus County Board of Supervisor Kristin Olsen	Allow Bloomingcamp to operate with bottled water and POU in the restrooms	Thanks for your comments. Please see response to comment 2.1.
4.2	Stanislaus County Board of Supervisor Kristin Olsen	Consider affordability, as required by the United States Environmental Protection Agency for small water systems, in the board's decision-making process	Please see response to comments 1.4 and 1.13.
4.3	Stanislaus County Board of Supervisor Kristin Olsen	Rescind or reduce the penalty imposed by the county	Please see response to comment 1.6.
4.4	Stanislaus County Board of Supervisor Kristin Olsen	Provide clear and specific regulatory requirements	Please see response to comment 1.14.
4.5	Stanislaus County Board of Supervisor Kristin Olsen	Extend the compliance deadlines	Please see response to comment 1.9.
5.1	Stanislaus County Board of Supervisor Vito Chiesa	Allow Bloomingcamp to operate with bottled water and POU in the restrooms.	Thanks for your comments. Please see response to comment 2.1.

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No.	Name of Commenter	Summary of Comment	Response to Comment
5.2	Stanislaus County Board of Supervisor Vito Chiesa	Consider affordability, as required by the United States Environmental Protection Agency for small water systems, in the board's decision-making process	Please see responses to comments 1.4 and 1.13.
5.3	Stanislaus County Board of Supervisor Vito Chiesa	Rescind or reduce the penalty imposed by the county	Please see response to comment 1.6.
5.4	Stanislaus County Board of Supervisor Vito Chiesa	Provide clear and specific regulatory requirements	Please see response to comment 1.14.
5.5	Stanislaus County Board of Supervisor Vito Chiesa	Extend the compliance deadlines	Please see response to comment 1.9.
6.1	Stanislaus County Board of Supervisor Terry Withrow	Allow Bloomingcamp to operate with bottled water and POU in the restrooms.	Thanks for your comments. Please see response to comment 2.1.
6.2	Stanislaus County Board of Supervisor Terry Withrow	Consider affordability, as required by the United States Environmental Protection Agency for small water systems, in the board's decision-making process	Please see responses to comments 1.4 and 1.13.

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6.3	Stanislaus County Board of Supervisor Terry Withrow	Rescind or reduce the penalty imposed by the county	Please see response to comment 1.6.
6.4	Stanislaus County Board of Supervisor Terry Withrow	Provide clear and specific regulatory requirements	Please see response to comment 1.14.
6.5	Stanislaus County Board of Supervisor Terry Withrow	Extend the compliance deadlines	Please see response to comment 1.9.
7.1	Luis Uribe, Vice Mayor of the City of Riverbank	Allow Bloomingcamp to operate with bottled water and POU in the restrooms.	Thanks for your comments. Please see response to comment 2.1.
7.2	Luis Uribe, Vice Mayor of the City of Riverbank	Consider affordability, as required by the United States Environmental Protection Agency for small water systems, in the board's decision-making process	Please see responses to comments 1.4 and 1.13.
7.3	Luis Uribe, Vice Mayor of the City of Riverbank	Rescind or reduce the penalty imposed by the county	Please see response to comment 1.6.
7.4	Luis Uribe, Vice Mayor of the City of Riverbank	Provide clear and specific regulatory requirements	Please see response to comment 1.14.

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7.5	Luis Uribe, Vice Mayor of the City of Riverbank	Extend the compliance deadlines	Please see response to comment 1.9.
8.1	Mayor and City Council of Oakdale	Allow Bloomingcamp to operate with bottled water until there is a cost-effective solution	Thank you for your comments. Please see response to comment 1.1.
8.2	Mayor and City Council of Oakdale	Allow Bloomingcamp to operate under a variance from the MCL for nitrate	Please see response to comment 1.3.
8.3	Mayor and City Council of Oakdale	Consider affordability to Bloomingcamp in the decisionmaking process	Please see response to comment 1.4.
8.4	Mayor and City Council of Oakdale	Provide clear and specific regulatory requirements to Bloomingcamp	Please see response to comment 1.5.
8.5	Mayor and City Council of Oakdale	Rescind the penalty, which is excessive and was imposed before the first petition was addressed	Please see response to comment 1.6.
8.6	Mayor and City Council of Oakdale	Extend Bloomingcamp's compliance deadline because it took a year to address its petitions for reconsideration	Please see response to comment 1.9.

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No.	Name of Commenter	Summary of Comment	Response to Comment
9.1	Norman Benson	The MCL for nitrate is too low and is not based on sufficient science	Thank you for your comments. The petitions for reconsideration of the county's rejection of the CAP and imposition of the citation do not seek reconsideration of the MCL for nitrate, the adoption of which was not a decision or order that may be petitioned for reconsideration.
9.2	Norman Benson	State Water Board should exercise discretion to allow Bloomingcamp to permanently rely on bottled water in the bakery.	Please see response to comment 1.1.
10.1	Don Barton	Allow Bloomingcamp to operate with bottled water and POU for the restrooms until there is a cost-effective solution for the system	Thank you for your comments. Please see response to comment 1.1. Bloomingcamp may install POU treatment for the restrooms but must treat all the water it supplies for human consumption – not just handwashing in the restrooms.
10.2	Don Barton	Allow Bloomingcamp to operate under a variance from the MCL for nitrate	Please see response to comment 1.3.
10.3	Don Barton	Consider affordability to Bloomingcamp in the decisionmaking process	Please see response to comment 1.4.
10.4	Don Barton	Provide clear and specific regulatory requirements to Bloomingcamp	Please see response to comment 1.5.
10.5	Don Barton	Rescind the penalty, which is excessive and was imposed before the first petition was addressed	Please see response to comment 1.6.

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No.	Name of Commenter	Summary of Comment	Response to Comment
10.6	Don Barton	Extend Bloomingcamp's compliance deadline because it took a year to address its petitions for reconsideration	Please see response to comment 1.9.
11.1	Matt Hanko	Allow Bloomingcamp to rely on bottled water and point-of-use treatment as a long-term solution	Thank you for your comments. Please see response to comment 1.1.
11.2	Matt Hanko	Consider affordability when evaluating solutions	Please see response to comment 1.4.
11.3	Matt Hanko	Consider variances to enable affordable solutions	Please see response to comment 1.3.
11.4	Matt Hanko	Provide clear and specific regulatory requirements to Bloomingcamp	Please see response to comment 1.5.
11.5	Matt Hanko	Wave the penalty	Please see response to comment 1.6.
11.6	Matt Hanko	Extend Bloomingcamp's compliance deadline because it took a year to address its petitions for reconsideration	Please see response to comment 1.9.
12.1	Janie Gatzman	Allow Bloomingcamp to operate with bottled water until there is a cost-effective solution for the system	Thank you for your comments. Please see response to comment 1.1.
12.2	Janie Gatzman	Allow Bloomingcamp to operate under a variance from the MCL for nitrate	Please see response to comment 1.3.

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No.	Name of Commenter	Summary of Comment	Response to Comment
12.3	Janie Gatzman	Provide clear and specific regulatory requirements to Bloomingcamp	Please see response to comment 1.5.
12.4	Janie Gatzman	Rescind the penalty, which was imposed before the first petition was addressed	Please see response to comment 1.6.
12.5	Janie Gatzman	Extend Bloomingcamp's compliance deadline because it took a year to address its petitions for reconsideration	Please see response to comment 1.9.
13.1	Sonja S. Sommer	Allow Bloomingcamp to operate with bottled water and POU for the restrooms until there is a cost-effective solution for the system	Thank you for your comments. Please see response to comment 2.1.
13.2	Sonja S. Sommer	Allow Bloomingcamp to operate under a variance from the MCL for nitrate	Please see response to comment 1.3.
13.3	Sonja S. Sommer	Consider affordability to Bloomingcamp in the decisionmaking process	Please see response to comment 1.4.
13.4	Sonja S. Sommer	Provide clear and specific regulatory requirements to Bloomingcamp	Please see response to comment 1.5.
13.5	Sonja S. Sommer	Rescind the penalty, which is excessive and was imposed before the first petition was addressed	Please see response to comment 1.6.

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No.	Name of Commenter	Summary of Comment	Response to Comment
13.6	Sonja S. Sommer	Extend Bloomingcamp's compliance deadline because it took a year to address its petitions for reconsideration	Please see response to comment 1.9.
14.1	Tom Burchell	Allow Bloomingcamp to operate with bottled water and POU for the restrooms until there is a cost-effective solution for the system	Thank you for your comments. Please see response to comment 2.1.
14.2	Tom Burchell	Allow Bloomingcamp to operate under a variance from the MCL for nitrate	Please see response to comment 1.3.
14.3	Tom Burchell	Consider affordability to Bloomingcamp in the decisionmaking process	Please see response to comment 1.4.
14.4	Tom Burchell	Provide clear and specific regulatory requirements to Bloomingcamp	Please see response to comment 1.5.
14.5	Tom Burchell	Rescind the penalty, which is excessive and was imposed before the first petition was addressed	Please see response to comment 1.6.
14.6	Tom Burchell	Extend Bloomingcamp's compliance deadline because it took a year to address its petitions for reconsideration	Please see response to comment 1.9.
15.1	David Phippen	Bloomingcamp's CAP posed no public health danger	Thank you for your comments. The CAP did not propose treating all of the water that Bloomingcamp supplies.

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No.	Name of Commenter	Summary of Comment	Response to Comment
15.2	David Phippen	Small businesses need to be protected	Small businesses are important. Congress and the state Legislature enacted the federal and California Safe Drinking Water Acts to protect public health. The federal and state governments administer other laws and programs to promote small businesses.
16.1	Nick Gatzman	Allow Bloomingcamp to operate with bottled water or other reasonable and cost-effective solutions	Thanks for your comments. Please see response to comments 1.1 and 2.2.
16.2	Nick Gatzman	Consider a variance	Please see response to comment 1.3.
16.3	Nick Gatzman	Small businesses face regulatory burdens and state agencies like the State Water Board does nothing to provide reasonable, financially feasible solutions	Please see response to comment 3.2.
16.4	Nick Gatzman	“If the requirement of the State Waterboard that landlords that own rental homes that have wells with high nitrate water must provide alternative water sources, such as BOTTLED WATER for consumptive uses, how can that not also be a solution for Bloomingcamp Ranch and other small businesses like them.”	The Safe Drinking Water Act requires a public water system that serves residential users to provide safe drinking water without relying on the permanent use of bottled water.