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Environmental Health Department

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April 26, 2018

System No. 3901425

Henry J. Foppiano III
Morada Produce
P.O. Box 659
Linden, CA 95236

Water System: MORADA PRODUCE, 500 N. JACK TONE RD., STOCKTON CA 95215

COMPLIANCE ORDER NO. 01_69_18R_003
1,2,3-TRICHLOROPROPANE (TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is a Compliance Order issued to Henry J. Foppiano III (hereinafter "Henry Foppiano") public water system owner of Morada Produce (hereinafter "Morada Produce") public water system.

The San Joaquin County Environmental Health Department has issued Compliance Order No. *01_69_18R_003* (enclosed) to Henry Foppiano for violation of the 1,2,3-TCP drinking water standard. Domestic water produced by Well # 3901425-007 of Morada Produce water system contains 1,2,3-TCP at levels exceeding the Maximum Contaminant Level (MCL) of 0.000005 milligrams per liter (mg/L).

The Morada Produce water system will be billed at the San Joaquin County Environmental Health Department's (hereinafter "EHD") hourly rate (currently at $152 per hour) for the time spent on issuing this Compliance Order. California Health and Safety Code, Section 116595, provides that a public water system must reimburse the local primacy agency (EHD) for actual costs incurred by the EHD for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a Compliance Order.

Any person who is aggrieved by a Compliance Order issued by the EHD may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the Compliance Order. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the Compliance Order. The date of issuance is the date when the EHD mails or serves a copy of the Compliance Order, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at: http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml.

If you have any questions regarding this matter, please contact Navjot Sahota of my staff at 209-468-3178 or nsahota@sjcehd.com.

Sincerely,

Linda Turkatte

Linda Turkatte, REHS, Director
San Joaquin County Environmental Health Department

Enclosures

Compliance Order No. 01_69_18R_003

COUNTY OF SAN JOAQUIN

ENVIRONMENTAL HEALTH DEPARTMENT

DRINKING WATER PROGRAM

Name of Public Water System: Morada Produce

Water System No: 3901425

Attention: Henry J. Foppiano III

Morada Produce

P.O. Box 659

Linden CA 95236

Issued: **April 26, 2018**

COMPLIANCE ORDER FOR NONCOMPLIANCE

1,2,3-TRICHLOROPROPANE (TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444

The California Health and Safety Code (hereinafter "CHSC"), Section 116330 allows the State Water Resources Control Board (hereinafter "State Board") to delegate primary responsibility for the administration and enforcement of the Safe Drinking Water Act (hereinafter "SDWA") to the San Joaquin County Environmental Health Department (hereinafter "EHD") for small public water systems located in San Joaquin County. CHSC Section 116655 authorizes the EHD to issue a Compliance Order to a public water system when the EHD determines that the public water system has violated or is violating the SDWA, (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder. The EHD hereby issues this Compliance Order pursuant to Section 116655 of the CHSC to Henry Foppiano, owner of the Morada Produce water system (hereinafter "Morada Produce"), for violation

of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64444.

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 64444 (hereinafter "Section 64444"), states in relevant part:

The MCLs for the primary drinking water chemicals shown in table 64444-A shall not be exceeded in the water supplied to the public

Table 64444-A Maximum Contaminant Levels Organic Chemicals

(b) Synthetic Organic Chemicals (SOCs)

Chemical	*Maximum Contaminant Level mg/L*
Alachlor	0.002
Atrazine	0.001
Bentazon	0.018
Benzo(a)pyrene	0.0002
Carbofuran	0.018
Chlordane	0.0001
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4

Di(2-ethylhexyl)phthalate	0.004
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide.	0.00005
Glyphosate	0.7
Heptachlor	0.00001
Heptachlor Epoxide.	0.00001
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.03
Molinate	0.02
Oxamyl	0.05
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated Biphenyls.	0.0005
Simazine	0.004
Thiobencarb	0.07
Toxaphene	0.003
1,2,3-Trichloropropane	0.000005
2,3,7,8-TCDD (Dioxin)	3 x 10-8
2,4,5-TP (Silvex)	0.05

Title 22, CCR Section 64445.1 (hereinafter "Section 64445.1") provides in relevant part:

§64445.1 Monitoring and Compliance-Organic Chemical.

(B) Water systems serving 3,300 persons or less shall sample quarterly for a minimum of one year and shall submit the results to the State Board as specified in section 64469. If the running annual average concentration does not exceed the MCL in table 64444-A, the water supplier may reduce the sampling frequency to once every year during the quarter that previously yielded the highest analytical result. Quarterly monitoring shall resume if any reduced frequency sample result exceeds the MCL. If the running annual average concentration exceeds the MCL in table 64444-A, the water system shall be deemed to be in violation of section 64444.

STATEMENT OF FACTS

The Morada Produce water system is classified as a NonTransient-NonCommunity public water system that serves 5 service connections for a produce company. The Morada Produce water system operates under Domestic Water Supply Permit No. PT0012162 issued by the San Joaquin County Environmental Health Department on June 10, 2015.

The Morada Produce water system utilizes one (1) groundwater well, Well #2 as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 5.5, establishes primary drinking water standards and monitoring and reporting requirements for organic constituents. All public water systems must comply with the maximum contaminant level (MCL) for 1,2,3-TCP of 0.000005 mg/L, as established in Title 22, CCR, Section 64444.

The most recent laboratory results received by the EHD include three (3) 1,2,3-TCP samples collected, with one sample collected on 3/07/2018 and two samples collected on 3/30/2018, from the Morada Produce water system. The results of the samples are as follows:

Table 1 1,2,3-TCP Sample Results
(1,2,3-TCP MCL is 0.000005mg/L)

Sample Name	Sample Type	Sample Date	Result 1,2,3-TCP (mg/L)	Average for Quarter
Well #2	1st Quarter Routine	3/07/2018	0.000620	.000481
Well #2	Confirmation	3/30/2018	0.000800	
Well #2	Confirmation	3/30/2018	0.000022	
Source exceeds the MCL for the whole year as of the March sampling (.000481/4)				
	Running annual average (RAA)*		0.000120	

*If any one sample or average of samples would cause the four quarter average (annual average) to exceed the MCL, the water system is in immediate violation.

DETERMINATION

CCR, Title 22, Section 64444, Maximum Contaminant Levels – Organic Chemicals states that a public water systems shall comply with the primary MCLs established in table 64444-A.

The MCL for 1,2,3-TCP is 0.000005 mg/L.

CCR, Title 22, Section 64445.1(c)(5)(C) Repeat Monitoring and Compliance-Organic Chemicals states that if any sample would cause the running annual average to exceed the MCL, the water

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.

The Morada Produce water system took three (3) samples, one on 3/07/2018 and two on 3/30/2018. The RAA of these results is 0.000120 mg/L. Therefore, the EHD has determined that the Morada Produce water system has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444 during the 1st Quarter 2018.

DIRECTIVES

To ensure that the water supplied by the Morada Produce water system is at all times safe, wholesome, healthful, and potable, the Morada Produce water system and its owner of record, Henry Foppiano, are hereby directed to take the following actions:

1. On or before April 26, 2021, comply with Title 22, CCR, Section 64444 and remain in compliance.

2. On or before May 25, 2018, submit a written response to the EHD indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein. The EHD staff was told by the system operator that Morada Produce water system is utilizing bottled water in the interim. Include proof of purchase of the bottled water in the Corrective Action Plan, and provide the EHD with receipts for bottled water usage immediately.

3. By May 25, 2018, provide public notification in accordance with Appendix 1, hereto, of Morada Produce water system failure to meet the 1,2,3-TCP MCL and continue every three months until the EHD determines that the 1,2,3-TCP contamination is resolved.

4. 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 Appendix 2, hereto.

5. Beginning with Quarter 2, collect quarterly samples for 1,2,3-TCP from Well #2, as required by Title 22, CCR, Section 64445.1 and ensure that the analytical results, using the State Water Board approved method, are reported to the EHD electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

6. Prepare for EHD approval a Corrective Action Plan identifying improvements to Morada Produce water system designed to correct the water quality problem (violation of 1,2,3-TCP MCL) and ensure that the Morada Produce 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 Morada Produce water system will be in compliance with the 1,2,3-TCP MCL, which date shall be no later than April 26, 2021.

7. On or before June 26, 2018, present the Corrective Action Plan required under Directive No. 6, above, to the EHD in person at the EHD's offices located at the address listed below.

8. Timely perform the EHD 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 26, 2018, and every three months thereafter, submit a report to the EHD in the form provided as Appendix 3, 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 April 26, 2021, demonstrate to the EHD that the water delivered by Morada Produce water system complies with the 1,2,3-TCP MCL.

11. Notify the EHD in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Morada Produce water system and its owner of record, Henry Foppiano, anticipates it will not timely meet such performance deadline.

All submittals required by this Compliance Order shall be submitted to the EHD at the following address:

San Joaquin County Environmental Health Department
Small Public Water Systems Program
1868 E. Hazelton Avenue
Stockton, CA 95205
Fax: (209) 464-0138

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 Morada Produce water system owner of record, Henry Foppiano.

The EHD reserves the right to make such modifications to this Compliance Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Compliance Order and shall be effective upon issuance.

Nothing in this Compliance Order relieves the Morada Produce water system owner of record Henry Foppiano of the obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

This Compliance Order shall apply to and be binding upon the Morada Produce water system, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Compliance Order are severable, and the Morada Produce water system owner of record, Henry Foppiano shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the EHD to: issue a Compliance Order 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, Compliance Order, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a compliance order. The California SDWA also authorizes the EHD 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 EHD, 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 EHD. The EHD does not waive any further enforcement action by issuance of this Compliance Order.

Linda Turkatte 5-7-2018

Linda Turkatte, REHS, Director Date

San Joaquin County Environmental Health Department

Appendices:

Appendix 1: Public Notification Template and Instructions (English & Spanish)
Appendix 2: Compliance Certification Form
Appendix 3: Quarterly Progress Report

APPENDIX 1. PUBLIC NOTIFICATION TEMPLATE

Template for 1,2,3-Trichloropropane Tier 2 MCL Notice

Template Attached

Since exceeding the maximum contaminant level (MCL) for 1,2,3-trichloropropane (1,2,3-TCP) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by DDW [section 64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
Community Water System [64463.4(c)(1)]	Mail or direct delivery [(a)]	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet [(b)]
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system [(b)]	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the internet or intranet [(b)]
		Direct delivery to each customer

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in *italics* unchanged. This language is mandatory [section 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.

APPENDIX 1. PUBLIC NOTIFICATION TEMPLATE

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.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove 1,2,3-TCP or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for 1,2,3-TCP."
- "We have since taken samples at this location and had them tested. They show that we meet drinking water standards."

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 DDW within ten days after you issue the notice [section 64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements set by DDW.

It is recommended that you notify health professionals in the area(s) 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.

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

APPENDIX 1. PUBLIC NOTIFICATION TEMPLATE

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.

Morada Produce Water System Has Levels of 1,2,3-Trichloropropane Above the Drinking Water Standard

Our water system recently violated a drinking water standard. As our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on 3/07/2018 & 3/30/2018 showed annual average 1,2,3-trichloropropane (1,2,3-TCP) levels of 0.000120 mg/L. This is above the standard, or maximum contaminant level (MCL), of 0.000005 milligrams per liter (5 nanograms per liter, or 5 parts per trillion).

What should I do?

- **You need to use an alternative water supply (*e.g.*, bottled water).**
- *Some people who drink water containing 1,2,3-TCP in excess of the MCL over many years may have an increased risk of getting cancer.* If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done? Describe corrective action:_____

_____

We anticipate resolving the problem within/by: _____

For more information, please contact _____ at _____

Water system contact phone or 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 Morada Produce water system. State Water System ID#: 3901425.

Date distributed: _____.

APPENDIX 2. COMPLIANCE CERTIFICATION

Compliance Order Number: *01_69_18R_003*

Name of Water System: Morada Produce

Water System Number: 3901425

Certification of Completion of Public Notification

This form, when completed and returned to the San Joaquin County Environmental Health Department at 1868 E. Hazelton Avenue, Stockton, CA, 95205 or **faxed to (209) 464-0138**, **Attn: SPWS Program** serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the 1,2,3-TCP MCL for the 1st quarter of 2018 performed by the following method(s) (check and complete those that apply):

The notice was published in conspicuous places on the following date:_____

1. A copy of the notice is attached.
2. A list of locations the notice was posted is attached.

I hereby certify that the above information is factual.

_____
Printed Name

_____
Title

_____
Signature

_____
Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE EHD, SPWS PROGRAM WITHIN 10 DAYS OF ISSUANCE OF NOTICE TO CUSTOMERS

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.

APPENDIX 3. QUARTERLY PROGRESS REPORT

Quarterly Progress Report

Water System:	Morada Produce	Water System No.:	**3901425**
Compliance Order No.:	*01_69_18R_003*	Violation:	**1,2,3-TCP 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 San Joaquin County Environmental Health Department, Small Public Water System Program, 1868 E. Hazelton Avenue, Stockton, CA 95205 or Fax: (209) 464-0138.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date