DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 • Fax: 209.525.6774
www.stancounty.com

Stanislaus County
Striving to be the Best

January 26, 2018

Shiloh School District
6633 Paradise Road
Modesto, CA 95358

RE: TRANSMITTAL OF COMPLIANCE ORDER NO. DER-18R-001 FOR NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION

The Shiloh School District Water System has ongoing violations of the Maximum Contamination Level (MCL) for nitrates, as specified in the Domestic Water Quality and Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Compliance Order No. DER-18R-001 in response to these violations. A Compliance Order and a new water supply permit are being transmitted to the Shiloh School District Water System under cover of this letter.

Any person who is aggrieved by a compliance order issued by the Stanislaus County Department of Environmental Resources 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 Stanislaus County Department of Environmental Resources 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

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of $111.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

Please respond to each item of the Order by the deadlines established in the compliance order. If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Registered Environmental Health Specialist
Enclosure (2)

STANISLAUS COUNTY

DEPARTMENT OF ENVIRONMENTAL RESOURCES

DIVISION OF ENVIRONMENTAL HEALTH

TO: Shiloh School District
6633 Paradise Road
Modesto, CA 95358

Attn: Seth Erhler, Superintendent
Shiloh School District

COMPLIANCE ORDER NO. DER-18R-001
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)
AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE
WATER SYSTEM NO. 5000295
Issued on January 26, 2018

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Shiloh School District Water System (hereinafter, "Shiloh") for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

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APPLICABLE AUTHORITIES

Section 116555(a) (1) of the CHSC 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.

Section 116655 of the CHSC 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 ta5ken 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.

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CCR, Title 22, 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
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

CCR Title 22, Section 64432.1, states in relevant part:

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

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a

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day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

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

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

STATEMENT OF FACTS

Shiloh is operated under Water Supply Permit No. 2018-01-008, which was issued on January 25, 2018.

Shiloh's water system is located in Stanislaus County along Highway 132, adjacent to the City of Modesto. Shiloh's service area is approximately 3.37 acres in size.

Shiloh's water system is classified as a nontransient noncommunity water system that serves the visitors, students and staff of an elementary school. According to the 2016 report to the Division, Shiloh serves approximately 184 visitors, students and staff through seven service connections. Seven of the service connections are

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un-metered and none are metered. The water system obtains its water supply from one active well located on Shiloh's property at 6633 Paradise Road, Modesto, CA 95358.

Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Nontransient noncommunity water systems must comply with the maximum contaminant level for nitrates of 10. mg/L as N, as established in Title 22 CCR Section 64431.

A sample collected on January 3, 2018, showed nitrate (as N) concentrations over the MCL in water produced by the Well 01 (PS Code 5000295-001). Therefore, in accordance with Section 64432.1 (a) (1), Shiloh was required to collect a confirmation sample within 24 hours and determine if the average exceeded the MCL. The confirmation sample collected on January 10, 2018, showed nitrate concentrations that were again over the MCL. The results of these last samples are as follows in Table 1. All results are as reported to the Division by the laboratory that performed the analysis.

Table 1: Nitrate Monitoring Results Motel Well as N (in mg/L)

Sample Date	Sample Results	Average
1/3/18	16.0	**15**
1/10/18	14.4	

Furthermore, it is likely that the Well 01 will exceed the nitrate MCL this year and be in violation of CHSC, Section 116555 and Section 64442.

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DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431, Title 22, CCR, since the water produced by the Well 01 during January of 2018 exceeded the nitrate MCL, and continues to be in violation through the date of this Order, as shown above in **Table 1**.

DIRECTIVES

Shiloh is hereby directed to take the following actions:

1. On or before February 28, 2018, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
2. Commencing on the date of service of this Order, provide monthly public notification, in accordance with **Enclosure No. 1**, of Shiloh's failure to meet the nitrate MCL during any calendar quarter that exceeds the MCL.
3. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with **Directive No. 2**, herein above, within 10 days following each such notification, using the form provided as **Enclosure No. 2**.
4. Commencing on the date of service of this Order, collect quarterly samples for nitrate from the well 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, but no later

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than the last business day of the month following the close of the calendar quarter.

5. Prepare for Division review and approval, and prior to implementation, 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 Shiloh 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 Shiloh will be in compliance with the nitrate MCL.
6. On or before May 25, 2018, present the Corrective Action Plan required under **Directive No. 5**, herein above, to the Division in person at the Division's office located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.
7. Perform each and every element of the Division's approved Corrective Action Plan according to its time schedule, but no later than February 28, 2021.
8. On or before July 10, 2018, and every three months thereafter, submit a report to the Division using the form provided as **Enclosure No. 3** (enclosed) showing actions taken to comply with the Corrective Action Plan during the previous three months.

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9. Not later than April 10, 2021, following the date of compliance with the nitrate MCL, demonstrate to the Division that the water delivered by Shiloh complies with the nitrate MCL.

10. Notify the Division in writing no later than five (5) days prior to the deadline for performance of each **Directive,** set forth herein, if Shiloh anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Rachel Riess, REHS
Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358

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 this Order was served, personally or by certified mail, to Shiloh.

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

Nothing in this Order relieves Shiloh 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 Shiloh, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

The Directives of this Order are severable, and Shiloh shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Department 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 Department 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 Department; 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 Department. The Board does not waive any further enforcement action by issuance of this Order.

Rachel Riess, REHS
Senior Environmental Health Specialist
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

Date 1/26/18

Certified Mail No. 7014 3490 0001 6851 3284

Enclosures: (1) Public Notification Template w/ Instructions
(2) Proof of Public Notification Form
(3) Quarterly Progress Report

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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

SHILOH SCHOOL DISTRICT water has high levels of nitrate

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

Water sample results sampled on DATE showed nitrate levels of XX milligrams per liter. 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 <u>under six months of age</u> 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.

Quarterly monitoring, bottled water and public notification will be provided while a suitable permanent solution is determined.

For more information, please contact Shiloh School District at 209-522-2261.

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 Shiloh School District

State Water System ID#: 5000295. Date distributed: XX/XX/XXXX.

INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

ADVERTENCIA SOBRE EL AGUA POTABLE

El agua de [System] tiene altos niveles de nitratos

NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES O A MUJERES EMBARAZADAS. TAMPOCO USE ÉSTA AGUA PARA PREPAPAR FORMULA INFANTIL

Los resultados de las pruebas del agua recibidas el [date] mostraron niveles de nitrato de [level and units]. Estos niveles exceden el estándar o nivel máximo de contaminante (MCL) de 10 milígramos por litro. Los nitratos en el agua potable son una preocupación seria en bebés menores de seis meses.

¿Qué debe hacer?

- **NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES.** *Los bebés menores de 6 meses que toman agua con nitrato en exceso del nivel máximo de contaminante (MCL), se pueden enfermar seriamente y rápidamente. Y si los bebés no reciben atención médica, pueden morir debido a que los altos niveles de nitratos pueden interferir con la capacidad de la sangre de los bebés para transportar oxígeno. Los síntomas incluyen falta de aire y coloración azulada de la piel.* Los síntomas en los bebés se pueden desarrollar rápidamente y la salud se deteriora en cuestión de días. Si hay síntomas de intoxicación por altos niveles de nitratos, busque atención médica de inmediato.

- **LAS MUJERES EMBARAZADAS NO DEBEN CONSUMIR AGUA CON ALTOS NIVELES DE NITRATOS.** *Los altos niveles de nitrato también pueden afectar la capacidad de la sangre de mujeres embarazadas para transportar oxígeno.*

- No use agua de la llave para preparar jugo, agua, y formula para bebés menores de 6 meses. Use agua embotellada u otra agua baja en nitratos para los bebés menores de 6 meses hasta nuevo aviso.

- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar reposar el agua, no reduce el nivel de nitratos. Hervir el agua en exceso puede causar que los nitratos se concentren más, porque los nitratos se quedan cuando el agua se evapora.

- Si tiene otros problemas de salud por el consumo de ésta agua, usted debería consultar con su doctor.

¿Qué sucedió? ¿Qué se está haciendo al respecto?

El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agriculturales (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

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

Para más información, por favor contacte a [name of contact] al [phone number] o [mailing address]

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

Requisitos de Notificación Secundaria

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- ESCUELAS: Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).

- DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.

- DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES: Deben notificar a los empleados de los negocios situados en la propiedad.

Este aviso es enviado por [system].

Núm. de Identificación del Sistema Estatal de Agua: _____.

Fecha de distribución: _____.

Stanislaus County
Striving to be the Best

DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

Drinking Water Notification to Consumers
PROOF OF NOTIFICATION

Name of System: _____

Please explain what caused the problem if determined and what steps have been taken to correct it.

_____

_____

Consumers Notified _____**Yes** _____**No (if no explain)**

_____

_____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.

_____ Newspaper (if the problem has been corrected).

_____ Personally hand-delivering a copy to each of the consumers.

_____ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)

_____Other Approved Method: _____

_____

I hereby declare the foregoing to be true and correct.

Dated: _____ _____

Signature of Person Serving Notice

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within **7 Days** after notifying water users.

Enclosure #2

Enclosure #3

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
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 Local Primacy Agency Office for Stanislaus County.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date

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El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agriculturales (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

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

Para más información, por favor contacte a [name of contact] al [phone number] o [mailing address]

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

Requisitos de Notificación Secundaria

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- ESCUELAS: Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).

- DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.

- DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES: Deben notificar a los empleados de los negocios situados en la propiedad.

Este aviso es enviado por [system].

Núm. de Identificación del Sistema Estatal de Agua: _____.

Fecha de distribución: _____.

Stanislaus County
Striving to be the Best

DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

Drinking Water Notification to Consumers
PROOF OF NOTIFICATION

Name of System: _____

Please explain what caused the problem if determined and what steps have been taken to correct it.

_____

_____

Consumers Notified _____**Yes** _____**No (if no explain)**

_____

_____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.

_____ Newspaper (if the problem has been corrected).

_____ Personally hand-delivering a copy to each of the consumers.

_____ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)

_____Other Approved Method: _____

_____

I hereby declare the foregoing to be true and correct.

Dated: _____ _____

Signature of Person Serving Notice

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within **7 Days** after notifying water users.

Attachment B