



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

February 12, 2013  
System No. 1000576

Mark Melkonian, President  
Lone Star Dehydrator  
2730 S. DeWolf Avenue  
Sanger, CA 93657

**RE: Citation No. 03-23-13C-006 for noncompliance with Compliance Order No. 03-23-09O-020**

Dear Mr. Melkonian:

The California Department of Public Health (Department) issued Citation No. 03-23-13C-006 to the Lone Star Dehydrator water system on February 12, 2013 (attached) for noncompliance with the directives of the Compliance Order No. 03-23-09O-020 issued on September 29, 2009 for violation of Dibromochloropropane (DBCP) maximum contaminant level (MCL). The compliance order requires your water system to submit "a plan for improvements to the water system encompassing a project designed to correct the water quality problem (exceedence of the DBCP MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards."

**Please submit a written response to our office by February 28, 2013, regarding your intent to comply with the directives of this Citation re-iterated from the Compliance Order. The Compliance Order also requires the submission of quarterly progress reports to the Department even if no progress has been made. The first progress report is due no later than July 2013.**

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment facility whether using state funding or your own financial resources.

If you have any questions regarding this matter, please contact Sudarshan Poudyal or me at (559) 447-3300.

Sincerely,

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer, Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

BSL/sp



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
<http://www.fypower.org>

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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

**IN RE: LONE STAR DEHYDRATOR  
WATER SYSTEM NO. 1000576**

**TO: Mark Melkonian  
Lone Star Dehydrator  
2730 S. DeWolf Avenue  
Sanger, CA 93657**

**CITATION FOR NONCOMPLIANCE WITH  
COMPLIANCE ORDER NO. 03-23-090-020**

Section 116650, Chapter 4 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

**VIOLATION**

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to the Lone Star Dehydrator Water System (hereinafter 'Water System') for failure to comply with orders issued under Compliance Order No. 03-23-090-020 (hereinafter 'Compliance Order').

1 The Water System currently operates under a Domestic Water Supply Permit No. 03-23-  
2 10P-011 issued by the Department on December 29, 2010. The Water System is a non-  
3 transient non-community water system serving a fruit packing facility with 25 permanent  
4 and 100 seasonal employees via single service connection. The Water Systems utilizes  
5 untreated groundwater obtained from a single groundwater well as the sole source of  
6 domestic water supply  
7

8  
9 The Department issued Compliance Order No. 03-23-09O-020, included as Attachment A  
10 of this Citation, to the Water System for violations of the DBCP maximum contaminant  
11 level (hereinafter 'MCL'). In accordance with the CHSC Section 116650,, this citation is  
12 being issued to the Water System for violation of the Compliance Order. Specifically, the  
13 Water System has failed to comply with the following Orders.  
14

15  
16 1. (a) Cease and Desist from failing to comply with H&S Code Section  
17 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and  
18 adequate source of pure, wholesome, healthful, and potable water that is in  
19 compliance with all primary drinking water standards.

20 (b) By November 15, 2009, submit to the California Department of Public  
21 Health, for review and approval, a plan to correct the existing water quality  
22 problem and eliminate the need to deliver water to the system that does not meet  
23 the primary drinking water standards. The plan shall include a time schedule for  
24 completion of various phases of the project such as evaluation of alternatives,  
25 design, construction, and startup.  
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1 (c) Lone Star Dehydrator shall submit quarterly progress reports to the  
2 Department, beginning January 1, 2010.

3  
4 2. Lone Star Dehydrator shall provide Tier 2 public notification in accordance with  
5 CCR Section 64463 of its inability to meet the DBCP MCL. Attachment A is a  
6 Department-approved notice to be provided to all consumers. The first notification  
7 shall be provided by **October 30, 2009**, by direct delivery to each employee and by  
8 posting the notices at prominent locations throughout the service area. The  
9 notification shall be provided by Lone Star Dehydrator at least once every three  
10 months until the problem is corrected. An electronic copy of this notice may be  
11 requested from the Department.

12  
13 3. Proof of public notification (Attachment B) shall be provided to the Department  
14 following each quarterly notification. Proof of public notification shall be  
15 submitted to the Department by the 10th day of the month following notification.

16  
17 4. Quarterly monitoring of Well 01 for DBCP must be conducted, preferably before  
18 each quarterly notice is released, so the notice can reflect the most recent sample  
19 results.

20  
21 5. The Department reserves the right to make such modifications to this Order as it  
22 may deem necessary to protect public health and safety. Such modifications may be  
23 issued as amendments to this Order and shall be effective upon issuance.

24 Pursuant to Compliance Order No. 03-23-09O-020, Order No.1, the Water System is  
25 required to submit a plan and time schedule for improvements to resolve the violations.  
26 The Department has not received a plan and time schedule for compliance from the Water  
27 System, nor have the required quarterly progress reports been submitted. Furthermore, the

1 Water System has failed to regularly conduct the public notification and submit the  
2 necessary proof of notification to the Department, as required by Order Nos. 2 and 3,  
3 respectively.  
4

5 **DIRECTIVES**  
6

7  
8 The Water System is hereby directed to take the following actions:

9 1. The Water System shall immediately comply with all requirements and orders  
10 described in Compliance Order No. 03-23-09O-020. Specifically, the Water  
11 System shall take the following actions:

12  
13 (a) Cease and Desist from failing to comply with H&S Code Section  
14 116555(a)(1) and (3) by ensuring that the system is provided with a reliable  
15 and adequate source of pure, wholesome, healthful, and potable water that  
16 is in compliance with all primary drinking water standards.

17 (b) By **April 1, 2013**, the Lone Star Dehydrator water system shall submit to  
18 the Department, for review and approval, a plan for improvements to the  
19 water system that describes a project designed to correct the water quality  
20 problem (exceedance of the DBCP MCL) and eliminates the need to deliver  
21 water to consumers that does not meet primary drinking water standards.  
22 The plan shall include a time schedule for completion of various phases of  
23 the project such as evaluation of alternatives, design, construction, and  
24 startup.

25 (c) The Lone Star Dehydrator water system shall submit quarterly progress  
26 reports to the Department, beginning **July 2013**. The progress reports shall  
27 describe the status of compliance with the plan and the proposed project.

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(d) The Water System must conduct public notification in accordance with CCR Section 64463 and inform the public of its inability to meet the DBCP MCL until a project is completed to provide water meeting drinking water standards. The Water System shall distribute the Department-approved notice, which was included as Attachment B of the Compliance Order, to all consumers. Notification must be directly delivered to all customers (mail or hand delivery). The public notification shall be provided to each customer by **February 28, 2013**, to satisfy the notification requirements for the first quarter of 2013. Notification to the public shall be **repeated every three months as long as the violation exists**. Please contact our office in order to request an electronic copy of the notice.

(e) Proof of public notification to all water system users shall be provided to the Department following each quarterly notification by the 10<sup>th</sup> day of the month following notification. The Proof of Notification certification, which is provided as Attachment C of the Compliance Order, shall be submitted to the Department. The proof of notification for the first quarter of 2013 shall be submitted to the Department by **March 11, 2013**.

2. The Lone Star Dehydrator water system shall submit a written response by **February 28, 2013**, indicating its willingness to comply with all directives of the Citation.

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**CIVIL PENALTIES**

Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty for failure to comply with requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of up to \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

2/14/13  
Date

Betsy Lichti  
Betsy S. Lichti, P.E.  
Senior Sanitary Engineer  
DRINKING WATER FIELD OPERATIONS BRANCH

Attachment A: Compliance Order No. 03-23-190-020



**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: Lone Star Dehydrator  
System No. 1000576

TO: Mark Melkonian, President  
Lone Star Dehydrator  
2730 S. DeWolf Avenue  
Sanger, CA 93657

CC: Fresno County Human Services System  
CDPH – Food & Drug Branch

**COMPLIANCE ORDER  
FOR  
VIOLATION OF THE DBCP MAXIMUM CONTAMINANT LEVEL  
Issued on September 29, 2009**

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

**FINDINGS**

Lone Star Dehydrator (Water System) operates a non-transient non-community water system supplying water to approximately 25 permanent and 100 seasonal employees through approximately 1 service connection. The Water System has been identified as an

unpermitted public water system and has submitted a permit application to the Department dated September 1, 2008.

Regulatory oversight of this water system was transferred from Fresno County to the California Department of Public Health (Department) on September 1, 2007. According to our records, the source of supply for the Lone Star Dehydrator water system is groundwater obtained from one (1) active well, Well 01. The facility processes and dehydrates fruit.

Regulations require increased monitoring for dibromochloropropane (DBCP) following any single sample which exceeds the Maximum Contaminant Level (MCL) for DBCP of 0.2 ug/L. Compliance is based on the running annual average of quarterly samples. If any sample result will cause the annual average to exceed the MCL, the system shall be out of compliance immediately.

Based on data submitted to the Department for Well 01, the running annual average (RAA) of samples collected during three quarters from 2008 and 2009 is 0.28 ug/L, when data is averaged over four quarters. This shows that Well 01 exceeds the DBCP MCL. As a result, the Water System has failed to comply with the California Code of Regulations, Title 22, Division 4, Chapter 15, Article 5.5, Section 64444, which establishes the state MCL for DBCP of 0.2 ug/L.

The analytical results for DBCP sampling from the Water System's Well 01 are tabulated in Table 1 below. The July and August 2009 results were both collected in the third

quarter of 2009, and the results averaged prior to calculation of the Running Annual Average. The three quarters represented in the monitoring have been averaged over a four-quarter period to establish that the running annual average for DBCP has exceeded the MCL based on three quarters of data.

**Table 1. Lone Star Dehydrator DBCP Monitoring Summary Well 01**

Sample Date	DBCP Concentration (ug/L)	Running Annual Average (ug/L)
	DBCP MCL = 0.2 ug/L	
10/30/2008	0.43	
04/06/2009	0.46	
07/20/2009	0.38	
08/18/2009	0.10	0.28

Due to the violation of the DBCP MCL, the Water System is required to conduct quarterly public notification beginning with the third quarter of 2009 and must be repeated every three months as long as the violations exists.

### CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the Lone Star Dehydrator water system has violated provisions contained in the California Health and Safety Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to the following:

1. Health and Safety (H&S) Code Section 116555(a)(1) Specifically, the Lone Star Dehydrator water system is operating a well that produces water that does not comply with a primary drinking water standard.

2. H&S Code Section 116555(a)(3) Specifically, the Lone Star Dehydrator water system failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.
3. CCR Section 64444 Specifically, the water produced by Lone Star Dehydrator, Well 01, has exceeded the maximum contaminant level of 0.2 ug/L for Dibromochloropropane (DBCP) and, therefore, does not comply with a primary drinking water standard.

## **ORDER**

In order to ensure that the water supplied by the Lone Star Dehydrator water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the water system is ordered to take the following actions:

1. (a) Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
- (b) By **November 15, 2009**, submit to the California Department of Public Health, for review and approval, a plan to correct the existing water quality problem and eliminate the need to deliver water to the system that does not meet the primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project, such as alternatives evaluation, design, construction, and start-up.
- (c) Lone Star Dehydrator shall submit quarterly progress reports on the status of implementation of the plan to the Department, beginning **January 1, 2010**.

2. Lone Star Dehydrator shall provide Tier 2 public notification in accordance with CCR Section 64463 of its inability to meet the DBCP MCL. Attachment A is a Department-approved notice to be provided to all consumers. The first notification shall be provided by **October 30, 2009**, by direct delivery to each employee and by posting the notices at prominent locations throughout the service area. The notification shall be provided by Lone Star Dehydrator at least once every three months until the problem is corrected. An electronic copy of this notice may be requested from the Department.
3. Proof of public notification (Attachment B) shall be provided to the Department following each quarterly notification. Proof of public notification shall be submitted to the Department by the 10<sup>th</sup> day of the month following notification.
4. Quarterly monitoring of Well 01 for DBCP must be conducted, preferably before each quarterly notice is released, so the notice can reflect the most recent sample results.
5. The Department reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

All submittals required by this Order shall be addressed to:

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer  
Department of Public Health  
Southern California Branch  
Drinking Water Field Operations  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

6. If Lone Star Dehydrator is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if Lone Star Dehydrator notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if Lone Star Dehydrator demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.
  
7. If Lone Star Dehydrator fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 6 above, Lone Star Dehydrator, shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in H&S Code, Section 116725 and 116730.
  
8. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Lone Star Dehydrator, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Lone Star Dehydrator or its agents in carrying out activities pursuant to this Order.

**PARTIES BOUND**

This Order shall apply to and be binding upon Lone Star Dehydrator, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The requirements of this Order are severable, and Lone Star Dehydrator shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

September 29, 2009

Date

A handwritten signature in black ink, appearing to read 'Richard L. Haberman', enclosed within a rectangular box.

Richard L. Haberman, P.E., Chief  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

RLH/bsl

**Attachments:**

Attachment A: Public Notice

Attachment B: Proof of Public Notification

1000576 DBCP CO 9-28-09.doc

**PROOF OF NOTIFICATION**  
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Lone Star Dehydrator Water System** of the failure to meet the DBCP MCL for the:

Circle one: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_ by  
(date)

hand delivered and/or posted \_\_\_\_\_ written notice.  
(circle all completed)

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
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 for each day that 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 Dept. of Public Health within 10 days of notification to the public  
DBCP MCL Exceedance  
Compliance Order No. 03-23-09O-020  
System Number: 1000576

**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.

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**Lone Star Dehydrator Water System Has Levels of DBCP  
Above Drinking Water Standards**

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Water produced by Well 01 of our water system failed a drinking water standard. Although this is not an emergency, 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 collected on \_\_\_\_\_ [date] showed DBCP levels of \_\_\_\_\_ [level and units]. This is above the standard or maximum contaminant level (MCL) of 0.2 ug/L.

**What should I do?**

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- *This is not an emergency. If it had been, you would have been notified immediately. However, some people who drink water containing DBCP in excess of the MCL over many years may experience reproductive difficulties and 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 was done?**

[Describe corrective action.] \_\_\_\_\_  
 We anticipate resolving the problem within [estimated time frame] \_\_\_\_\_.  
 For more information, please contact \_\_\_\_\_ [insert name of contact] at  
 \_\_\_\_\_ [insert phone number] or at the following mailing address:  
 \_\_\_\_\_ [insert 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 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 Lone Star Dehydrator.

Date distributed: \_\_\_\_\_.

PWS ID No. 1000576