



RON CHAPMAN, MD, MPH
Director & State Health Officer

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



EDMUND G. BROWN
Governor

March 5, 2013
System No. 1009091

Chris Bennett
Olam Spices and Vegetables, Inc.
47641 W. Nees Avenue
Firebaugh, CA 93622

RE: Compliance Order No. 03-23-13R-001 For Non-Compliance with the TTHM MCL

Dear Mr. Duran:

The purpose of this letter is to inform you that the California Department of Public Health (Department) has issued Compliance Order No. 03-23-13R-001 to the Olam Spices and Vegetables, Inc. water system on March 5, 2013. 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 (violation of the total trihalomethanes 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 March 31, 2013, acknowledging receipt of this order and your intent to comply with the directives within. 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 10, 2013.

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. If you have any questions regarding this matter, please contact Philip Dutton or myself at (559) 447-3300.

Sincerely,

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

BSL/PD

Cc: Ben Duran, Olam Spices and Vegetables, Inc., 47641 W. Nees Avenue, Firebaugh, CA 93622

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **Olam Spices and Vegetables, Inc.**
Water System No. 1009091

TO: Mr. Chris Bennett
Olam Spices and Vegetables, Inc.
47641 W. Nees Avenue
Firebaugh, CA 93622

CC: Mr. Ben Duran
Olam Spices and Vegetables, Inc.
47641 W. Nees Avenue
Firebaugh, CA 93622

**COMPLIANCE ORDER FOR NONCOMPLIANCE
OF TOTAL TRIHALOMETHANES MAXIMUM CONTAMINANT LEVEL**

Issued on March 5, 2013

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

FINDINGS

The Olam Spices and Vegetables, Inc. water system (hereinafter, 'Water System') is a nontransient noncommunity water system located in Fresno County that supplies water for domestic purposes to a population of approximately 125 persons through 1 service

1 connection. The Water System operates under Domestic Water Supply Permit No. 03-23-
2 09P-041 issued by the California Department of Public Health (hereinafter, 'Department')
3 on June 10, 2009, and amended by Domestic Water Supply Permit Amendment No. 03-23-
4 12PA-009, issued by the Department on October 15, 2012.

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6 The Water System utilizes disinfected groundwater obtained from two onsite wells that
7 draw from a nonadjudicated groundwater basin. Sodium hypochlorite solution is injected
8 into the into the raw water for disinfection immediately prior to the combined discharge into
9 a 125,000 gallon welded steel storage tank.
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12 The California Code of Regulations (CCR), Title 22, Chapter 15.5,
13 Disinfectants/Disinfection By-Products (D/DBP) Rule adopted by California effective June
14 21, 2012, requires water systems serving less than 10,000 persons to monitor and report
15 disinfection byproduct and residual disinfectant levels. The D/DBP Rule applies to any
16 community or nontransient noncommunity water system that treats water with a chemical
17 disinfectant in any part of the treatment process or that provides water containing a
18 chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level
19 (MCL) in drinking water for total trihalomethanes (TTHM) and haloacetic acids (five)
20 (HAA5) in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.
21

22
23 CCR Section 64534.2 of the D/DBP Rule establishes a monitoring frequency for a
24 groundwater system serving fewer than 10,000 persons of one sample for TTHMs and
25 HAA5s per year per treatment plant during the month of warmest water temperature. The
26 D/DBP Rule further requires increased monitoring of one sample per quarter per treatment
27

1 plant following any sample that exceeds the MCL. Following a November 2012 TTHM
 2 sample that exceeded the TTHM MCL, the Water System was required to collect one
 3 disinfection byproduct sample per quarter at a point reflecting the maximum residence time
 4 in the distribution system. Table 1 presents TTHM monitoring data for the Water System.
 5 The Water System's TTHM monitoring first exceeded the MCL beginning with the first
 6 sample collected.

7 **Table 1: TTHM Monitoring Data**

Date	Eastern Main Office Sample Site	
	TTHM (ug/L)	Average (ug/L)
	MCL = 80	
11/6/2012	130	130
1/22/2013	240	185

14 Compliance with the TTHM MCL is based on running annual average (RAA), computed
 15 quarterly, of all samples collected within the distribution system. CCR Section 64535.2(a)
 16 specifies compliance determinations for the first year of disinfection byproduct monitoring;
 17 specifically, CCR Section 64535.2(a)(1) states that the average of the TTHM results from
 18 the first two quarters of monitoring shall not exceed twice the TTHM MCL. With the
 19 sample collected on January 22, 2013, the average of the first two quarterly samples is 185
 20 ug/L, which is greater than twice the TTHM MCL. Therefore, the Water System is in
 21 violation of the TTHM MCL.
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 24 The Water System was issued Compliance Order No. 03-23-11O-001 on March 1, 2011, for
 25 violations of the arsenic MCL. The Water System has not yet corrected the arsenic MCL
 26 violation as of the issuance of this compliance order.
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2 **CONCLUSIONS OF LAW**

3 Based on the above Findings, the Department has determined that the Olam Spices and
4 Vegetables, Inc. water system has violated provisions contained in the California Health
5 and Safety Code (CHSC) and Title 22, California Code of Regulations (CCR). These
6 violations include, but are not limited to, the following:

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- 9 1. CHSC Section 116555 (a)(1): Specifically, the Olam Spices and Vegetables, Inc.
10 water system fails to provide water that complies with primary drinking water
11 standards.
 - 12
13 2. CHSC Section 116555 (a)(3): Specifically, the Olam Spices and Vegetables, Inc.
14 water system fails to ensure that a reliable and adequate supply of pure, wholesome,
15 healthful, and potable water is provided to all of its consumers.
 - 16
17
18 3. CCR, Section 64533: Specifically, the water produced by the Olam Spices and
19 Vegetables, Inc. water system exceeds the maximum contaminant level for total
20 trihalomethanes of 0.080 mg/L.

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22 **ORDER**

23 To ensure that the water supplied by the Olam Spices and Vegetables, Inc. water system is
24 at all times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the
25 CHSC, the Olam Spices and Vegetables, Inc. water system is ordered to take the following
26 actions:
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1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1), (a)(3) and CCR Section 64533 by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water, in compliance with all primary drinking water standards.
 - b) The Olam Spices and Vegetables, Inc. water system shall provide quarterly public notification of its inability to meet the TTHM MCL during any calendar quarter that the four-quarter RAA exceeds the TTHM MCL. Notification procedures and format are provided in Attachment A. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment B.
 - c) The Olam Spices and Vegetables, Inc. water system shall continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in accordance with the approved DBP monitoring plan. The analytical results shall be reported to the Department no later than the 10th day following the month in which the sample was collected.
 - d) By **May 31, 2013**, the Olam Spices and Vegetables, Inc. water system shall submit to the Department, for review and approval, a plan for improvements to the water system encompassing a project designed to correct the water quality problem (violation of the TTHM MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time

1 schedule for completion of various phases of the project such as design,
2 construction, startup and public information. The plan must include an evaluation of
3 the options that are outlined in Attachment C. The Olam Spices and Vegetables, Inc.
4 water system shall also prepare and submit to the Department for review and
5 approval a plan that outlines operational changes as a result of the project.
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7 e) The Olam Spices and Vegetables, Inc. water system shall submit quarterly
8 progress reports to the Department. The first quarterly progress report shall describe
9 progress made in the second quarter of 2013 and shall be submitted to the
10 Department by **July 10, 2013**.
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12 f) The Olam Spices and Vegetables, Inc. water system shall operate the existing
13 water system to minimize formation of total trihalomethanes and haloacetic acids.
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16 2. The Olam Spices and Vegetables, Inc. water system shall submit a written response
17 by **March 31, 2013**, indicating its willingness to comply with the directives of this
18 Compliance Order.
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21 3. The Olam Spices and Vegetables, Inc. water system shall continue to comply with
22 the requirements of Compliance Order No. 03-23-11O-001.
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25 4. The Department reserves the right to make such modifications to this Order as it may
26 deem necessary to protect public health and safety. Such modifications may be issued
27 as amendments to this Order and shall be effective upon issuance.

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5. 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 the Olam Spices and Vegetables, Inc. water system is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Olam Spices and Vegetables, Inc. 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 the Olam Spices and Vegetables, Inc. water system demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

7. If the Olam Spices and Vegetables, Inc. water system 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, the Olam Spices and Vegetables, Inc. water system 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 CHSC, Sections 116725 and 116730.

8. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the Olam Spices and Vegetables, Inc. water system, 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 the Olam Spices and Vegetables, Inc. water system or its agents in carrying out activities pursuant to this Order.

PARTIES BOUND

This Order shall apply to and be binding upon the Olam Spices and Vegetables, Inc. water system, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the Olam Spices and Vegetables, Inc. water system shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

3-5-2013
Date


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CLC/PD

- Attachments:**
- Attachment A: Public Notification
- Attachment B: Proof of Notification Form
- Attachment C: Improvement Plan Options



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.

**Olam Spices and Vegetables, Inc. has levels of Total Trihalomethanes (TTHM)
Above Drinking Water Standards**

Our water system recently 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. Testing results we received on _____ show that our system exceeds the standard, or maximum contaminant level (MCL), for Total Trihalomethanes and/or Haloacetic Acids. The MCL for Total Trihalomethanes is 80 ug/L and is 60 ug/L for Haloacetic Acids. The average level of Total Trihalomethanes over the last year was _____ and _____ for Haloacetic Acids.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who use water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer and some people who drink water containing haloacetic acids 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 was done?

[Describe corrective action] _____

We anticipate resolving the problem within _____.

For more information, please contact [name] _____ at [phone number] _____ or at the following 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 the Olam Spices and Vegetables, Inc. water system.

PROOF OF NOTIFICATION
(Return with copy of the Notification)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Olam Spices and Vegetables, Inc. water system** of the failure of the total trihalomethanes (TTHM) MCL for the:

Circle one 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____ by
(date)

Hand-delivered/mailed and posted written notice.
(circle all completed)

Print Name

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 within 10 days of issuance of notice to customers
System Number: 1009091
Enforcement Action No.: 03-23-13R-001

Attachment C

Improvement Plan Options

1. Provision of an alternate water supply, such as ground water or connection to a nearby water system.
2. GAC treatment
3. Minimizing water age in the distribution system and maximizing reservoir turnover
4. Treatment optimization and increased DBP precursor removal through enhanced coagulation
5. Disinfection dosage and CT ratio optimization
6. Alternative disinfectant injection points
7. Alternative disinfectants
8. Any other options

Possible modifications and treatment plant changes listed above require Department approval prior to implementation