

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **FRESNO RIFLE & PISTOL CLUB**  
WATER SYSTEM NO. 1000160

TO: **MR. JAMES CHINN, TREASURER**  
**FRESNO RIFLE & PISTOL CLUB**  
15687 AUBERRY ROAD  
AUBERRY, CA 93612

**COMPLIANCE ORDER FOR NONCOMPLIANCE WITH  
THE NITRATE MAXIMUM CONTAMINANT LEVEL**

**Issued on December 6, 2013**

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**

The Fresno Rifle and Pistol Club Water System (Water System) is a transient noncommunity water system, located in Fresno County approximately 3 miles northeast of northern Fresno at 15687 Auberry Road in Clovis, CA. The Water System supplies water to a recreational shooting club through four service connections which provide water to a range house, two restroom buildings, a cattle watering trough and the irrigation system.



1 The Water System's 2012 electronic Annual Report indicates a year-round transient  
2 population of at least thirty (30) individuals served for more than sixty day of the year. The  
3 Water System uses untreated groundwater obtained from one onsite well. The Water  
4 System operates under Domestic Water Supply Permit No. 03-23-13P-035 (Permit) issued  
5 by the California Department of Public Health - Drinking Water Program (Department) on  
6 December 4, 2013.  
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10 Prior to September 2007, jurisdiction for regulatory oversight of the Water System was  
11 maintained by the Fresno County Environmental Health Division (County). The  
12 Department's Water System Evaluation and Inspection Report, attached to the Permit,  
13 describes the Handwashing Exemption issued to the Water System, in accordance with  
14 California Health and Safety Code Section 116282. The Handwashing Exemption  
15 exempted the Water System from complying with the water quality requirements  
16 applicable to transient noncommunity water systems, including compliance with the nitrate  
17 maximum contaminant level (MCL).  
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20 On October 7, 2011, Governor Brown signed Assembly Bill (AB) 1194. AB 1194 included  
21 a provision repealing California Health & Safety Code Section 116282, which provided  
22 statutory authority to issue Handwashing Exemptions. The repeal of the Handwashing  
23 Exemptions was necessary to ensure that the California Safe Drinking Water Act conforms  
24 to the provisions of the federal Safe Drinking Water Act. The repeal of the Handwashing  
25 Exemptions became effective on January 1, 2012.  
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1 By letter dated March 5, 2012, the Department provided notice to the Water System of the  
 2 repeal of the Handwashing Exemption and the repeal's effect on the Water System.  
 3 Specifically, the Department (a) required an acknowledgement that the Handwashing  
 4 Exemption had been repealed; (b) required an application for a new Domestic Water  
 5 Supply Permit; (c) notified the Water System that it must comply with the California Safe  
 6 Drinking Water Act, including the nitrate maximum contaminant level (MCL) and the  
 7 monitoring and reporting requirements appropriate for a transient noncommunity Water  
 8 System.  
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 12 Following the repeal of the Water System's Handwashing Exemption, the Department  
 13 conducted a review of the Water System's water quality data and technical files, pursuant  
 14 to the March 2012 letter. The Department's review has concluded that the Water System  
 15 fails to comply with the nitrate MCL of 45 mg/L. Nitrate analysis results in the  
 16 Department's database are shown in the table below:  
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18 **Table 1: Nitrate Analysis Results**

19 Sample Date	Sample Result (mg/L as NO <sub>3</sub> )	Sample Date	Sample Result (mg/L as NO <sub>3</sub> )
20 4/21/2008	58.0*	1/25/2013	49.0*
21 11/23/2009	32.0	4/26/2013	44
22 5/24/2010	14.0	7/23/2013	42
23 12/20/2011	32.0	11/18/2013	51*
24 12/07/2012	49.0*		

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 26 *\*Sample Result Exceeds MCL*  
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1 **CONCLUSIONS OF LAW**

2 Based on the above Findings, the Department has determined that the Fresno Rifle & Pistol  
3 Club Water System has violated provisions contained in Title 22, California Code of  
4 Regulations (CCR) and in the California Health and Safety Code (CHSC). These  
5 violations include, but are not limited to the following:  
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- 8 1. CHSC Section 116555(a)(1). Specifically, the Fresno Rifle & Pistol Club Water  
9 System is a public Water System that produces water that does not comply with a  
10 primary drinking water standard.  
11
  - 12 2. CHSC Section 116555 (a)(3): Specifically, the Fresno Rifle & Pistol Club Water  
13 System has failed to ensure that a reliable and adequate supply of pure, wholesome,  
14 healthful, and potable water is provided to all of its consumers.  
15
  - 16 3. CCR Section 64654(a): Specifically, the water produced by Well 01 has exceeded  
17 the nitrate maximum contaminant level of 45 mg/L (as NO<sub>3</sub>), as shown in Table 1  
18 above, and therefore does not comply with a primary drinking water standard.  
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22 **ORDER**

23 In order to ensure that the water supplied by the Water System is at all times safe,  
24 wholesome, healthful, and potable, and pursuant to Section 116655 of the Health and  
25 Safety Code, the Fresno Rifle & Pistol Club Water System is ordered to take the following  
26 actions:  
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1. Cease and Desist from failing to comply with CHSC Sections 116555(a)(1) and 116555(a)(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.
2. The Fresno Rifle & Pistol Club Water System shall prepare a Corrective Action Plan for improvements to the Water System to correct the water quality problem (violation of the nitrate MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as evaluation of alternatives, design, construction, and startup.
3. The Corrective Action Plan required under Order No. 2 above shall be presented to the Department in an office meeting no later than February 10, 2014.
4. The Fresno Rifle & Pistol Club Water System shall submit quarterly progress reports to the Department beginning in the second quarter (deadline of June 30, 2014). The quarterly reports shall discuss the progress the Water System has made to comply with the nitrate MCL, as detailed in the plan to be submitted pursuant to Order No. 2.

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5. The Fresno Rifle & Pistol Club Water System shall provide the following:
- a) Tier 1 public notification in English and in Spanish, in accordance with CCR Section 64463.1, of its inability to meet the nitrate MCL. Attachment A is a Department-approved notice to be provided to all consumers. An electronic copy of this attachment is available upon request. The notification shall be provided to consumers by posting the notice at prominent locations, and specifically at locations where consumption of the water may occur, and by mail or direct delivery to each employee.
  - b) Public notification to all water users on a quarterly basis until a project is completed to correct the problem. The first notice shall be posted by December 31, 2013.
  - c) Proof of public notification to the Department by the 10<sup>th</sup> day of the month following the issuance of the initial notification and each subsequent quarterly notification. Attachment B shall be used to satisfy this requirement. The first proof of public notification shall be submitted by January 10, 2014.
6. Quarterly monitoring of the well for nitrate shall be conducted, preferably before each quarterly notice is released, so the notice can reflect the most recent sample results. The nitrate results must be submitted to the Department via electronic data transfer (EDT) using the following primary station code (PS-Code): 1000160-001.

1 7. The Fresno Rifle & Pistol Club Water System shall submit a written response by  
2 December 31, 2013, indicating its willingness to comply with the directives of this  
3 Compliance Order.  
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6 8. The Fresno Rifle & Pistol Club Water System shall complete a project to resolve the  
7 nitrate MCL violation no later than December 15, 2016.  
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10 9. The Department reserves the right to make such modifications to this Order as it  
11 may deem necessary to protect public health and safety. Such modifications may be  
12 issued as amendments to this Order and shall be effective upon issuance. All  
13 submittals required by this Order shall be addressed to:

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

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20 10. If the Fresno Rifle & Pistol Club Water System is unable to perform the tasks  
21 specified in this Order for any reason, whether within or beyond its control, and if  
22 the Fresno Rifle & Pistol Club Water System notifies the Department in writing no  
23 less than five days in advance of the due date, the Department may extend the time  
24 for performance if the Fresno Rifle & Pistol Club Water System demonstrates that it  
25 has used its best efforts to comply with the schedule and other requirements of this  
26 Order.  
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11. If the Fresno Rifle & Pistol Club 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 10 above, the Fresno Rifle & Pistol Club 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 H&S Code, Section 116725 and 116730.

12. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the Fresno Rifle & Pistol Club 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 Fresno Rifle & Pistol Club 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 Fresno Rifle & Pistol Club Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

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**SEVERABILITY**

The requirements of this Order are severable, and the Fresno Rifle & Pistol Club Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

12-6-2013



Date

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

CLC/EL

**Attachments:**  
Attachment A: Public Notification English/Spanish  
Attachment B: Proof of Notification Form



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

December 6, 2013  
System No. 1000160

James Chinn  
Fresno Rifle & Pistol Club  
15687 Auberry Road  
Auberry, CA 93612

**RE: Compliance Order No. 03-23-13R-012 For Non-Compliance with the Nitrate MCL**

Dear Mr. Chinn:

The California Department of Public Health (Department) has issued Compliance Order No. 03-23-13R-012 to the Fresno Rifle & Pistol Club Water System (Water System) for violation of the Nitrate Maximum Contaminant Level (MCL). The Compliance Order requires your water system to present to the Department a Corrective Action Plan for improvements to the Water System to correct the water quality problem (violation of the Nitrate MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The Compliance Order also requires that the Water System complete a project to resolve the Nitrate MCL violation no later than **December 15, 2016**.

**Please submit a written response to our office by December 31, 2013, regarding your intent to comply with the attached 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 March 31, 2014.**

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. Compliance Order Item No. 3 requires that the Corrective Action Plan be presented to the Department no later than **February 10, 2014**. Arrangement for presenting the plan can be made by contacting Ellen Lennon or me at (559) 447-3039.

Sincerely,

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

BSL/EL

**DRINKING WATER WARNING**

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

**The Fresno Rifle & Pistol Club water system has high levels of nitrate.****DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD  
OR USE IT TO MAKE INFANT FORMULA**

Water samples collected on DATE from Well No. X showed nitrate levels of XX mg/L as NO<sub>3</sub>. These levels are above the nitrate standard, or maximum contaminant level (MCL), of 45 mg/L as NO<sub>3</sub>. 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 under six months of age 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 and run-off). Levels of nitrate in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

The Fresno Rifle & Pistol Club water system is [Describe corrective action planned and applicable interim solution(s)].

The Fresno Rifle & Pistol Club water system must provide public notification at least once every three months until the problem is corrected. The Department has ordered the Ray Moles Farms (Marks Ave.) water system to submit a plan to correct the nitrate problem.

For more information, please contact [Name] at [Contact].

## DRINKING WATER WARNING

### Agua de Fresno Rifle & Pistol Club tiene altos niveles de nitrato.

#### NO LE DE ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD NI UTILICE PARA HACERLECHE DE FORMULA

Las muestras de agua recogidas de la [FECHA], del Pozo Numero X, presentaron niveles de nitrato de XX mg / L de NO<sub>3</sub>. Estos niveles están por encima de la norma, o nivel máximo de contaminante (MCL), de 45 mg / L de NO<sub>3</sub>. El nitrato en el agua potable es un problema de salud grave para los bebés de menos de seis meses de edad.

#### ¿Qué debo hacer?

- **NO LE DE ESTA AGUA A BEBES.** *Los bebés menores de seis meses que beben agua que contiene nitratos en exceso del MCL rápidamente pueden enfermarse gravemente y, si no es tratada, puede morir debido a los altos niveles de nitrato pueden interferir con la capacidad de la sangre del bebé para transportar oxígeno. Los síntomas incluyen dificultad para respirar y amarillamiento de la piel. Los síntomas en los bebés pueden desarrollarse rápidamente, con deterioro de la salud durante un período de días. Si se presentan síntomas, busque atención médica inmediatamente.*
- **MUJERES EMBARAZADAS NO DEBEN CONSUMIR EL AGUA.** *Los altos niveles de nitratos también pueden afectar a la capacidad transportadora de oxígeno de la sangre de mujeres embarazadas.*
- Agua, jugo, y leche en polvo para niños menores de seis meses de edad no debe prepararse con agua del grifo. El agua embotellada o bajo otro tipo de agua de nitratos se debe utilizar para los niños hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar o dejar reposar el agua no reduce el nivel de nitrato. Hervir el agua puede hacer que la mayor concentración de nitratos, debido a que los nitratos permanecen cuando el agua se evapora.
- Si usted tiene otros problemas de salud sobre el consumo de esta agua, es posible que desee consultar a un médico.

#### ¿Qué pasó? ¿Qué se hace?

Sources of nitrates in drinking water sources can be natural, industrial or agricultural (including septic systems and runoff). Nitrate levels in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

Fresno Rifle & Pistol Club esta [Describe corrective action planned and applicable interim solution(s)].

Sistema de Fresno Rifle & Pistol Club agua debe proporcionar una notificación pública al menos una vez cada tres meses hasta que se solucione el problema. El Departamento ha ordenado a Fresno Rifle & Pistol Club para presentar un plan para corregir el problema de los nitratos.

Para obtener más información, póngase en contacto con [Contact Information].

Este aviso ha sido publicado por Fresno Rifle & Pistol Club

Sistema de Agua del Estado Número 1000160

Fecha de distribución: \_\_\_\_\_

**PROOF OF NOTIFICATION**

(Return with copy of Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by **Fresno Rifle & Pistol Club** water system of the failure to meet the **nitrate MCL** for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> (circle) quarter of \_\_\_\_\_ (year).

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

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

\_\_\_\_\_  
Name of Water System Representative

\_\_\_\_\_  
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 by the 10<sup>th</sup> day of the following month for each month or quarter that public notification was conducted.**

**Violation No. 03-23-13R-012**  
**System Name: Fresno Rifle & Pistol Club**  
**System No.: 1000160**