



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

November 18, 2013

Jo Ann Moore, President
R.S. Mutual Water Company
P.O. Box 335
Wofford Heights, CA 93285

**COMPLIANCE ORDER FOR VIOLATION OF THE NITRATE DRINKING WATER STANDARD
R.S. MUTUAL WATER COMPANY, WATER SYSTEM NO. 1500458**

The California Department of Public Health (Department) has issued a Compliance Order No. 03-19-13O-005 to R.S. Mutual Water Company for violation of the nitrate drinking water standard. The R.S. Mutual Water Company (hereinafter Water Company) has been serving water to consumers that is in violation of the primary maximum contaminant level (MCL) for nitrate of 45 mg/L. Water produced by the Water Company's well is also in ongoing violation of the respective MCL for arsenic and uranium. The Department previously issued two separate compliance orders to the Water Company to document the arsenic and uranium MCL violation.

As discussed in the compliance order, the Water Company is expected to propose a solution and implement a project to ensure that water delivered to customers meet the nitrate drinking water standard and other standards. As a long term solution to water quality problems The Water Company is already working with the Department on a funding project to consolidate with the neighboring CWS-Kernville Water System,.

Please respond in writing to the Compliance Order by **January 31, 2014**. The Water Company is required to provide quarterly public notification, as explained in the Order, as long as water supplied is in violation of the nitrate standard. Please be advised that the time we have spent on preparing the compliance order is considered enforcement time and has been billed to the Water Company at our current billing rate of \$126 per hour. If you have any questions regarding this matter, please contact the Tehachapi District Office at (661) 335-7317.

Sincerely,

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
Southern California Branch
Drinking Water Field Operations

Enclosure: Compliance Order 03-19-13O-0XX

CC: Kern County Environmental Health Services Department (w/o enclosure)

JSD/ams

Compliance Order #03-19-13O-005

1
2 **STATE OF CALIFORNIA**
3 **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

4 IN RE: **R.S. MUTUAL WATER COMPANY WATER SYSTEM**
5 Water System No. 1500458

6 TO: Jo Ann Moore, President
7 R.S. Mutual Water Company
8 P.O. Box 335
9 Wofford Heights, CA 93285

10 BY CERTIFIED MAIL

11 **COMPLIANCE ORDER**
12 **For violation of the**
13 **DRINKING WATER STANDARD FOR NITRATE**

14 Compliance Order No. 03-19-13O-005
15 **Issued on: November 18, 2013**

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

19
20 **BACKGROUND**

21 The California Department of Public Health (hereinafter Department) regulates public water
22 systems and is responsible for enforcing the California Safe Drinking Water Act (Division
23 104, Part 12, Chapter 4 of the H&S Code).

24
25
26 R.S. Mutual Water Company (hereinafter Water Company) operates a public water supply
27 system under the authority of a permit issued by the Kern County Environmental Health



1 Services Department on May 3, 1971. This public water system is now regulated by the
2 Department, but no water supply permit has been issued to the Water Company. The Water
3 Company serves domestic water to a community in Wofford Heights of Kern County. In this
4 community, 25 people are served through 24 service connections.
5

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7 The Water Company's water supply system consists of one well (Well 01), one 5,000-gallon
8 storage tank, one booster station with two pumps (1 hp and 1.5 hp), four small pressure tanks
9 (100 gallons each) and distribution system. Well 01 was drilled in 1963 to a depth of 120 feet;
10 it has a 12-inch diameter steel casing with perforations below 70 feet. The well has a 50-ft
11 annular seal for sanitary protection of the well. The well is equipped with a 1.5 hp
12 submersible pump and produces 28 gpm. Sodium hypochlorite solution is injected into the
13 well discharge to provide disinfection treatment. The well violates the drinking water
14 standards for arsenic and uranium, as documented in compliance orders with numbers 03-19-
15 090-010 (issued January 23, 2009) and 03-19-030-004 (issued August 12, 2003), respectively.
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18 19 FINDINGS

20 The Maximum Contaminant level (MCL) for nitrate is 45 mg/L. Water quality data indicates
21 that water served to the public from Well 01 (PS Code 1500458-001) is contaminated with
22 nitrate. The Department's records since show that the level of nitrate has always been above
23 one-half of the MCL since June 2002; thus, the well has been on quarterly monitoring for
24 nitrate. The nitrate level ranges between 35 mg/L and 46 mg/L, in the past eleven years. A
25 quarterly sample collected on September 15, 2013 (third quarter 2013) showed a nitrate result
26 of 46 mg/L, which is above the nitrate MCL. A follow-up sample collected on October 8,
27



1 2013 showed a concentration of 45 mg/L. This sample was intended as a confirmation sample
2 for the September (third quarter) sample, although it was collected in the fourth quarter of
3 2013. The average of the September and October 2013 samples was 45.5 mg/L, which is
4 above the nitrate MCL. **The Water Company exceeded the nitrate MCL, thus, it violated**
5 **the drinking water standard of nitrate in the third quarter of 2013. Attachment A**
6 includes the Department's WQI report for nitrate concentration in Well 01 since June 2002
7 and laboratory results from the most recent sampling on September 15 and October 8, 2013.
8
9

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11 When a public water system monitors a source for nitrate and the level of nitrate in a single
12 sample exceeds the MCL, the public water system is required by Section 64432.1 (a)(1)(A) of
13 Chapter 15, Division 4, Title 22, of the California Code of Regulations (CCR) to collect
14 another sample from that source within 24 hours of notification of the MCL exceedance. The
15 public water system must have the second sample analyzed and if the average result of the two
16 nitrate samples exceeds the MCL, report the result to the Department within 24 hours. If the
17 average does not exceed the MCL, the public water system must inform the Department of the
18 results within seven days from the receipt of the original analysis. If the public water system
19 is unable to resample within 24 hours, it is required to notify the consumers by issuing a Tier 1
20 Public Notice pursuant to Section 64463.1 (a)(2) of Title 22, CCR and then collect and
21 analyze a confirmation sample within two weeks of notification of the results of the first
22 sample. The Water Company failed to comply with the requirement of collecting a
23 confirmation sample within 24 hours of notification of the MCL exceedance but it has
24 complied with the public notification requirements as explained below.
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1 On October 7, 2013, the Tehachapi District Office staff of the Department became aware of
2 the September 15, 2013 sampling result from Well 01, through an email message from Mr.
3 Anthony Meeks with the Department's Electronic Data Transfer (EDT) Unit. The Department
4 contacted the Water Company's personnel to discuss the needed follow-up actions and follow-
5 up sampling as required by Section 64432.1 of Title 22, CCR. A follow-up nitrate sample was
6 collected on October 8, 2013 from the well and the result was 45 mg/L. Based on the 45.5
7 mg/L average value of the results from the September 15 and October 8, 2013 sampling
8 events, the Department has determined that Well 01 is in violation of the nitrate MCL.
9
10

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12 Water samples for bacteriological quality collected from the well have shown several coliform
13 positive results since 2005, causing total coliform MCL violations, and prompted the
14 Department to require installation of wellhead chlorination treatment. The Water Company
15 installed the continuous chlorination treatment in 2011. Nitrate in ground water is not
16 naturally occurring; instead it is a chemical that originates from contaminating activities above
17 the ground surface. The source of nitrate contamination in Well 01 is most probably from
18 septic tanks in the service area. Protection of Well 01 may necessitate moving the nearby
19 septic tanks further away from the well and/or pumping the nearby septic tanks more
20 frequently to minimize the damage from nitrate contamination leaching into the groundwater.
21
22 As mentioned above, Well 01 also violates the drinking water standards for arsenic and
23 uranium, which are both natural contaminants.
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26 A public water system in violation of the MCL for nitrate (or other chemical with primary
27 drinking water standard) may come into compliance by:



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- (i) finding a source of water meeting drinking water standards,
- (ii) treating the water to remove or reduce the level of nitrate in water,
- (iii) blending the nitrate contaminated water with another source of water with no nitrate or with low levels of it, or by
- (iv) consolidating with another public water system that is able to provide water that meets drinking water standards.

For small water systems that are failing the drinking water standard for nitrate, the Department strongly recommends consolidation with a nearby larger public water system. Kernville water system operated, by California Water Service Company, is the closest system to the Water Company's domestic water supply system. To resolve the water quality problems of the Water Company, the Department is already working with the Water Company to provide funding for a consolidation project through Proposition 84 grant funding program.

CONCLUSIONS OF LAW

Based on the above findings, the Department has determined that the Water Company violated statues contained in the California H&S Code and regulations contained in Title 22, CCR.

These violations include but are not limited to the following:

1. H&S Code, Section 116555(a)(1): Specifically, the Water Company is delivering water to its customers that is not in compliance with applicable primary drinking water standards. The Water Company is using a well as a source of supply with high levels of nitrate, violating of the primary drinking water standard for nitrate.

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- 2. H&S Code, Section 116555(a)(3): Specifically, the Water Company failed to ensure that a reliable and adequate supply of pure, wholesome, healthful and potable water is provided to its consumers.

- 3. CCR, Section 64431(a): Specifically, the water supplied by the Water Company from Well 01 (PS Code: 1500458-001) exceeded the primary MCL of nitrate in the third quarter of 2013. In other words, water delivered does not at all times contain less than 45 mg/L of nitrate, thereby failing to meet the requirement that water must comply with all primary drinking water standards.

- 4. CCR, Section 64432.1(a)(1)(A): Specifically, the Water Company failed to consult with the Department about the September 15, 2013 nitrate result within 24 hours of receipt of the result from the laboratory. Reportedly, the Water Company received a call from the laboratory on October 3, 2013, about the high nitrate results, but no action was taken. The Water Company also failed to monitor Well 01 (PS Code 1500458-001) for nitrate in a timely manner after being informed of exceeding the primary MCL of nitrate. The nitrate follow-up sample was collected on October 8, 2013 when the Department directed the Water Company to do so. The follow-up sample came after 23 days of the 2013 3rd quarterly sample that exceeded the MCL.

1 **PUBLIC NOTIFICATION**

2 Since exceeding the nitrate MCL is a Tier 1 violation, the Water Company must provide
3 public notice to persons served within 24 hours after learning of the violation per CCR, Title
4 22, Section 64463.1(a)(2). The Water Company is required to submit the (draft) public notice
5 to the Department for approval prior to distribution and/or posting.
6

7
8 On October 8, 2013, the Department directed the Water Company to provide public
9 notification within 24 hours - per Section 64463.1(a)(2) of Title 22, CCR- for exceeding the
10 nitrate MCL and to submit proof of notification to the Department. In accordance with the
11 directives in the Department's email dated October 8, 2013, (**Attachment B**), the Water
12 Company provided public notification on October 10, 2013 for the initial nitrate MCL
13 exceedance in September 2013. Signed copies of the public notice and proof of notification
14 form are on file.
15

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18 As described earlier in this Order, a follow-up nitrate sample was not collected until October
19 8, 2013, which was more than the specified time frame of 24 hours, as required by the CCR,
20 Section 64463.1(a)(2). After receiving results of the confirmation sample collected on
21 October 8, 2013, the Department has determined that the Water Company violated the nitrate
22 MCL but met the public notification requirements for the nitrate MCL violation. The Water
23 Company shall continue to collect the required quarterly nitrate samples from the well. If the
24 nitrate concentration exceeds the MCL during any quarter, the Water Company must provide
25 the quarterly public notification. For the fourth quarter of 2013, a quarterly sample must be
26 collected and public notification served (if needed).
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Attachment C contains a copy of the public notice that was distributed to consumers. The Water Company must continue to perform quarterly public notification in accordance with the instructions and public notification template provided in **Attachment D** as long as it is in violation of the primary standard for nitrate. Also included in **Attachment D** is the *Proof of Notification* form. The Water Company must complete and submit this form to the Department within 10 days of each quarterly public notification, along with a copy of the public notice.

ORDER

In order to ensure that the water supplied by the Water Company is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the H&S Code, the Water Company is hereby ordered to:

1. Cease and Desist from failing to comply with H&S Code Section 116555(a) and (c) and CCR Section 64431(a) by ensuring that customers are 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. Collect quarterly nitrate samples from Well 01 to determine ongoing compliance with the nitrate MCL. The next quarterly nitrate sample is due no later than **December 31, 2013**.
3. Provide quarterly public notification to all water customers of the Water Company's inability to meet the nitrate standard, as long as the quarterly value is above the MCL and the problem is not corrected to meet all applicable drinking water standards. A copy of the

1
2 public notice, which includes mandatory language for the nitrate MCL violation, is
3 provided under *Attachment D*.

- 4 4. Within 10 days of providing public notification each quarter, submit Proof of Notification
5 (Attachment D) to the Department, along with the updated public notice.
- 6
- 7 5. By **January 14, 2014**, the Water Company shall submit to the Department for review and
8 approval, a plan to correct the water quality problem(s) and eliminate the need to deliver
9 water to the system from Well 01 that does not meet the drinking water standard for
10 nitrate, arsenic and uranium. The plan shall include a time schedule for completion of
11 various phases of the project, such as design, construction, and start-up. Any plan
12 involving treatment of any kind or significant changes to the Water Company must be
13 prepared by a registered engineer qualified to work on drinking water systems.
- 14
- 15 6. Complete all improvements and/or additions outlined in the proposed project submitted
16 pursuant to Item 5 above in accordance with the time schedule to be reviewed and
17 approved by the Department, but not later than three years following submittal of the plan
18 to the Department (no later than **June 30, 2017**). The Water Company shall also submit
19 quarterly progress reports to the Department, beginning **April 1, 2014**.
- 20
- 21 7. The Department reserves the right to make such modifications to this Order as it may
22 deem necessary to protect public health and safety. Such modifications may be issued as
23 amendments to this Order and shall be effective upon issuance.
- 24
- 25 8. If the Water Company is unable to perform the tasks specified in this Order for any reason,
26 whether within or beyond its control, and if the Water Company notifies the Department in
27 writing no less than five days in advance of any due date, the Department may extend the



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time for performance if the Water Company demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

9. If the Water Company 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 8 above, the Water Company 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 Sections 116725 and 116730.

10. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the Water Company, 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 Water Company or its agents in carrying out activities pursuant to this Order.

All submittals required by this Order shall be addressed to:

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
California Department of Public Health
Drinking Water Field Operations Branch
4925 Commerce Way, Suite 120
Bakersfield, CA 93309

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PARTIES BOUND

This Order shall apply to and be binding upon the R.S. Mutual Water Company , its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the R.S. Mutual Water Company shall comply with each and every provision thereof not withstanding the effectiveness of any provisions.

November 18, 2013
Date Issued


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



Attachments:

- Attachment A: WQI Reports and Nitrate Sampling Results from 09/15/13 and 10/8/13
- Attachment B: Email from the Department, sent on October 8, 2013 with directives
- Attachment C: Copy of the Nitrate Public Notice Issued on October 10, 2013
- Attachment D: Instructions for Tier 1 Notification, Notification Template and Proof of Notification Form

CC: Kern County Environmental Health Services Department (w/o attachments)
Kern County Public Health Laboratory (w/out attachments)
Ernie Chavarria, Contact Sampler (by email)

JSD/ams

ATTACHMENT A

WQI Reports and Nitrate Result from 09/15/13 and 10/8/13

DATE: 10/14/13
 REPORT: R-040/2-3

STATE OF CALIFORNIA
 DRINKING WATER PROGRAM

PAGE: 1

DRINKING WATER ANALYSES RESULTS REPORT
 ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS
 FOR SAMPLE DATE RANGE OF 19940101 THRU 20131014
 REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1500458 NAME: R.S. MUTUAL WATER COMPANY
 SOURCE NO: 001 NAME: WELL 01

COUNTY: KERN
 PSCODE: 1500458-001
 CLASS: CIGD STATUS: AU

GROUP IDENTIFICATION	CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DIR	TRIGGER	UNIT
NI NITRATE/NITRITE							
71850 NITRATE (AS NO3)		06/18/2002	42.4000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		02/20/2003	37.5000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		11/04/2003	41.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		12/02/2003	41.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		03/02/2004	35.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		06/01/2004	41.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		09/07/2004	40.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		12/07/2004	38.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		03/01/2005	37.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		05/24/2005	37.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		07/20/2005	42.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		10/26/2005	39.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		05/18/2006	38.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		08/20/2007	43.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		08/06/2008	45.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		11/03/2008	41.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		02/25/2009	40.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		05/12/2009	42.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		07/23/2009	39.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		10/06/2009	42.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)		11/23/2009	38.0000 *	45.0000	2.0000	23.0000	MG/L

NOTE1: * = RESULT IS EQUAL TO OR GREATER THAN TRIGGER

NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

DATE: 10/14/13
 REPORT: R-040/2-3

STATE OF CALIFORNIA
 DRINKING WATER PROGRAM

PAGE: 2

DRINKING WATER ANALYSES RESULTS REPORT
 ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS
 FOR SAMPLE DATE RANGE OF 19940101 THRU 20131014
 REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1500458 NAME: R.S. MUTUAL WATER COMPANY COUNTY: KERN
 SOURCE NO: 001 NAME: WELL 01 FSCODE: 1500458-001 CLASS: CIGD STATUS: AU

GROUP IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
71850 NITRATE (AS NO3)	01/06/2010	35.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	04/05/2010	35.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	09/03/2010	43.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	03/10/2011	38.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	06/12/2011	39.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	09/11/2011	44.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	12/12/2011	43.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	03/05/2012	44.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	06/05/2012	43.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	09/16/2012	45.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	12/02/2012	44.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	03/27/2013	41.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	07/28/2013	44.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	09/15/2013	46.0000 *	45.0000	2.0000	23.0000	MG/L

NOTE1: * = RESULT IS EQUAL TO OR GREATER THAN TRIGGER
 NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD



R.S. Mutual Water Co.
3715 Burr St., Apt #57
Bakersfield, CA 93308

Reported: 09/20/2013 10:44
Project: Drinking Water
Project Number: 1500458
Project Manager: Ernie Chavarria

Water Analysis (General Chemistry)

BCL Sample ID: 1319930-01 Client Sample Name: Well #1, 9/15/2013 11:00:00AM, Ernie Chavarria

Constituent	Result	Units	PQL	Method	MB Bias	Lab Quals	Run #
Nitrate as NO3	46	mg/L	0.44	EPA-300.0	ND		1

Run #	Method	Prep Date	Run Date/Time	Analyst	Instrument	Dilution	QC Batch ID
1	EPA-300.0	09/18/13	09/16/13 22:46	LD1	IC1	1	BW1226

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety. All results listed in this report are for the exclusive use of the submitting party. BC Laboratories, Inc. assumes no responsibility for report alteration, separation, detachment or third party interpretation.



R.S. Mutual Water Co.
3715 Burr St., Apt #57
Bakersfield, CA 93308

Reported: 09/20/2013 10:44
Project: Drinking Water
Project Number: 1500458
Project Manager: Ernie Chavarria

Metals Analysis

BCL Sample ID:	1319930-01	Client Sample Name:	Well #1, 9/16/2013 11:00:00AM, Ernie Chavarria
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Constituent	Result	Units	PQL	Method	MB Bias	Lab Quals	Run #
Total Recoverable Arsenic	11	ug/L	2.0	EPA-200.8	ND		1
Total Recoverable Uranium	21	pci/L	0.07	EPA-200.8	ND		1

Run #	Method	Prep Date	Run Date/Time	Analyst	Instrument	Dilution	QC Batch ID
1	EPA-200.8	09/17/13	09/19/13 15:52	JSS	PE-EL2	1	BW1304



Laboratories, Inc.

Environmental Testing Laboratory Since 1949

R.S. Mutual Water Co.
3715 Burr St., Apt #57
Bakersfield, CA 93308

Reported: 10/22/2013 11:27
Project: Drinking Water
Project Number: 1500458
Project Manager: Ernie Chavarria

BCL Sample ID: 1322001-01 Client Sample Name: Well #1, 10/8/2013 5:45:00PM

Constituent	Method	Result	Units	Dilution	PQL	DW-MCL	Prep Date	Run Date/Time	Lab Quas
Inorganics									
Nitrate as NO3	EPA-300.0	45	mg/L	1	0.44	45	10/09/13	10/10/13 04:09	
Metals									
Total Recoverable Arsenic	EPA-200.8	11	ug/L	1	2.0	10	10/09/13	10/10/13 00:30	
Uncategorized									
Total Recoverable Uranium	EPA-200.8	23	pCi/L	1	0.67		10/09/13	10/10/13 00:30	

R.S. Mutual Water Company

1500458*Source Monitoring Freq:*

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Violation</i>	<i>Comment</i>
5/24/2005	11:25	Well	P	A			
5/25/2005	13:55	Well - Well Cycle	A	A			All five steps absent fo
5/14/2007	9:40	Well #1	A	A			
10/16/2007	14:30	Well	P	A			
10/19/2007	9:30	Well	A	A			
10/19/2007	9:35	Well	A	A			
10/24/2007	10:50		A	A			
10/25/2007	10:00	Well	A	A			
2/15/2008	11:15	Well #1	A	A			
8/6/2008	11:20	WELL	P	A			
8/7/2008	12:00	WELL	P	A			
8/11/2008	12:45	Well	A	A			
11/3/2008	10:20	Well	A	A			
6/16/2009	9:01	Well	A	A			
6/16/2009	9:01	Well	A	A			
7/23/2009	10:15	Well	A	A			
8/3/2009	11:00	Well	P	P			
8/5/2009	13:16	Well	A	A			
8/5/2009	13:19	Well	A	A			
8/5/2009	13:29	Well	A	A			
8/5/2009	13:45	Well	A	A			
8/5/2009	14:15	Well	A	A			
8/11/2009	10:35	Well HB	A	A			
9/8/2009	9:50	Well	P	A			
9/11/2009	10:00	Well	A	A			
9/25/2009	9:15	Well	P	A			
10/6/2009	10:37	Well	A	A			
11/2/2009	10:55	Well	A	A			
12/1/2009	9:05	Well	A	A			
1/6/2010	10:15	Well	A	A			
2/2/2010	10:15	Well	A	A			
3/1/2010	9:25	Well	A	A			

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Violation</i>	<i>Comment</i>
4/5/2010	9:30	Well	A	A			
5/4/2010	11:05	Well	A	A			
7/6/2010	9:35	Well / Routine	A	A			

ATTACHMENT B

Email from the Department, sent on October 8, 2013 with directives

Dhaliwal, Jesse (CDPH-SCDWFOB)

From: Dhaliwal, Jesse (CDPH-SCDWFOB)
Sent: Thursday, October 10, 2013 11:44 AM
To: 'Jo Moore'
Cc: Carlton, Dawn (CDPH-DDWEM); Kaur, Amandeep (CDPH-DDWEM); Shurbaji, AbdelRahman (CDPH--SCDWFOB-)
Subject: RE: Nitrate result Above the MCL of 45 mg/L - RS MWC (System No. 1500458)

Ok. Please keep in mind that nitrate is an acute contaminant and requires public notification within 24 hours of notification of a high result. Thanks.

From: Jo Moore [mailto:jamoores@mchsi.com]
Sent: Thursday, October 10, 2013 11:42 AM
To: Dhaliwal, Jesse (CDPH-SCDWFOB)
Subject: RE: Nitrate result Above the MCL of 45 mg/L - RS MWC (System No. 1500458)

Yes, I will issue the notice.
Jo Ann Moore

From: Dhaliwal, Jesse (CDPH-SCDWFOB) [mailto:Jesse.Dhaliwal@cdph.ca.gov]
Sent: Tuesday, October 08, 2013 10:29 AM
To: Jo Moore
Cc: Dave Weismantel; cccgenb1@gmail.com; Ms bonnie goldstein; Kaur, Amandeep (CDPH-DDWEM); Carlton, Dawn (CDPH-DDWEM); Shurbaji, AbdelRahman (CDPH--SCDWFOB-); canyonwater@gmail.com; cccgenb1@gmail.com
Subject: RE: Nitrate result Above the MCL of 45 mg/L - RS MWC (System No. 1500458)

Hello Joanne,

Please issue the public notice today without waiting for the lab results for the follow-up sample. The regulations Tier 1 (within 24 hours) require notification of the customers when a water system fails to collect a follow-up nitrate sample within 24 hours of receipt of notification from the lab about high nitrate (above 45 mg/L) in the water. Per my phone discussion with Ernie yesterday, he got a cell phone notification from the lab either Thursday or Friday of last week and no follow-up samples have been collected yet. If needed, we can send you an updated public notice after we have result of the sample that Ernie plans to collect today. Thanks.

From: Jo Moore [mailto:jamoores@mchsi.com]
Sent: Tuesday, October 08, 2013 10:16 AM
To: Dhaliwal, Jesse (CDPH-SCDWFOB)
Cc: Dave Weismantel; cccgenb1@gmail.com; Ms bonnie goldstein
Subject: RE: Nitrate result Above the MCL of 45 mg/L - RS MWC (System No. 1500458)
Importance: High

Hello Jessie,

I was out of town and didn't get home until late Monday night. I called Ernie Chavarria this morning and he is going to take a sample for a follow-up nitrate test today. I will distribute the public notice to our customers upon receiving the lab results. Thank you for this notification.

Jo Ann Moore
president RSMWC

From: Dhallwal, Jesse (CDPH-SCDWFOB) [mailto:Jesse.Dhallwal@cdph.ca.gov]
Sent: Monday, October 07, 2013 3:53 PM
To: cccgenb1@gmail.com; canyonwater@gmail.com; jamoore@mchsl.com
Cc: Carlton, Dawn (CDPH-DDWEM); Shurbaji, AbdelRahman (CDPH--SCDWFOB-)
Subject: Nitrate result Above the MCL of 45 mg/L - RS MWC (System No. 1500458)
Importance: High

Good Afternoon Ernie and Joanne,

I just left voice mail messages for both of you about this high nitrate result. Anthony Meeks from our HQ (EDT Section) reported to us (via email today) the following results for the RS MWC's Well 01 (PS Code: 1500458-001). As shown below, a sample collected on September 15, 2013, from the well showed a nitrate result of 46 mg/L, which is above the nitrate MCL of 45 mg/L. We have no record of receiving any phone call or email from either of you about the high nitrate result. Nitrate is an acute contaminant and requires immediate follow-up, including Tier 1 public notification.

<<Tier 1 Nitrate Notice-100713-RS MWC-1500458.doc>>

DATE: 10/07/13 REPORT FOR DISTRICT: 19 PAGE: 1

FINDINGS EXCEEDING THE MAXIMUM CONTAMINANT LEVEL (MCL)

SYSTEM NO: 1500458 NAME: R.S. MUTUAL WATER COMPANY

PSCODE: 1500458-001 NAME: WELL 01

SAMPLE DATE: 130915 SAMPLE TIME: 1100 LAB NO: 5806

STORE	CONSTITUANT NAME	XMOD	FINDING	MCL
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01002	ARSENIC	11	10.000	
28012	URANIUM (PCI/L)	21	20.000	
71850	NITRATE (AS NO3)	46	45.000	

We have the following questions about the follow-up.

1. Do you have any record of notifying the Department of this nitrate MCL exceedance?
2. Did the lab analyzing the sample notify you about the high nitrate result? If yes, when were you notified?

2. Was any follow-up nitrate sample collected from the well? If yes, when was the sample collected and what was the result?. If you have a copy of the result, please email or fax a copy of the result to our office.
3. If a follow-up sample was not collected from the well, the customers of the water system needs to be notified within 24 hours in accordance with the Tier 1 public notification requirements. Please distribute the attached public notice to the customers of the R.S. Mutual Water Company and notify our office afterwards and include a copy of the notice (Insert date distributed towards the end of the notice). If you make any changes to the notice, we must review it and approve it. Please also collect a nitrate sample from the well and contact our office with the results.

If you have any questions, please contact Dawn Carlton in our office at (661) 3350-7324 or myself. Thanks.

Jesse Dhaliwal, P.E.

Senior Sanitary Engineer

Tehachapi District

California Department of Public Health

4925 Commerce Drive, Suite 120

Bakersfield, CA 93309

Phone: 661-335-7318

Fax: 661-335-7316

Email: jesse.dhaliwal@cdph.ca.gov

ATTACHMENT C

Public Notice (10/10/2013) Issued for Nitrate MCL violation

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
R.S. Mutual Water Company's 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

A water sample collected on September 15, 2013, from our water system's well (Well 01) showed a nitrate level of 46 mg/L (as nitrate). This is above the nitrate standard, or maximum contaminant level (MCL), of 45 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 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, 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.

Water produced by Well 01 is also in ongoing violation of the arsenic MCL of 0.010 mg/L and uranium MCL of 20 pCi/L. As a long-term solution to our water quality problems, we are already working with the California Department of Public Health on a Prop 84 grant funding project to consolidate with the neighboring Kernville Water System of California Water Service Company. We expect to be in compliance within three years.

For more information, please contact Joanne Moore, President, RS Mutual Water Company at (760) 376-3056 or you may contact the California Department of Public Health at (661) 335-7315.

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.

- **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 RS Mutual Water Company. System ID#: 1500458 Date distributed: 10/10/2013

ATTACHMENT D

Instructions for Tier 1 Notification
Nitrate Public Notice Template
and
Proof of Notification Form

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 **R.S. Mutual Water Company Water System** of the failure to meet the *nitrate* MCL for the 1st 2nd 3rd 4th quarter of _____.
(circle one) (year)

Notification was made by *hand delivered* written notice on _____.
(date)

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 Quarterly within 10 days of Public Notification
Nitrate MCL Failure
System Number 150045
CO #: 03-19-03O-005

Instructions for Tier 1 Nitrate Notice Template

Template Attached

Since exceeding the nitrate maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.1(b)]. **During this time period, you must also contact the Department. Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].** You should also coordinate with your local health department.

Notification Methods

You must use one or more of the following methods to deliver the notice to consumers [64463.1(c)]:

- Radio or television
- Posting in conspicuous locations throughout the area served by the water system
- Hand delivery to persons served by the water system

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand-deliver, print your notice on letterhead, if available.

The notice attached is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for radio, TV, or posting. If you do, you must still include all required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice 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.

Alternative Sources of Water

If you are providing alternative sources of water for infants or pregnant women, your notice should say where to obtain it. If you choose to provide bottled water, remember that bottled water can also be contaminated or high in nitrates if the bottler uses water from your system. If you are providing bottled water, make sure it meets standards by contacting the bottler and asking for the most recent test results.

Corrective Action

In your notice, describe corrective actions you are taking. The bullet below describes one action commonly taken by water systems with nitrate/nitrite violations. Use this language, if appropriate, or develop your own:

- "We are investigating water treatment and other options. These may include drilling a new well, mixing the water with low-nitrate water from another source, or buying water from another water system."

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 the Department within ten days after issuing the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions, and the doctors should have the information they need to respond appropriately. They also need to make sure the water is not provided to infants and pregnant women in their care.

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

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

R.S. Mutual Water Company's 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**

A water sample collected on [Insert Sampling Date], from our water system's well (Well 01) showed a nitrate level of [Insert Nitrate Result in mg/L (as nitrate)]. This is above the nitrate standard, or maximum contaminant level (MCL), of 45 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.*
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- 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?

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Water produced by Well 01 is also in ongoing violation of the arsenic MCL of 0.010 mg/L and uranium MCL of 20 pCi/L. As a long-term solution to our water quality problems, we are already working with the California Department of Public Health on a Prop 84 grant funding project to consolidate with the neighboring Kernville Water System of California Water Service Company. We expect to be in compliance within three years.

For more information, please contact Joanne Moore, President, RS Mutual Water Company at (760) 376-3056 or you may contact the California Department of Public Health at (661) 335-7315.

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 RS Mutual Water Company.

State Water System ID#: 1500458 Date distributed: _____.