



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

July 25, 2013

Wildwood Mutual Water Company
569 Leanne Avenue
Yuba City, CA. 95993

Attention: Edward Koelker, President

**Subject: COMPLIANCE ORDER NO. 21-13R-002
NITRATE MCL VIOLATION FOR THIRD QUARTER 2013**

Enclosed is a Compliance Order issued to Wildwood Mutual Water Company (Water System). The Compliance Order is being issued because the Water System is out of compliance with the nitrate Maximum Contaminant Level (MCL) as specified in Section 64432(i), Title 22, of the California Code of Regulations during the third quarter of 2013.

Section 116577 of the California Safe Drinking Water Act provides for our Department to be reimbursed by the public water system for costs associated with preparing and issuing an enforcement action to that system. In accordance with Section 116577, the Water System will be billed for the preparation and issuance of this letter and compliance order. Approximately one hour was spent preparing this letter and compliance order, and currently our costs are approximately \$126 per hour.

If you have any questions, please call me at (530) 224-4867, or Paul Rowe at (530) 224-4866.

Richard L. Hinrichs, P.E., Chief
Northern California Section
Drinking Water Field
Operations Branch

Enclosures

cc: Reese Crenshaw, P.E., Valley District Engineer
Kevin Timms, Operator
Sutter County Department of Environmental Health

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

IN RE: WILDWOOD MUTUAL WATER COMPANY
Water System No. 5100109

TO: Edward Koelker, President
Wildwood Mutual Water Company
569 Leeanne Avenue
Yuba City, CA. 95993

ISSUED: July 25, 2013
VIA CERTIFIED MAIL

**COMPLIANCE ORDER FOR
NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the California Department of Public Health (hereinafter Department) to issue 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 or adopted pursuant to Chapter 4. The Department regulates public water systems for compliance with all California regulations related to drinking water.



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FINDINGS AND BACKGROUND

Wildwood Mutual Water Company (hereinafter Water System) is a community water system serving an estimated population of 255 customers, through 83 connections. The source of supply for the Water System is a groundwater well designated as Well 002 (Source Number 5100109-002). The Water System is currently on schedule to consolidate with the City of Yuba City water, as part of the Franklin Road Water Main Extension Project; due to be completed by October of 2014.

On July 17, 2013, a quarterly nitrate sample taken from well 002 indicated an equivalent of 51.4 milligrams per liter (mg/L) (Nitrate as NO₃). This maximum contaminant level (MCL) exceedance triggered a confirmation sample to be taken within 24 hours. The second sample was taken on July 18, 2013, and resulted in an equivalent of 39.6 mg/L (Nitrate as NO₃). The average of these two samples resulted in an MCL exceedance of 46 mg/L (Nitrate as NO₃).

Section 64431, Title 22 of the California Code of Regulations requires that public water systems deliver water to all customers that complies with the nitrate MCL of 45 mg/L.

CONCLUSIONS OF LAW

Based on the above Findings, the California Department of Public Health (Department) has determined that the Water System has violated provisions



1 contained in the CHSC and Title 22, California Code of Regulations (CCR).

2 These violations include, but are not limited to, the following:

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4 1. CHSC, Section 116555 (a) (1): Specifically, the Water System has
5 failed to provide water that complies with primary and secondary
6 drinking water standards.

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8 2. CHSC, Section 116555 (a)(3): Specifically, the Water System has
9 failed to ensure that the water system is provided with a reliable and
10 adequate supply of pure, wholesome, healthful and potable water.

11
12 3. CCR, Title 22 Section 64431: Specifically, the Water System has failed
13 to comply with the primary maximum contaminant level for nitrate of 45
14 mg/L (as NO₃).

15
16 **ORDER**

17 To ensure that the water supplied by the Water System is at all times safe,
18 wholesome, healthful, and potable, and pursuant to Section 116555 of the
19 CHSC, the Water System is ordered to take the following interim actions:

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21 1. Cease and Desist from failing to comply with CHSC Sections
22 116555(a)(1) and (a)(3) and CCR Section 64431 by ensuring that the
23 Water System is provided with a reliable and adequate supply of pure,
24 wholesome, healthful, and potable water, which is in compliance with
25 all primary drinking water standards.



1 2. Provide quarterly public notification of the Water System's failure to
2 comply with the nitrate MCL. Public notification shall continue as long
3 as the nitrate MCL is violated or until the Water System provides water
4 that meets all applicable drinking water standards. The notification
5 format is provided in Attachment B. Proof of public notification shall be
6 provided to the Department following each quarterly notification by the
7 10th day of the month following notification, using the form provided as
8 Attachment A.
9

10
11
12 3. Continue to collect quarterly samples from Well 002 for nitrate analysis.
13 The analytical results shall be reported to the Department using the
14 source code 5100109-002 no later than the 10th day following the
15 month in which the samples were analyzed.
16

17 4. Submit a written response to the Department by **August 23, 2013**,
18 indicating its willingness to comply with the directives of this Order.
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20 The Department reserves the right to make such modifications to this
21 Order as it may deem necessary to protect public health and safety. Such
22 modifications may be issued as amendments to this Order and shall be
23 effective upon issuance. All submittals required by this Order shall be
24 addressed to:
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Reese Crenshaw, Valley District Engineer
California Department of Public Health
Drinking Water Field Operations Branch
364 Knollcrest Drive, Suite 101
Redding, CA. 96002

If the Water System is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Water System notifies the Department in writing no less than thirty days in advance of the due date, the Department may extend the time for performance if the Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

If the Water System fails to perform any of the tasks specified in this Order by the time described herein, the 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 Code, Sections 116725 and 116730.

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 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 Water System or its agents in carrying out activities pursuant to this Order. By issuance of this Order, the Department does not waive any future enforcement actions.



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PARTIES BOUND

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

SEVERABILITY

The requirements of this Order are severable, and Wildwood Mutual Water Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

CIVIL PENALTIES

Failure to comply with any provision or compliance schedule of this Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties of up to \$200 per day on the Water System.

7/25/2013

Date

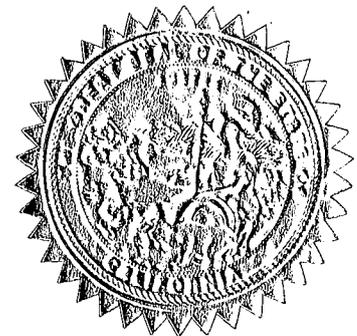
Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief
Northern California Section
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: Reese Crenshaw, P.E., Valley District Engineer
Kevin Timms, Operator
Sutter County Department of Environmental Health

Attachments:

- Attachment A: Proof of Notification Form
- Attachment B: Public Notification Notice



Certified Mail No. 7009 1680 0001 3114 5202

ATTACHMENT A
PROOF OF NOTIFICATION

Name of Water System: **Wildwood Mutual Water Company**

Water System Number: **5100109**

Certification

As required by Section 64463.4 of the California Code of Regulations, I notified the users of the water supplied by Wildwood Mutual Water Company of the nitrate violation of Section 64431 of the California Code of Regulations for the compliance period of July 1, 2013 through September 30, 2013. I complied with the directives of this order as indicated below:

<u>Public Notification Required Action</u>	<u>Date Completed</u>
Mail or Direct Delivery	_____
Posting in public places served by the Water System.	_____
_____	_____
<u>Signature of Water System Representative</u>	<u>Date</u>

Attach a copy of the direct delivery/mail notice and a copy of the public posting.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

ATTACHMENT B

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:

Wildwood Mutual Water Company Water has high levels of nitrate.

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

Two water sample results received in July 2013 showed an average nitrate level of 46 milligrams per liter (mg/L). This is just above the nitrate standard or maximum contaminant level (MCL), of 45 mg/L (45 parts per million - Nitrate as NO_3). Nitrate consumed in drinking water can cause serious illness in infants under six months, adverse health effects in pregnant women, and may interfere with iodide uptake in the body, leading to abnormal hormone levels in the body.

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 pregnant women.

- Water, juice, and formula should not be prepared with tap water. Bottled water or other water low in nitrate should be used 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 nitrate remains 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 is an inorganic chemical that can be introduced to drinking water via runoff from fertilizer use, leaching from septic tanks, sewage, and erosion of natural deposits. 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.

For more information, please contact Edward Koelker at 530-671-6656.

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.

This notice is being sent to you by Wildwood Mutual Water Company in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.