

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

ORDER DW 2023-0001-EXEC

In the Matter of Proposed Revocation of Public Water System Permit No. 2018-03-017 Issued to
Bloomingcamp Water System

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE EXECUTIVE DIRECTOR¹

1.0 INTRODUCTION

This matter comes before the Executive Director of the State Water Resources Control Board (State Water Board or Board) following the issuance of the Notice of Intent to Revoke Public Water System Permit No. 2018-03-017 (Notice of Intent to Revoke) that was issued to Bloomingcamp Water System (Water System). In accordance with the attached Settlement Agreement, the State Water Board Division of Drinking Water (Division) Prosecution Team and the Water System have agreed to settle this matter in lieu of proceeding to a hearing. The issuance of a decision or order pursuant to a settlement agreement is authorized under Government Code section 11415.60.

2.0 BACKGROUND

The Water System is regulated under Domestic Water Supply Permit No. 2018-03-017. The Water System serves two residences, one mobile home (Oak Mobile Home), an apple press room, a bakery, and two public restrooms. The Water System is located at 10528 Highway 120, Oakdale, CA 95361 in the unincorporated area of Stanislaus County adjacent to the City of Oakdale. The Water System is classified as a transient noncommunity water system with seven connections, serving a population of 25 or more individuals at least 60 days out of the year.² The Water System consists of one well, one pressure tank, five point of use treatment devices (POUs), and the distribution system. The Division acknowledges that the Water System disagrees with the Division's determination that there is more than one connection as defined by applicable law.

Prior to January 1, 2022, Stanislaus County Department of Environmental Resources, Division of Environmental Health (DER) regulated the Water System.

¹ State Water Board Resolution No. 2012-0061 delegates to the Executive Director the authority to issue a decision or order by settlement of the parties under Government Code section 11415.60.

² As noted, the number of connections is disputed by the Water System, which contends there is only one connection to the water source supply.

During its regulatory oversight, DER issued the Water System Compliance Order DER-18R-008 after the Water System exceeded the maximum contaminant level (MCL) for nitrate. Compliance Order DER-18R-008 required, among other actions, that the Water System submit a Corrective Action Plan that proposed improvement to the system to resolve the exceedance. DER subsequently issued three amendments to Compliance Order DER-18R-008 and issued Citation DER-19C-003.

After regulatory oversight of the Water System transferred to the Division on January 1, 2022, the Division issued Citation No. 01-10-22C-004 for failure to comply with Compliance Order DER-18R-008, Amendment 03 to Compliance Order DER-18R-008, Permit 2018-03-017, Citation DER-19C-003, Health and Safety Code section 116555, subdivision (a)(1), and title 22 of the California Code of Regulations, sections 64431, 64418, subdivision (a)(6), and 64418.8, subdivision (a)(3). Citation NO. 01-10-22C-004 required the Water System to comply with several directives by June 30, 2022. The Division did not receive a response or any deliverables from the Water System by that date.

On August 17, 2022, the Deputy Director of the Division issued the Notice of Intent to Revoke the Water System's permit pursuant to Health and Safety Code section 116625, subdivision (a). The Notice of Intent to Revoke is attached to the Settlement Agreement. The Notice of Intent to Revoke alleged that the Water System had failed to comply with the terms of its permit, the requirements of the Safe Drinking Water Act and its implementing regulations, and the terms of the compliance order and citations issued to the Water System. The Notice of Intent to Revoke provided the Water System an opportunity to request a hearing by September 30, 2022 to contest the proposed revocation.

On September 14, 2022, the Division received a letter from Mr. Steinberg requesting a hearing on the proposed permit revocation. On October 24, 2022, I assigned this matter to the State Water Board's Administrative Hearings Office.

The Water System and the Prosecution Team engaged in settlement negotiations and have agreed to settle the matter without an administrative hearing.

3.0 SETTLEMENT AGREEMENT

The Water System and the Prosecution Team executed the settlement agreement, dated April 18, 2023, that is attached hereto (Settlement Agreement). Under the terms of the Settlement Agreement, the Water System stipulates to request cancelation of the hearing on the proposed revocation, waives the right to petition for reconsideration of this Order, and agrees to comply with the required actions and all other terms and conditions that are described in the Settlement Agreement and incorporated herein. In the event that the Water System fails to install the point of use devices in accordance with the terms of the Settlement Agreement, the Water System also stipulates to revocation of its permit.

ORDER

IT IS HEREBY ORDERED THAT the attached Settlement Agreement between the Prosecution Team and the Water System is approved. The Water System must perform all of the following actions:

1. Install point of use (POU) devices in the public restrooms by May 26, 2023.
2. Display a sign stating "Do Not Drink" or equivalent sign in the bake shop restroom within 2 weeks of the effective date of the Settlement Agreement.
3. Attachment of a sign stating "Do Not Drink" or equivalent sign to the two hose bibs at the bake shop within 2 weeks of the effective date of the Settlement Agreement.
4. Consent to an inspection of the system by Division staff within two weeks of installation of the two additional POU devices.

STATE WATER RESOURCES CONTROL BOARD



June 1, 2023

Eileen Sobeck
Executive Director

Date