



Ron Chapman, MD, MPH
Director & State Health Officer

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

DRINKING WATER FIELD OPERATIONS BRANCH
50 D STREET, SUITE 200, SANTA ROSA, CA 95404
PHONE: (707) 576-2145 / FAX: (707) 576-2722
INTERNET ADDRESS: www.cdph.ca.gov



EDMUND G. BROWN JR.
Governor

June 3, 2013

Whale Gulch Elementary School
c/o Sandy Tilles
76811 Usal Road
Whitethorn, CA 95589

Dear Sandy Tilles:

Enclosed is a citation issued to the Whale Gulch Elementary School (Water System). The citation is being issued because the Water System failed to sample for disinfection byproducts, as specified in Section 64534.2, Title 22 of the California Code of Regulations during 2012.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the Water System to return to compliance. The Further Enforcement Action section describes penalties that may be assessed for failure to comply with the Citation. No civil penalty is levied in the enclosed citation.

Your Water System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation and any follow-up time required of Department staff to ensure compliance. The Water System will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact our office at (707) 576-2145.

Sincerely,

Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District

Enclosure: Citation No. 02-03-13C-005-2300847-27

1 **Citation No.** 02-03-13C-005-2300847-27

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STATE OF CALIFORNIA

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DEPARTMENT OF PUBLIC HEALTH

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6 **Public Water System:** Whale Gulch Elementary School

7 **Water System No.:** 2300847

8 **Issue Date:** June 3, 2013

9

10 **To:** Whale Gulch Elementary School

11 76811 Usal Road

12 Whitethorn, CA 95589

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14

CITATION FOR NON-COMPLIANCE

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Section 64534.2, Title 22, California Code of Regulations

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2012 Monitoring Failure – Disinfection Byproduct

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18 Section 116650 of the California Health and Safety Code (CHSC) authorizes the
19 issuance of a citation for failure to comply with a requirement of California Safe
20 Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with
21 Section 116270), or any regulation, permit, order or standard issued thereunder.

22

23 The Division of Drinking Water and Environmental Management of the California
24 Department of Public Health (Department) hereby issues a citation to Whale Gulch
25 Elementary School (System) for failure to comply with Title 22, California Code of
26 Regulations (CCR) Section 64534.2.

27

1 **APPLICABLE AUTHORITIES**

2 Section 116650 of the CHSC states in relevant part:

3
4 (a) If the department determines that a public water system is in violation of this
5 chapter or any regulation, permit, standard, citation, or order issued or
6 adopted thereunder, the department may issue a citation to the public water
7 system. The citation shall be served upon the public water system
8 personally or by certified mail. Service shall be deemed effective as of the
9 date of personal service or the date of receipt of the certified mail. If a
10 person to whom a citation is directed refuses to accept delivery of the
11 certified mail, the date of service shall be deemed to be the date of mailing.
12

13 (b) Each citation shall be in writing and shall describe the nature of the violation
14 or violations, including a reference to the statutory provision, standard,
15 order, citation, permit, or regulation alleged to have been violated.
16

17 (c) A citation may specify a date for elimination or correction of the condition
18 constituting the violation.
19

20 (d) A citation may include the assessment of a penalty as specified in
21 subdivision (e).
22

23 (e) The department may assess a penalty in an amount not to exceed one
24 thousand dollars (\$1,000) per day for each day that a violation occurred,
25 and for each day that a violation continues to occur. A separate penalty
26 may be assessed for each violation.
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California Code of Regulations (CCR), Section 64534.2 states in relevant part:

Community and nontransient noncommunity water systems shall monitor for total trihalomethane (TTHM) and haloacetic acids (HAA5) at the frequencies and locations indicated in table 64534.2-A.

Table 64534.2 states in relevant part:

Column A	Column B	Column C	Column D
<i>Type of System</i>	<i>Persons Served</i>	<i>Minimum Monitoring Frequency</i>	<i>Sample Location in the Distribution System & increased monitoring frequencies</i>
Systems using approved surface water	<500	One sample per year per treatment plant during month of warmest water temperature	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system shall increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in paragraph (3) of this subsection.

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STATEMENT OF FACTS

To date, the Department has not received laboratory results for total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples at the frequency specified in Table 64534.2 from System. Specifically, Whale Gulch Elementary School is required to monitor TTHM and HAA5 samples annually, during the month of warmest water temperature. The last reported TTHM and HAA5 samples reported to the Department were collected on March 26, 2013 and September 12, 2011.

DETERMINATIONS

The Department determined that Whale Gulch Elementary School is in violation of Title 22, CCR, Section 64534.2, in that the System failed to collect the required number of routine disinfection byproduct samples in 2012.

DIRECTIVES

Whale Gulch Elementary School is hereby directed to take the following actions:

1. Comply with Section 64534.2, Title 22 of the CCR in all future monitoring periods.
2. Collect required TTHM and HAA5 in **September 2013** and electronically submit these results by **November 30, 2013**.
3. Notify all persons served by the System of the disinfection byproduct monitoring failure(s) in conformance with Section 64463.7 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:
 - a. Completion of Attachment A to include the name, address and telephone number of a System official as a source of additional information

1 concerning the public notice. Submit a copy of the public notice prior to
2 distribution to the Department for review and approval. **You must also**
3 **give a legible, written description (preferably typed) of the corrective**
4 **actions taken by the System to prevent this violation from occurring**
5 **in the future. You must use the space provided on page 2 of**
6 **Attachment A for this written description.**

7
8 b. By mail or direct delivery of the notice contained in Attachment A, **after it**
9 **has been completed in accordance with (a) above**, to each customer
10 served by the water system. This notice must also be given to all other
11 service connections which receive water from the System. This notice
12 must be delivered to each customer/service connection by **April 30, 2014**.
13 Including the full notice in the Consumer Confidence Report will satisfy
14 this requirement.

15
16 c. By publication of the notice contained in Attachment A, **after it has been**
17 **completed in accordance with (a) above**, in a local newspaper. This
18 notice must be published for one day. The publication in a local
19 newspaper must be completed by **April 30, 2014**.

20
21 d. The System shall provide public notice for this violation in accordance with
22 Section 64465(c), Title 22 of the CCR. This section requires that each
23 public notice given pursuant to this article shall contain information in
24 Spanish regarding the importance of the notice, or contain a telephone
25 number or address where Spanish speaking residents may contact the
26 System to obtain a translated copy of the public notice or assistance in
27 Spanish. In addition, Section 64465(c) also requires for each non-English

1 speaking group that exceeds 1,000 residents or 10% of the residents in
2 the community (whichever is less), the public notice must contain
3 information in the appropriate language(s) regarding the importance of the
4 notice, or it must contain a telephone number or address where such
5 residents may contact the System to receive a translated copy of the
6 notice or to receive assistance in the appropriate language. The Spanish
7 language requirement is already included in the notice attached to this
8 citation, Attachment A.

- 9
- 10 4. A representative of the System shall complete the attached Certification of
11 Compliance form and return it to the Department by **May 15, 2014**. A copy of the
12 notice delivered to customers and a copy of the newspaper publication must be
13 attached to the Compliance Certification Form.

14

15 All documents required by this Citation shall be submitted to the Department at the
16 following address:

17

18 Michelle F. Frederick, P.E., District Engineer
19 Mendocino District
20 Drinking Water Field Operations Branch
21 50 D Street, Suite 200
22 Santa Rosa, CA 95404

23 The Department reserves the right to make such modifications to this Citation, as it
24 deems necessary to protect public health and safety. Such modifications may be
25 issued as amendments to this Citation and shall be effective upon issuance.
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PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable laws or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Michelle F. Frederick June 3, 2013
Date

Michelle F. Frederick, P.E.
District Engineer
Mendocino District

ATTACHMENTS: Compliance Certification
 Public Notification Template

Certified Mail No. 7012 2210 0001 9133 4048

2300847/Compliance-4/02-03-13C-005-2300847-27/AJL



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.

**Monitoring Requirements Not Met for
Whale Gulch Elementary School**

Our water system failed to monitor as required for disinfection byproducts during calendar year 2012 and, therefore, was in violation of the regulations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2012, we did not monitor or test for total trihalomethanes and haloacetic acids and therefore, cannot be sure of the quality of our drinking water during that time. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Total trihalomethanes	1 sample every year	0	September 2012	September 2013
Haloacetic acids (five)	1 sample every year	0	September 2012	September 2013

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We collected samples in March 2013 which showed that the water at that time was meeting TTHM and HAA5 standards. We will collect the samples above in September 2013.

ATTACHMENT A

For more information, please contact Sandy Tilles at 707-986-7131 or 76811 Usal Road, Whitethorn, CA 95589.

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 Whale Gulch Elementary School.

State Water System ID#:2300847. Date distributed: _____.

CERTIFICATION OF COMPLIANCE

Citation Number 02-03-13C-005-2300847-27

Name of Water System: **Whale Gulch Elementary School**

System Number: **2300847**

Certification

As required by Section 64463.4 of the California Code of Regulations, I certify that the users of the water supplied by the **Whale Gulch Elementary School** were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period ending in the 2012. In addition, I certify that Whale Gulch Elementary School has complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – Mail or Hand Delivery by April 30, 2014*	
Public Notification – Newspaper by April 30, 2014*	

Signature of Water System Representative

Date

**Attach a copy of the notice delivered to customers and a copy of the notice published in the newspaper.*

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT BY
May 15, 2014**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states 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 each 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 county jail not to exceed one year, or by both the fine and imprisonment.

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