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GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Water System No. 4900850

March 25, 2015

Luana Presler
Bodega Water Company
P.O. Box 87
Bodega, CA 94922

CITATION NO. 02_18_15C_015 FLUORIDE MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR FOURTH QUARTER 2014

Enclosed is a Citation issued to the Bodega Water Company (System) public water system.

Bodega Water Company will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

Bodega Water Company will receive a bill sent from our Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Bodega Water Company for the current fiscal year.

If you have any questions regarding this matter, please contact Karen Bolan of my staff at (707) 576-2730 or me at (707) 576-2006.

Sincerely,


Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosure: Citation No. 02-18-15C-016

Tim Ehlert, Operator, P.O. Box 176, Sebastopol, CA 95473

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Bodega Water Company

Water System No: 4900850

To: Luana Presler
P.O. Box 87
Bodega, CA 94922

Issued: March 25, 2015

**CITATION FOR NONCOMPLIANCE
WITH FLUORIDE MAXIMUM CONTAMINANT LEVEL
FOURTH QUARTER 2014**

AND

PERMIT 02-18-14P-4900850

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Bodega Water Company (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64431.

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement

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of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder. A copy of the *Applicable Statues and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Bodega Water Company is classified as a community water system with 38 connections serving an approximate population of 150. In the letters dated June 25, 2004 and February 24, 2012, the System was required to conduct quarterly fluoride monitoring at the Entry to Distribution at Storage Tank (4900850-007).

In 2014, the Division received the following quarterly fluoride results at the Entry to Distribution at Storage Tank (4900850-007):

January 14, 2014	2.4 mg/L
April 14, 2014	0.94 mg/L
July 22, 2014	3.0 mg/L
October 27, 2014	3.2 mg/L

The fourth quarter 2014 calculated running annual average (RAA) concentration of quarterly fluoride results was 2.4 mg/L, which exceeded the maximum contaminant level (MCL) of 2.0 mg/L.

1 A domestic water supply permit, Permit No. 02-18-14P-4900850, was issued
2 to the System on July 25, 2014. Provision 5 requires the System to operate
3 in accordance with the following criterion:

- 4 5. All water supplied by Bodega Water Company for domestic purposes
5 shall meet all Maximum Contaminant Levels (MCLs) established by
6 the Division of Drinking Water.
7

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9 **DETERMINATION**

10 The Division has determined that the System is in violation of Title 22, CCR,
11 Section 64431 and Permit No. 02-18-14P-4900850. Section 64431 defines
12 the MCL of fluoride as 2.0 mg/L. Section 64432(i) defines a violation of the
13 fluoride MCL as a RAA concentration exceeding 2.0 mg/L.
14

15
16 The System conducts quarterly fluoride monitoring. The fluoride RAA of
17 fourth quarter 2014 was calculated as 2.4 mg/L. Therefore, the System
18 violated the MCL contained in Section 64432 in fourth quarter 2014.
19

20 **DIRECTIVES**

21 Bodega Water Company is hereby directed to take the following actions:
22

- 23
24 1. Comply with Section 64431 and 64432, Title 22, CCR in all future
25 monitoring periods.
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- 27 2. On or before **April 20, 2015**, and in any future calendar quarter in
which the four-quarter running annual average fluoride concentration

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from the Entry to Distribution at Storage Tank exceeds the MCL, notify all persons served by the System of the MCL violation in conformance with Title 22, CCR, Sections 64463.4 and 64465. Appendix 2: Public Notification Template may be used to fulfill this directive.

- 3. The System shall complete Appendix 3: Compliance Certification. Submit it together with a copy of the public notification to the Division on or before **April 27, 2015**.
- 4. Continue to collect quarterly samples from Entry to Distribution at Storage Tank for fluoride analysis.
- 5. By **July 31, 2015**, submit to the Division for review and approval, a plan and compliance schedule for improvements to the water system to correct the fluoride water quality problem and eliminate the delivery of water to consumers that does not meet the primary drinking water standard. The plan and schedule must be prepared by a Civil Engineer registered in the State of California, with at least three years of experience in designing drinking water related projects. Any Division comments must be addressed within 30 days from receipt of comments.

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6. By **January 31, 2017**, complete all the improvements in the approved project submitted pursuant to Directive 5 above in accordance with the approved compliance schedule.

The Division reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

All submittals required by this Citation shall be submitted to the Division

at the following address: Janice M. Thomas, P.E.
State Water Resources Control Board
Division of Drinking Water
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

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

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SEVERABILITY

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

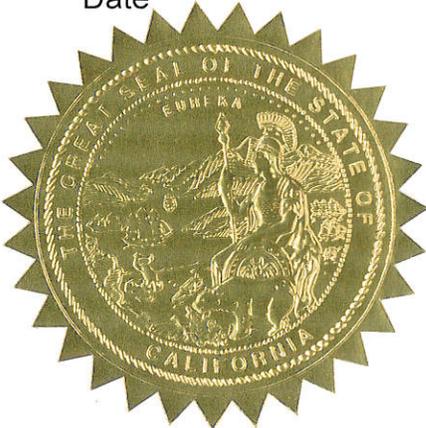
FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division 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 law or regulations or has failed to comply with orders of the Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

Janice M. Thomas March 25, 2015

Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Date



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Appendices (3):

- 1. Applicable Statutes and Regulations
- 2. Public Notification Template
- 3. Compliance Certification

Certified Mail No. 7013 2250 6600 5448 3439

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02-18-15C-015**

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations (CCR), Section 64431 states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Fluoride	2.0

California Code of Regulations (CCR), Section 64432 states in relevant part:

- (a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2.
- (i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

California Code of Regulations (CCR), Section 64463.4 states in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
 - (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
 - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (c) A water system shall deliver the notice, in a manner designed to reach person served, within the required time period as follows:
 - (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 - 1. Publication in a local newspaper;
 - 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 - 3. Delivery to community organizations.

California Code of Regulations (CCR), Section 64465 states in relevant part:

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
 - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;
 - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
 - (5) Whether alternative water supplies should be used;
 - (6) What actions consumers should take, including when they should seek medical help, if known;

- (7) What the water system is doing to correct the violation or occurrence;
 - (8) When the water system expects to return to compliance or resolve the occurrence;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
 - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public 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; and
 - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: —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 your drinking water meets health standards. During [*compliance period dates*], we [*did not monitor or test* or *did not complete all monitoring or testing*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time.
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
- (2) For a Tier 2 or Tier 3 public notice:
 - (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
 - (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
 1. Information in the appropriate language(s) regarding the importance of the notice; or
 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language;
- (d) Each public notice given pursuant to this article shall:
- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
 - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-D. Health Effects Language

Inorganic Contaminants.

Health Effects Language

Contaminant
Fluoride

For the Consumer Confidence Report: Some people who drink water containing fluoride in excess of the federal MCL of 4 mg/L over many years may get bone disease, including pain and tenderness of the bones. Children who drink water containing fluoride in excess of the state MCL of 2 mg/L may get mottled teeth.

For a Public Notice: This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your

community water system [*name*] has a fluoride concentration of [*insert value*] mg/L.

Dental fluorosis may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride can increase your risk of developing bone disease.

For more information, please call [*water system contact name*] of [*water system name*] at [*phone number*]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call the California Department of Public Health's Water Treatment Device Unit at (916) 449-5600.

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.

Bodega Water Company Has Levels of Fluoride Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is 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.

We routinely monitor for drinking water contaminants. Water sample results received in 2014 showed that *the drinking water provided by your community water system, Bodega Water Company, has a fluoride running annual average concentration of 2.4 mg/L.* This is above the standard, or maximum contaminant level (MCL), of 2.0 mg/L.

What should I do?

- **Children under the age of nine should use an alternative source of water that is low in fluoride.** You may also want to contact your dentist about proper use by young children of fluoride-containing products.
- This is not an emergency. If it had been, you would have been notified immediately. Rather, *this is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis).*
- *Dental fluorosis may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.*
- *Drinking water containing more than 4 mg/L of fluoride can increase your risk of developing bone disease. Although bone disease may develop in anyone exposed to years of drinking water containing more than 4 mg/L of fluoride, dental fluorosis can occur after a relatively short period of exposure (i.e., months) in children under the age of nine.*

APPENDIX 2. PUBLIC NOTIFICATION TEMPLATE (TIER 2)

- For other health issues concerning the consumption of this water, you may wish to consult your doctor.
- *Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call the State Water Resources Control Board, Residential Water Treatment Device Registration Unit at (916) 449-5600 or visit the State Board's website at <http://www.swrcb.ca.gov/>.*

What happened? What was done?

Fluoride contamination is rarely due to human activity. Fluoride occurs naturally in some areas and is found in high concentrations in our source water.

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please call [water system contact name] of [water system name] at [phone number].

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 Bodega Water Company.

State Water System ID#: 4900850. Date distributed: _____.

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number 02-18-15C-015

Name of Water System: **Bodega Water Company**

System Number: **4900850**

I certify that the users of the water supplied by this water system were notified of the Fluoride MCL violation of Title 22, California Code of Regulations, Section 64431 for the fourth quarter 2014 and that the following actions, as directed in 02-18-15C-015 have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification – Mail and Direct Delivery and Other Notification Methods completed.	

Signature of Water System Representative

Date

Attach a copy of the Public Notification posted.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN APRIL 27, 2015

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.