



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Water System No. 4901118

May 5, 2015

Shelley Klucznik
Andy's Produce Market, Inc.
P.O. Box 870
Sebastopol, CA 95473

CITATION NO. 02_18_15C_023 HEXAVALENT CHROMIUM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR FIRST QUARTER 2015

Enclosed is a Citation issued to the Andy's Produce Market, Inc. (System) public water system.

Andy's Produce Market, Inc. 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.

Andy's Produce Market, Inc. 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 Andy's Produce Market, Inc. 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_023

C: Gary Mickelson, Operator, P.O. Box 2689, Petaluma, CA 94953

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: Andy's Produce Market, Inc.

Water System No: 4901118

To: Andy's Produce Market, Inc.
1691 Gravenstein Highway North
Sebastopol, CA 95473

Issued: May 5, 2015

**CITATION FOR NONCOMPLIANCE
WITH HEXAVALENT CHROMIUM MAXIMUM CONTAMINANT LEVEL
FIRST QUARTER 2015**

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Andy's Produce Market, Inc. (hereinafter System) for failure to comply with California Health and Safety Code (CHSC) Division 104 Section 116555(a)(1) and 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 of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter

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4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder. A copy of the *Applicable Statutes and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Andy’s Produce Market, Inc. is classified as a nontransient noncommunity water system with 4 connections serving an approximate population of 50. The Division received October 14, 2014, November 12, 2014, and January 12, 2015 hexavalent chromium monitoring results for Well 01 of 0.025 milligrams per liter (mg/L), 0.029 mg/L, and 0.027 mg/L, respectively. The calculated running annual average (RAA) concentration of quarterly results is 0.027 mg/L, which exceeds the maximum contaminant level (MCL) of 0.010 mg/L.

No hexavalent chromium treatment is provided for Well 01. In the letter dated December 26, 2014, the Division recommended the System investigate installing treatment and other feasible options to lower the concentration of hexavalent chromium and prevent an MCL violation. To date, the Division has not received any proposal to lower the concentration of hexavalent chromium in water produced by Well 01.

DETERMINATION

The Division has determined that the System is in violation of Title 22, CCR, Section 64431, Maximum Contaminant Level – Inorganic Chemicals.

1 Section 64431 and 64432(i) define a violation of the hexavalent chromium
2 MCL as a running annual average concentration exceeding 0.010 mg/L.
3

4 **DIRECTIVES**

5 Andy's Produce Market, Inc. is hereby directed to take the following actions:
6

- 7
- 8 1. Comply with Section 64431, Title 22, CCR in all future monitoring
9 periods.
 - 10
 - 11 2. On or before **June 5, 2015**, and in any future calendar quarter in
12 which the hexavalent chromium running annual average
13 concentration exceeds the MCL, notify all persons served by the
14 System of the MCL violation in conformance with Title 22, CCR,
15 Sections 64463.4 and 64465. Appendix 2 includes a Public
16 Notification Template that may be used to fulfill this directive.
17
 - 18
 - 19 3. The System shall complete Appendix 3: Compliance Certification.
20 Submit it together with a copy of the public notification to the Division
21 on or before **June 12, 2015**.
22
 - 23
 - 24 4. Continue to collect quarterly samples from Well 01 for hexavalent
25 chromium analysis. The analytical results shall be reported to the
26 Division using the source code 4901118-001 no later than the 10th
27 day following the month in which the samples were analyzed.



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5. By **August 5, 2015**, submit to the Division for review and approval, a plan and compliance schedule for improvements to the water system to lower the hexavalent chromium concentration to below the MCL before entering the distribution system. The plan and schedule must be prepared by a Civil Engineer registered in the State of California, with at least three years of experience designing drinking water related projects. Any Division comments must be addressed within 30 days from receipt of comments.

6. By **June 5, 2015**, submit a written response to the Division, indicating your willingness to comply with the directives of this Citation.

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

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PARTIES BOUND

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

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.

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Janice M. Thomas May 5, 2015
Janice M. Thomas, P.E., Sonoma District Engineer Date
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Appendices (3):

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



Certified Mail No. 70141200000111676511

4901118/Compliance
02_18_15C_023_4901118_02/GC

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02_18_15C_023**

Section 116555 of the CHSC states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
(1) Complies with primary and secondary drinking water standards.

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>
Hexavalent chromium	0.010

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

- (a) 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).
- (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.

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 persons served, within the required time period as follows:
- (2) 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, noncommunity water systems shall give public notice by:
 - (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or
 4. Direct delivery to each customer.

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

- (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; and
 - (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (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.**

Contaminant

Hexavalent chromium

Health Effects Language

Some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.

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.

**Andy's Produce Market, Inc. Has Levels of
Hexavalent Chromium
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 are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on October 14, 2014, November 12, 2014, and January 12, 2015 showed running annual average hexavalent chromium level of 0.027 milligrams per liter (mg/L). This is above the standard, or maximum contaminant level (MCL), of 0.010 mg/L.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.
- 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?

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

For more information, please contact Shelley Klucznik at (707) 824-5440 or P.O. Box 870, Sebastopol, CA 95473.

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)]:

- 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 Andy's Product Market, Inc.

State Water System ID#: 4901118. Date distributed: _____.

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number 02_18_15C_023

Name of Water System: Andy's Produce Market, Inc.

System Number: 4901118

I certify that the users of the water supplied by this water system were notified of the inorganic chemical maximum contaminant level violations of Title 22, California Code of Regulations, Section 64431 and 64432 for the compliance period of first quarter 2015 and that the following actions, as directed in 02_18_15C_023 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.	
(Citation Directive 7) Statement of Intent to Comply.	

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 JUNE 12, 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.