



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Water System No. 4901267

July 10, 2015

James Galsterer
TLC Child & Family Services
P.O. Box 2079
Sebastopol, CA 95473

**CITATION NO. 02_18_15C_032
ARSENIC MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR FIRST
QUARTER 2015**

Enclosed is a Citation issued to the TLC Child & Family Services (System) public water system.

TLC Child & Family Services 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.

TLC Child & Family Services 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 TLC Child & Family Services for the current fiscal year.

If you have any questions regarding this matter, please contact George Chien of my staff at (707) 576-2971.

Sincerely,

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

Enclosure: Citation No. 02_18_15C_032

C: Sidice Mutandwa, P.O. Box 2079, 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: TLC Child & Family Services

Water System No: 4901267

To: James Galsterer
P.O. Box 2079
Sebastopol, CA 95473

Issued: July 10, 2015

**CITATION FOR NONCOMPLIANCE
WITH ARSENIC 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 TLC Child & Family Services (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 of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or

1 order issued thereunder. A copy of the *Applicable Statutes and Regulations*
2 is located in Appendix 1, which is attached hereto and incorporated by
3 reference.

4
5 **STATEMENT OF FACTS**

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7 TLC Child & Family Services is classified as a nontransient noncommunity
8 water system with 4 connections serving an approximate population of 35.
9 The System has a history of arsenic detections at Well 01. In the letter dated
10 March 29, 2011, the System was required to conduct quarterly arsenic
11 monitoring at the Well 01 (4901267-001) due to a March 1, 2011 result of
12 0.011 mg/L.

13
14
15 From the second quarter 2014 to the first quarter 2015, the Division received
16 the following quarterly arsenic results at the Well 01 (4901267-001):

Sampling Quarter	Sampling Date	Arsenic Result
Second Quarter 2014	Did not sample	Not Available
Third Quarter 2014	August 22, 2014	0.0087 mg/L
Fourth Quarter 2014	October 22, 2014	0.021 mg/L
	November 5, 2014	0.0092 mg/L
	December 22, 2014	0.0056 mg/L
First Quarter 2015	February 23, 2015	0.018 mg/L
	March 11, 2015	0.0084 mg/L

1 The first quarter 2015 calculated running annual average (RAA)
2 concentration of quarterly arsenic results was 0.011 mg/L, which exceeded
3 the Maximum Contaminant Level (MCL) of 0.010 mg/L.
4

5
6 An arsenic mitigation proposal was received by the Division on February 27,
7 2015 and the System is scheduled to submit the required materials for the
8 permit amendment application by August 2015 to the Division for review.
9

10 **DETERMINATION**

11 The Division has determined that the System is in violation of Title 22, CCR,
12 Section 64431. Section 64431 defines the MCL for arsenic as 0.010 mg/L.
13 Section 64432(i) defines a violation of the arsenic MCL as a RAA
14 concentration exceeding 0.010 mg/L.
15

16
17 The System conducts quarterly arsenic monitoring. The arsenic RAA of first
18 quarter 2015 was calculated as 0.011 mg/L. Therefore, the System violated
19 the MCL contained in Section 64432 in first quarter 2015.
20

21 **DIRECTIVES**

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23 TLC Child & Family Services is hereby directed to take the following actions:
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- 25 1. Comply with Section 64431 and 64432, Title 22, CCR in all future
26 monitoring periods.
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2. On or before **August 10, 2015**, and in any future calendar quarter in which the four-quarter running annual average arsenic concentration of the distributed water that 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 **August 17, 2015**.

4. Continue to collect quarterly samples from Well 01 for arsenic analysis.

5. By **August 14, 2015**, submit to the Division for review, all required materials (except the finalized treatment specifications and documentation and the finalized treatment operations plan) of the permit amendment application for adding the arsenic treatment to correct the arsenic water quality problem and eliminate the delivery of water to consumers that does not meet the primary drinking water standard.

6. By **July 31, 2016**, complete and submit all the items listed on the permit amendment application pursuant to Directive 5 above to the Division for review and approval.



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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

July 10, 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. 7014 1200 0001 1167 6672

4901267/Compliance
02_18_15C_032_4901267_02.docx/GC

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

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>
Arsenic	0.010

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.
- (c) Unless more frequent monitoring is required pursuant to this Chapter, the frequency of monitoring for the inorganic chemicals listed in table 64431-A, except for asbestos, nitrate/nitrite, and perchlorate, shall be as follows:
(1) Each compliance period, all community and nontransient-noncommunity systems using groundwater shall monitor once during the year designated by the Department. The Department will designate the year based on historical monitoring frequency and laboratory capacity. All

community and nontransient-noncommunity systems using approved surface water shall monitor annually. All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually.

- (2) Quarterly samples shall be collected and analyzed for any chemical if analyses of such samples indicate a continuous or persistent trend toward higher levels of that chemical, based on an evaluation of previous data.
- (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:
 - (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 the 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.

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

Arsenic

Some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and 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.

**TLC Child & Family Services Has Levels of Arsenic
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 and 2015 showed that *the drinking water provided by your water system, TLC Child & Family Services, has an arsenic running annual average concentration of 0.0113 mg/L. This is above the standard, or maximum contaminant level (MCL), of 0.010 milligrams per liter.*

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[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.

This notice is being sent to you by TLC Child & Family Services.

State Water System ID#: 4901267. Date distributed: _____.

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number 02_18_15C_032

Name of Water System: TLC Child & Family Services

System Number: 4901267

I certify that the users of the water supplied by this water system were notified of the arsenic MCL violation of Title 22, California Code of Regulations, Section 64431 for the first quarter 2015 and that the following actions, as directed in 02_18_15C_032 have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification – Posting 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 AUGUST 17, 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.