

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

IN RE: **KERN VALLEY STATE PRISON**  
Water System No. 1510802

**FILE COPY**

TO: Mr. Tim Wise, Acting Operations Plant Manager  
Kern Valley State Prison  
P.O. Box 99  
Delano, CA 93610

CC: Kern County Environmental Health Department

**CITATION FOR NONCOMPLIANCE  
WITH THE PERMIT PROVISION**

Issued on July 22, 2013

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

**VIOLATION**

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Kern Valley State Prison (hereinafter 'KVSP'), for failure to comply with, the permit provisions outlined in their Domestic Water

1 Supply Permit No. 03-12-12P-007. KVSP (3000 West Cecil Avenue Delano, CA 93216)  
2 failed to comply with the following permit provisions of the Water Supply Permit:

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- 4 • Permit Provision No. 9 specifies that KVSP's arsenic treatment facilities shall be  
5 operated in accordance with an approved Operations Plan. KVSP has not submitted  
6 a final Operations Plan for review and approval to the Department as required.

- 7
- 8 • Permit Provision No. 12 (c) specifies that KVSP shall collect samples of the treated  
9 effluent for analysis of arsenic with a hand held device and by an approved  
10 laboratory weekly.

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12 Specifically, Kern Valley State Prison was unable to monitor daily and weekly treated  
13 arsenic samples June 30 through July 19, 2013. On June 27, 2013, the Department was  
14 notified that the membrane in the carbon dioxide (CO<sub>2</sub>) tank was malfunctioning and the  
15 CO<sub>2</sub> tank would be out of service for three to four days. The treatment operator assumed  
16 that the system would be able to continue to be supplied by the prison's storage tanks.

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18 However, on July 2, 2013, KVSP indicated that the bladder would not be able to be replaced  
19 in the amount of time normally indicated. The Department directed KVSP to collect special  
20 daily treated arsenic samples until the membrane in the CO<sub>2</sub> was replaced. At that time  
21 KVSP also made the Department aware that there was not currently a contract with a  
22 certified analyzing laboratory to send arsenic samples to for analysis. Therefore, KVSP  
23 violated the permit provisions stated above.

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25 Since there was no laboratory to analyze any sampling, KVSP failed to collect the required  
26 weekly treated arsenic monitoring for the week of June 30 through July 19, 2013. This is a  
27 monitoring and reporting violation.

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The above violations are classified as non-continuing violations.

**NOTIFICATION REQUIREMENTS**

Section 64463.7 (a) (1) of Title 22, California Code of Regulations (CCR), states that all water systems shall provide a Tier 3 public notice for monitoring violations. Therefore, KVSP must provide public notification within 12 months of the violation. This notification can be made via the 2013 consumer confidence report, due to the KVSP customers by July 1, 2014.

**DIRECTIVES**

The Kern Valley State Prison is hereby directed to take the following actions:

1. By **August 16, 2013**, Kern Valley State Prison shall have a contract with a certified laboratory to analyze all water quality monitoring (raw, treated and distribution).
2. By **August 16, 2013**, Kern Valley State Prison shall purchase and begin collecting arsenic samples with a hand held device.
3. By **August 30, 2013**, Kern Valley State Prison shall provide an updated Operatations Plan for review and approval from the Visalia District Office.
4. All documented items requested by this Citation shall be submitted to:

Tricia A. Wathen, P.E.  
 Senior Sanitary Engineer, Visalia District  
 California Department of Public Health  
 Drinking Water Field Operations Branch  
 265 W. Bullard Avenue, Suite 101  
 Fresno, CA 93704

1 **FURTHER ENFORCEMENT ACTIONS**

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

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11 **PARTIES BOUND**

12 This citation shall apply to and be binding upon Kern Valley State Prison, its officers,  
13 directors, agents, employees, contractors, successors, and assignees.

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15 **SEVERABILITY**

16 The directives of this citation are severable, and Kern Valley State Prison shall comply with  
17 each and every provision thereof, notwithstanding the effectiveness of any other provision.

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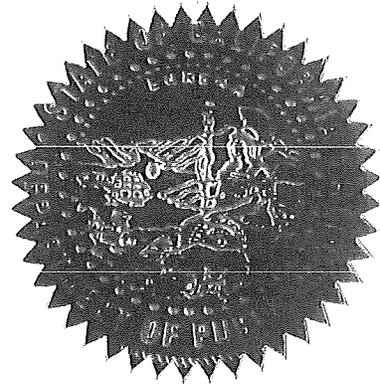
**CIVIL PENALTY**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

July 22, 2013  
Date

Tricia A. Wathen  
Tricia A. Wathen, P.E.  
Senior Sanitary Engineer, Visalia District  
Southern California Branch  
DRINKING WATER FIELD OPERATIONS BRANCH



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