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Director & State Health Officer

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

DRINKING WATER FIELD OPERATIONS BRANCH
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EDMUND G. BROWN JR.
Governor

December 5, 2012

Water System No. 2300826

Manchester Union Elementary School
P.O. Box 98
Manchester, CA 95459

Attention: Ms. Cynthia L. B. Gonzalez

CITATION NO. 02-03-12C-026-2300826-11
BROMATE DISINFECTION BYPRODUCT MAXIMUM CONTAMINANT LEVEL
VIOLATION FOR 2nd QUARTER OF 2006 THROUGH THE 3rd QUARTER 2012

Enclosed is a Citation issued to the Manchester Union Elementary School (System) for bromate maximum contaminant level (MCL) exceedances from the second quarter of 2006 through the third quarter 2012. Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation since this is an enforcement action for noncompliance with State regulations. You will receive a bill sent from our Fee Billing Unit in Sacramento.

If you have any questions regarding this matter, please contact Joy M. Wildflower of my staff at (707) 576-2818 or me at (707) 576-2731.

Sincerely,

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

cc (w/ enclosures):

Mendocino Environmental Health 860 N. Bush Street Ukiah, CA 95482

1 **Citation No. 02-18-12C-026-2300826-11**

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3 **STATE OF CALIFORNIA**

4 **DEPARTMENT OF PUBLIC HEALTH**

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7 **Name of Public Water System:** Manchester Union Elementary School

8 **Water System No:** 2300826

9 **To:** Ms. Cynthia L. B. Gonzalez, Superintendent
10 P.O. Box 98
11 Manchester, CA 95459

12 **Issued:** December 5, 2012

13 **CITATION FOR NONCOMPLIANCE**

14 **With Title 22 of the California Code of Regulations**

15 **Sections 64533(a), 64535.2(c) and 64537.2**

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

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25 The Division of Drinking Water and Environmental Management of the State
26 of California Department of Public Health (Department) hereby issues a
27 citation to the Manchester Union Elementary School (System) for failure to



1 comply with Title 22, California Code of Regulations (CCR) Sections 64533
2 (a), 64535.2(c), and 64537.2. Specifically, the System exceeded the
3 bromate maximum contaminant level (MCL) from the Second Quarter of
4 2006 through the Third Quarter of 2012, failed to provide public notice of the
5 violation, and failed to perform the required reporting to the Department.
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8 **APPLICABLE AUTHORITIES**

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10 Section 116650 of the CHSC states in relevant part:
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12 (a) If the California Department of Public Health (Department)
13 determines that a public water system is in violation of this chapter
14 or any regulation, permit, standard, citation, or order issued or
15 adopted thereunder, the department may issue a citation to the
16 public water system. The citation shall be served upon the public
17 water system personally or by certified mail. Service shall be
18 deemed effective as of the date of personal service or the date of
19 receipt of the certified mail. If a person to whom a citation is
20 directed refuses to accept delivery of the certified mail, the date of
21 service shall be deemed to be the date of mailing.
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25 (b) Each citation shall be in writing and shall describe the nature of
26 the violation or violations, including a reference to the statutory
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1 provision, standard, order, citation, permit, or regulation alleged to
2 have been violated.

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4 (c) A citation may specify a date for elimination or correction of the
5 condition constituting the violation.
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8 (d) A citation may include the assessment of a penalty as specified in
9 subdivision (e).

10
11 (e) The department may assess a penalty in an amount not to exceed
12 one thousand dollars (\$1,000) per day for each day that a
13 violation occurred, and for each day that a violation continues to
14 occur. A separate penalty may be assessed for each violation.
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16
17 California Code of Regulations, Section 64533(a), Maximum Contaminant
18 Levels for Disinfection Byproducts, states in relevant part:

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20 (a) Using the monitoring and calculation methods specified in
21 sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs
22 for the disinfection byproducts shown in table 64533-A shall not
23 be exceeded in drinking water supplied to the public.
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Table 64533-A

	Disinfection Byproduct Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Bromate	0.010	0.005 0.0010¹

¹ For analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0

California Code of Regulations (CCR), Title 22, Section 64535.2(c),
Determining Disinfection Byproducts Compliance, states in relevant part:

(c) Compliance for bromate shall be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by section 64534.2(c). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including language in appendix 64465-G, in addition to reporting to the Department pursuant to sections 64537 through 64537.6.

Section 64537.2 of Title 22 of the CCR, Disinfection Byproducts Reporting, states in relevant part:



Systems shall report to the Department the information specified in tables 64537.2-A and 64537.2-B.

Table 64537.2-A

Disinfection Byproducts Reporting

Bromate	(1) The number of samples taken during the last quarter;
	(2) The location, date, and result of each sample taken during the last quarter;
	(3) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year; and
	(4) Whether, based on section 64535.2(c), the MCL was violated.

STATEMENT OF FACTS

Bromate is formed when natural bromide in the source water reacts with ozone. Bromate is a disinfection byproduct with an MCL of 0.010 milligrams per liter (also expressed as 10 micrograms per liter); compliance with the MCL is determined quarterly, using a running annual average (RAA) of monthly results.



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2 The Department began implementation of the bromate maximum
3 contaminant level in June 2006. During the time period from the 2nd quarter
4 2006 through the 3rd Quarter 2012, the System received hard copy
5 laboratory reports indicating that the System's distribution water exceeded
6 the bromate MCL, as defined in Section 64533(a). However, System
7 personnel did not recognize the violation or report it to the public and the
8 Department as required in Sections 64535.2(c) and 64537.2. Running
9 annual averages for bromate for the time period in question, as calculated
10 by the Department, are provided in Attachment A.
11

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13 On October 12, 2012, the Department performed an inspection of the
14 System and notified the System that it must disconnect the ozone facility
15 and use sodium hypochlorite, instead of ozone, for disinfection. The System
16 ceased using ozone for disinfection on October 19, 2012. On October 30,
17 2012 the Department issued a new domestic water supply permit to the
18 System, no longer allowing the use of ozone as a disinfectant and requiring
19 that a bromate sample be collected by November 30, 2012 to verify that
20 bromate is no longer above the MCL. A bromate sample was collected on
21 November 15, 2012 and the result was below the laboratory reporting limit.
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25 Since September 2005, the Department has received the System's bromate
26 data by electronic data transfer (EDT) from a commercial laboratory certified
27 for drinking water analysis by the Department's Environmental Laboratory



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Accreditation Program (ELAP). The Department determined that until February 2012, with a few exceptions, the EDT results received by the Department featured incorrect units (analytical results in milligrams per liter were received by the Department as micrograms per liter). Consequently, the data reported to the Department demonstrated apparent compliance with the bromate MCL, when in fact the System was routinely in violation of the MCL.

DETERMINATIONS

The System violated Title 22 of the CCR, Section 64553(a), in that the System exceeded the bromate MCL from the 2nd quarter of 2006 through the 3rd quarter of 2012.

The System violated Title 22 of the CCR, Sections 64535.2(c) and 64537.2 in that it failed to submit the required disinfection byproducts report to the Department and failed to notify its customers of the bromate MCL exceedances.

DIRECTIVES

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The System is hereby directed to take the following actions:

1. Notify all persons served by the System, including the parents of all students, of the bromate MCL violation, in conformance with Title 22 of the CCR, Sections 64463, 64463.4, and 64465, including language in appendix 64465-G, and as follows:
 - a) Provide to the Department by **December 20, 2012**, for Department approval, Attachment B to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice.
 - b) Provide the approved notice, by mail or direct delivery by **January 5, 2013**, to all persons served by the System including parents of all students.
 - c) Publish the approved notice, in a local newspaper of general circulation in the area served by the System (or weekly newspaper if no daily paper is available) for one day. The publication in a local newspaper must be completed by **January 5, 2013**.

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2. The System shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to system customers but in no case later than **January 15, 2013**. A copy of the notice published in the newspaper and a copy of the notice delivered to the customers and parents of all students shall be attached.

The Department 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 Department at the following address:

Michelle F. Frederick, P.E.
Department of Public Health
Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA 95404



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.

December 5, 2012

Date

Michelle F. Frederick

Michelle F. Frederick, P.E.

Mendocino District Engineer

Drinking Water Field Operations Branch

Attachments

Certified Mail No.: 70121010000039840088

2300826/Compliance
02-18-12C-026-2300826-11 Citation bromate.docx/JMW



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COMPLIANCE CERTIFICATION

Citation Number: 02-18-12C-026-2300826-11

Name of Water System: Manchester Union Elementary School

System Number: 2300826

Certification

I certify that the users of the water supplied by this water system, including the parents of students, were notified of the Bromate Disinfection Byproducts Maximum Contaminant Level and reporting violations of Title 22, California Code of Regulations (CCR) for the compliance period of 2nd Quarter 2006 through the 3rd Quarter 2012.

Required Action	Date Completed
Public Notification – Mail or Direct Delivery	<input type="text"/>
Public Notification – Newspaper	<input type="text"/>
_____	_____
Signature of Water System Representative	Date

Attach a copy of the notice posted distributed to the water users and a copy published in the newspaper.

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.

Attachment A

Calculated Running Annual Average (RAA) for Bromate
2nd Quarter 2006 through 3rd Quarter 2012

Monitoring Period	Bromate RAA in micrograms per liter (µg/L)
2 nd Quarter 2006	40
3 rd Quarter 2006	40
4 th Quarter 2006	30
1 st Quarter 2007	26
2 nd Quarter 2007	27
3 rd Quarter 2007	31
4 th Quarter 2007	29
1 st Quarter 2008	29
2 nd Quarter 2008	29
3 rd Quarter 2008	35
4 th Quarter 2008	37
1 st Quarter 2009	39
2 nd Quarter 2009	37
3 rd Quarter 2009	18
4 th Quarter 2009	18
1 st Quarter 2010	16
2 nd Quarter 2010	18
3 rd Quarter 2010	30
4 th Quarter 2010	30
1 st Quarter 2011	40
2 nd Quarter 2011	39
3 rd Quarter 2011	37
4 th Quarter 2011	42
1 st Quarter 2012	32
2 nd Quarter 2012	32
3 rd Quarter 2012	38