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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 6, 2012

Water System No. 4901267

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

CITATION NO. 02-18-12C-054-4901267-03
ARSENIC MONITORING AND REPORTING VIOLATION FOR THIRD QUARTER
2012

Enclosed is a Citation issued to TLC Child & Family Services (System).

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. At this time, we have spent approximately two hours on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento on approximately August 1, 2013. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Waldon Wong of my staff at (707) 576-2764 or me at (707) 576-2006.

Sincerely,


Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

Enclosures

CC (w/ Enclosures): Sidice Mutandwa, P.O. Box 2079, Sebastopol, CA 95473

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: TLC Child & Family Services

Water System No: 4901267

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

Issued: December 6, 2012

CITATION FOR NONCOMPLIANCE

With Title 22 of the California Code of Regulations Section 64432(g)

Section 116650 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 (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to TLC Child & Family Services (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64432(g).



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APPLICABLE AUTHORITIES

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



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for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

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

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

- (1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred.

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

(a) 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 |

STATEMENT OF FACTS

The Department received a March 1, 2011 arsenic monitoring result for Well 01 of 0.011 milligrams per liter (mg/L). By letter dated March 29, 2011, the System was notified of the requirement to commence quarterly arsenic monitoring for Well 01. Pursuant to Section 64432(g), Title 22 of the CCR,

1 the System is required to collect one arsenic sample per quarter. The
2 analytical results of all required samples collected for a system in a calendar
3 month shall be reported to the Department not later than the tenth day of the
4 following month. As of the date of this Citation, the Division of Drinking
5 Water and Environmental Management of the Department of Public Health
6 has not received results for an arsenic sample collected in the third quarter
7 of 2012.
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10 **DETERMINATIONS**

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12 **THE DEPARTMENT HAS DETERMINED:**

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14 The System violated Title 22 of the CCR, Section 64432(g), in that the
15 System failed to collect the required number of arsenic samples during the
16 third quarter 2012.
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19 **DIRECTIVES**

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21 TLC Child & Family Services is hereby directed to take the following actions:
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- 23
24 1. Comply with Section 64432(g), Title 22, of the CCR in all future
25 monitoring periods. The System must continue with quarterly
26 monitoring arsenic monitoring of Well 01.
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2. Notify all persons served by the System of the arsenic monitoring requirements, in conformance with Section 64463.4 and 64465, Title 22 of the CCR, and as follows:

- a) Completion of Attachment A to include the name, address, and telephone number of a System representative as a source of additional information concerning the public notice. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided in Attachment A for this written description.**

- b) Provide the notice by mail or direct delivery, **after it has been completed in accordance with (a) above**, to each customer or service connection served by the System by **December 31, 2012**.

- c) Publish the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, 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 **December 31, 2012**.

1 d) Provide public notice for this violation in accordance with Section
2 64465(c), Title 22 or the CCR, which requires for each non-
3 English speaking group that exceeds 1,000 residents or 10% of
4 the residents in a community (whichever is less) that the public
5 notice must contain information in the appropriate language(s)
6 regarding the importance of the notice, or it must contain a
7 telephone number or address where such residents may contact
8 the water system to receive a translated copy of the notice or to
9 receive assistance in the appropriate language.
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12 3. The System shall complete the attached Compliance Certification
13 form and return it to the Department within 10 days of the public
14 notice being given to system customers but in no case later than
15 **January 18, 2013. A copy of the notice published in the**
16 **newspaper, a copy of the notice delivered to the customers, and**
17 **a copy of the laboratory results must be attached to the form.**
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20 The Department reserves the right to make such modifications to this
21 Citation, as it may deem necessary to protect public health and safety.
22 Such modifications may be issued as amendments to this Citation and shall
23 be effective upon issuance.
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26 Nothing in this Citation relieves the System of its obligation to meet the
27 requirements of the California Safe Drinking Water Act (CHSC, Division 104,



1 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
2 standard, permit or order issued thereunder.

3
4 All submittals required by this Citation shall be submitted to the Department

5 at the following address: Janice M. Thomas, P.E.
6 Department of Public Health
7 Drinking Water Field Operations Branch
8 50 D Street, Suite 200
9 Santa Rosa, CA 95404

10 **PARTIES BOUND**

11
12 This Citation shall apply to and be binding upon the System, its officers,
13 directors, agents, employees, contractors, successors, and assignees.
14

15 **SEVERABILITY**

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18 The directives of this Citation are severable, and the System shall comply
19 with each provision thereof notwithstanding the effectiveness of any
20 provision.
21

22 **FURTHER ENFORCEMENT ACTION**

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25 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
26 California Health and Safety Code authorizes the Department to: issue
27 additional citations with assessment of penalties if the System continues to



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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 Department; and petition the superior court to take various
enforcement measures against a public water system that has failed to
comply with orders of the Department. The Department does not waive any
further enforcement action by issuance of this citation.

December 6, 2012

Date

Janice M. Thomas

Janice M. Thomas, P.E.

Sonoma District Engineer

Drinking Water Field Operations Branch

Attachments

Certified Mail No. 7012 1010 0000 3984 0071



4901267/Compliance
121206 - 02-18-12C-054-4901267-03 Arsenic.docx/WWW



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COMPLIANCE CERTIFICATION

Citation Number: 02-18-12C-054-4901267-03

Name of Water System: TLC Child & Family Services

System Number: 4901267

Certification

I certify that the users of the water supplied by this water system were notified of the arsenic monitoring violations of Title 22, California Code of Regulations (CCR) for the compliance period of third quarter of 2012.

| Required Action | Date Completed |
|--|----------------|
| Complete Attachment A, as required in Directive 2(a) | |
| Public Notification – Mail or Direct Delivery | |
| Public Notification – Newspaper | |
| Completed Chemical Monitoring Results | |

Signature of Water System Representative

Date

Attach a copy of the notice distributed in the system, a copy published in the newspaper, and lab results of completed sampling.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN JANUARY 18, 2012**

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.



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

**TLC Child & Family Services Failed to Test for Arsenic during Third Quarter 2012
July/August/September 2012**

We failed to test the drinking water for arsenic during the third quarter of 2012. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During July, August, and September 2012, we did not test for arsenic and, therefore, cannot be sure of the quality of the drinking water at that time.

What does this mean?

The California Department of Public Health (CDPH) sets drinking water standards and has determined that arsenic poses an acute health concern at high levels of exposure. Some people who drink water containing arsenic in excess of the standard over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer. Quarterly arsenic sampling is important to periodically verify the quality of your drinking water.

What should I do?

You do not need to take any corrective actions. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on arsenic in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____

(name)

(address)

(phone number)