



Ron Chapman, MD, MPH  
Director & State Health Officer

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

DRINKING WATER FIELD OPERATIONS BRANCH  
50 D STREET, SUITE 200, SANTA ROSA, CA 95404  
PHONE: (707) 576-2145 / FAX: (707) 576-2722  
INTERNET ADDRESS: [www.cdph.ca.gov](http://www.cdph.ca.gov)



EDMUND G. BROWN JR.  
Governor

September 11, 2013

Water System No. 4900812

Jeff Waterman  
Friedman Brothers Hardware  
4055 Santa Rosa Avenue  
Santa Rosa, CA 95407

**CITATION NO. 02-18-13C-047**  
**ARSENIC MONITORING AND REPORTING VIOLATION FOR SECOND QUARTER 2013**

Enclosed is a Citation issued to the Friedman Brothers Hardware (System) public water 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, 2014. 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): Mark Zastrow, P.O. Box 2118, Penngrove, CA 95492

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STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

**Name of Public Water System:** Friedman Brothers Hardware

**Water System No:** 4900812

**To:** Jeff Waterman  
4055 Santa Rosa Avenue  
Santa Rosa, CA 95407

**Issued:** September 11, 2013

**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 4, 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 Friedman Brothers Hardware (System) for failure to comply with



1 Title 22, California Code of Regulations (CCR) Sections 64432(g) and  
2 Citation No. 02-18-12C-034.

3  
4 **APPLICABLE AUTHORITIES**

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6  
7 Section 116650 of the CHSC states in relevant part:

8  
9 (a) If the department determines that a public water system is in violation of this  
10 chapter or any regulation, permit, standard, citation, or order issued or adopted  
11 thereunder, the department may issue a citation to the public water system.  
12 The citation shall be served upon the public water system personally or by  
13 certified mail. Service shall be deemed effective as of the date of personal  
14 service or the date of receipt of the certified mail. If a person to whom a citation  
15 is directed refuses to accept delivery of the certified mail, the date of service  
16 shall be deemed to be the date of mailing.

17  
18 (b) Each citation shall be in writing and shall describe the nature of the violation or  
19 violations, including a reference to the statutory provision, standard, order,  
20 citation, permit, or regulation alleged to have been violated.

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22 (c) A citation may specify a date for elimination or correction of the condition  
23 constituting the violation.

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25 (d) A citation may include the assessment of a penalty as specified in subdivision  
26 (e).

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(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.

CCR, 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.

CCR, 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

CCR, Section 64469 states in relevant part:

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department no later than the tenth day of the following month.

1 (c) Analytical results shall be reported to the Department electronically using the  
2 Electronic Deliverable Format as defined in The Electronic Deliverable Format  
3 [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data  
4 Dictionary dated April 2001.

## 5 6 STATEMENT OF FACTS

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8 The System is a public water system that has approximately 70 employees  
9 served by one connection. Pursuant to Section 64432(g), Title 22 of the  
10 CCR, the System is required to collect quarterly arsenic samples directly  
11 from Well 01. The analytical results of all required samples collected for a  
12 system in a quarter shall be reported to the Department not later than the  
13 tenth day of the following month.  
14

15  
16 The Department received a September 14, 2011 arsenic monitoring result  
17 for Well 01 of 0.011 milligrams per liter (mg/L). By letter dated November 2,  
18 2011, the System was notified of the requirement to commence quarterly  
19 arsenic monitoring from Well 01. The System did not perform the quarterly  
20 arsenic monitoring for the second quarter of 2012. As of the date of this  
21 Citation, the Division of Drinking Water and Environmental Management of  
22 the Department of Public Health has not received results for an arsenic  
23 sample collected in the second quarter of 2013.  
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1 This is the second violation of Section 64432(g) and 64469, Title 22 of the  
2 CCR by this System. The System was issued Citation No. 02-18-12C-034  
3 by this Department on September 14, 2012 for failure to comply with the  
4 monitoring and reporting requirement in the second quarter 2012.  
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7 **DETERMINATIONS**

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9 **THE DEPARTMENT HAS DETERMINED:**

10  
11 The System violated Title 22 of the CCR, Section 64432(g), in that the  
12 System failed to collect the required number of arsenic samples during the  
13 second quarter 2013.  
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16 **PENALTIES PURSANT TO HEALTH AND SAFETY CODE SECTION**

17 **116650**

18  
19 The Department hereby assesses upon the System a penalty in the amount  
20 of \$100.00. Directions for paying this penalty are included in Directive 4 of  
21 this citation.  
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24 **DIRECTIVES**

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26 The System is hereby directed to take the following actions:  
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1. Comply with Section 64432(g), Title 22, of the CCR in all future monitoring periods. The System must continue with quarterly arsenic monitoring of Well 01.
  
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 System to prevent this violation from occurring in the future. You must use the space provided in Attachment A for this written description.**
  
  - b) Post the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in conspicuous locations throughout the area served by the System. Posting must begin no later than **October 11, 2013** and must continue for seven days.
  
  - c) Publish the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper

1 of general circulation in the area served by the System (or weekly  
2 newspaper if no daily paper is available) for one day. The  
3 publication in a local newspaper must be completed by **October**  
4 **11, 2013**.

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7 d) Provide public notice for this violation in accordance with Section  
8 64465(c), Title 22 or the CCR, which requires for each non-  
9 English speaking group that exceeds 1,000 residents or 10% of  
10 the residents in a community (whichever is less), that the public  
11 notice contain information in the appropriate language(s)  
12 regarding the importance of the notice, or it contain a telephone  
13 number or address where such residents may contact the  
14 System to receive a translated copy of the notice or to receive  
15 assistance in the appropriate language.  
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18 3. The System shall complete the attached Compliance Certification  
19 form and return it to the Department within 10 days of the public  
20 notice being given to system customers but in no case later than  
21 **October 21, 2013**. **A copy of the notice published in the**  
22 **newspaper, a copy of the notice delivered to the customers, and**  
23 **a copy of the laboratory results must be attached to the form.**  
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25  
26 4. Submit to the Department by **October 11, 2013**, a check for the  
27 penalty of \$100.00 imposed by this Citation and a copy of the form



1 which is attached hereto entitled "Notice of Citation Issuance." The  
2 Citation number shall be written on the check. The check shall be  
3 made payable to the **California Department of Public Health Safe**  
4 **Drinking Water Account** and submitted to:

5  
6 Department of Public Health  
7 Drinking Water Program – Fee Billing Unit  
8 ATTN: Ms. Perin Peebles  
9 P.O. Box 997379, MS 7406  
10 Sacramento, CA 95899-7379

11 The Department reserves the right to make such modifications to this  
12 Citation, as it may deem necessary to protect public health and safety.  
13 Such modifications may be issued as amendments to this Citation and shall  
14 be effective upon issuance.

15  
16 Nothing in this Citation relieves the System of its obligation to meet the  
17 requirements of the California Safe Drinking Water Act (CHSC, Division 104,  
18 Part 12, Chapter 4, commencing with Section 116270), or any regulation,  
19 standard, permit or order issued thereunder.  
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22 All submittals required by this Citation shall be submitted to the Department

23 at the following address: Janice M. Thomas, P.E.  
24 Department of Public Health  
25 Drinking Water Field Operations Branch  
26 50 D Street, Suite 200  
27 Santa Rosa, CA 95404



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**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.

**FURTHER ENFORCEMENT ACTION**

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Division 104, Part 12, Chapter 4, (commencing with section 116270) of the California Health and Safety Code authorizes the Department 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 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.



Stefan Cajina, P.E., Chief  
North Coastal Section  
Drinking Water Field Operations Branch



Date

Attachments

Certified Mail No. 7012 2210 0002 1673 9889

4900812/Compliance  
02-18-13C-047-4900812-03\$.docx/WWW





**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.

**Friedman Brothers Hardware Failed to Test for Arsenic during Second Quarter 2013  
April/May/June 2013**

We failed to test the drinking water for arsenic during the second quarter of 2013. 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 April, May, and June 2013, 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)*

