



RON CHAPMAN, MD, MPH
Director & State Health Officer

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



EDMUND G. BROWN JR.
Governor

September 9, 2013
Certified Mail
7011 2000 0001 1428 7303

Winship Elementary School
4305 S. Meridian Road
Meridian, CA 95957

Attention: Kathy Anderson, Superintendent

Subject: Public Water System No. 5100145 – Revised Compliance Order for Arsenic Maximum Contaminant Level Exceedance

Enclosed is Compliance Order No. 21-13R-003, an amendment to Compliance Order No. 01-21-09(O)51009 revision A1 (Order), which is hereby issued by the California Department of Public Health (Department) to Winship Elementary School for non-compliance with the maximum contaminant level (MCL) for arsenic of 10 ug/l (micro-grams per liter). Additionally, this Order has revised Directives.

In summary, the revised Directives require the following new actions: (1) response in writing by no later than September 20, 2013, indicating your intention to comply with this Order, (2) if State Revolving Funds are utilized, a Planning Study application shall be submitted by the deadlines set forth on the next funding invitation.

As indicated in the Order, in lieu of the new Directive identified as (2) above, you may instead submit documentation by October 4, 2013, which indicates that Winship Elementary School has allocated sufficient funds to obtain compliance with the arsenic MCL. The necessary capital improvements in this case must be completed by no later than January 30, 2015.

Please read the Order carefully and thoroughly while paying special attention to respond to the remaining directives not mentioned above. Contact Paul Rowe at 530-224-4866 if you have any questions. My phone number is 530-224-4861 if you wish to contact me directly.

Reese Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations Branch

Enclosure

cc: Richard Hinrichs, P.E., Chief, Northern California Section
Sutter County Department of Environmental Health

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

IN RE: **WINSHIP ELEMENTARY SCHOOL**
Water System No.5100145

TO: Kathy Anderson, Superintendent
4305 S. Meridian
Meridian, CA 95957

ISSUED: September 9, 2013
VIA CERTIFIED MAIL

**COMPLIANCE ORDER FOR
ARSENIC MAXIMUM CONTAMINANT LEVEL VIOLATION
Amended**

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the California Department of Public Health (hereinafter Department) to issue a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued or adopted pursuant to Chapter 4. The Department regulates public water systems for compliance with all California regulations related to drinking water.



1
2
3 **FINDINGS AND BACKGROUND**

4 On November 30, 2010, Winship Elementary School (hereinafter Water
5 System) was inactivated as a result of no longer meeting the definition of a
6 public water system, due to low student enrollment. On August 7, 2013, the
7 Water System was re-activated, as a non-transient, non-community public
8 water system due to increased student enrollment. The source of supply for
9 the Water System is a groundwater well designated as Well No. 1 (Source
10 No. 5100145-001), which serves an estimated population of 36 students and
11 staff through one connection.
12

13
14 Although Well No. 1 is the only source of domestic potable water, the Water
15 System has been providing bottled water to consumers due to a history of
16 arsenic levels which exceed the maximum contaminant level (MCL) in the
17 ground water. Beginning with the fourth calendar quarter of 2006, quarterly
18 arsenic samples were collected from this well and were analyzed by a State-
19 certified laboratory. The results of these samples are as follows:
20

21
22 Fourth Calendar Quarter 2006 18 micrograms per liter (ug/L)
23 First Calendar Quarter 2007 sample not collected and reported
24 Second Calendar Quarter 2007 16.0 ug/L
25 Third Calendar Quarter 2007 sample not collected and reported
26 Fourth Calendar Quarter 2007 sample not collected and reported
27 First Calendar Quarter 2008 18.0 ug/L



1		
2	Second Calendar Quarter 2008	sample not collected and reported
3	Third Calendar Quarter 2008	sample not collected and reported
4	Fourth Calendar Quarter 2008	20.0 ug/L
5	First Calendar Quarter 2009	sample not collected and reported
6	Second Calendar Quarter 2009	sample not collected and reported
7	Third Calendar Quarter 2009	sample not collected and reported
8	Fourth Calendar Quarter 2009	21.0 ug/L
9	First Calendar Quarter 2010	sample not collected and reported
10	Second Calendar Quarter 2010	17.0 ug/L
11	Third Calendar Quarter 2010	17.0 ug/L
12	Third Calendar Quarter 2013	18.0 ug/L

13
14 **Average of last four samples: 19.0 ug/L**

15
16 As a result of previous arsenic non-compliance, the Water System was sent
17 Compliance Order No. 01-21-09(O)51009 on January 5, 2009, and revised
18 Compliance Order No. 01-21-09(O)51009A1 on July 26, 2010.
19

20
21 **CONCLUSIONS OF LAW**

22 Based on the above Findings, the California Department of Public Health
23 (Department) has determined that the Water System has violated provisions
24 contained in the CHSC and Title 22, California Code of Regulations (CCR).
25 These violations include, but are not limited to, the following:
26
27



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
1. CHSC, Section 116555 (a) (1): Specifically, the Water System has failed to provide water that complies with primary and secondary drinking water standards.
 2. CHSC, Section 116555 (a)(3): Specifically, the Water System has failed to ensure that the water system is provided with a reliable and adequate supply of pure, wholesome, healthful and potable water.
 3. CCR, Title 22 Section 64431: Specifically, the Water System has failed to comply with the primary maximum contaminant level for arsenic of 10 ug/L.

ORDER

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the CHSC, the Water System is ordered to take the following interim actions:

1. Submit a written response by **September 20, 2013** indicating a willingness to comply with the directions of this order.
2. If State Revolving Funds are used, a Statement of Intent and a Planning Study application must be submitted by the deadlines set forth in the next funding invitation. The Planning Study will be used to identify the most cost effective solution for the Water System.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3. In lieu of Directive #2 above, the water supplier shall submit its Capital Improvement Plan by no later than **October 4, 2013**, which indicates funding has been allocated to comply with the arsenic standard. The identified Capital Improvements must be implemented by no later than **January 30, 2015**.

4. Until such time that the Water Supplier is in compliance with the maximum contaminant level for arsenic, the Water Supplier shall provide public notification to all consumers once each calendar quarter, at approximately 90-day intervals, which notifies consumers that the domestic water exceeds the arsenic maximum contaminant level. The water supplier shall submit a copy of the quarterly notification and certification that it has been distributed to water users to the Department by no later than the tenth day of the month following the month the notification was distributed. The notification and certification shall be in the form and manner directed by the Department.

5. In lieu of Directive #4 above, the Water Supplier shall provide consumers with either approved bottled water, or water from approved point-of-use devices, or both. The water supplier shall submit monthly summaries of bottled water consumption, or point-of-use device testing and monitoring, by the tenth day of the following month.



1
2 6. In the event that the Water System no longer meets the definition
3 of a public water system and is inactivated due to low student
4 enrollment in the future, The Water System must provide domestic
5 water that is compliant with all primary drinking water standards
6 *before* being re-activated as a public water system.
7

8 The Department reserves the right to make modifications to this Order as
9 it may deem necessary to protect public health and safety. Such
10 modifications may be issued as amendments to this Order and shall be
11 effective upon issuance. All submittals required by this Order shall be
12 addressed to:

13
14 Reese Crenshaw, Valley District Engineer
15 California Department of Public Health
16 Drinking Water Field Operations Branch
17 364 Knollcrest Drive, Suite 101
18 Redding, CA. 96002

19 If the Water System is unable to perform the tasks specified in this Order for
20 any reason, whether within or beyond its control, and if the Water System
21 notifies the Department in writing no less than thirty days in advance of the
22 due date, the Department may extend the time for compliance if the Water
23 System demonstrates that it has used its best efforts to comply with the
24 schedule and other requirements of this Order.

25
26 If the Water System fails to perform any of the tasks specified in this Order
27 by the time described herein, the Water System shall be deemed to have not
complied with the obligations of this Order and may be subject to additional



1
2 judicial action, including civil penalties specified in CHSC Code, Sections
3 116725 and 116730.
4

5
6 The State of California shall not be liable for any injuries or damages to
7 persons or property resulting from acts of omissions by the Water System,
8 its employees, agents, or contractors in carrying out activities pursuant to
9 this Order, nor shall the State of California be held as a party to any contract
10 entered into by the Water System or its agents in carrying out activities
11 pursuant to this Order. By issuance of this Order, the Department does not
12 waive any future enforcement actions.
13

14
15 **PARTIES BOUND**

16 This Order shall apply to and be binding upon Winship Elementary School,
17 its officers, directors, agents, employees, contractors, successors, and
18 assignees.
19

20 **SEVERABILITY**

21 The requirements of this Order are severable, and Winship Elementary
22 School shall comply with each and every provision thereof notwithstanding
23 the effectiveness of any provisions.
24

25 **CIVIL PENALTIES**

26 Failure to comply with any provision or compliance schedule of this Order
27 may result in the Department imposing additional enforcement actions

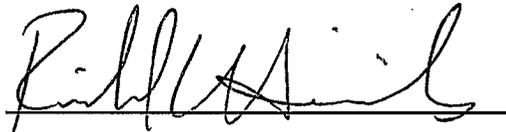


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(Citations) and administrative penalties of up to \$200 per day on the Water System.

9/9/2013

Date



Richard L. Hinrichs, P.E., Chief
Northern California Section
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: Reese Crenshaw, P.E., Valley District Engineer
Sutter County Department of Environmental Health

Attachments:

- Attachment A: Proof of Notification Form
- Attachment B: Public Notification Notice



Certified Mail No. 7011 2000 0001 1428 7303

Certification of Public Notice

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463 – 64465.

Public Water System Name Winship Elementary School

Public Water System No. 5100145

Public notification for the Third Quarter 2013 arsenic level failure was performed by the following method(s) (check and complete those that apply):

The notice was posted in the following conspicuous places:
A copy of the notice is attached.

Provide the date (or dates) that the notice was posted _____ (date)

The notice was published in a local newspaper or newsletter on _____ (date)
A copy of the newspaper or newsletter notice is attached.

The notice was e-mailed to employees or students on _____ (date)
A copy of the notice is attached.

The notice was posted on the Internet or intranet on _____ (date)
A copy of the notice is attached.

The notice was directly delivered to each customer on _____ (date)
A copy of the notice is attached.

I hereby certify that the above information is factual.

Printed Name

Signature

Date

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.

**Winship Elementary School Has Levels of Arsenic
Above the Drinking Water Standard**

Our water system continues to violate the drinking water standard for arsenic. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received between the fourth quarter of 2006 and the third quarter of 2013 have shown an average level of 18 micrograms per liter (ug/L). This is above the standard, or maximum contaminant level (MCL) of 10 ug/L.

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 is being done?

The school will be applying for a planning study grant this fall to evaluate the best alternative for corrective action. Bottled water is being supplied in the meantime.

For more information, please contact Kathy Anderson at 916-696-2451.

This notice is being sent to you by Winship Elementary School

State Water System ID#: 5100145

Date distributed: _____