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APPLICABLE AUTHORITIES

Section 116650 of H&S Code provides:

116650. Citations

- (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 for each day*

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

3
4 Title 22, California Code of Regulations, Article 3. Primary Standards – Bacteriological
5 Quality, Section 64421 (a), Section 64422 and Section 64423.1 (a), provide:

6
7 Section 64421. General Requirements.

8
9 (a) Each water supplier shall:

- 10 (1) Develop a routine sample siting plan as required in Section 64422;
- 11 (2) Collect routine, repeat and replacement samples as required in Sections
12 64423, 64424, and 64425;
- 13 (3) Have all samples analyzed by laboratories approved to perform those analyses
14 by the Department and report results as required in Section 64423.1;
- 15 (4) Notify the Department when there is an increase in coliform bacteria in
16 bacteriological samples as required in Section 64426; and
- 17 (5) Comply with the Maximum Contaminant Level as required in Section 64426.1.

18
19 Section 64422. Routine Sample Siting Plan.

20
21 (a) By September 1, 1992, each water supplier shall develop and submit to the
22 Department a siting plan for the routine collection of samples for total coliform
23 analysis, subject to the following:

- 24 (1) The sample sites chosen shall be representative of water throughout the
25 distribution system including all pressure zones, and areas supplied by each
26 water source and distribution reservoir.

27

1 (2) The water supplier may rotate sampling among the sample sites if the total
2 number of sites needed to comply with (a)(1) above exceeds the number of
3 samples required according to Table 64423-A. The rotation plan shall be
4 described in the sample siting plan.

5
6 (b) If personnel other than certified operators will be performing field tests and/or
7 collecting samples, the sample siting plan shall include a declaration that such
8 personnel have been trained, pursuant to Section 64415 (b).

9
10 (c) The supplier shall submit an updated plan to the Department at least once every
11 ten years and at any time the plan no longer ensures representative monitoring of
12 the system.

13
14 Section 64423.1. Sample Analysis and Reporting of Results.

15
16 (a) The water supplier shall designated (label) each sample as routine, repeat,
17 replacement, or "other" pursuant to Section 64421 (b), and have each sample
18 analyzed for total coliforms. The supplier also shall require the laboratory to
19 analyze the same sample for fecal coliforms or *Escherichia coli* (*E. coli*) whenever
20 the presence of total coliforms is indicated. As a minimum, the analytical results
21 shall be reported in terms of the presence or absence of total or fecal coliforms, or
22 *E. coli* in the sample, whichever is appropriate.

23

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STATEMENT OF FACTS**Background**

Northrop Grumman operates the nontransient noncommunity (NTNC) water system at Site 3 and Site 4 of the United State Air Force (USAF) Plant No. 42, which is located approximately 70 miles north east of the city of Los Angeles in Palmdale California. It serves approximately 2,962 employees and contractors through a total of 18 service connections (nine buildings for each site).

Northrop Grumman operates the water system under the authority of a Domestic Water Supply Permit issued by the Department on June 5, 2000. Site 3 and Site 4 are interconnected by an eight-inch PVC pipe. Site 3 has two active wells (North Well and South Well) and a 0.125-MG storage tank. The 12.5 percent sodium hypochlorite solution is injected into the well discharge pipe before the water entering the Site 3 storage tank. From the Site 3 storage tank, water is then boosted into the distribution system.

Site 4 water system has two active wells (East Well and West Well) and a 0.45-MG storage tank. Precautionary chlorination is also provided for Site 4 wells. Again, 12.5 percent sodium hypochlorite solution is injected into the well discharge pipe before the water entering into the Site 4 storage tank. Water is then boosted into the distribution system from the Site 4 storage tank.

Northrop Grumman's Coliform Sample Siting Plan (CSSP) dated December 2, 2009, which has the Department's approval, specifies the collection of one routine sample per month taken from Site 3, rotating among five sampling sites; and one sample per

1 week from Site 4, rotating among five sampling sites. All repeat sample locations for
2 each routine sample site are listed in the CSSP. Northrop Grumman contracts the
3 Clinical Laboratory of San Bernardino, Inc. (Clinical Laboratory) for coliform bacteria
4 analyses. Northrop Grumman also measures chlorine residuals at the same time
5 while collecting the routine bacteriological samples from the distribution system.

6
7 **Summary of Events**

8
9 Tuesday, January 7, 2014

10 Mr. David G. Daly, the chief operator with Northrop Grumman notified the Department
11 that the weekly routine total coliform sample collected from Site 4 on December 31,
12 2013 did not get picked up by the Clinical Laboratory. When the driver employed by
13 the Clinical Laboratory arrived to pick up the sample on December 31, 2013, the gate
14 was closed and no security personnel present. The driver called the Northrop
15 Grumman project manager. The project manager was not able to resolve the access
16 problem. The driver left and continued on his normal sample pickup route.

17
18 Wednesday, January 8, 2014

19 After a meeting with the Manager of the Clinical Laboratory, Mr. Daly sent the
20 Department an e-mail and forwarded a scanned copy of a letter from the Clinical
21 Laboratory (Attachment 1). In the letter, the Clinical Laboratory explained what had
22 happened and proposed to send Mr. Daly a confirmation e-mail the day following a
23 sample picked up date. Mr. Daly also stated in the e-mail that it had also been
24 arranged to have the driver contact him every time the driver arrives. This way, if Mr.
25 Daly did not receive a phone call from the driver upon certain time, he could call the
26 driver to follow up.

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DETERMINATIONS

The Department has determined that Northrop Grumman has violated Section 64421(a)(3) and 64423.1(a) of Title 22, California Code of Regulations due to the fact that a weekly routine total coliform sample collected from Site 4 on December 31, 2013 was not made available to the laboratory, resulting in the sample not being analyzed.

DIRECTIVES

Northrop Grumman is hereby directed to take the following actions:

- 1. Northrop Grumman shall institute internal control mechanism(s) to ensure all water quality samples are collected, delivered and analyzed in a timely manner. Northrop Grumman shall not leave the sample(s) unattended. To ensure the integrity of the sample(s) and improve accountability, Northrop Grumman shall make sure the chain of custody forms are properly signed every time the sample(s) changes hands. By February 28, 2014, Northrop Grumman shall develop a plan to improve its water quality monitoring program and submit the plan to the Department.
- 2. Under the Public Notification Rule, the monitoring violation is categorized as a Tier 3 Violation. Within one year of receiving this citation, Northrop Grumman shall complete the notification to persons served by Northrop Grumman of the total coliform monitoring violation. The content of the notice shall be approved by the Department prior to issuance. A copy of the notification shall be submitted to the

1 Department **within ten days of the issuance**, along with the enclosed proof of
2 notification form (Attachment 2).

3
4 The Department reserves the right to make modifications to this Citation, as it may
5 deem necessary to protect public health and safety. Such modifications may be
6 issued as amendments to this Citation and shall be effective upon issuance.

7
8 Nothing in this Citation relieves Northrop Grumman of its obligation to meet the
9 requirements of H&S Code, Division 104, Part 12, Chapter 4 (California Safe Drinking
10 Water Act), or any regulation, permit, standard or order issued or adopted thereunder.

11
12 All submittals required by this Citation shall be submitted to the Department at the
13 following address:

14
15 Shu-Fang Orr, P.E.
16 District Engineer, Angeles District
17 Southern California Drinking Water Field Operations Branch
18 500 N. Central Avenue, Suite 500
19 Glendale, CA 91203

20
21 **PARTIES BOUND**

22
23 This Citation shall apply to and be binding upon Northrop Grumman, its officers,
24 managers, agents, employees, contractors, and assignees.

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SEVERABILITY

The directives of this Citation are severable, and Northrop Grumman shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

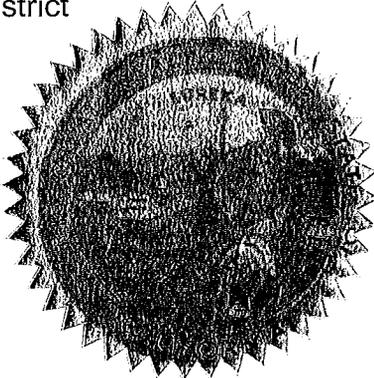
FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the H&S Code authorizes the Department to issue additional citations with assessment of penalties if a public water 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. By issuance of this citation, the Department does not waive any right to take further enforcement action against Northrop Grumman including but not limited to the assessment of civil penalties as authorized by law.

January 22, 2014
Date

Shu-Fang Orr
Shu-Fang Orr, P.E.
District Engineer
Angeles District

BY CERTIFIED MAIL NO. 7012 3460 0002 3404 3814



1 Attachments (2):

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1. E-mail from Northrop Grumman to CDPH dated January 8, 2014
2. Tier 3 Public Notification Template and Proof of Notification Certification Form

E-mail from Northrop Grumman to CDPH dated January 8, 2014

Cheng, Kun (CDPH-DDWEM)

From: Daly, David G (AS) <david.daly@ngc.com>
Sent: Wednesday, January 08, 2014 6:54 PM
To: Cheng, Kun (CDPH-DDWEM)
Subject: RE: December 31, 2013 Distribution Bacti Monitoring Incident
Attachments: Northrop Grumman Missed Pickup Letter.pdf

Kun,

This morning I went to Clinical Labs of San Bernardino for a meeting with their manager to discuss what happened last week and how we can prevent it in the future. I am attaching a letter from Clinical Labs with their explanation of the events and their planned course of action to prevent it from happening in the future. The letter doesn't state it, but we had agreed that their delivery driver will call me when he arrives to pick up the sample. If I do not receive a call, I can call him so that there is some redundancy. Our project manager will follow up with a confirmation email the following day. While the email will not solve the problem, at least we will know about it the next day so that we can take a new sample and deliver it ourselves. While I realize this is not a perfect solution, I believe it will cover us and prevent this from happening in the future. Please let me know if you have any further requirements or concerns. I appreciate all of your assistance and understanding in this matter.

David G Daly
Plant Engineer
Facilities Engineering
Northrop Grumman Systems Corporation
Strike and Surveillance Systems Division
3520 E Ave M M/S L0WA30/4G
Palmdale, CA 93550
Phone 661-272-8445
Fax 661-272-7344
Cell 661-510-9872
Email david.daly@ngc.com

From: Cheng, Kun (CDPH-DDWEM) [<mailto:Kun.Cheng@cdph.ca.gov>]
Sent: Tuesday, January 07, 2014 2:58 PM
To: Daly, David G (AS)
Subject: EXT :RE: December 31, 2013 Distribution Bacti Monitoring Incident

Thanks for letting me know. Any improvement will be better than what you have right now. Or maybe have Clinical Lab people call you when they arrive so you can have someone out there when they arrive to hand them the sample so both parties will have to sign off (just a suggestion)? Just trying to improve and prevent this type of incident from happening again.

Thanks,

Kun

From: Daly, David G (AS) [<mailto:david.daly@ngc.com>]
Sent: Tuesday, January 07, 2014 2:29 PM
To: Cheng, Kun (CDPH-DDWEM)
Subject: RE: December 31, 2013 Distribution Bacti Monitoring Incident

Kun,

I am still waiting for a response from Clinical Labs in regards to why the sample was not collected. They said they set up a meeting for this afternoon that will include all of the parties involved. Once they determine what happened they will let me know. In regards to a new chain of custody procedure, when I get something formalized I will put it in writing for your approval. I spoke to my manager in regards to your suggestion that the guard signs off on the sample but he wasn't too keen on the idea. He says that since they work for a different company we would have to add that to their statement of work, which would then increase the cost of the contract. I am thinking that I will just add a step to the existing PM to have them check the mailbox to ensure the sample was picked up or perhaps we can do something with the flag that is attached to the mailbox. Maybe the sample collector could raise the flag to indicate that he has picked up the sample?

David G Daly
Plant Engineer
Facilities Engineering
Northrop Grumman Systems Corporation
Strike and Surveillance Systems Division
3520 E Ave M M/S L0WA30/4G
Palmdale, CA 93550
Phone 661-272-8445
Fax 661-272-7344
Cell 661-510-9872
Email david.daly@ngc.com

From: Cheng, Kun (CDPH-DDWEM) [<mailto:Kun.Cheng@cdph.ca.gov>]
Sent: Tuesday, January 07, 2014 8:57 AM
To: Daly, David G (AS)
Subject: EXT :December 31, 2013 Distribution Bacti Monitoring Incident

David,

I had spoken to my supervisor regarding the incident, we will need to write Northrop a Citation for the incident, however it is without fine.

We have to follow our regulation to cite Northrop on monitoring and reporting violation.

We think Northrop should come up with an new chain of custody procedures so that it clearly identify how the samples change hands.

For example, when your operator collected the sample and placed it into the box for pickup, other than the sampler's name, you can have the guard to sign it too to acknowledge the sample has been delivered ready for pickup.

When the Clinical Lab person come to pick-up the sample, have them and the guard sign the form too as a proof that the sample has been pick-up by the lab staff.

Also Northrop Grumman should provide a call down procedure list to Clinical Lab. In a event when Lab needs to contact Northrop, for whatever reason if they cannot reach you, they can still call someone else in the Company to address their issues.

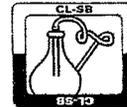
Thanks,

Kun

Kun Cheng
Associate Sanitary Engineer
Angeles District
California Department of Public Health
Drinking Water Field Operations Branch
500 North Central Avenue, Suite 500
Glendale, CA 91203

Direct: (818) 551-2019
General: (818) 551-2004
Fax: (818) 551-2054

Clinical Laboratory of San Bernardino, Inc



January 08, 2014

David Daly
Northrop Grumman Corporation
3520 East Avenue M
Palmdale, CA 93550

Re: Missed Sample Pickup – December 31, 2013

Dear Mr. Daly:

On Tuesday, December 31, 2013 Clinical Laboratory had a scheduled pickup to receive samples from Northrop Grumman Corporation Palmdale facility; earlier in the month you had confirmed with our Field Supervisor, Bryan Blowney, that samples would be available on the scheduled day. When our driver, Gino Guajardo, arrived at the site, the gate was closed and no security personnel present. We could not reach the normal sample pick up location. At that time, Gino called your Clinical Laboratory Project Manager, Robin Glenney, with this issue. Robin was unable to contact you to resolve the access to the sample issue, and Gino was sent on to continue his normal pickup route. Clinical Laboratory failed to follow up with you to discuss the missed pick up; for that I do apologize.

To prevent this from occurring in the future, Clinical Laboratory has implemented two changes. The first change will be to assure our driver has your cell phone number. This will make it easier to solve any problems on site. The second change will be to email you a sample pickup confirmation the day following a pickup. While this second change will not eliminate same day pick up problems, it will provide a next day confirmation that samples were received at Clinical Laboratory.

Please contact me if you have any questions or have any suggestions on improving our service.

Thank you.

Sincerely,

Bob Glaubig
Laboratory Director
Clinical Laboratory of San Bernardino, Inc.

(909) 825-7693
glaubig@clinical-lab.com

cc: Robin Glenney, files

**Tier3 Public Notification Template and Proof of Public Notification
Certification Form**

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

¹ CCR may be used as long as public notification timing and delivery requirements are met [64463.7(d)].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

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.

Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

PROOF OF NOTIFICATION

Name of Water System: Northrop Grumman Corporation – Western Region
System Number: 1910097

**Certification of Notification for
Distribution Bacteriological Routine Monitoring Violation**

As required by *California Code of Regulations*, Title 22, Section 64463.7, I notified the users of the water supplied by Northrop Grumman Corporation – Western Region of the violation of Section 64421(a)(3), and 64423.1 (a), Title 22, *California Code of Regulations*. I complied with the requirement to conduct public notification as indicated below:

<u>Required Action (indicate all that were used)</u>	<u>Date Completed</u>
Public Notification – Hand Delivery	<input type="text"/>
Public Notification - Mail Delivery	<input type="text"/>
Public Notification – Continuous Posting	<input type="text"/>
Public Notification - Consumer Confidence Report	<input type="text"/>
Public Notification - Other method Specify other method used:	<input type="text"/>

Signature of Water System Representative

Date

ATTACH A COPY OF THE NOTICE USED.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT