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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: Valley State Prison for Women
Water System No. 2010801

TO: Mr. Allen St. Lucia, Chief Engineer
Valley State Prison for Women
P.O. Box 99
Chowchilla, CA 93610-0099

CC: Madera County Department of Environmental Health
Gerald Hazelwood, Correctional Plant Manager (same address)

**COMPLIANCE ORDER
FOR VIOLATION OF THE
ARSENIC MAXIMUM CONTAMINANT LEVEL**

Issued on January 10, 2013

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The Valley State Prison for Women water system (hereinafter "VSPW") is a community water system located in Madera County. VSPW water system serves a population of approximately 4,000 through 667 service connections. VSPW operates under a domestic water supply permit issued by the California Department of Public Health (hereinafter "Department") in November 1995. VSPW's water system is supplied by two active groundwater wells (Wells Nos. 1 and 2) with storage provided by a 2.2-million gallon

1 bolted steel storage tank. The water is boosted from the storage tank into the distribution
2 system by a pumping station featuring four booster pumps and two pressure tanks.

3
4 Beginning on January 23, 2006, the U.S. Environmental Protection Agency (USEPA)
5 adopted a revised maximum contaminant level (MCL) for arsenic of 0.010 mg/L
6 (milligrams per liter). The arsenic MCL of 0.010 mg/L was adopted for California and
7 became effective on November 28, 2008. Prior to this date, any non-compliance issues
8 were referred to U.S. EPA for enforcement action.

9
10 VSPW began initial monitoring in July 2006 and revealed the arsenic concentration in the
11 water produced by Wells Nos. 1 and 2 was 0.012 and 0.011 mg/L, respectively.
12 Confirmation samples were collected in August 2006 and confirmed the water produced by
13 the wells was over the MCL for arsenic. VSPW was directed to conduct quarterly
14 monitoring to determine compliance with the arsenic MCL. Quarterly monitoring was
15 conducted in the fourth quarter of 2006 and the first and second quarters of 2007. The
16 running annual average (RAA) for Wells Nos. 1 and 2 was 0.0102 and 0.0091 mg/L,
17 respectively. VSPW was directed to continue quarterly monitoring on April 16, 2007.
18 Monitoring was conducted during the fourth quarter of 2007. VSPW failed to conduct
19 quarterly monitoring in 2008. VSPW was issued a monitoring and reporting notice of
20 violation on March 26, 2009. VSPW conducted monitoring during January 2009 which
21 revealed the concentration of arsenic in the water produced by Well No. 2 was 0.011 mg/L.
22 The RAA for Well No. 2 was 0.011 mg/L, which exceeded the arsenic MCL. As a result,
23 VSPW failed to comply with the Section 64432 (1), Title 22, California Code of
24 Regulations. VSPW was issued Compliance Order No. 03-11-09O-002 by the Department
25 in March 2009.

1 The original Compliance Order was amended (03-11-09O-002A) in February 2010 to
2 include Well No. 1. The 1st Quarter 2010 sample collected from Well No. 1 showed
3 arsenic at a level of 0.014 mg/L, which made the RAA exceed the arsenic MCL (0.0125
4 mg/L). VSPW continued to collect quarterly arsenic samples from Wells Nos. 1 and 2.
5 Also, VSPW submitted proof of public notification and a copy of the notice that was
6 distributed on a quarterly basis to the Department.

7
8 The Compliance Order and Amendment were in effect until April 2012 when they were
9 lifted by the Department. At that point in time, the RAA for arsenic from Wells Nos. 1 and
10 2 had been below the MCL for four consecutive quarters.

11
12 VSPW continued to monitor Wells Nos. 1 and 2 on a quarterly basis for arsenic. The 3rd
13 Quarter 2012 arsenic sample from Well No 1 was 0.010 mg/L which caused the RAA to
14 exceed the arsenic MCL (0.0107 mg/L). VSPW provided public notification on September
15 26, 2012. The Department was not verbally notified of the exceedance and the lab results
16 were not posted in the State Database until December 2012. Therefore, the Department
17 was unaware that Well No. 1 was out of compliance with the arsenic MCL until January 8,
18 2012. VSPW collected the 4th Quarter 2012 arsenic samples from Wells Nos. 1 and 2 on
19 December 11, 2012. The result for Well No. 1 was 0.0093 mg/L. The results for these
20 samples are not in the State Database; however, the Department was provided with a paper
21 copy of the results. It is the responsibility of VSPW to ensure that all sample results
22 collected in a month are transferred to the State Database via EDT by the contracted
23 laboratory no later than the 10th day of the following month.

24
25 As of December 2012, Well No. 1 remains out of compliance with the arsenic MCL. The
26 current RAA for Well No. 1 is 0.0108 mg/L. VSPW provided public notification on
27

1 December 27, 2012. A copy of the notice and proof of notification form were submitted to
2 the Department on December 28, 2012.

3
4 VSPW submitted a draft blending plan to the Department in October 2012. VSPW
5 proposes to blend water from Wells Nos. 1 and 2 with water from Well No. 401 from the
6 Central California Women's Facility (CCWF). CCWF is located directly across from
7 VSPW. The Department is in process of reviewing and providing comments on the
8 proposed plan.

9
10 **CONCLUSIONS OF LAW**

11 Based on the above Findings, the Department has determined that the Valley State Prison
12 for Women's water system has violated provisions contained in the California Health and
13 Safety Code and Title 22, California Code of Regulations (CCR). These violations
14 include, but are not limited to the following:

- 15
- 16 1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the Valley State
17 Prison for Women's water system is operating a well (Well No. 1) that produces
18 water that does not comply with the primary drinking water standards.
 - 19
 - 20 2. H&S Code Section 116555(a)(3). Specifically, the Valley State Prison for
21 Women's water system failed to ensure that a reliable and adequate supply of pure,
22 wholesome, healthful, and potable water is provided to all of its consumers.
 - 23
 - 24 3. CCR Section 64431(a). Specifically, the water produced by the Valley State Prison
25 for Women's water system exceeds the maximum contaminant level of 0.010 mg/L
26 for arsenic, and therefore, does not comply with a primary drinking water standard.
 - 27

1 **ORDER**

2 In order to ensure that the water supplied by the Valley State Prison for Women's water
3 system is at all times safe, wholesome, healthful, and potable, and pursuant to Section
4 116655 of the H&S Code, the water system is ordered to take the following actions:
5

6 1. (a) Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and
7 (3) by ensuring that the system is provided with a reliable and adequate source of
8 pure, wholesome, healthful, and potable water that is in compliance with all primary
9 drinking water standards.

10
11 (b) The Valley State Prison for Women shall submit quarterly progress reports to the
12 Department, beginning immediately. The report will be due by the 10th day of the
13 month following the calendar quarter.

14
15 2. If the Valley State Prison for Women must use the affected well to meet system
16 demand, public notification shall be provided in accordance with CCR Section
17 64463 of its inability to meet the arsenic MCL until a project is completed to
18 provide water meeting the drinking water standards. **VSPW shall continue to**
19 **distribute the Department-approved notice to all consumers.** Notification to the
20 public shall be **repeated every three months as long as the violation exists.** Proof
21 of public notification to all water system users shall continue to be provided to the
22 Department following each quarterly notification by the 10th day of the month
23 following notification.

24
25 3. Quarterly arsenic monitoring must be continued for Wells Nos. 1 and 2. All lab
26 results collected in a month are required to be transferred to the State Database via
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1 EDT by the contracted laboratory by the 10th day of the following month. Failure to
2 do so will result in additional enforcement from the Department.

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

7

8 All submittals required by this Order shall be addressed to:

9

10 Carl L. Carlucci, P.E.
11 Supervising Sanitary Engineer
12 Department of Public Health
13 Southern California Branch
14 Drinking Water Field Operations
15 265 W. Bullard Avenue, Suite 101
16 Fresno, CA 93704

- 17
- 18 5. If Valley State Prison for Women is unable to perform the tasks specified in this
19 Order for any reason, whether within or beyond its control, and if Valley State
20 Prison for Women notifies the Department in writing no less than five days in
21 advance of the due date, the Department may extend the time for performance if
22 VSPW demonstrates that it has used its best efforts to comply with the schedule and
23 other requirements of this Order.
- 24 6. If Valley State Prison for Women fails to perform any of the tasks specified in this
25 Order by the time described herein or by the time subsequently extended pursuant to
26 Item 5 above, VSPW shall be deemed to have not complied with the obligations of
27 this Order and may be subject to additional judicial action, including civil penalties
specified in H&S Code, Section 116725 and 116730.

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7. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Valley State Prison for Women, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Valley State Prison for Women or its agents in carrying out activities pursuant to this Order.

PARTIES BOUND

This Order shall apply to and be binding upon the Valley State Prison for Women, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the Valley State Prison for Women shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

1-10-2013
Date


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

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