



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



EDMUND G. BROWN JR.
Governor

August 28, 2013

Ms. Erin Farnand, Water Quality Manager
City of Napa
P.O. Box 660
Napa, CA 94559

Dear Ms. Erin Farnand:

Enclosed is a citation issued to the City of Napa public water system (System). The citation is being issued because the System failed to comply with the maximum contaminant level (MCL) for a disinfection byproduct, as specified in Section 64533, Title 22 of the California Code of Regulations during the 3rd Quarter 2013.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the System to return to compliance. The Further Enforcement Action section describes penalties that may be assessed for failure to comply with the Citation. No civil penalty is levied in the enclosed citation.

Your System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation and any follow-up time required of Department staff to ensure compliance. The System will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact our office at (707) 576-2145.

Sincerely,

Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District

Enclosure: Citation No. 02-03-13C013-2810003-1308-02

1 **Citation No.** 02-03-13C013-2810003-1308-02

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STATE OF CALIFORNIA

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DEPARTMENT OF PUBLIC HEALTH

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6 **Public Water System:** City of Napa

7 **Water System No.:** 2810003

8 **Issue Date:** August 28, 2013

9

10 **To:** City of Napa
11 P.O. Box 660
12 Napa, CA 94559

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CITATION FOR NON-COMPLIANCE

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Section 64533, Title 22, California Code of Regulations

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Maximum Contaminant Level – Disinfection Byproduct

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Running Annual Average 3rd Quarter 2013

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19 Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California
20 Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to
21 comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any
22 regulation, permit or order issued thereunder.

23

24 The Division of Drinking Water and Environmental Management of the California
25 Department of Public Health (Department) hereby issues a citation to City of Napa
26 (System) for failure to comply with Title 22, California Code of Regulations (CCR)
27 Section 64533.

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

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California Code of Regulations (CCR), Section 64533 states in relevant part:

Using the monitoring and calculations methods specified in sections 64534, 64534.2, 64535 and 64535.2, the primary maximum contaminant level (MCL) for the disinfection byproducts shown in Table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A states in relevant part:

Table 64533-A

Maximum Contaminant Levels and Detection Limits for Purposes of Reporting
Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060

STATEMENT OF FACTS

The Department has received laboratory results for quarterly TTHM and HAA5 samples ending the 3rd Quarter 2013 from the System. The running annual average HAA5 concentration from site 2810003-024 during the last four quarters, ending with the 3rd Quarter 2013, for City of Napa is described in the table below:

Sample Code	HAA5, mg/L
2810003-024	0.062

1 **DETERMINATIONS**

2 The Department determined that City of Napa failed to comply with the MCL(s) for
3 the HAA5 running annual average(s) in the 3rd Quarter 2013, a violation of Section
4 64533, Title 22 of the CCR. The Department hereby issues Citation No. 02-03-
5 13C013-2810003-1308-02 to City of Napa for failure to comply with Section 64533.

6
7 **DIRECTIVES**

8 City of Napa is hereby directed to take the following actions:

- 9
- 10 1. Comply with Section 64533, Title 22 of the CCR in all future monitoring periods.
 - 11 2. Notify persons served by the System that are impacted (see enclosed parcel
12 map) by the disinfection byproduct MCL violation(s) in conformance with Section
13 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed
14 in accordance with each of the following:

15

- a. Completion of Attachment A to include the name, address and telephone
16 number of a System official as a source of additional information
17 concerning the public notice. Any deviations from the language contained
18 in Attachment A requires prior approval from the Department. **You must**
19 **also give a legible, written description (preferably typed) of the**
20 **corrective actions taken by the System to prevent this violation from**
21 **occurring in the future. You must use the space provided on page 2**
22 **of Attachment A for this written description.**

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- b. By mail or direct delivery of the notice contained in Attachment A, **after it**
24 **has been completed in accordance with (a) above**, to impacted
25 customers receiving a bill, including those that provide their drinking water
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to others. This notice must also be given to all impacted service connections which receive water from the System. This notice must be delivered to impacted customer/service connections by **September 30, 2013.**

- c. By publication of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper. This notice must be published for one day. The publication in a local newspaper must be completed by **September 30, 2013.**

- d. The System shall provide public notice for this violation in accordance with Section 64465(c), Title 22 of the CCR. This section requires that each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish speaking residents may contact the System to obtain a translated copy of the public notice or assistance in Spanish. In addition, Section 64465(c) also requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in the community (whichever is less), the public notice must contain information in the appropriate language(s) regarding the importance of the notice, or it must contain a telephone number or address where such residents may contact the System to receive a translated copy of the notice or to receive assistance in the appropriate language. The Spanish language requirement is already included in the notice attached to this citation, Attachment A.

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3. The public notification and Certification of Compliance requirements listed in the directives above shall be performed quarterly until City of Napa is no longer in violation of a disinfection byproduct maximum contaminant level. Future quarterly public notifications must include the most recent data available and be approved by the Department prior to distribution to City of Napa customers. The public notice shall be distributed within 30 days of receiving laboratory results. A copy of the public notice shall be submitted to the Department within 40 days of receiving laboratory results.

4. The System shall submit an Operational Evaluation Reporting Form (Attachment B provided via email) by **February 01, 2014**. The form shall describe the potential factors that contributed to the formation of the disinfection byproducts. A compliance plan shall describe the action taken by the System to minimize the production of disinfection byproducts, a timeline for compliance and the monitoring frequency of various water quality parameters to determine if the action is adequate to minimize the formation of disinfection byproducts.

5. A representative of the System shall complete the attached Certification of Compliance form (Attachment C) and return it to the Department by **October 10, 2013**. A copy of the notice delivered to customers and a copy of the newspaper publication must be attached to the Compliance Certification Form.

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

Michelle F. Frederick, P.E., District Engineer
Mendocino District
Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA 95404

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

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

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 a failed to comply with orders of the department; and petition the

1 superior court to take various enforcement measures against a public water system
2 that has failed to comply with orders of the department. By issuance of this Citation,
3 the Department does not waive any right to take additional or alternative
4 enforcement action against the System including, but not limited to, assessment of
5 civil penalties as authorized by law.

6
7 Michelle F. Frederick

August 28, 2013

8 Michelle Floyd Frederick, P.E., District Engineer
9 Mendocino District
10 Drinking Water Field Operations Branch

Date

11 ATTACHMENTS

12 Certified Mail No. 7012 2210 0002 1673 9957



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26 2810003/Compliance-4/02-03-13C013-2810003-1308-02/AJL

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CITY of NAPA

ATTACHMENT A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Para una copia de este artículo en español, por favor llame al 707-257-9520 extensión 7743.

City of Napa Has Detected Levels of a Disinfection Byproducts Above Drinking Water Standards

Our water system recently exceeded a new drinking water standard for haloacetic acid in the immediate vicinity of your service meter near the end of Darms Lane. As our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

What happened?

To protect drinking water from disease-causing organisms, or pathogens, chlorine is added to drinking water as a disinfectant. However, disinfection byproducts can form when organic-rich water such as Lake Hennessey is disinfected. A major challenge is how to control and limit risks from pathogens and simultaneously minimize disinfection byproduct formation. Disinfection byproducts tend to be highest during the warmest time of year or during periods of long detention times in the water system.

We routinely monitor for the presence of drinking water contaminants throughout the entire water system. As of October 2012, the standard that applies to the City of Napa's system for disinfection byproducts has changed significantly. The maximum limit for the annual average of haloacetic acid at each location is 60 micrograms per liter (ug/L). The results for haloacetic acid in your area *averaged 62.48 ug/L* between October 2012 and July 2013.

What should I do?

- **No specific corrective actions are needed. You do not need to boil your water.** However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Some people who drink water containing disinfection byproducts in excess of the maximum limit over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer. If you have specific health concerns, consult your doctor.



CITY of NAPA

ATTACHMENT A

What is being done?

We are actively exploring options to reduce haloacetic acid and will continue to inform you on a quarterly basis if the problem persists. Our actions include working to protect the watershed and water quality of Lake Hennessey, to reduce detention time in the water system, and working to save capital funds sufficient to upgrade to our water treatment.

For more information, please call (707) 253-0822 and ask to speak with Erin Farnand, Water Quality Manager for the City of Napa.

Additional Information

Home water treatment units reduce haloacetic acid and other volatile organic compounds from drinking water. Some examples of these units are faucet mounted, GAC pour through, and in line refrigerator systems. To learn more about available home water treatment units, you may call the California Department of Public Health Water Treatment Device Unit at (916) 449-5600 or visit the Department's website at <http://www.cdph.ca.gov/certlic/device/Pages/watertreatmentdevices.aspx>. Select 'Directory of Certified Water Treatment Devices' and under Section 6, select 'Volatile Organic Compounds (VOCs)'.

Secondary Notification Requirements

Please share this information with all the other people who drink this water, especially those who may not have received this public 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.

This notice is being sent to you by the City of Napa.

State Water System ID#: 2810003

Date distributed: _____

CERTIFICATION OF COMPLIANCE

Citation Number 02-03-13C013-2810003-1308-02

Name of Water System: **City of Napa**

System Number: **2810003**

Certification

As required by Section 64463.4 of the California Code of Regulations, I certify that the users of the water supplied by the **City of Napa** were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period ending in the 3rd Quarter 2013. In addition, I certify that City of Napa has complied with the directives of this citation as indicated below:

Required Action	Date Completed
Completed OEL Form by 2/1/2014	
Public Notification – Mail or Hand Delivery by 9/30/2013*	
Public Notification – Newspaper by 9/30/2013*	

Signature of Water System Representative

Date

**Attach a copy of the notice delivered to customers and a copy of the notice published in the newspaper.*

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT BY
October 10, 2013**

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.

