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
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Ron Chapman, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

June 4, 2013

Water System No. 4900716

Chuck Bush
Cinnabar Elementary School
286 Skillman Lane
Petaluma, CA 94952

COMPLIANCE ORDER NO. 02-18-13R-002
ARSENIC MCL VIOLATION FOR FIRST QUARTER 2013

Enclosed is a Compliance Order issued to Cinnabar Elementary School water system (System).

The System will be billed at the Department's hourly rate (currently estimated at $126.00) for the time spent on issuing this Compliance Order since this is an enforcement action for noncompliance with state regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento by August 1, 2013. This bill will contain fees for any enforcement time spent on the System.

If you have any questions regarding this matter, please contact Karen Bolan of my staff at (707) 576-2730.

Sincerely,

Marianne Watada for

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

Enclosures:
Compliance Order 02-18-13R-002
Attachment A: Proof of Notification
Attachment B: Instructions for Notification

4900716/Compliance
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Compliance Order No. 02-18-13R-002

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

IN RE: CINNABAR ELEMENTARY SCHOOL

Water System No. 4900716

TO: Chuck Bush

Cinnabar Elementary School

286 Skillman Lane

Petaluma, CA 94952

Date Issued: June 4, 2013

COMPLIANCE ORDER FOR VIOLATION OF HEALTH AND SAFETY CODE SECTIONS 116555 (a)(1) AND (a)(3) AND TITLE 22, CALIFORNIA CODE OF REGULATIONS SECTION 64431.

Section 116655 of the California Health and Safety Code authorizes the issuance of an order for failure to comply with a requirement of California Safe Drinking Water Act (California Health and Safety Code, Division 104, Part 12, Chapter 4,

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OSP 05 90192

commencing with Section 116270), or any permit, regulation, or standard issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a compliance order (Order) to Cinnabar Elementary School (System) for failure to comply with Health and Safety Code Sections 116555 (a)(1) and (a)(3) and Title 22, California Code of Regulations, Section 64431.

STATEMENT OF FACTS

Cinnabar Elementary School is a nontransient-noncommunity water system serving an estimated population of 228 faculty, staff and students through one connection.

The source of supply for the System is a groundwater well designated as Well 01 (Source Number 4900716-001).

Section 64431, Title 22 of the California Code of Regulations requires that nontransient-noncommunity water systems deliver water to all customers that complies with the arsenic maximum contaminant level of 0.010 milligrams per liter (mg/L).

Section 64432(i), Title 22 of the California Code of Regulations requires that compliance with the MCL shall be determined by a running annual average.

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The most recent quarterly sample results for arsenic (in mg/L) from Well 01 are shown in the following table:

Date of Sample	Result (mg/L)	Running Annual Average (mg/L)
March 20, 2012	0.0120	
June 11, 2012	0.0055	
September 10, 2012	0.0092	
December 3, 2012	0.0044	
March 13, 2013	0.0260	0.0113

The running annual average arsenic concentration of the results in Well 01 was 0.0113 mg/L for the first quarter 2013. Therefore, the System's Well 01 does not produce water that reliably meets the arsenic MCL of 0.010 mg/L.

The System received a March 20, 2012 arsenic monitoring result from Well 01 of 0.012 mg/L. By letter dated May 7, 2012, the System was notified of the requirement to commence quarterly arsenic monitoring from Well 01.

AUTHORITIES

Health and Safety Code section 116555 states in relevant part:

> (a) Any person who owns a public water system shall ensure that the system does all of the following:
>
> (1) complies with primary and secondary drinking water standards
>
> (3) provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Health and Safety Code section 116655 states in relevant part:

> (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
>
> (1) Directing compliance forthwith.

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(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

California Code of Regulations, Title 22, section 64431 (a) states in relevant part:

(a) Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

Chemical	***Maximum Contaminant Level, mg/L***
Arsenic	0.010

California Code of Regulations, Title 22, section 64432 states in relevant part:

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

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DETERMINATIONS

Based on the above-described Statement of Facts, the Department determines that the System has violated the following:

1. Health and Safety Code, Section 116555 (a)(1): Specifically, the System has failed to comply with primary and secondary drinking water standards.

2. Health and Safety Code, Section 116555 (a)(3): Specifically, the System has failed to provide a reliable and adequate supply of pure, wholesome, healthful and potable water.

3. California Code of Regulations, Title 22 Section 64431: Specifically, the System has failed to comply with the primary maximum contaminant level for arsenic of 0.010 mg/L.

ORDER

Pursuant to Section 116655 of the California Health and Safety Code, the Department and its Director hereby orders the system to do the following:

Directive 1. As soon as possible, the System shall comply with California Health and Safety Code Sections 116555(a)(1) and (a)(3) and California Code of Regulations Section 64431 in all future monitoring periods.

Directive 2. Effective immediately, the System shall provide quarterly public notification of its failure to comply with the arsenic MCL during any calendar quarter in which the four-quarter running annual average arsenic concentration from Well 01 exceeds the arsenic MCL. The notification

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procedures and format are provided in Attachment B. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment A.

Directive 3. Effective immediately, the System shall continue to collect quarterly samples from Well 01 for arsenic analysis. The analytical results shall be reported to the Department using the source code 4900716-001 no later than the 10th day following the month in which the samples were analyzed.

Directive 4. By September 30, 2013, the System shall submit to the Department for review and approval, a plan and compliance schedule for improvements to the water system to correct the arsenic water quality problem and eliminate the delivery of water to consumers that does not meet the primary drinking water standards.

Directive 5. By December 31, 2014, the System shall complete all the improvements in the proposed project submitted pursuant to Directive 4 above in accordance with the compliance schedule to be reviewed and approved by the Department.

Directive 6. By June 30, 2013, the System shall submit a written response to the Department, indicating its willingness to comply with the directives of this Order.

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

Nothing in this Order relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any permit, regulation, standard or order issued thereunder,

All submittals required by this Order shall be addressed to:

Janice M. Thomas, P.E., Sonoma District Engineer
California Department of Public Health
Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

This Order shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors and assignees.

SEVERABILITY

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

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FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the H&S Code authorizes the Department to: issue a citation with assessment of penalties for failure to comply with any order, in an amount not to exceed one thousand dollars ($1,000) per day for each day the violation continues; take action to suspend or revoke a permit that has been issued to a public water system if the system has failed to comply with an order of the Department; and petition the superior court to take various enforcement actions against a public water system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this Order.

The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the System, 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 the System or its agents in carrying out activities pursuant to the Order.

Stefan Cajina, P.E., Chief
North Coastal Region
Drinking Water Program

June 4, 2013
Date

CERTIFIED MAIL #

Attachments:

Attachment A: Proof of Notification Form
Attachment B: Public Notification Method & Notice

Issued on June 4, 2013

ATTACHMENT A
PROOF OF NOTIFICATION

Name of Water System: **Cinnabar Elementary School**

System Number: **4900716**

Certification

As required by Section 64463.4 of the California Code of Regulations, I notified the users of the water supplied by Cinnabar Elementary School of the arsenic violation of Section 64431 of the California Code of Regulations for the compliance period of January 1, 2013 – through March 31, 2013. I complied with the directives of this order as indicated below:

Required Action	Date Completed
Public Notification – Mail or Direct Delivery	
Public Notification – Posting in Public Places Served by the Water System	
Plan and time schedule for arsenic treatment	
Statement of willingness to comply	

_____ _____

Signature of Water System Representative Date

Attach a copy of the direct delivery/mail notice and a copy of the public posting.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

ATTACHMENT B

Instructions for Tier 2 Arsenic MCL Notice Instructions & Template

Since exceeding the arsenic maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **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.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
Community Water System [64463.4(c)(1)]	Mail or direct delivery [(a)]	Publication in a local newspaper
		Posting in public places served by the water system or on the Internet [(b)]
		Delivery to community organizations
Non-Community Water System [64463.4(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 on the Internet or intranet [(b)]
		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. However, you 31 wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

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 Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

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.

Cinnabar Elementary School Has Levels of Arsenic Above the Drinking Water Standard

Our water system recently violated a drinking water standard. 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. The average water sample results collected from of January 1, 2013 – through March 31, 2013 exceeded the State standard, or maximum contaminant level (MCL), of 10 parts per billion for arsenic in Well 01.

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?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [Contact Name] at [Phone Number] or [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.

This notice is being sent to you by Cinnabar Elementary School.

State Water System ID#: 4900716. Date distributed: _____.

Issued on June 4, 2013