



CITY OF BEVERLY HILLS

PUBLIC WORKS SERVICES DEPARTMENT

MEMORANDUM

TO: Public Works Commission

FROM: Trish Rhay, Assistant Director, Public Works Services Department 

DATE: June 12, 2014

SUBJECT: California Department of Public Health Notice of Violation

On May 1, 2014, the City of Beverly Hills received a Notice of Violation (NOV) from the California Department of Public Health (CDPH). This NOV is related to a failure to collect the mandatory weekly drinking water samples. The State permit-required weekly sample was missed the week of March 10th. We did complete all internal daily sampling for that week and all were in compliance with the required WQ standards. However, we failed to take and submit the certified laboratory tested sample required by permit. We immediately notified CDPH when we became aware of the missed sample. I am confident our citizens were not at risk. However, this is a serious process error that we are currently working to correct.

Attached are copies of the Notice of Violation and corrective action letter we sent to CDHP. This should provide you with more detail on the incident, as well as our corrective action plan to ensure future continuous compliance.



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

April 29, 2014

Mr. Kevin Watson
Water Operations Manager
City of Beverly Hills
345 Foothill Road
Beverly Hills, CA 90210

Dear Mr. Watson:

**SYSTEM NO. 1910156 – NOTICE OF VIOLATION FOR FAILURE TO COLLECT
WEEKLY COMPLIANCE SAMPLES AT REVERSE OSMOSIS WATER
TREATMENT PLANT**

The purpose of this letter is to notify you that the City of Beverly Hills (City) has violated Condition 13 of the Domestic Water Supply Permit No. 04-15-03P-003 dated April 14, 2003 and Conditions 19 and 34 of the Permit Amendment No. 1910156PA-003 dated January 4, 2011, due to the failure to collect the weekly samples for total dissolved solids (TDS), fluoride, chloride, sulfate, manganese, coliforms and heterotrophic count (HPC) during the week of March 10, 2014 at designated monitoring locations at the City's Reverse Osmosis (RO) Water Treatment Plant (WTP).

Condition 13, Domestic Water Supply Permit No. 04-15-03P-003

Condition 13 of the Domestic Water Permit No. 04-15-03P-003 requires the City to conduct weekly monitoring for TDS, chloride, sulfate, manganese, coliforms and HPC at the RO Effluent prior to blend (PS Code 1910156-016) and RO-WTP Effluent after disinfection (PS Code 1910156-017). The City did not collect the required weekly TDS, chloride, sulfate, manganese, coliforms and HPC samples during the week of March 10, 2014.

Conditions 19 and 34, Permit Amendment No. 1910156PA-003

Condition 19 of the Permit Amendment No. 1910156PA-003 requires the City to conduct weekly hydrogen sulfide monitoring at RO-WTP Influent (PS Code 1910156-018) and RO-WTP Effluent. In addition, Condition 34 of the same permit amendment requires the City to conduct weekly fluoride monitoring at the RO-WTP Influent, RO Effluent, Clearwell Effluent (PS Code 1910156-019) and RO-WTP

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Effluent. The City did not collect the required weekly hydrogen sulfide and fluoride samples during the week of March 10, 2014.

The City has been implementing the interim blending treatment for arsenic since April 2009. The blending plan was updated in June 2011. The plan specifies the collection of weekly arsenic samples from the RO-WTP Influent, RO Effluent and RO-WTP Effluent. The City did not collect the weekly arsenic samples during the week of March 10, 2014 as well.

On April 3, 2014, Ofelia Oracion, a Sanitary Engineer with the Department received a call from David Hillyer, the City's Water Quality Specialist. Mr. Hillyer informed Ms. Oracion that the required weekly samples for the week of March 10, 2014 had not been collected at the treatment plant. Mr. Hillyer learned of the missing monitoring results while he was preparing the City's March 2014 monthly reports. Mr. Hillyer indicated he had been out of the office for out-of-state training during the week of March 10, 2014. However, prior to leaving for the training, he had made an effort to remind the operators to collect the weekly samples on March 11, 2014 via e-mail (Enclosure 1). Despite his reminder, the operators did not collect the samples.

The City's March 2014 monthly report (Enclosure 2) showed that the RO-WTP was offline during the week of March 3, 2014 and was placed back in service on March 10, 2014. The City has scheduled collection of the weekly samples from the treatment plant every Tuesdays when the plant is in operation. The City did collect the weekly samples at the above mentioned designated monitoring locations on March 18 and 25, 2014. In the monthly report, the City indicated that although the WTP compliance samples had not been collected during the week of March 10, 2014, the WTP was staffed and monitored at all times while the WTP was in operation.

Directives

The City is hereby directed to take the following actions:

1. The City shall investigate if the procedures put in place to prevent monitoring violations as described in a letter to the Department dated April 4, 2014 (Enclosure 3) have been followed, and if additional measures are needed to prevent monitoring violation from occurring again. The City shall provide a written response to this Department within 30 days of receiving this letter, describing the actions that the City has taken/will take to prevent such incidents from happening.

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2. The City shall complete the Tier 3 public notification within one year of receiving this letter. The City shall complete and submit the enclosed "Proof of Notification" form (Enclosure 4) within 10 days of completion of the public notification.
3. The City shall provide written acknowledgement of receiving this notice to the Department within 15 calendar days of the date of this letter, stating the intent to comply with the requirements listed above.

The City must cease violating Condition 13 of the City's Domestic Water Permit No. 04-15-03P-003 dated April 14, 2003 and Conditions 19 and 34 of Permit Amendment No. 1910156PA-003 dated January 4, 2011. The City is hereby reminded that subsequent monitoring violations may result in citations and civil penalties.

Public Notification

Under the *Public Notification Rule*, the above monitoring violation is categorized as a **Tier 3 violation**. Section 64463.7 of Title 22, CCR, requires that the notification be conducted within one year after the public water system learns of the violation, and may be part of the Consumer Confidence Report. The City must deliver the notice to water users within the required time period by mail or direct delivery. In addition, the City must use one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.): 1) publication in a local newspaper, 2) posting in conspicuous public places served by the City's water system, or on the internet; or 3) delivery to community organizations. A template for conducting this notification is available from the Department's website. The notification must be approved by the Department prior to dissemination. For more information, please refer to the following link: <http://www.cdph.ca.gov/certlic/drinkingwater/Pages/Notices.aspx>.

If you have any questions, please contact Ms. Ofelia Oracion at (818) 551-2020 or me at (818) 551-2045.

Sincerely,



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

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Enclosures (4)

cc: Mr. George Chavez
Director of Public Works Services
City of Beverly Hills
345 Foothill Road
Beverly Hills, CA 90210

Ms. Trish Rhay
Utilities Manager
City of Beverly Hills
345 Foothill Road
Beverly Hills, CA 90210



Kevin Watson, Water Operations Manager
Department of Public Works Services

May 30, 2014

State of California
Department of Public Health, Southern California Branch
Drinking Water Field Operations
500 N. Central Ave. Suite 500
Glendale, CA 91203
Attn: Shu-Fang Orr, P.E.:

Dear Ms. Shu-Fang Orr, P.E.

**SYSTEM NO. 1910156 – NOTICE OF VIOLATION FOR FAILURE TO COLLECT WEEKLY COMPLIANCE SAMPLES
AT REVERSE OSMOSIS WATER TREATMENT PLANT**

An investigation was done to determine if the procedures put in place to prevent monitoring violations as described below have been followed, and if additional measures were implemented or are needed to prevent monitoring violations from occurring again.

- A new procedure has been implemented that creates a better check & balance system to ensure all compliance samples are completed. All staff members will be directed to follow this procedure from this day forward. It is a requirement, as directed by Management, that in addition to taking the samples at the required date and time, filling out the chain of custody and relinquishing the samples to the laboratory courier, that either the Water Quality Specialist or the Supervisor on duty verify and sign off on the chain of custody before the samples are relinquished.

This procedure is being followed and has proven successful in preventing monitoring violations from occurring again.

- Follow-up training will be conducted by the Water Quality Specialist and the Water Operations Manager to all staff that may be called upon for sampling duties. Standard protocol for measuring the competence and mastering of these duties shall be used. This includes the requirement that trainees acknowledge they have received proper instruction and understand what is expected from them.

This procedure is being followed. It is an ongoing process whereas new procedures may be added and review of previous training is conducted. Upon completion of the various components of the training the trainees are evaluated to test their understanding and proficiency of the procedures.

- David Hillyer, Water Quality Specialist, created a calendar on Microsoft Calendar with all compliance sampling for notifying all pertinent staff the day and time samples are due.

This procedure has been put into place and has proven successful in reminding the Operators each day when samples are due. In addition the laboratory has established new procedures in collaboration with the City of Beverly Hills whereas the laboratory calls the Water Quality Specialist by phone to inform him if a sample has been missed. If the water treatment is offline the laboratory still makes the call to verify the plant is in fact shut down and that no sample will be taken.

- Purchase and implementation of the HACH WIMs Software that will notify or alert staff when compliance sampling is due, has not been collected at the scheduled date and time, and/or if the laboratory results are not entered as scheduled. This will help eliminate human error.

The City is in the process of entering into an agreement with HACH to provide this.

The following additional measures are being taken:

- Standard Operating Procedures are being created in a collaborative effort by staff for all treatment and distribution system work tasks with an emphasis being placed on all critical compliance tasks.
- Establishing and managing an ongoing training and monitoring system for all staff on critical systems and processes.
- Establishing and managing a formal auditing process to assess staff, contractors, and system performance.
- Establishing and documenting improved process control system for the capture, analysis and reporting of all regulatory compliance requirements.
- Established quarterly communication meetings with the California Department of Public Health (CDPH).

Ms. Shu-Fang Orr, P.E.

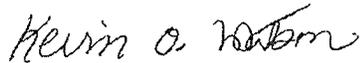
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- Improved process and incident reporting communication with CDPH.

These corrective actions will ensure all compliance sampling is completed. If you have any questions, concerns or comments please give me a call at (310) 285-2495 or contact David Hillyer at (310) 285-2498.

Sincerely,



Kevin Watson
Water Operations Manager

Cc: Ofelia Oracion
Sanitary Engineer, Los Angeles District
California Department of Public Health
Division of Drinking Water and Environmental Management
500 N. Central Ave. Suite 500
Glendale, CA 91203

David Hillyer
Water Quality Specialist
City of Beverly Hills
345 Foothill Rd.
Beverly Hills, CA 90210