



COMMONWEALTH of VIRGINIA

Cynthia C. Romero, MD, FAAFP
State Health Commissioner

DEPARTMENT OF HEALTH

OFFICE OF DRINKING WATER

John J. Aulbach II, PE
Director, Office of Drinking Water

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Richmond, VA 23219
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NOTICE OF INFORMAL FACT-FINDING CONFERENCE

October 24, 2013

VIA REGULAR & CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Ray Thompson
Italian Kitchen
7522 Lee Davis Road
Mechanicsville, Virginia 23111

Re: Italian Kitchen Waterworks (Hanover County) PWSID #4085430

Dear Mr. Thompson:

The Virginia Department of Health (“VDH”) requests your presence at an Informal Fact-Finding Conference (“IFFC”) to address alleged violations of the *Waterworks Regulations* (“*Regulations*”). The IFFC will be held on **November 14, 2013 at 10:00 am**, at the Virginia Department of Health, Office of Drinking Water (“ODW”), East Central Field Office, 300 Turner Road, Richmond, Virginia 23225 in accordance with § 2.2-4019 of the *Code of Virginia*. The IFFC is designed to accomplish three objectives: (1) to receive evidence; (2) to make a factual finding to determine if you have violated the *Regulations* or the *Code of Virginia*; and, (3) if you are found to have violated the *Regulations* or the *Code of Virginia*, to determine the appropriate corrective action. You have the right to appear at the IFFC in person, by counsel, or by other qualified representative to present data, argument, or proof.

You may be in violation of the following *Regulations*:

- Failure to conduct monitoring of the chemical quality of water served to the waterworks’ customers as required by 12VAC5-590-370 of the *Regulations* for Nitrate + Nitrite during the 2012 calendar year monitoring period. A copy of the Notice of Violation (NOV) issued January 11, 2013 is enclosed at **Tab 2**. According to the EPA, infants below the age of six months who drink water containing nitrates or nitrites in excess of the maximum contaminant level could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

- Failure to post or distribute public notice as required by 12VAC5-590-540 of the *Regulations* for the alleged violations listed below. A copy of the NOV issued December 20, 2012 is attached at **Tab 2**. Public notification helps to ensure that consumers will always know if there is a problem with their drinking water.

<u>Alleged Violations</u>	<u>Monitoring Period</u>	<u>Public Notification Due</u>
Failure to collect Nitrate sample	January – December 2010	January 27, 2012
Failure to collect Bacteriological samples	January – March 2011	April 14, 2012
	November 2011	December 14, 2012
	April – June 2012	July 19, 2013
	July – September 2012	October 19, 2013

- Failure to submit certification to VDH that public notice was posted as required and provide a copy of the notice posted within ten days of completion of the public notice as required by 12VAC5-590-540 M of the *Regulations* for the alleged violations listed above.
- Failure to operate reliably pursuant to 12VAC5-590-360 A of the *Regulations* as follows (copy of the NOV issued April 23, 2013 attached at **Tab 2**):
 - Failure to contact the East Central Field Office to discuss the sanitary survey conducted January 23, 2013 or otherwise respond to the February 7, 2013 inspection report letter (copy enclosed at **Tab 3**);
 - Failure to submit a Waterworks Business Operation Plan (WBOP) by March 22, 2013 pursuant to Va. Code § 32.1-172 B and requested in correspondence dated January 23, 2013 (copy attached at **Tab 6**); and,
 - Failure to provide recorded well lot plat and well lot dedication documents as required by 12VAC5-590-840 A 1 of the *Regulations* by April 30, 2013.

The factual basis for these allegations is set forth in the records maintained by the VDH ODW, East Central Field Office, and copies are enclosed for your review and reference.

If it is determined that you have violated the *Waterworks Regulations*, you will be issued a Special Order by the State Health Commissioner mandating that you take immediate action to resolve the alleged violations. Failure to comply with the Order may result in the revocation of your permit to operate a waterworks, a civil penalty and/or a criminal case filed in Hanover Circuit Court pursuant to § 32.1-27 A of the *Code of Virginia*. [Note: We are sending a copy of this Notice to the Office of Environmental Health Services and the Hanover County Health Department. Noncompliance with the *Regulations* may impact renewal of your permit to serve food if it is determined that you have failed to maintain an approved water supply. It is our understanding that your food permit expires on December 31, 2013.]

Mr. Ray Thompson

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If the date, time, and location of the IFFC are not convenient, please call no later than 48 hours before the hearing to reschedule at (804) 864-7506. If I do not hear from you or you decide not to attend, the IFFC will proceed as scheduled.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert A. K. Payne, JD". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Robert A. K. Payne, JD
Director of Legal Affairs

RAKP/cmh

Enclosures

cc: John J. Aulbach II, PE, Director, ODW
Bennett K. Ragnauth, PE, VDH ODW East Central Field Office
Julie Henderson, Director – OEHS Office of Food & General Environmental Services
Tom Franck, MD, MPH, District Director, Chickahominy Health District
Cecil R. Harris, County Administrator
Trip Chalkley, Hanover County Commonwealth's Attorney
Carol Lien, Environmental Health Manager, Chickahominy Health District