

Memorandum

Date :

To : INMATE ,
Kern Valley State PrisonSubject : APPEAL LOG # KVSP-O-08-
SECOND LEVEL RESPONSE

PURSUANT TO CCR 3084.2, MULTIPLE APPEALS OF THE SAME ISSUE, IF MORE THAN ONE APPEAL REGARDING THE SAME ISSUE IS RECEIVED ALL SUCH APPEALS SHALL BE LOGGED. A WRITTEN RESPONSE SHALL BE GIVEN TO THE ORIGINAL APPELLANT. A COPY OF THE RESPONSE, WITH THE ORIGINAL APPELLANT'S NAME AND NUMBER REMOVED, SHALL BE GIVEN TO EACH OF THE OTHER APPELLANTS.

APPEAL ISSUE: The appellant claims Kern Valley State Prison (KVSP) has knowingly provided primary drinking water to him that contains known carcinogens which poses an unreasonable risk of serious damage to the appellant's health. The appellant requests to be provided bottled water / immediate medical services, including tests and treatment for arsenic poisoning; damages; / transfer to an alternate institution which provides clean drinking water.

INTERVIEW: The original appellant was interviewed on , 2008, by , regarding his appeal. The appellant was afforded the opportunity to further explain his issue and to provide any supporting evidence or documents.

REGULATIONS: The rules governing this issue are:

California Code of Regulations Section 3000 Definitions

APPEAL RESPONSE: C. Pfeiffer, Correctional Counselor II, was assigned to investigate this appeal at the Second Level of Review. All submitted documentation and supporting arguments have been considered. Additionally, an examination has been conducted regarding the claim presented, and evaluated in accordance with the CCR and the Departmental Operations Manual.

On March 10, 2008 KVSP was notified that the water system was not in compliance with the new Federal Arsenic Rule. The date of the letter, March 10, 2008 is the official date of non-compliance. On April 8, 2008 KVSP distributed the notice you received to comply with the United States Environmental Protection Agency (EPA) Public Notification Rule. KVSP is in the process of modifying the water treatment plant to bring us into compliance with the new EPA rule and compliance is expected by the second quarter of 2009. Based on the notification from the Department of Health Services, an alternate water supply is not required.

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A review of the currently arsenic levels at KVSP was conducted by R. J. Geller, MD, MPH, of the California Poison Control System. Doctor Geller's response indicates the parts per billion (ppb) levels of arsenic noted are insignificant. The review specifically states "the expected numbers of health problems, either acute or chronic, caused at KVSP by arsenic at a concentration 22 ppb in drinking water is zero".

DECISION: Based on the above information the appeal is Partially Granted. Granted in that the appeal was processed timely in accordance with the California Code of Regulations, Title 15 Section 3084. All other aspects of the appeal are Denied.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.

J. CASTRO
Chief Deputy Warden (A)
Kern Valley State Prison