



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 4, 2014

Ms. Jan Trusso
Board President
Butano Canyon Mutual Water Company
P.O. Box 367
Pescadero, CA 94060

Dear Ms. Trusso:

CITATION NO. : 02-17-14C-017
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
BUTANO CANYON MUTUAL WATER COMPANY, SYSTEM NO. 4100503

Enclosed is a citation issued to Butano Canyon Mutual Water Company. The citation is issued because the water system failed to comply with Section 64426.1(b)(2) and Section 64424(a)(1), Chapter 15, Title 22, California Code of Regulations. The total coliform maximum contaminant level and monitoring and reporting requirements were not met during October 2014.

The citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severability and Further Enforcement Action. The Applicable Authorities, Statement of Facts, and Determination sections describe the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Parties Bound, Severability, and Further Enforcement Action sections describe administrative penalties to be assessed for failure to comply with the citation. No administrative penalty is levied with the current citation.

If you have any questions regarding this matter, please contact Karen Nishimoto at (510) 620-3461.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer, Santa Clara District
Division of Drinking Water
State Water Resources Control Board

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

Attachment: Proof of Notification Form

cc: San Mateo County Environmental Health Department (w/o attachment) (via e-mail to Greg Smith)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Butano Canyon Mutual Water Company
P.O. Box 367
Pescadero, CA 94060

Attn: Jan Trusso, Board President
Butano Canyon Mutual Water Company

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE
22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 4100533
CITATION NO. 02-17-14C-017
Issued on November 4, 2014**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to Butano Canyon Mutual Water Company (hereinafter, BCMWC) (P.O. Box 367, Pescadero, CA 94060) for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

violation of California Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2) and Section 64424 subsection (a)(1).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

California Code of Regulations, Title 22, Section 64426.1, subsection (b)(2)
provides, in relevant part:

(b) A public water system is in violation of the total coliform MCL when
any of the following occurs:
2) For a public water system which collects fewer than 40 samples
per month, more than one sample collected during any month is
total coliform-positive

California Code of Regulations, Title 22, Section 64424, subsection (a)(1)
provides, in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall
collect a repeat sample set as described in paragraph (a)(1) within 24
hours of being notified of the positive result. The repeat samples
shall all be collected within the same 24 hour time period. A single
service connection system may request that the Department allow
the collection of the repeat sample set over a four-day period.
1) For a water supplier that normally collects more than one routine
sample a month, a repeat sample set shall be at least three
samples for each total coliform-positive sample. For a water
supplier that normally collects one or fewer samples per month, a
repeat sample set shall be at least four samples for each total
coliform-positive sample.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATEMENT OF FACTS

The BCMWC water system is operated under Water Supply Permit No. 02-17-12P-4100503, issued on December 14, 2012.

BCMWC serves water to approximately 150 customers via 95 service connections. BCMWC is located at the end of Canyon Road, northwesterly of Butano State Park and receives water from Butano Creek. BCMWC has a surface water treatment system with disinfection byproduct treatment, a disinfection treatment system, two storage tanks, a header tank, and a distribution system.

Currently, BCMWC collects one sample per month as specified in the Division-approved bacteriological sampling plan.

On October 2, 2014, BCMWC collected a routine sample which tested "present" for total coliform and "absent" for *E. coli*. Three repeat samples were then collected on October 4, 2014. Two samples tested "present" for total coliform and "absent" for *E. coli*. The third sample was negative for coliforms. BCMWC then boosted the chlorine dosage at the treatment plant. Section 64424(a)(1) requires that for a water supplier that collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform positive sample. BCMWC collected three repeat samples, not the required four repeat samples, during the October 4, 2014 repeat sample event.

On October 6, 2014, BCMWC collected three more repeat samples. All three samples were negative for coliforms. BCMWC notified the Division, pursuant to Section 64424(a)(2), that the fourth required sample could not be taken on October 6,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

2014 and was subsequently collected on October 9, 2014. The fourth sample was negative for coliforms.

With more than one sample collected during October with total-coliform positive results, BCMWC is in violation of the total coliform maximum contaminant level during October 2014.

With three samples collected instead of the required four repeat samples following a total-coliform positive result, BCMWC is in violation of the total coliform monitoring and reporting requirements during October 2014.

DETERMINATION

The Division has determined that BCMWC failed to comply with the Total Coliform maximum contaminant level (MCL) and total coliform monitoring and reporting requirements during October 2014. During October 2014, the Water System collected 8 routine and repeat samples, of which three samples were total coliform positive.

DIRECTIVES

BCMWC is hereby directed to take the following actions:

1. Forthwith, BCMWC shall cease and desist from failing to comply with Subsection 64426.1(b)(2), Chapter 15, Title 22, CCR, immediately.
2. Forthwith, BCMWC shall cease and desist from failing to comply with Subsection 64424(a)(1), Chapter 15, Title 22, CCR, immediately.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3. Conduct public notification for the Total Coliform Maximum Contaminant Level (MCL) violation and total coliform monitoring and reporting violation within one month in conformance with Section 64463.4(c), Chapter 15, Title 22, CCR. The notification shall be completed in accordance with the following:

Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g. schools, apartment building owners, etc.) and other service connections to which water is delivered by BCMWC.

Proof of notification must be provided to the Division. This can be met by submitting a completed Proof of Notification form (Attachment enclosed) and a copy of the notice issued within 14 days of completing the notification. The notice must be approved by the Division prior to distribution.

4. Prepare a written Corrective Action Plan (CAP) based on investigation findings. The plan shall include an evaluation of the causes of the bacteriological problem and the preventative measures to be taken to reduce the possibility of bacteriological contamination in the future. The CAP shall be submitted to the Division by December 31, 2014.

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

Nothing in this Citation relieves BCMWC of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

Mr. Eric Lacy, P.E.
District Engineer, Santa Clara District
Division of Drinking Water
State Water Resources Control Board
850 Marina Bay Parkway
Building P, 2nd Floor
Richmond, CA 95804-6403

PARTIES BOUND

This Citation shall apply to and be binding upon BCMWC, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and BCMWC shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

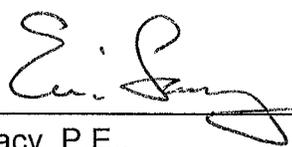
The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to 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 failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

November 4, 2014

Date



Eric Lacy, P.E.,
District Engineer
Division of Drinking Water
State Water Resources Control Board

Attachments:

- 1. Proof of Notification Form

cc: San Mateo County Environmental Health Department (via e-mail to Greg Smith)

CERTIFIED MAIL # 7006 3450 0001 8420 8525

PROOF OF NOTIFICATION

Water System Name: Butano Canyon Mutual Water Company
Water System Number: 4100503

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Butano Canyon Mutual Water Company of the total coliform maximum contaminant level and monitoring and reporting violations. I complied with the directives of the Division of Drinking Water as indicated below:

Required Action

Date Completed

Public Notification by mail or direct delivery.

--

Signature of Water System Representative

Date

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE <u>PUBLISHED NOTICE, DELIVERED NOTICE, AND POSTED NOTICE</u> MUST BE ATTACHED TO THIS FORM</p>
--

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 citation 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.