



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 17, 2014

Ms. Wendy Hartman-Carr
Board President
Loma Mar Mutual Water and Improvement Company
P.O. Box 1
Loma Mar, CA 94021

Dear Ms. Hartman-Carr:

CITATION NO. : 02-17-14C-018
SURFACE WATER TREATMENT TECHNIQUE VIOLATION
LOMA MAR MUTUAL WATER AND IMPROVEMENT COMPANY, SYSTEM NO. 4100512

Enclosed is a citation issued to Loma Mar Mutual Water and Improvement Company. The citation is issued because the water system failed to comply with Sections 64652(a), 64654(a), and 64663(c), Title 22, California Code of Regulations. The surface water treatment technique requirements were not met on September 22, 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)

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Loma Mar Mutual Water and Improvement Company
P.O. Box 1
Loma Mar, CA 94021

Attn: Wendy Hartman-Carr, Board President
Loma Mar Mutual Water and Improvement Company

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE
22, SECTION 64652(a), 64654(a), and 64663(c) - WATER SYSTEM NO. 4100512**
C I T A T I O N N O . 02-17-14C-018
Issued on November 17, 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 Loma Mar Mutual Water and Improvement Company (hereinafter, LMMWIC) (P.O. Box 1, Loma Mar, CA



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94021) for violation of California Code of Regulations (CCR), Title 22, Section 64652 subsection (a), Section 64654 subsection (a) and Section 64663 subsection (c).

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.

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California Code of Regulations, Title 22, Section 64652, subsection (a) provides, in relevant part:

- (a) A supplier using an approved surface water shall provide multibarrier treatment that meets the requirements of this chapter and reliably ensures at least, between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer:
 - 1) A total of 99.9 percent reduction of *Giardia lamblia* cysts through filtration and disinfection;
 - 2) A total of 99.99 percent reduction of viruses through filtration and disinfection; and
 - 3) A total of 99 percent removal of *Cryptosporidium* through filtration.

California Code of Regulations, Title 22, Section 64654, subsection (a) provides, in relevant part:

(a) All approved surface water utilized by a supplier shall be provided with continuous disinfection treatment sufficient to insure that the total treatment process provides inactivation of *Giardia lamblia* cysts and viruses, in conjunction with the removals obtained through filtration, to meet the reduction requirements specified in section 64652(a).

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California Code of Regulations, Title 22, Section 64663, subsection (c) provides, in relevant part:

A supplier shall notify the Department as soon as possible, but no later than by the end of the next business day, or within 24 hours, whichever is less, by telephone or other equally rapid means whenever:

(c) An event occurs which may affect the ability of the treatment plant to produce a safe, potable water including but not limited to spills of hazardous materials in the watershed and unit treatment process failures.

STATEMENT OF FACTS

The LMMWIC water system is operated under Water Supply Permit No. 02-17-12P-4100512, issued on July 20, 2012.

LMMWIC serves water to approximately 65 customers via 36 service connections. LMMWIC is located along Pescadero Creek Road, westerly of Pescadero Creek County Park. LMMWIC has a surface water treatment system, a disinfection treatment system, a storage tank, and a distribution system.

In order to ensure multibarrier treatment is provided to the surface water source, after the filtration system, disinfectant contact time is provided by a contact tank, pipeline segment, and storage tank. On September 18, 2014 LMMWIC began seeing essentially no disinfectant residual after the storage tank. On September 22, 2014 there was essentially no disinfectant residual in the contact tank, pipeline segment, and storage tank; resulting in a failure to provide adequate disinfection of the water produced by the surface water treatment plant. Disinfectant was manually added to

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the storage tank twice on September 22, 2014. Disinfectant residual consistently rebounded to acceptable levels by September 26, 2014. LMMWIC notified the Division on September 26, 2014 of the treatment failure.

The failure to comply with the treatment technique requirements specified in Sections 64652(a) and 64654(a), CCR indicated that the water produced on September 22, 2014 was inadequately treated. Ms. Wendy Hartman-Carr, LMMWIC's Board President, informed Mr. Eric Lacy of the Division of the treatment failure via electronic transmittal on September 26, 2014 which was a violation of Section 64663(c) which requires notification by the end of the next business day, or within 24 hours, whichever is less in the event of a unit treatment process failure.

DETERMINATION

The Division has determined that LMMWIC failed to provide adequate disinfection of the water produced by the surface water treatment plant and provide adequate notification to the Division of the failure.

DIRECTIVES

LMMWIC is hereby directed to take the following actions:

1. Forthwith, LMMWIC shall cease and desist from failing to comply with Subsection 64652(a), Chapter 17, Title 22, CCR, immediately.
2. Forthwith, LMMWIC shall cease and desist from failing to comply with Subsection 64654(a), Chapter 17, Title 22, CCR, immediately.

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3. Forthwith, LMMWIC shall cease and desist from failing to comply with Subsection 64663(c), Chapter 17, Title 22, CCR, immediately.

4. Conduct public notification for the treatment technique violation in conformance with Sections 64463.4 and Section 64465, Chapter 15, Title 22, CCR. The notification shall be performed in accordance with each of the following:
 - a) Notice by direct delivery shall be given once to all users within 30 days of notice the violation or failure. The notice shall be delivered no later than December 17, 2014.

 - b) Notice by posting in conspicuous places within the area served by LMMWIC shall be initiated within 30 days of the violation or failure. The notice shall be posted by December 17, 2014. Post shall continue for a minimum of seven continuous calendar days.

5. Submit a proposed notice to the Division for review and approval prior to delivery and posting. Enclosed is a sample notice that may be used.

6. Complete and return the attached Proof of Notification form to the Division within seven days of completion of the public notification. A copy of the notice delivered to the customers and posted in conspicuous places shall be attached to the Proof of Notification form.

7. Prepare a written Corrective Action Plan (CAP) regarding operational changes to prevent the occurrence of the same violation. As part of the CAP, LMMWIC shall include provisions for immediately obtaining a responsible and reliable operator

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that is appropriately certified and able to be on-site within one hour. The CAP shall also include the provision for properly functioning alarms and shutdown parameters which will alarm for operational issues and automatically shut down the surface water treatment facility to prevent inadequately treated water from entering the distribution system. The CAP shall be submitted to the Division by December 17, 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 LMMWIC 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.

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 LMMWIC, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

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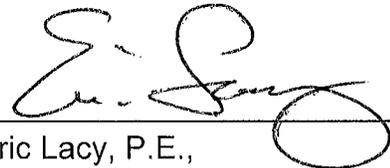
SEVERABILITY

The Directives of this Citation are severable, and LMMWIC 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 violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

November 17, 2014
Date


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

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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 8532

PROOF OF NOTIFICATION

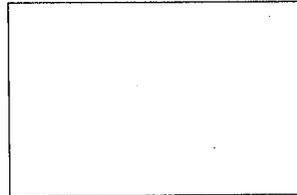
Water System Name: Loma Mar Mutual Water and Improvement Company
Water System Number: 4100512

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Loma Mar Mutual Water and Improvement Company of the treatment technique violation. 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 AND
posting in public.



Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT.
A COPY OF THE PUBLISHED NOTICE, DELIVERED NOTICE, AND POSTED NOTICE
MUST BE ATTACHED TO THIS FORM**

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.

Instructions for Tier 2 SWTR Disinfection Treatment Notice Template

Template Attached

Since surface water treatment disinfection treatment technique violations are included in Tier 2, 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)]. Some disinfection problems may be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [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.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		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 ^(b) on the Internet or intranet
		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 may wish to modify it before using it for posting in public places served by the water system. 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

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system 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.

Description of the Violation

Choose from the following descriptions of violations and modify to fit your situation.

- Contact Time – “In order to ensure proper disinfection, water in the treatment plant must be in contact with chlorine or a similar disinfectant for a minimum amount of time. On [date], this did not occur. Although chlorine quickly kills most bacteria, it is less effective against organisms such as viruses and parasites. For this reason, water needs to mix with chlorine for a longer time period to kill such organisms. The amount of time necessary, or the “contact time”, depends on the amount of disinfectant in the water and the temperature of the water.”
- Disinfectant Residual – “We routinely monitor for disinfectant residual in the distribution system. This measurement tells us whether we are effectively disinfecting the water supply. Disinfectant residual is the amount of chlorine or related disinfectant present in the pipes of the distribution system. If the amount of disinfectant is too low, organisms could grow in the pipes.”
- Monthly Exceedance (Distribution System) – “During the month of [month], disinfectant residual was undetected in more than 5% of samples. The standard is that disinfectant may be undetectable in no more than 5% of samples taken each month.”
- Single Exceedance (Entry to the Distribution System) – “On [date], disinfectant levels dropped below 0.2 milligrams per liter (mg/L) for [number] hours. The standard is that levels may not drop below 0.2 mg/L for more than four hours.”

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with disinfection treatment technique violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are sampling/we sampled both untreated and treated water for the presence of coliform bacteria.”
- “We are sampling/we sampled disinfectant levels and will adjust/adjusted the amount of disinfectant added as necessary to maintain adequate levels.”

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 DDW 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 DDW 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.

[System]

Did Not Meet Treatment Requirement (Disinfection)

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.

[Describe the violation - use descriptions from instructions].

What should I do?

- **You do not need to boil your water or take other actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Tests taken during this same time period did not indicate the presence of bacteria in the water.
- *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.*
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult with your doctor.

What happened? What is being done?

[Describe corrective action]. [Disinfectant residual levels/contact times] so far this month have met all requirements.

For more information, please contact [name of contact] at [phone number] or [mailing 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.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

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