CALIFORNIA
Water Boards

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ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 14, 2015

Ms. Joan McCormick
General Manager
Butano Canyon Mutual Water Company
P.O. Box 367
Pescadero, CA 94060

Dear Ms. McCormick:

CITATION NO. : 02-17-15C-001
TOTAL TRIHALOMETHANE MAXIMUM CONTAMINANT LEVEL 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 64533(a), Chapter 15.5, Title 22, California Code of Regulations. The Total Trihalomethane (TTHM) maximum contaminant level was not met based on the running annual average from the second quarter of 2014 through the first quarter of 2015.

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 Ms. Karen Nishimoto at (510) 620-3461.

Sincerely,

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

Attachment: Proof of Notification Form

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

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: Joan McCormick, General Manager
Butano Canyon Mutual Water Company

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533(a) - WATER SYSTEM NO. 4100533

C I T A T I O N NO. 02-17-14C-001

Issued on April 14, 2015

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

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violation of California Code of Regulations (CCR), Title 22, Section 64533 subsection (a).

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 64533, subsection (a) provides, in relevant part:

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table **64533**-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A

Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection Byproduct	*Maximum Contaminant Level (mg/L)*	*Detection Limit for Purposes of Reporting (mg/L)*
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010

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. BCWMC 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.

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Pursuant to Title 22, CCR, Section 64534.2(d), BCMWC is required to collect one distribution system sample per quarter for TTHM analyses. Under Title 22, CCR, Section 64535.2(b)(1), compliance with the TTHM MCL of 0.080 mg/L is based on a running annual average, calculated quarterly, for each monitoring location.

The following is a chronology of events that occurred leading up to the TTHM MCL failure.

2nd Quarter 2014: A TTHM sample was collected on May 1, 2015 at 36 Madrone. The TTHM level in the sample was 73.02 µg/L. The sample site was considered to be in compliance with the TTHM MCL.

3rd Quarter 2014: BCMWC collected a sample at 36 Madrone on August 7, 2014 for TTHM analysis. The TTHM level in the sample was 82.55 µg/L. The sample site was considered to be in compliance with the TTHM MCL.

4th Quarter 2014: BCMWC collected a sample on November 6, 2014 at 36 Madrone. The TTHM level was 97.32 µg/L. The sample site was considered to be in compliance with the TTHM MCL.

1st Quarter 2015: BCMWC collected a sample on February 12, 2015 at 36 Madrone. The TTHM level was 104.82 µg/L. The resultant TTHM LRAA was 89.43 µg/L. Based on these results, BCMWC was in violation of the TTHM MCL.

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DETERMINATION

The Division has determined that BCMWC failed to comply with the Maximum Contaminant Level (MCL) for total trihalomethanes (TTHM) at the 36 Madrone sample site for the four-quarter monitoring period of April 1, 2014, through March 31, 2015. For a public water system monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCL of 0.080 mg/L (80 µg/L) for total trihalomethanes, consisting of chloroform, bromodichloromethane, dibromochloromethane, and bromoform. The TTHM LRAA for the four-quarter monitoring period of April 1, 2014, through March 31, 2015, was 89.43 µg/L at the 36 Madrone sample site.

DIRECTIVES

BCMWC is hereby directed to take the following actions:

1. Forthwith, BCMWC shall cease and desist from failing to comply with the MCL for total trihalomethanes (TTHM).

2. BCMWC shall conduct public notification for the TTHM maximum contaminant level violation within one month in conformance with Section 64463.4(c), Chapter 15, Title 22, California Code of Regulations (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 or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the system AND public notification in a local newspaper, posting in conspicuous public places

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served by the water system or on the internet, or delivery to community organizations to reach persons not likely to be reached by mailing or direct delivery (renters, community center users, etc).

3. Within 30 days of receipt of this Citation, BCMWC shall provide to the Division certification of public notification using the enclosed form (Attachment No. 1). The certification of notification must identify the methods of public notification.

4. BCMWC shall include information regarding the TTHM MCL violation identified in this Citation in the 2014 Consumer Confidence Report, which must be completed and distributed by July 1, 2015. A draft of the 2014 Consumer Confidence Report shall be submitted to the Division for review and approval prior to distribution and/or posting.

5. Within 30 days of receipt of this Citation, BCMWC shall provide a Corrective Action Plan (CAP) that describes the specific actions that will be taken to return to compliance.

6. Within 30 days of receipt of this Citation, BCMWC shall submit a written response to the Division indicating its willingness to comply with directives of this Citation.

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.

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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.

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 94804-6403

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

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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.

April 14, 2015
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

CERTIFIED MAIL # 7007 1490 0001 6530 2122

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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 trihalomethane maximum contaminant level 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 publication in a local newspaper, posting in public or internet, or delivery to community organizations.	

Signature of Water System Representative _____ Date _____

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION.
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.