



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

September 24, 2015

Mr. Steve Baugher  
Property Manager  
Martins Beach Water System  
1760 The Alameda, Suite 300  
San Jose, CA 95126

Dear Mr. Baugher:

**CITATION NO. 02-17-15C-025**  
**MONITORING & REPORTING VIOLATION – TOTAL COLIFORM BACTERIA**  
**Martins Beach Water System, Water System No. 4100515**

Enclosed is a citation issued to Martins Beach Water System for failure to comply with Section 64423 (a) (5), Chapter 15, Title 22, California Code of Regulations. Specifically, Martins Beach Water System failed to collect the one (1) required routine bacteriological sample from the distribution system for the month of August 2015.

The attached citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severity and Further Enforcement Action. No civil penalty is levied with the current citation.

If you have any further questions regarding this letter, please contact Ms. Van Tsang at (510) 620-3602.

Sincerely,

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

Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Drinking Water Field Operations Branch  
Division of Drinking Water

cc: San Mateo County Environmental Health

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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:** Martins Beach Water System  
1760 The Alameda, Suite 300  
San Jose, CA 95126

**Attn:** Mr. Steve Baugher, Property Manager  
Martins Beach 1, LLC

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**  
**TITLE 22, SECTION 64423 (a) (5)**  
**WATER SYSTEM NO. 4100515**  
**CITATION NO. 02-17-15C-025**  
**Issued on September 24, 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 (hereinafter "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 the Martins Beach Water System (hereinafter, "Martins Beach" or "Water System") (mailing

1 address: 1760 The Alameda, Suite 300, San Jose, CA 95126) for violating California  
2 Code of Regulations, Title 22, Section 64423 (a) (5).

3  
4 **APPLICABLE AUTHORITIES**

5  
6 **Section 116650 of California Health and Safety Code provides:**

7  
8 (a) If the Division determines that a public water system is in violation of  
9 this chapter or any regulation, permit, standard, citation, or order issued or adopted  
10 thereunder, the Division may issue a citation to the public water system. The citation  
11 shall be served upon the public water system personally or by certified mail. Service  
12 shall be deemed effective as of the date of personal service or the date of receipt of  
13 the certified mail. If a person to whom a citation is directed refuses to accept delivery  
14 of the certified mail, the date of service shall be deemed to be the date of mailing.

15 (b) Each citation shall be in writing and shall describe the nature of the  
16 violation or violations, including a reference to the statutory provision, standard, order,  
17 citation, permit, or regulation alleged to have been violated.

18 (c) A citation may specify a date for elimination or correction of the  
19 condition constituting the violation.

20 (d) A citation may include the assessment of a penalty as specified in  
21 subdivision (e).

22 (e) The Division may assess a penalty in an amount not to exceed one  
23 thousand dollars (\$1,000) per day for each day that a violation occurred, and for  
24 each day that a violation continues to occur. A separate penalty may be assessed for  
25 each violation.

26  
27



1 California Code of Regulations, Title 22, Section 64423, subsection (a) (5)  
2 provides in relevant part:

3  
4 (a) Each water supplier shall collect routine bacteriological water samples as  
5 follows:

6 (5) The minimum number of samples for transient-noncommunity water  
7 systems using approved surface water shall be based on the population  
8 served as shown in Table 64423-A.

9  
10 **STATEMENT OF FACTS**

11  
12 Martins Beach Water System is a transient-noncommunity water system, located on  
13 Martin's Beach Road, Half Moon Bay, CA, that provides potable water to  
14 approximately 12 residents and 15 transient populations through 49 service  
15 connections. Source water for the Martins Beach Water System is pumped from the  
16 Los Lobitos Creek. The water is filtered through an Applied Membrane, Inc. Model  
17 J124 reverse osmosis unit which contains six modules with two membrane cartridges  
18 in each module. The filtered water is disinfected with sodium hypochlorite before  
19 storage within a 10,000 gallon polyethylene clearwell.

20  
21 As specified within CCR, Title 22, Section 64423 (a) (5), transient-noncommunity  
22 water systems serving approved surface water shall collect routine bacteriological  
23 samples at sample sites that are representative of water throughout the distribution  
24 system including all pressure zones, and areas supplied by each water source and  
25 distribution reservoir. The minimum number of samples shall be based on the known  
26 population served, as shown in Table 64423-A.

27



1 According to Table 64423-A and the Water System's Bacteriological Sample Siting  
2 Plan, the Water System is required to collect a minimum of one (1) routine  
3 bacteriological sample per month.

4  
5 On September 21, 2015, the Water System informed the Division that they failed to  
6 collect the one bacteriological sample from the distribution system during the month of  
7 August 2015.

8  
9 **DETERMINATION**

10  
11 The Division has determined that Martins Beach Water System failed to comply with  
12 the California Code of Regulations, Title 22, Section 64423 (a) (5). Specifically,  
13 Martins Beach failed to collect the one (1) routine bacteriological sample from the  
14 distribution system during the month of August 2015.

15  
16 **DIRECTIVES**

17  
18 Martins Beach Water System is hereby directed to take the following actions:

- 19  
20 1. Forthwith, Martins Beach shall cease and desist from failing to comply with the  
21 California Code of Regulations, Title 22, Section 64423 (a) (5), which requires  
22 water systems to collect routine bacteriological water samples at sample sites  
23 representative of water throughout the distribution system. A minimum of one (1)  
24 routine bacteriological sample shall be collected per month.
- 25  
26 2. Within 30 days of receipt of this Citation, Martins Beach shall produce and provide  
27 to the Division a Corrective Action Plan (CAP). The CAP shall include a monitoring



1 schedule and the names of persons responsible for collecting the monthly routine  
2 and repeat bacteriological samples. A back-up person must be identified and  
3 available to collect the required samples in the event the designated sampler is  
4 unavailable.

5  
6 3. Within one (1) year of receipt of this Citation, Martins Beach shall conduct public  
7 notification for the bacteriological procedural violation in conformance with CCR,  
8 Title 22, Chapter 15, Section 64463.7. The notification shall be mailed or directly  
9 delivered to all residents served by the water system.

10  
11 4. Within seven (7) days of completion of the public notification, Martins Beach shall  
12 provide to the Division certification of public notification using the enclosed form  
13 (Attachment No. 1). A copy of the notice shall be attached to the certification form.

14  
15 5. Within 30 days of receipt of this Citation, Martins Beach shall agree in writing to  
16 comply with all directives of this Citation.

17  
18 The Division reserves the right to make such modifications to this Citation as it may  
19 deem necessary to protect public health and safety. Such modifications may be  
20 issued as amendments to this Citation, and shall be deemed effective upon issuance.

21  
22 Nothing in this Citation relieves Martins Beach of its obligation to meet the  
23 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
24 standard, or order issued or adopted thereunder.



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

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

Eric Lacy, P.E.  
District Engineer  
State Water Resources Control Board  
Division of Drinking Water  
850 Marina Bay Parkway  
Building P, 2<sup>nd</sup> Floor  
Richmond, CA 94804

**PARTIES BOUND**

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

**SEVERABILITY**

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

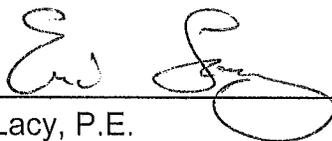
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Board 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 Board 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 Board; 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 Board. The Board does not waive any further enforcement action by issuance of this citation.

September 24, 2015

Date



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

Attachment 1: Proof of Notification

cc: San Mateo County Environmental Health

certified mail # 7014 3490 0001 7031 0567

**ATTACHMENT 1**

**PROOF OF COMPLIANCE  
Citation Number 02-17-15C-025  
Martins Beach Water System  
System Number: 4100515**

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Martins Beach Water System, of the bacteriological monitoring and reporting violation of Section 64423 (a) (5), Chapter 15, Title 22, California Code of Regulations, for the compliance period of August 2015.

I complied with the directives of this citation as indicated below:

Required Action

Date Completed

1. Public notification

a. Mail or direct delivery

\_\_\_\_\_

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE DELIVERED OR MAILED 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: