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**CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER**

TO: Loma Mar Mutual Water Company  
System No. 4100512  
ATTN: Ms. Wendy Hartman-Carr  
P.O. Box 1  
Loma Mar, CA 94021

**COMPLIANCE ORDER NO. 02\_17\_16R\_002  
FOR VIOLATIONS OF  
CALIFORNIA HEALTH & SAFETY CODE, SECTION 116555(a)(1)  
&  
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533  
Dated July 1, 2016**

Section 116655 of the California Health and Safety Code (hereinafter "CHSC") authorizes the issuance of a compliance order to a public water system for violations of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, (commencing with Section 116270)) (hereinafter "California SDWA"), or any permit, regulation, or standard 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 this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Loma Mar Mutual Water Company (hereinafter "the System") for violations of the California Health & Safety Code, Section 116555 (a)(1) and California Code of Regulations, Title 22, Section 64533.



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**APPLICABLE AUTHORITIES**

**CHSC, Section 116555(a)(1) states in relevant part:**

(a) Any person who owns a public water system shall ensure that the system does the following:

- (1) Complies with primary and secondary drinking water standards.

**CHSC, Section 116655 states in relevant part:**

(a) Whenever the Division determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**California Code of Regulations, Title 22, Section 64533, provides, in relevant part:**

The primary maximum contaminant level for total trihalomethanes (hereinafter, "TTHM") shall not exceed 0.080 mg/L in the drinking water supplied to the public, using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2.

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**STATEMENT OF FACTS**

The System is a community public water system serving a population of approximately 65 through 34 service connections. The System operates under Domestic Water Supply Permit No. 02-17-12P-4100512 (hereinafter, "Permit"), issued on July 20, 2012. The System is a community public water system as defined in CHSC, Section 116275.

The System utilizes Pescadero Creek as its source of domestic water. Multi-barrier treatment including filtration through a multi-media pressure filter and disinfection using sodium hypochlorite is provided to the creek source. CCR, Title 22, Division 4, Chapter 15.5 establishes primary drinking water standards and monitoring and reporting requirements for disinfectant residuals, disinfection byproducts and disinfection byproduct precursors. Community water systems that treat their water with a chemical disinfectant in any part of the treatment process or which provide water that contains a chemical disinfectant must comply with the maximum contaminant levels for disinfection byproducts as established in CCR, Title 22, Section 64533.

CCR, Title 22, Section 64534.2 requires community water systems serving surface water treated with a chemical disinfectant to less than 500 persons to monitor for disinfection byproducts, specifically total trihalomethanes, by collecting one sample per year at the location with the highest TTHM measurement. Monitoring shall



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increase to quarterly if the TTHM sample is greater than 0.080 mg/L at any location. For systems monitoring quarterly, TTHM compliance is determined quarterly based on a locational running annual arithmetic average.

The System has monitored for TTHM quarterly and the locational running annual arithmetic average has exceeded the TTHM maximum contaminant level since 2004.

The regulatory jurisdiction over the System was transferred from the San Mateo County Environmental Health to the Division on July 1, 2011. Domestic Water Supply Permit No. 02-17-12P-4100512 was issued to the System on July 20, 2012. The Permit required the System, among other provisions, to cease and desist violating the requirements of CCR, Title 22, Section 64533. The System was also required to prepare and submit a Corrective Action Plan to the Division with a timeline to return to compliance. Since then, the System has explored several treatment options but has not successfully reduced the TTHM concentrations to below the standard. The TTHM locational running annual arithmetic average for samples collected from the third quarter 2015 to the second quarter 2016 is 0.146 mg/L.

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**DETERMINATIONS**

Based on the above Statement of Facts, the Division has determined that the System has violated, and continues to violate, CHSC, Section 116555 (a)(1) in that the System provides water to the community that does not comply with a primary drinking water standard. The System has also violated CCR, Title 22, Section 64533 in that the water served to the community exceeds the TTHM maximum contaminant level.

**DIRECTIVES**

The System is hereby directed to take the following actions:

1. On or before July 1, 2017, comply with Health and Safety Code, Section 116555(a)(1) and California Code of Regulations, Title 22, Section 64533 and remain in compliance.
  
2. On or before July 11, 2016, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
  
3. On or before August 1, 2016, prepare and submit for Division approval a Corrective Action Plan identifying improvements to the System. The plan shall include the milestones and time schedule for returning to compliance. The schedule shall include, but not be limited to, specifying from the date of this compliance order, in no more than 60 days identifying the preferred alternative,

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in no more than 90 days obtaining an estimate for the preferred alternative from appropriate consultants, in no more than 120 days submitting complete plans and specifications to the Division for review and approval, and by July 1, 2017 completing all actions, including permitting, required to bring the preferred alternative into use.

4. Comply with the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
5. On or before September 1, 2016 and every month thereafter, submit a report to the Division showing actions taken during the month to comply with the Corrective Action Plan.
6. Conduct quarterly public notification of failure to provide water that complies with primary and secondary drinking water standards; specifically, notify all customers that the System is failing to provide water that is reliably and consistently below the total trihalomethane maximum contaminant level. The notification shall be completed in accordance with the following methods:
  - a. Mail or direct delivery to each customer receiving a bill including those that may not receive this notice directly, such as people in apartments.
  - b. Posting in conspicuous locations throughout the area served by the water system. The notices shall remain posted until the System complies with all directives within this compliance order.



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The public notification shall include the following health effects language:

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.

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.

7. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the System anticipates it will not meet the performance deadline.

All submittals required by this Order shall be addressed to:

Mr. Eric Lacy, P.E.  
Santa Clara District Engineer  
State Water Resources Control Board  
Division of Drinking Water  
850 Marina Bay Parkway  
Building P, 2<sup>nd</sup> Floor  
Richmond, CA 94804-6403

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the System.

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The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves the System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

**PARTIES BOUND**

This Order shall apply to and be binding upon the System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The Directives of this Order are severable, and the System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Board to: issue a 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 regulation, permit, standard, citation, 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

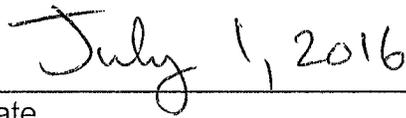


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authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.



Stefan Cajina, P.E., Chief  
North Coastal Section  
State Water Resources Control Board  
Division of Drinking Water



Date

Certified Mail No. 7015 1730 0000 9907 7299

Appendix A: Proof of Public Notification



**ATTACHMENT A**

**PROOF OF COMPLIANCE**  
**Compliance Order No. 02\_17\_16R\_002**  
**Loma Mar Mutual Water Company**  
**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 Company, of the failure to provide water to the community that complies with a primary drinking water standard. Specifically, the water served to the community exceeds the total trihalomethane maximum contaminant level.

I complied with the directives of this Compliance Order as indicated below:

Required Action

Date Completed

1. Public notification

a. Mail or direct delivery to all customers

\_\_\_\_\_

b. Posting in conspicuous places

\_\_\_\_\_

\_\_\_\_\_  
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.