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GOVERNOR

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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

November 18, 2014

Mr. Steve Havens  
Owner/Manager  
Twin Valley, Inc.  
14295 Sycamore Drive  
Morgan Hill, CA 95037

Dear Mr. Havens:

**CITATION NO. : 02-17-14C-019**  
**GROUNDWATER RULE MONITORING AND REPORTING VIOLATION**  
**TWIN VALLEY, INC., SYSTEM NO. 4300575**

Enclosed is a citation issued to Twin Valley, Inc. The citation is issued because the water system failed to comply with Section 64430, Chapter 15, Title 22, California Code of Regulations. The groundwater 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

Attachment: Proof of Notification Form

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)

cc: Santa Clara County Environmental Health Department (w/o attachment)

California Public Utilities Commission

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

**TO:** Twin Valley, Inc.  
14295 Sycamore Drive  
Morgan Hill, CA 95037

**Attn:** Steve Havens, Owner  
Twin Valley, Inc.

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE**  
**22, SECTION 64430 - WATER SYSTEM NO. 4300575**  
**CITATION NO. 02-17-14C-019**  
**Issued on November 18, 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 Twin Valley, Inc. (hereinafter, TVI) (P.O. Box 367, 14295 Sycamore Drive, Morgan Hill, CA 95037) for violation of California Code of Regulations (CCR), Title 22, Section 64430.

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**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 64430 provides, in relevant part:**

A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Ground Water Rule published in 71 Federal Register 65574 (November 8, 2006) and amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009), which are hereby incorporated by reference: Sections 141.21(d)(3), 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B to Subpart Q (Public Notification), and 141.400 through 141.405.

**California Code of Regulations, Title 22, Addendum A: CA Ground Water Rule – A reference to text adopted pursuant to Section 64430, provides, in relevant part:**

- (a) *Triggered source water monitoring* —
  - (1) *General requirements.* A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.
    - (i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and

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(ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.

(2) *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

**STATEMENT OF FACTS**

The TVI water system is operated under Water Supply Permit No. 02-05-95P-4300575, issued on February 22, 1995 and amended on December 31, 1997.

TVI serves water to approximately 250 customers via 87 service connections. TVI is located west of San Martin, CA and receives water from five groundwater wells. TVI has a disinfection treatment system, two storage tanks, and a distribution system.

On October 31, 2014, TVI collected a routine sample which tested "present" for total coliform and "absent" for *E. coli*. Three repeat samples were collected on November 5, 2014 and were all coliform negative. One groundwater source sample was collected from Well 2 on November 5, 2014 and was coliform negative. All five of the groundwater wells serving TVI should have been sampled.

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With only one of the five required groundwater sources sampled following the October total coliform positive, TVI is in violation of the groundwater monitoring and reporting requirements during October 2014.

**DETERMINATION**

The Division has determined that TVI failed to comply with ground water monitoring and reporting requirements during October 2014. During October 2014, the Water System collected one groundwater source sample instead of the five required groundwater source samples.

**DIRECTIVES**

TVI is hereby directed to take the following actions:

1. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64430, Chapter 15, Title 22, CCR, immediately.
2. Conduct public notification for the groundwater monitoring and reporting violation within one year in conformance with Section 64463.7(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 the water system and posting in conspicuous public places served by the water system to reach persons not likely to be reached by a mailing or direct delivery (renters, community center users, etc.).

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The Water System may use the Consumer Confidence Report to meet the public notice requirement provided that the 2014 Consumer Confidence Report is given no later than one year of this date.

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.

3. Prepare a written Corrective Action Plan (CAP) that describes the specific actions that will be taken to ensure that future bacteriological sampling procedural violations will not occur. This will include specifying the collection and analysis for bacteriological quality from each well in a revised Bacteriological Sample Siting Plan. 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 TVI 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.

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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, 2<sup>nd</sup> Floor  
Richmond, CA 95804-6403

**PARTIES BOUND**

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

**SEVERABILITY**

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

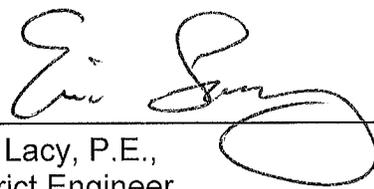
**FURTHER ENFORCEMENT ACTION**

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

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

November 18, 2014  
Date

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

Attachments:

- 1. Proof of Notification Form

cc: Santa Clara County Environmental Health Department  
California Public Utilities Commission

CERTIFIED MAIL # 7006 3450 0001 8420 8549

**PROOF OF NOTIFICATION**

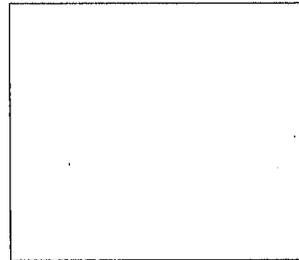
Water System Name: Twin Valley, Inc.  
Water System Number: 4300575

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Twin Valley, Inc. of the groundwater monitoring and reporting violation. I complied with the directives of the State Water Resources Control Board 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; OR notice via 2014 Consumer Confidence Report



\_\_\_\_\_  
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.