



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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

December 23, 2014

Ms. Carrie Martin  
President  
Brush and Old Well Mutual Water Company  
20732 Brush Road  
Los Gatos, CA 95033

Dear Ms. Martin:

**CITATION NO. : 02-17-14C-020**  
**TOTAL COLIFORM RULE MONITORING AND REPORTING VIOLATION**  
**BRUSH AND OLD WELL MUTUAL WATER COMPANY SYSTEM NO. 4300978**

Enclosed is a citation issued to Brush and Old Well Mutual Water Company. The citation is issued because the water system failed to comply with Subsection 64423(a)(1), Chapter 15, Title 22, California Code of Regulations. The total coliform rule monitoring and reporting requirements were not met during November 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 Vicki Lin at (510) 412-4685.

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

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:** Brush and Old Well Mutual Water Company  
20732 Brush Road  
Los Gatos, CA 95033

**Attn:** Carrie Martin, President  
Brush and Old Well Mutual Water Company

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE**  
**22, SECTION 64423(a)(1) - WATER SYSTEM NO. 4300978**  
**CITATION NO. 02-17-14C-020**  
**Issued on December 23, 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 Brush and Old Well Mutual Water Company (hereinafter, BOWMWC) (20732 Brush Road, Los Gatos, CA 95033)

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

for violation of California Code of Regulations (CCR), Title 22, Section 64423 subsection (a)(1).

**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.

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

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

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

(1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greatest number of samples, as shown in Table 64423-A.

**STATEMENT OF FACTS**

The BOWMWC water system is operated under Water Supply Permit No. 02-17-99P-4300978, issued on November 29, 1999.

BOWMWC serves water to approximately 70 customers via 27 service connections. According to Table 64423-A, BOWMWC is required to collect at least one bacteriological sample per month.

Currently, BOWMWC collects one sample per month as specified in the Division-approved bacteriological sampling plan.

During November 2014, BOWMWC failed to collect the one bacteriological sample required. Therefore, BOWMWC violated the total coliform rule monitoring and reporting requirement during November 2014.

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

**DETERMINATION**

The Division has determined that BOWMWC failed to comply with the total coliform monitoring and reporting requirements during November 2014.

**DIRECTIVES**

BOWMWC is hereby directed to take the following actions:

1. Forthwith, BOWMWC shall cease and desist from failing to comply with Subsection 64423(a)(1), Chapter 15, Title 22, CCR, immediately.
  
2. Conduct public notification for the total coliform rule monitoring and reporting violation within one year in conformance with Section 64463.4(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 BOWMWC. BOWMWC 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.

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

3. Prepare a written Corrective Action Plan (CAP) that describes the specific actions that will be taken to ensure that future total coliform bacteriological monitoring and reporting violations will not occur. This plan shall include a strategy to ensure that all monitoring is completed as required and on time and the names of the persons responsible for collecting samples. A back-up person must be identified, trained, and available to collect the required samples in the event the designated sampler is unavailable. Submit the CAP to the Division by January 22, 2015.

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

**PARTIES BOUND**

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

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

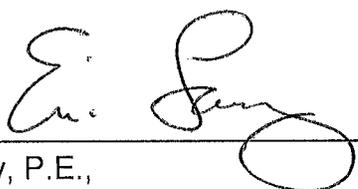
**SEVERABILITY**

The Directives of this Citation are severable, and BOWMWC 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.

December 23, 2014  
Date

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

Attachment: Proof of Notification Form

cc: Santa Clara County Environmental Health Department

CERTIFIED MAIL # 7007 1490 0001 6530 2085



**PROOF OF NOTIFICATION**

Water System Name: Brush and Old Well Mutual Water Company  
Water System Number: 4300978

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Brush and Old Well Mutual Water Company of the Total Coliform Rule monitoring 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  
OR notice via 2014 Consumer Confidence Report

\_\_\_\_\_  
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.