



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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

April 16, 2015

Ms. Linda Wallace  
Board President  
Chemeketa Park Mutual Water Company  
20980 Comanche Trail  
Los Gatos, CA 95033

Dear Ms. Wallace:

**CITATION NO. : 02-17-15C-002**  
**SURFACE WATER TREATMENT RULE TREATMENT TECHNIQUE – DISINFECTION**  
**INACTIVATION REQUIREMENT VIOLATIONS**  
**PERMIT PROVISION VIOLATION**  
**Chemeketa Park Mutual Water Company, System No. 4300517**

Enclosed is a citation issued to Chemeketa Park Mutual Water Company (CPMWC). The citation is issued because the water system failed to comply with Section 64652(a) and Section 64654(a) Chapter 17, Title 22, California Code of Regulations. Specifically, CPMWC failed to comply with the Surface Water Treatment Rule treatment technique requirements for the inactivation of *Giardia lamblia* cysts and viruses on December 29, 30, and 31 in 2014.

The water system also failed to comply with permit provision 18c of the June 3, 2011 Domestic Water Supply Permit. Specifically, CPMWC failed to notify the Division as soon as possible but no later than by the end of the next business day, or within 24 hours, whichever is less, by telephone or other equally rapid means, of the failure to meet the pathogen inactivation requirement on December 29, 30, and 31 in 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.

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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)

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". The signature is fluid and cursive, with the first name "Eric" written in a larger, more prominent script than the last name "Lacy".

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

Attachment: Proof of Notification Form

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

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

**TO:** Chemeketa Park Mutual Water Company  
20980 Comanche Trail  
Los Gatos, CA 95033

**Attn:** Linda Wallace, Board President  
Chemeketa Park Mutual Water Company

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE  
22, SECTION 64652(a) AND SECTION 64654(a) AND PROVISION 18C OF THE  
JUNE 3, 2011 DOMESTIC WATER SUPPLY PERMIT - WATER SYSTEM NO.  
4300517**

**CITATION NO. 02-17-15C-002**  
**Issued on April 16, 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 Chemeketa Park Mutual

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Water Company (hereinafter, CPMWC) (20980 Comanche Trail, Los Gatos, CA 95033) for violation of California Code of Regulations (CCR), Title 22, Section 64652 subsection (a) and Section 64654 subsection (a) and permit provision 18c.

**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 64652, subsection (a) provides, in relevant part:

(a) A supplier using an approved surface water shall provide multibarrier treatment that meets the requirements of this chapter and reliably ensures at least, between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer:

- 1) A total of 99.9 percent reduction of *Giardia lamblia* cysts through filtration and disinfection;
- 2) A total of 99.99 percent reduction of viruses through filtration and disinfection; and
- 3) A total of 99 percent removal of *Cryptosporidium* through filtration.

California Code of Regulations, Title 22, Section 64654, subsection (a) provides, in relevant part:

(a) All approved surface water utilized by a supplier shall be provided with continuous disinfection treatment sufficient to insure that the total treatment process provides inactivation of *Giardia lamblia* cysts and viruses, in conjunction with the removals obtained through filtration, to meet the reduction requirements specified in section 64652(a).

Domestic Water Supply Permit Number 02-17-11P-4300517, Provision 18c provides, in relevant part:

Chemeketa Park Mutual Water Company shall notify the [Division] as soon as possible, but no later than by the end of the next business day, or within 24 hours, whichever is less, by telephone or other equally rapid means whenever:

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(c) CPMWC fails to meet the pathogen inactivation requirement through its disinfection process at any time.

**STATEMENT OF FACTS**

The CPMWC water system is operated under Water Supply Permit No. 02-17-11P-4300517, issued on June 3, 2011.

CPMWC serves water to approximately 340 customers in an unincorporated area southwest of the town of Los Gatos, CA. CPMWC is located along Highway 17 and receives water from Moody Gulch Stream at the Alford Dam and Los Gatos Creek. CPMWC has a surface water treatment plant with a chlorination facility, clearwell near the treatment plant, one booster station, and three storage tanks.

The inactivation of *Giardia lamblia* cysts and viruses via disinfection is determined using the CT concept, where the C is the disinfectant residual concentration (in mg/L) and T is the contact time (in minutes). The required inactivation is met if the CT ratio, which is the total CT achieved over the CT required, is greater than or equal to 1.0. CT achieved is provided by the clearwell, 125 feet of 2 inch pipeline, 2,850 feet of 3 inch pipeline, and the 40,000 gallon storage tank. CT required is calculated using an equation from the Environmental Protection Agency's Guidance Manual on Disinfection Profiling and Benchmarking. The equation is a function of pH, temperature, and residual disinfection concentration. The calculated CT ratios on December 29, 30, and 31 were 0.98, 0.96, and .91, respectively.

As a result of the inadequate disinfection, CPMWC failed to comply with the treatment requirements in Section 64652 (a) and 64654 (a), CCR on December 29, 30, and 31 of 2014.

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CPMWC failed to notify the Division of the failure to meet the pathogen inactivation requirement on December 29, 30, and 31 of 2014.

As a result of the failure to notify the Division, CPMWC failed to comply with Provision 18c of Domestic Water Supply Permit Number 02-17-11P-4300517.

**DETERMINATION**

The Division has determined the CPMWC has failed to comply with the treatment requirements in Section 64652 (a) and 64654 (a), CCR and Provision 18c of Domestic Water Supply Permit Number 02-17-11P-4300517 on December 29, 30, and 31 of 2014.

**DIRECTIVES**

CPMWC is hereby directed to take the following actions:

1. Forthwith, CPMWC shall immediately cease and desist from failing to comply with Section 64652 (a), Chapter 17, Title 22 of the California Code of Regulations (CCR), which specifies that a water supplier using an approved surface water shall provide multibarrier treatment that meets the requirements of the SWTR and reliably ensure at least:
  - a) A total of 99.9 percent reduction of *Giardia lamblia* cysts through filtration and disinfection; and
  - b) A total of 99.99 percent reduction of viruses through filtration and disinfection.
  
2. Forthwith, CPWMC shall immediately cease and desist from failure to comply with Section 64654 (a), Chapter 17, Title 22 of the CCR, which specifies that all

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approved surface water utilized by a supplier shall be provide with continuous disinfection treatment sufficient to ensure that the total treatment process provides inactivation of *Giardia lamblia* cysts and viruses, in conjunction with the removals obtained through filtration, to meet the reduction requirements specified in Section 64652 (a), CCR.

3. Forthwith, CPMWC shall cease and desist from failure to comply with Provision 18c Domestic Water Supply Permit Number 02-17-11P-4300517, which specifies that CPMWC shall notify the Division as soon as possible, but no later than by the end of the next business day, or within 24 hours, whichever is less, by telephone or other equally rapid means whenever CPMWC fails to meet the pathogen inactivation requirement through its disinfection process at any time.

4. CPMWC shall conduct public notification for the treatment technique violation in conformance with Section 64463.4, Chapter 15, Title 22, CCR. The notification shall be completed in accordance with the following within 30 days:

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 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).

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5. Submit a proposed notice to the Division for review and approval prior to delivery. Attachment A is a sample notice that may be used.

6. Within 30 days of receipt of this Citation, CPMWC shall provide to the Division certification of public notification using the enclosed form (Attachment B). The certification of notification must identify the methods of public notification.

7. Within 30 days of receipt of this Citation, CPMWC shall provide a Corrective Action Plan (CAP) that describes the specific actions that will be taken to return to compliance. The plan shall include an evaluation of the water treatment plant's disinfection practices and procedures, and the chlorine residual supplied to and demand from the storage tanks and transmission pipelines, the instruments used to measure pH, temperature and chlorine residual, and how the inactivation requirements will be met at all times in the future.

8. Within 30 days of receipt of this Citation, CPMWC 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.

Nothing in this Citation relieves CPMWC 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:

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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 94804-6403

**PARTIES BOUND**

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

**SEVERABILITY**

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

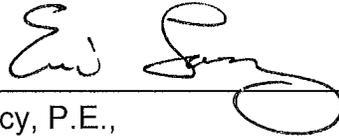
**FURTHER ENFORCEMENT ACTION**

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.

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April 16, 2015

Date



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

Attachments:

- A. Notification Template
- B. Proof of Notification Form

cc: Santa Clara County Environmental Health Department

CERTIFIED MAIL # 7007 1490 0001 6530 2139



## Instructions for Tier 2 SWTR Disinfection Treatment Notice Template

### Template Attached

Since surface water treatment disinfection treatment technique violations are included in Tier 2, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. Some disinfection problems may be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed 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 water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting in public places served by the water system. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

## **Multilingual Requirement**

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

## **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

## **Description of the Violation**

Choose from the following descriptions of violations and modify to fit your situation.

- Contact Time – “In order to ensure proper disinfection, water in the treatment plant must be in contact with chlorine or a similar disinfectant for a minimum amount of time. On [date], this did not occur. Although chlorine quickly kills most bacteria, it is less effective against organisms such as viruses and parasites. For this reason, water needs to mix with chlorine for a longer time period to kill such organisms. The amount of time necessary, or the “contact time”, depends on the amount of disinfectant in the water and the temperature of the water.”
- Disinfectant Residual – “We routinely monitor for disinfectant residual in the distribution system. This measurement tells us whether we are effectively disinfecting the water supply. Disinfectant residual is the amount of chlorine or related disinfectant present in the pipes of the distribution system. If the amount of disinfectant is too low, organisms could grow in the pipes.”
- Monthly Exceedance (Distribution System) – “During the month of [month], disinfectant residual was undetected in more than 5% of samples. The standard is that disinfectant may be undetectable in no more than 5% of samples taken each month.”
- Single Exceedance (Entry to the Distribution System) – “On [date], disinfectant levels dropped below 0.2 milligrams per liter (mg/L) for [number] hours. The standard is that levels may not drop below 0.2 mg/L for more than four hours.”

## **Corrective Action**

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with disinfection treatment technique violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are sampling/we sampled both untreated and treated water for the presence of coliform bacteria.”
- “We are sampling/we sampled disinfectant levels and will adjust/adjusted the amount of disinfectant added as necessary to maintain adequate levels.”

## **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

**[System]**

### **Did Not Meet Treatment Requirement (Disinfection)**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

[Describe the violation - use descriptions from instructions].

#### **What should I do?**

- **You do not need to boil your water or take other actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Tests taken during this same time period did not indicate the presence of bacteria in the water.
- *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.*
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult with your doctor.

#### **What happened? What is being done?**

[Describe corrective action]. [Disinfectant residual levels/contact times] so far this month have met all requirements.

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.

## PROOF OF NOTIFICATION

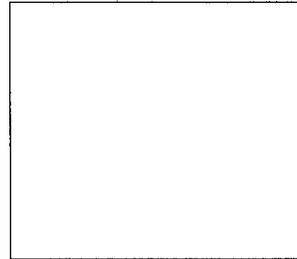
Water System Name: Chemeketa Park Mutual Water Company  
Water System Number: 4300517

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Chemeketa Park Mutual Water Company of the surface water treatment technique failure. 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.