CALIFORNIA
Water Boards

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GOVERNOR

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 21, 2015

Mr. Mansour Nasser
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088

Dear Mr. Nasser:

CITATION NO. 02-17-15C-013
City of Sunnyvale, Water System No. 4310014

Enclosed is a citation issued to City of Sunnyvale (City) for failure to comply with Section 64650 (b), Section 64652 (a) and Section 64654 (a), Title 22 of the California Code of Regulations. The attached citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severity and Further Enforcement Action.

If you have any questions regarding this letter, please contact me at (510) 620-3453.

Sincerely,

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

cc: Santa Clara County Environmental Health

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

TO: City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088

Attn: Mr. Mansour Nasser

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64650 (b), SECTION 64652(a) & SECTION 64654 (a)

WATER SYSTEM NO. 4310014

CITATION NO. 02-17-15C-013

Issued on April 21, 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 City of Sunnyvale (hereinafter, City) (P.O. Box 3707, Sunnyvale, CA 94088) for the following violations:

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1. California Code of Regulations, Title 22, Section 64650, subsection (b)
2. California Code of Regulations, Title 22, Section 64652, subsection (a)
3. California Code of Regulations, Title 22, Section 64654, subsection (a)

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division 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 Division 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 Division 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.

California Code of Regulations, Title 22, Section 64650, subsection (b) provides in relevant part:

(b) A supplier using an approved surface water shall provide multibarrier treatment necessary to reliably protect users from the adverse health effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in this chapter.

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).

STATEMENT OF FACTS

City of Sunnyvale is a community water system that provides potable water to approximately 133,751 persons through 29,324 metered connections. Water supply for the system is treated surface water purchased from the San Francisco Public Utilities Commission (SFPUC) Regional Water System (RWS) and from local groundwater supply wells.

The SFPUC RWS delivers treated drinking water to 2.6 million consumers in the San Francisco Bay Area (Bay Area). Approximately one-third of the delivered water goes to retail customers in the City of San Francisco, while the remaining two-thirds goes to 27 wholesaler agencies in Alameda, Santa Clara, and San Mateo counties. About 85% of SFPUC's water comes from the Hetch Hetchy watershed in Yosemite National Park, conveyed to the Bay Area through an aqueduct system. The Hetch Hetchy water supply meets the criteria for avoiding filtration and receives required disinfection treatment before reaching the Bay Area. This source is considered "finished water," ready to be delivered to consumers. About 15% of RWS' water comes from the Alameda and Peninsula watersheds within the Bay Area. Calaveras and San Antonio Reservoir water is treated at the Sunol Valley Water Treatment Plant (SVWTP). San Antonio Reservoir, located near the Town of Sunol, stores a blend of surface runoff from the Alameda Watershed and from the Hetch Hetchy aqueduct. Because of the contribution from local surface runoff, California's Surface Water Treatment Rule (SWTR) requires that the water stored in San Antonio Reservoir

receive multi-barrier treatment (filtration and disinfection) before being delivered to customers.

On March 3, 2015, at approximately 4:50 p.m., RWS staff improperly operated the valves at the Sunol Valve Lot that allowed untreated water from San Antonio Reservoir to enter the RWS (finished water) transmission system. Untreated water from San Antonio Reservoir passed into the regional water system for an estimated 20 minutes. The untreated water entered into and was served to consumers by City on March 4, 2015.

DETERMINATION

The Division has determined that City of Sunnyvale failed to comply with the California Code of Regulations, Title 22, Sections 64650 (b), 64652 (a), and 64654 (a). Specifically, City failed to provide multibarrier treatment to the raw surface water from San Antonio Reservoir to reliably ensure a total of 99.9 percent reduction of *Giardia lamblia* cysts through filtration and disinfection; a total of 99.99 percent reduction of viruses through filtration and disinfection; and a total of 99 percent removal of *Cryptosporidium* through filtration.

The Division has also determined that City is required to notify the customers that received the untreated surface water of the violation of treatment technique requirements for surface water treatment. Under the Public Notification Rule, the treatment technique violations are categorized as Tier 2 violations. California Code of Regulations, Title 22, Section 64463.4 requires that the notification be conducted within 30 days after the public water system learns of the violation. City was required

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to post the notice on its website and mail or directly deliver the notice to the impacted customers by April 4, 2015.

DIRECTIVES

City of Sunnyvale is hereby directed to take the following actions:

1. Forthwith, City shall cease and desist from failing to comply with the California Code of Regulations, Title 22, Sections 64650 (b), 64652 (a), and Section 64654 (a).

2. Within 60 days of receipt of this Citation, City shall produce and provide to the Division a Corrective Action Plan (CAP). The CAP shall describe measures City will implement to prevent water not meeting the SWTR drinking water standards from entering into and being served by the water system. The CAP shall also include an evaluation of the sustainability of the water supply and/or storage in each pressure zone in the event the SFPUC RWS water supply is unavailable. From the evaluation, City shall make recommendations to improve the reliability of the water system.

3. Within 30 days of receipt of this Citation, City shall provide to the Division certification of public notification using the enclosed form (Attachment No. 1). A copy of the notice shall be attached to the certification form.

4. City of Sunnyvale shall include information regarding the SWTR violation identified in this Citation in the 2015 Consumer Confidence Report, which must be completed and distributed to all customers by July 1, 2016.

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5. Within 30 days of receipt of this Citation, City shall agree in writing to comply with all 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 City of Sunnyvale 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:

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

PARTIES BOUND

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

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SEVERABILITY

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

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.

April 21, 2015
Date

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

Attachment 1: Proof of Notification

cc: Santa Clara County Environmental Health

PROOF OF NOTIFICATION
City of Sunnyvale
System Number: 4310014

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the City of Sunnyvale, of the Surface Water Treatment Rule violation on March 4, 2015.

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

Required Action	*Date Completed*
1. Public notification	
a. Mail or direct delivery	_____
b. Posting on the internet	_____

_____ _____
Signature of Water System Representative *Date*

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION. 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.*