



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 23, 2015

Mr. John Roeder
Chief Executive Officer
Great Oaks Water Company
20 Great Oaks Boulevard, Suite 120
San Jose, CA 95119

Dear Mr. Roeder:

CITATION NO. 02-17-15C-014
TOTAL COLIFORM RULE MAXIMUM CONTAMINANT LEVEL VIOLATION
GREAT OAKS WATER COMPANY, WATER SYSTEM NO. 4310022

Enclosed is a citation issued to the Great Oaks Water Company (hereafter, Water System or GOWC). The citation is issued as the Water System failed to comply with Section 64426.1(b)(1), Chapter 15, Title 22, California Code of Regulations (CCR). The total coliform maximum contaminant level was not met during March 2015.

The attached citation consists of three sections: Violation, Background, Directives, and Civil Penalties. The Violation and Background 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 Civil Penalty section describes fees to be assessed for failure to comply with the citation. No civil penalty is levied with the current citation.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

A handwritten signature in black ink that reads "Eric Lacy".

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

Enclosures: 1) Sample Notice (Attachment A)
2) Proof of Notification (Attachment B)

Certified Mail # 7007 1490 0001 6530 2153

cc: Santa Clara County Environmental Health Department (w/ encl.)

Mr. John Roeder

- 2 -

April 23, 2015

Enclosures: 1) Sample Notice (Attachment A)
2) Proof of Notification (Attachment B)

Certified Mail # 7007 1490 0001 6530 2153

cc: Santa Clara County Environmental Health Department (w/ encl.)

bcc: File Server; 4310022\Enforcement\march 2015 TCR MCL citation; Enforcement File;
Chron (all w/ encl.)
W4310022/150417.cit.ltr

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: Great Oaks Water Company
Water System No. 4310022
20 Great Oaks Boulevard, Suite 120
San Jose, CA 95119

ATTN: Mr. John Roeder
Chief Executive Officer
Great Oaks Water Company

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1(b)(1) – WATER SYSTEM NO. 4310022
CITATION NO. 02-17-15C-014
Issued on April 23, 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.

1
2 The State Water Resources Control Board, acting by and through its Division of Drinking
3 Water (hereinafter "Division" or "DDW") and the Deputy Director for the Division (hereinafter
4 "Deputy Director"), hereby issues a citation to the Great Oaks Water Company (hereinafter,
5 "GOWC" or "Water System") (mailing address: 20 Great Oaks Boulevard, Suite 120, San
6 Jose, CA 95119) for violation of California Code of Regulations (CCR), Title 22, Section
7 64426.1 subsection (b)(1).

8
9
10 **APPLICABLE AUTHORITIES**

11 **Section 116650 of California Health and Safety Code provides:**

12
13 (a) If the department determines that a public water system is in violation of
14 this chapter or any regulation, permit, standard, citation, or order issued or adopted
15 thereunder, the department may issue a citation to the public water system. The citation shall
16 be served upon the public water system personally or by certified mail. Service shall be
17 deemed effective as of the date of personal service or the date of receipt of the certified mail.
18 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the
19 date of service shall be deemed to be the date of mailing.

20
21 (b) Each citation shall be in writing and shall describe the nature of the
22 violation or violations, including a reference to the statutory provision, standard, order,
23 citation, permit, or regulation alleged to have been violated.

24 (c) A citation may specify a date for elimination or correction of the condition
25 constituting the violation.

26 (d) A citation may include the assessment of a penalty as specified in
27 subdivision (e).



1 (e) The department may assess a penalty in an amount not to exceed one
2 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day
3 that a violation continues to occur. A separate penalty may be assessed for each violation.
4

5
6 **California Code of Regulations, Title 22, Section 64426.1 subsection (b)(1) provides, in**
7 **relevant part:**
8

9 A public water system, which collects at least 40 samples per month, is in violation of the
10 Total Coliform Maximum Contaminant Level (MCL) when more than 5.0 percent of the
11 samples collected during any month are total coliform-positive.
12

13 **STATEMENT OF FACTS**

14 Great Oaks Water Company is a privately owned community water system, located in the
15 southeastern portion of San Jose, CA, that provides potable water year-round to
16 approximately 95,569 persons through 20,490 service connections. The Water System
17 delivers untreated groundwater pumped from 19 active groundwater supply wells. The Water
18 System also consists of five storage tanks, three pump stations and a distribution system.
19 Based on the Department-approved bacteriological sample siting plan (BSSP) dated
20 September 18, 2014 on file, the Water System is required to collect and have analyzed a
21 minimum of 25 distribution system samples per week plus one sample per month from
22 Country View Estates.
23

24
25 On March 23, 2015, GOWC collected four routine samples, which tested "present" for total
26 coliform and "absent" for *E. coli*. Four of twelve repeat samples, collected on March 25, 2015
27 tested "present" for total coliform and "absent" for *E. coli*. Twelve (12) follow-up repeat



1 samples were then collected on March 27, 2015. Ten (10) of the twelve follow-up repeat
2 samples collected on March 27, 2015 tested "present" for total coliform and "absent" for E.
3 coli.

4
5 The Water System collected a routine sample on March 30, 2015, which tested "present" for
6 total coliform and "absent" for *E. coli*. The three repeat samples, collected on April 1, 2015,
7 were negative for coliforms.

8
9 With 19 of the 182 bacteriological water samples, or 10.4 percent, positive for total coliform,
10 GOWC is in violation of the total coliform MCL during March 2015.

11
12 GOWC notified the Division by telephone in the afternoon of March 26, 2015 and via e-mail
13 on March 27, 2015 that it exceeded the total coliform MCL by having more than five percent
14 of the total bacteriological samples collected in March 2015 positive for total coliform.

15
16 GOWC e-mailed its proposed notice to the Division on April 9, 2015, which the Division
17 approved on April 13, 2015. At the Division's request, GOWC sent this office in an April 13,
18 2015 e-mail, a map of its service area, outlining the boundaries of the area potentially
19 impacted by the March 2015 bacteriological contamination problem. GOWC proposed to
20 notify the customers residing in the affected area indicated in the map. The Division, in an
21 April 14, 2015 e-mail to GOWC, accepted the area that was proposed for public notification.

22
23
24 GOWC initiated public notification to inform the affected customers of the March 2015 total
25 coliform MCL violation on April 14, 2015.
26
27



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 GOWC failed to comply with the Total Coliform MCL during March 2015. During March 2015, the Water System collected 182 routine and repeat samples, of which 19 samples, or 10.4 percent, were total coliform-positive and *E. coli*-negative.

DIRECTIVES

GOWC is hereby directed to take the following actions:

- 1) Forthwith, GOWC shall cease and desist from failing to comply with Subsection 64426.1 (b)(1), Chapter 15, Title 22, CCR immediately.

- 2) GOWC shall conduct public notification, using the Division-approved notice (Copy enclosed (Attachment A)), by April 27, 2015 for the total coliform MCL violation in conformance with Section 64463.4, Chapter 15, Title 22, CCR. The notification shall be performed in accordance with the following methods:
 - a. Method 1 – Notice by mail or direct delivery shall be given 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; and
 - b. Method 2 – Posting on GOWC’s website on the Internet to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.).

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) Complete and return the enclosed Proof of Notification form (Attachment B) within seven days of completion of the public notification. A copy of the notice(s) used shall be attached to the Proof of Notification form.

4) Prepare a written Corrective Action Plan (CAP), based on your findings of the investigation of the bacteriological contamination problem. The plan shall include an evaluation of the causes that led to this incident, the follow-up actions taken to correct the problem, and preventive measures to be taken to prevent the reoccurrence of bacteriological contamination in the future. Submit the report to the Department by May 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 GOWC 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, Second Floor
Richmond, CA 94804

PARTIES BOUND

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

SEVERABILITY

The Directives of this Citation are severable, and GOWC 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.

Apr. 23, 2015
Date

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



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

Attachments

CERTIFIED MAIL # 7007 1490 0001 6530 2153

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



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

Attachments

CERTIFIED MAIL # 7007 1490 0001 6530 2153

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

bcc: File Server; 4310022\Enforcement\March 2015 TCR MCL citation; Enforcement
File Chron (all w/ attachments)
W4310022/150417.Cit



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.

In the Month of March 2015, Great Oaks Water Co. Had Levels of Coliform Bacteria Above the Drinking Water Standard

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 did to correct this situation.

We routinely monitor for drinking water contaminants. We took 182 samples to test for the presence of coliform bacteria during March 2015. 10.44 percent of our samples showed the presence of total coliform bacteria. The standard is that no more than 5.0 percent of samples may do so.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- 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 your doctor.

What happened? What was done?

19 out of 182 samples taken throughout our distribution system during the month of March indicated the presence of bacteria. All wells sampled during the month tested negative for the presence of bacteria. Recent lower groundwater levels may have increased oxygen and nutrient concentrations in the well water. Increased oxygen and nutrient levels along with reduced flow, as a result of drought conservation, can enhance bacterial growth in the water distribution system. This highlights the importance of flushing sediments/bacteria from water pipes. After flushing and disinfecting pipes in the areas of the elevated bacterial count, tests for bacteria were negative in follow up sampling. Great Oaks will continue flushing pipes throughout our distribution system to help prevent bacterial growth in the pipes. Occasionally, during our flushing process, your water may appear cloudy. If this occurs, simply allow the water to run until it clears up.

For more information, please contact Mike Carey at 408 227-9540 or 20 Great Oaks Blvd, Suite 120, San Jose, CA 95119.

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 Great Oaks Water Co., State Water System ID#: CA4310022.
Date distributed: April 10, 2015.

PROOF OF NOTIFICATION

Citation Number 02-17-15C-014

Great Oaks Water Company
System Number: 4310022

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Great Oaks Water Company of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of March 2015. I complied with the directives of this citation as indicated below:

Required Action

Date
Completed

Conduct Public Notification – (Attach copy of the notice(s) used.)

Submit Corrective Action Plan

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) DIVISION OF DRINKING WATER (DDW). A COPY OF THE 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.