



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 30, 2015

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

Dear Mr. Havens:

CITATION NO. : 02-17-15C-016
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
FAILURE TO NOTIFY THE STATE NOTIFICATION VIOLATION
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
DISINFECTANT RESIDUAL MONITORING AND REPORTING VIOLATION
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 64426.1(b)(2), Section 64421(a)(2), Section 64423(c), Section 64424(a), Section 64426(a)(3) & (b)(1), Section 64534.4(a), and Section 64430, Chapter 15, Title 22, California Code of Regulations. The total coliform maximum contaminant level was not met during March 2015. Twin Valley, Inc. failed to notify the Division of the significant rise in bacterial count within 24 hours. Repeat monitoring and reporting requirements were not met. Disinfectant residual monitoring and reporting requirements were not met. Groundwater monitoring and reporting requirements were not met.

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.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

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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 64426.1(b)(2), SECTION 64421(a)(2), SECTION 64423(c), SECTION
64424(a), SECTION 64426(a)(3) & (b)(1), SECTION 64534.4(a), SECTION 64430 -**

**WATER SYSTEM NO. 4300575
CITATION NO. 02-17-14C-016**

Issued on April 30, 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 Twin Valley, Inc.

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(hereinafter, TVI) (P.O. Box 367, 14295 Sycamore Drive, Morgan Hill, CA 95037) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1(b)(2), Section 64421(a)(2), Section 64423(c), Section 64424(a), Section 64426(a)(3) & (b)(1), Section 64534.4(a), and Section 64430.

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 64426.1, subsection (b)(2)
provides, in relevant part:

(b) A public water system is in violation of the total coliform MCL when
any of the following occurs:

- 2) For a public water system which collects fewer than 40 samples
per month, more than one sample collected during any month is
total coliform-positive

California Code of Regulations, Title 22, Section 64421, subsection (a)(2)
provides, in relevant part:

(a) Each water supplier shall:

- 2) Collect routine, repeat and replacement samples as required in
Sections 64423, 64424, and 64425.

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

(c) If any routine, repeat, or replacement sample is total coliform-
positive, then the water supplier shall collect repeat samples in accordance with
Section 64424 and comply with the reporting requirements specified in Sections
64426 and 64426.1

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California Code of Regulations, Title 22, Section 64424, subsection (a) provides, in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

California Code of Regulations, Title 22, Section 64426, subsection (a)(3) and (b)(1) provides, in relevant part:

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in § 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

1) Contact the Department by the end of the day on which the system is notified of the test result or the system determines that it has exceed the MCL unless the notification or determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours.

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California Code of Regulations, Title 22, Section 64534.4, subsection (a) provides, in relevant part:

(a) Community and nontransient noncommunity water systems that use chlorine or chloramines shall measure the residual disinfectant levels at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Section 64421.

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* —

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(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

(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.

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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 March 31, 2015, TVI collected two routine samples which tested "present" for total coliform and "absent" for *E. coli*. Seven repeat samples were collected on April 1, 2015 and were all coliform negative. Distribution system repeat sampling was not performed as required by TVI's approved Bacteriological Sample Siting Plan dated November 20, 2014, which was approved by the Division on December 1, 2014. Four distribution system sampling locations were not sampled as required. One groundwater source sample was collected from Well 2 on April 1, 2015 and was coliform negative. All five groundwater wells serving TVI should have been sampled.

TVI failed to notify the Division of the total coliform MCL failure, and the Division learned of the total coliform MCL failure on April 6, 2015 when the laboratory results were received. On April 6, 2015 the Division required TVI to immediately perform the missed monitoring at the four groundwater wells, the four missed distribution system locations, and to re-sample the two initial total coliform positive locations. TVI performed the monitoring on April 9, 2015. The Division also required TVI to provide copies of all chlorine residual monitoring. TVI informed the Division that chlorine residuals were not being taken at the same time as bacteriological tests.

With more than one sample collected during March with total coliform positive results, TVI is in violation of the total coliform maximum contaminant level during March 2015.

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With incomplete repeat distribution system sampling collected following the March total coliform positives, TVI is in violation of the total coliform rule monitoring and reporting requirements during March 2015.

With failing the total coliform maximum contaminant level and failure to notify the Division within 24 hours, TVI is in violation of the State notification requirements during March 2015.

With failure to provide disinfectant residual level results taken at the same points in the distribution system and at the same time as the total coliforms are sampled, TVI is in violation of the disinfectant residual monitoring and reporting requirements during March 2015.

With only one of the five required groundwater sources sampled following the March total coliform positives, TVI is in violation of the groundwater monitoring and reporting requirements during March 2015.

DETERMINATION

The Division has determined that TVI failed to comply with the Total Coliform maximum contaminant level (MCL), total coliform monitoring and reporting requirements, State notification requirements, disinfectant residual monitoring and reporting requirements, and ground water monitoring and reporting requirements during March 2015. During March 2015, TVI collected seventeen routine and repeat samples, of which two samples were total coliform positive.

DIRECTIVES

TVI is hereby directed to take the following actions:

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1. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64426.1(b)(2), Chapter 15, Title 22, CCR, immediately.
2. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64421(a)(2), Chapter 15, Title 22, CCR, immediately.
3. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64423(c), Chapter 15, Title 22, CCR, immediately.
4. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64424(a), Chapter 15, Title 22, CCR, immediately.
5. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64426(a)(3) and Subsection (b)(1), Chapter 15, Title 22, CCR, immediately.
6. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64534.4(a), Chapter 15, Title 22, CCR, immediately.
7. Forthwith, TVI shall cease and desist from failing to comply with Subsection 64430, Chapter 15, Title 22, CCR, immediately.
8. Conduct public notification for the Total Coliform Maximum Contaminant Level (MCL) violation, repeat monitoring and reporting violation, State notification requirements violation, disinfectant residual monitoring and reporting violation, and groundwater monitoring and reporting violation within one month in conformance with Section 64463.4(c), Chapter 15, Title 22, CCR. The notification shall be completed in accordance with the following:

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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.).

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.

9. Prepare a written Corrective Action Plan (CAP) based on investigation findings. The plan shall include an evaluation of the causes of the bacteriological problem and the preventative measures to be taken to reduce the possibility of bacteriological contamination in the future. In addition, include specific actions that will be taken to prevent future bacteriological sampling procedural and notification violations. This will include specifying secondary personnel that will be available to perform sampling in a timely manner and notification of the Division in the event of any bacteriological contamination. The CAP shall be submitted to the Division by June 15, 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.



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2 Nothing in this Citation relieves TVI of its obligation to meet the requirements of the
3 California Safe Drinking Water Act, or of any regulation, permit, standard, or order
4 issued or adopted thereunder.

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6 All submittals required by this Citation shall be submitted to the Division at the
7 following address:

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9 Mr. Eric Lacy, P.E.
10 District Engineer, Santa Clara District
11 Division of Drinking Water
12 State Water Resources Control Board
13 850 Marina Bay Parkway
14 Building P, 2nd Floor
15 Richmond, CA 94804-6403

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18 **PARTIES BOUND**

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

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22 **SEVERABILITY**

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

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26 **FURTHER ENFORCEMENT ACTION**

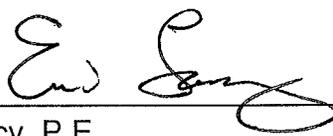
27 The California SDWA authorizes the Division to: issue citation with assessment of
administrative penalties to a public water system for violation or continued violation of
the requirements of the California SDWA or any permit, regulation, permit or order
issued or adopted thereunder including, but not limited to, failure to correct a violation
identified in a citation or compliance order. The California SDWA also authorizes the



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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. 30, 2015
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

CERTIFIED MAIL # 7007 1490 0001 6530 2306

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 Total Coliform Maximum Contaminant Level exceedance, Total Coliform monitoring and reporting violation, State notification violation, disinfectant residual monitoring and reporting violation, and the Groundwater Rule monitoring and reporting violation during March 2015. I complied with the directives of the Division of Drinking Water as indicated below:

Required Action

Date Completed

Public Notification by Direct Delivery
To all customers by May 28, 2015

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Signature of Water System Representative

Date

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE <u>PUBLISHED NOTICE, DELIVERED NOTICE, AND POSTED NOTICE</u> MUST BE ATTACHED TO THIS FORM</p>
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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.