



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 15, 2015

Mr. Ed Noskowski
Designated Operator
Mireval Improvement Association
17421 Paseo Carmelo
Los Gatos, CA 95030

Dear Mr. Noskowski:

CITATION NO. : 02-17-15C-017
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
DISINFECTANT RESIDUAL MONITORING AND REPORTING VIOLATION
MIREVAL IMPROVEMENT ASSOCIATION, SYSTEM NO. 4300741

Enclosed is a citation issued to Mireval Improvement Association. The citation is issued because the water system failed to comply with Sections 64421(a)(2), 64423(a)(1), and 64534.4(a), Chapter 15, Title 22, California Code of Regulations. The total coliform and disinfectant residual monitoring and reporting requirements were not met during March 2015.

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 Samantha Mak at (510) 620- 2988.

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

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

Attachment: Proof of Notification Form

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Mireval Improvement Association
17421 Paseo Carmelo
Los Gatos, CA 95030

Attn: Ed Noskowski, System Manager
Mireval Improvement Association

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE
22, SECTION 64421(a)(2), SECTION 64423(a)(1), and SECTION 64534.4(a)-
WATER SYSTEM NO. 4300741
CITATION NO. 02-17-14C-017
Issued on May 13, 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 Mireval Improvement Association (hereinafter, MIA) (17421 Paseo Carmelo, Los Gatos, CA 95030) for

1 violation of California Code of Regulations (CCR), Title 22, Section 64421(a)(2),
2 Section 64423.2(a)(1), and Section 64534.4(a).
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5 **APPLICABLE AUTHORITIES**

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

7
8 (a) If the department determines that a public water system is in violation
9 of this chapter or any regulation, permit, standard, citation, or order issued or adopted
10 thereunder, the department may issue a citation to the public water system. The
11 citation shall be served upon the public water system personally or by certified mail.
12 Service shall be deemed effective as of the date of personal service or the date of
13 receipt of the certified mail. If a person to whom a citation is directed refuses to accept
14 delivery of the certified mail, the date of service shall be deemed to be the date of
15 mailing.

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

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

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

23 (e) The department may assess a penalty in an amount not to exceed
24 one thousand dollars (\$1,000) per day for each day that a violation occurred, and for
25 each day that a violation continues to occur. A separate penalty may be assessed for
26 each violation.
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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 (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 greater number of samples, as shown in Table 64423-A.

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.

STATEMENT OF FACTS

The MIA water system is operated under Water Supply Permit No. 02-17-05P-4300741, issued on March 10, 2005.

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MIA serves purchased water from San Jose Water Company to a total of 14 homes. According to Section 64423(a)(1) of the California Code of Regulations, MIA is required to collect at least one bacteriological sample per month.

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

In March 2015, MIA did not comply with Sections 64421(a)(1), 64423(a)(1), and 64534.4(a) of the California Code of Regulations. MIA failed to collect one bacteriological sample and report one disinfectant residual sample collected at the same time and same place as the monthly coliform sample. Therefore, MIA violated the total coliform rule and disinfectant residual monitoring and reporting requirement during March 2015.

DETERMINATION

The Division has determined that MIA failed to comply with the total coliform and disinfectant residual monitoring and reporting requirements during March 2015.

DIRECTIVES

MIA is hereby directed to take the following actions:

1. Forthwith, MIA shall cease and desist from failing to comply with Subsections 64421(a)(1), 64423(a)(1), and 64534.4(a), Chapter 15, Title 22, CCR, immediately.

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2. Conduct public notification for the total coliform monitoring and reporting violation within one year in conformance with Section 64463.7, Chapter 15, Title 22, CCR.

The notification shall be completed in accordance with the following:

Mail delivery or notification in the Consumer Confidence Report 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 MIA and posting in conspicuous public places served by MIA 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.

3. Prepare a written Corrective Action Plan (CAP) that will account MIA monitoring requirements in the event of an unexpected absence 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 August 1, 2015.

4. Within 30 days of the receipt of the Citation, MIA should 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

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and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves MIA 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, 2nd Floor
Richmond, CA 94804-6403

PARTIES BOUND

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

SEVERABILITY

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

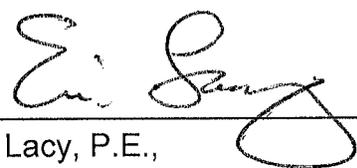
FURTHER ENFORCEMENT ACTION

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

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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.

May 15, 2015
Date


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

- Attachments:
1. Proof of Notification Form

PROOF OF NOTIFICATION

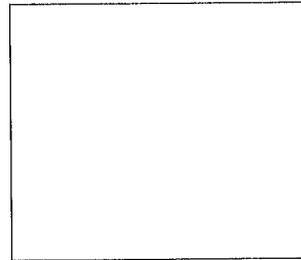
Water System Name: Mireval Improvement Association
Water System Number: 4300741

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Mireval Improvement Association of the Total Coliform Rule and Disinfectant Residual monitoring violation. I complied with the directives of the California Department of Public Health 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;
OR notice via 2014 Consumer Confidence Report



Signature of Water System Representative

Date

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