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GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

May 14, 2015

Mr. Matt Barreras  
General Manager  
Monterey Mushrooms Inc.  
P.O. Box 818  
Morgan Hill, CA 95038

Dear Mr. Barreras:

**CITATION NO. : 02-17-15C-019  
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION  
MONTEREY MUSHROOMS INC., SYSTEM NO. 4300941**

Enclosed is a citation issued to Monterey Mushrooms Inc. The citation is issued because the water system failed to comply with Section 64421(a)(2), Chapter 15, Title 22, California Code of Regulations. The total coliform monitoring and reporting requirements were not met during April 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 Karen Nishimoto at (510) 620-3461.

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](http://www.waterboards.ca.gov)

Mr. Matt Barreras

- 2 -

May 14, 2015

Attachments: (1) Monitoring and Reporting Template  
(2) 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:** Monterey Mushroom Inc.  
P.O. Box 818  
Morgan Hill, CA 95038

**Attn:** Matt Barreras, General Manager  
Monterey Mushrooms Inc.

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE  
22, SECTION 64421(a)(2) - WATER SYSTEM NO. 4300941**

**CITATION NO. 02-17-15C-019**

**Issued on May 14, 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 Monterey Mushrooms Inc. (hereinafter, MMI) (P.O. Box 818, Morgan Hill, CA 95038) for violation of California Code of Regulations (CCR), Title 22, Section 64421 subsection (a)(2).

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**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.

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

3  
4 (a) Each water supplier shall:

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

7  
8 **STATEMENT OF FACTS**

9 The MMI water system is operated under Water Supply Permit No. 02-17-10P-  
10 4300941, issued on January 21, 2011.

11  
12 MMI serves water to approximately 356 nontransient and 2 residential customers via  
13 172 service connections. MMI is located northwesterly from the City of Morgan Hill  
14 and consists of two separate water systems: an East side and a West side. Each  
15 system includes one groundwater source, a reverse osmosis nitrate treatment  
16 system, sodium hypochlorite disinfection treatment, a storage tank, and a distribution  
17 system.

18  
19 Currently, MMI collects two samples per month as specified in the Division-approved  
20 bacteriological sampling plan dated August 2014.

21  
22 During the month of April 2015, MMI failed to collect any bacteriological distribution  
23 system samples. With no samples collected, MMI is in violation of the total coliform  
24 monitoring and reporting requirements during April 2015.



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**DETERMINATION**

The Division has determined that MMI failed to comply with the total coliform monitoring and reporting requirements during April 2015. During April 2015, the Water System collected no bacteriological samples.

**DIRECTIVES**

MMI is hereby directed to take the following actions:

1. Forthwith, MMI shall cease and desist from failing to comply with Subsection 64421(a)(2), Chapter 15, Title 22, CCR, immediately.
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:

Notice by direct delivery or the 2014 Consumer Confidence Report, to all employees/staff, shall be issued within one year of notification of the violation. In addition to direct delivery or the 2014 Consumer Confidence Report, MMI may issue the notice via public posting, newspaper distribution, email message, and website posting. The Division's *Monitoring and Reporting* template (enclosed) may be used by MMI to conduct public notification. The notice must be approved by the Division prior to distribution.

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.



1 3. Prepare a written Corrective Action Plan (CAP) that describes the specific actions  
2 that will be taken to ensure that future monitoring and reporting violations will not  
3 occur. This plan shall include a strategy to ensure that all monitoring is completed  
4 as required and on time and the names of the persons responsible for collecting  
5 samples. A back-up person must be identified, trained, and available to collect the  
6 required samples in the event the designated sampler is unavailable. Submit the  
7 CAP to the Division by June 30, 2015.

8  
9 4. Within 30 days of receipt of this Citation, MMI shall submit a written response to  
10 the Division indicating its willingness to comply with directives of this Citation.

11  
12 The Division reserves the right to make such modifications to this Citation as it may  
13 deem necessary to protect public health and safety. Such modifications may be  
14 issued as amendments to this Citation, and shall be deemed effective upon issuance.

15  
16 Nothing in this Citation relieves MMI of its obligation to meet the requirements of the  
17 California Safe Drinking Water Act, or of any regulation, permit, standard, or order  
18 issued or adopted thereunder.

19  
20 All submittals required by this Citation shall be submitted to the Division at the  
21 following address:

22  
23 Mr. Eric Lacy, P.E.  
24 District Engineer, Santa Clara District  
25 Division of Drinking Water  
26 State Water Resources Control Board  
27 850 Marina Bay Parkway  
Building P, 2<sup>nd</sup> Floor  
Richmond, CA 94804-6403



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**PARTIES BOUND**

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

**SEVERABILITY**

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

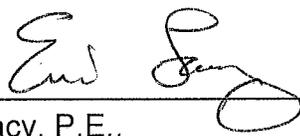
**FURTHER ENFORCEMENT ACTION**

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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May 14, 2015

Date



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

Attachments:

1. Monitoring and Reporting Template
2. Proof of Notification Form

cc: Santa Clara County Environmental Health Department

CERTIFIED MAIL # 7007 1490 0001 6530 2351

## Instructions for Tier 3 Monitoring Violations Annual Notice Template

### Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can 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 [64463.7(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 [64463.7(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, insertion in an annual notice, or included in the Consumer Confidence Report<sup>1</sup>. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing

<sup>1</sup> CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs <sup>(a)</sup>	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

### **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.

## **Corrective Actions**

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

## **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.

### Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was 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 are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period dates], we [did not monitor or test] or [did not complete all monitoring or testing] for [contaminant(s)] and therefore, cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

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

[Describe corrective action].

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: Monterey Mushrooms Inc.  
Water System Number: 4300941

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Monterey Mushrooms Inc. of the Total Coliform Rule monitoring and violation. I complied with the directives of the State Water Resources Control Board Division of Drinking as indicated below:

Required Action

Date Completed

Public Notification by direct delivery OR notice via 2014  
Consumer Confidence Report

--

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

<p><b>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</b></p>
--

**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.