



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 23, 2015

Ms. Carrie Martin
Board President
Brush and Old Well Mutual Water Company
20732 Brush Road
Los Gatos, CA 95033

Dear Ms. Martin:

CITATION NO. : 02-17-15C-024
TOTAL COLIFORM RULE MAXIMUM CONTAMINANT LEVEL VIOLATION
BRUSH AND OLD WELL MUTUAL WATER COMPANY SYSTEM NO. 4300978

Enclosed is a citation issued to Brush and Old Well Mutual Water Company. The citation is issued because the water system failed to comply with Subsection 64426.1 (b)(2), Chapter 15, Title 22, California Code of Regulations. The total coliform maximum contaminant level was exceeded during the compliance period of September 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 Vicki Lin at (510) 412-4685.

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

Enclosures (2):

(1) Proof of Notification Form

(2) Bacteriological Site Sampling Plan

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

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Brush and Old Well Mutual Water Company
20732 Brush Road
Los Gatos, CA 95033

Attn: Ms. Carrie Martin
Board President

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64426.1 (b) (2) – WATER SYSTEM NO. 4300978
CITATION NO. 02-17-15C-024
Issued on September 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.

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 the Brush and Old Well Mutual Water Company (hereinafter, "BOWMWC") (20732 Brush Road, Los Gatos,

1 CA) for violating California Code of Regulations (CCR), Title 22, Section 64426.1 (b)
2 (2).

3

4

APPLICABLE AUTHORITIES

5

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

7

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

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

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

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

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

26

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1 **California Code of Regulations, Title 22, Section 64426.1, subsection (b) (2)**
2 **provides in relevant part:**

3

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

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

9

10 **STATEMENT OF FACTS**

11

12 BOWMWC is a community water system that provides potable water to approximately
13 70 customers via 27 residential service connections. All of the potable water supply is
14 delivered through a connection from San Jose Water Company's (SJWC) Montevina
15 Pipeline, (Primary Station Code 4300978-001). BOWMWC's infrastructure also
16 consists of a 150,000 gallon steel tank and a distribution system.

17

18 Community water systems are required to collect routine bacteriological samples at
19 sample sites that are representative of water throughout the distribution system
20 including all pressure zones, and areas supplied by each water source and
21 distribution reservoir. The minimum number of samples shall be based on the known
22 population served or the total number of service connections, whichever results in the
23 greater number of samples, as shown in Table 64423-A.

24

25 If a routine sample is total coliform-positive, the water supplier shall collect a repeat
26 sample set within 24 hours of being notified of the positive result. According to Table
27 64423-A and the BOWMWC's Bacteriological Sample Siting Plan, BOWMWC is



1 required to collect a minimum of one (1) routine bacteriological sample per month. If
2 the routine bacteriological sample is total coliform-positive, BOWMWC is required to
3 collect a repeat sample set consisting of four (4) samples.

4
5 BOWMWC collected one (1) routine bacteriological sample on September 10, 2015.
6 The sample was total coliform-positive, E.coli negative, and had a free chlorine
7 residual of 0.33 mg/L. Four (4) repeat samples were collected within the distribution
8 system on September 11, 2015. Three (3) of the four (4) repeat samples were total
9 coliform-positive, E.coli negative. The four (4) repeat samples also did not have a
10 detectable level of chlorine residual. Four (4) investigative samples were taken on
11 September 14, 2015 after the distribution system was flushed for four hours on
12 September 13, 2015. The investigative samples were taken at points immediately
13 upstream and downstream of the storage tank as well as at the end of the water main
14 on both the north and south end of the distribution system. These samples were
15 negative of total coliform and E. coli with a detectable free chlorine residual ranging
16 between 0.54 mg/L to 1.41 mg/L. A second round of four (4) repeat samples were
17 collected on September 15, 2015 and were all negative for total coliform and E.coli.
18 The second round of repeat samples had a detectable free chlorine residual ranging
19 between 0.53 mg/L to 0.64 mg/L.

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21 **DETERMINATION**

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23 The Division has determined that BOWMWC failed to comply with the California Code
24 of Regulations, Title 22, Section 64426.1 (b)(2). Specifically, BOWMWC failed to
25 comply with the maximum contaminant level for total coliform with four samples
26 collected in September 2015 being total coliform-positive, E.coli negative.

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DIRECTIVES

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BOWMWC is hereby directed to take the following actions:

1. Forthwith, BOWMWC shall cease and desist from failing to comply with the California Code of Regulations, Title 22, Sections 64426.1 (b)(2).

2. Conduct public notification for the total coliform maximum contaminant level violation in conformance with Section 64463.4, Chapter 15, Title 22, CCR. The notification shall be completed and delivered by October 10, 2015 in accordance with the following methods:
 - a. 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).

 - b. Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, etc.):
 1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.

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.

1 3. BOWMWC shall include information regarding the violation identified in this
2 Citation in the 2015 Consumer Confidence Report, which must be completed and
3 distributed to all customers by July 1, 2016.

4
5 4. Prepare a written Corrective Action Plan (CAP) which shall include an evaluation
6 of the cause(s) of the bacteriological contamination and the preventative measures
7 to be taken to reduce the possibility of bacteriological contamination in the future.
8 Submit the CAP to the Division by October 10, 2015.

9
10 5. Prepare an updated Bacteriological Sample Siting Plan (BSSP). The updated
11 BSSP shall be sent to the Division for review by October 10, 2015 and distributed
12 to all water operators and samplers of the BOWMWC water system.

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

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

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

24
25 Mr. Eric Lacy, P.E.
26 District Engineer, Santa Clara District
27 State Water Resources Control Board
Division of Drinking Water
850 Marina Bay Parkway



1 Building P, 2nd Floor
2 Richmond, CA 94804-6403

3 **PARTIES BOUND**

4
5 This Citation shall apply to and be binding upon BOWMWC, its officers, directors,
6 shareholders, agents, employees, contractors, successors, and assignees.

7
8 **SEVERABILITY**

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

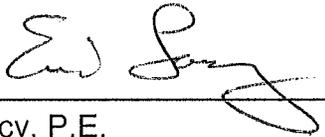
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13 **FURTHER ENFORCEMENT ACTION**

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15 The California SDWA authorizes the Board to: issue citation with assessment of
16 administrative penalties to a public water system for violation or continued violation of
17 the requirements of the California SDWA or any permit, regulation, permit or order
18 issued or adopted thereunder including, but not limited to, failure to correct a violation
19 identified in a citation or compliance order. The California SDWA also authorizes the
20 Board to take action to suspend or revoke a permit that has been issued to a public
21 water system if the system has violated applicable law or regulations or has failed to
22 comply with an order of the Board; and to petition the superior court to take various
23 enforcement measures against a public water system that has failed to comply with
24 violates an order of the Board. The Board does not waive any further enforcement
25 action by issuance of this citation.



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September 23, 2015



Date

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

Attachments (2):

- (1) Proof of Notification Form
- (2) Bacteriological Site Sampling Plan

cc: Santa Clara County Environmental Health Department

CERTIFIED MAIL # 7014 3490 0001 7031 0550

PROOF OF NOTIFICATION

Water System Name: Brush and Old Well Mutual Water Company
Water System Number: 4300978

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Brush and Old Well Mutual Water Company of the Total Coliform Rule – Maximum Contaminant Level violation during the compliance period of September 2015. I complied with the directives of the State Water Resources Control Board Division of Drinking Water as indicated below:

Required Action

Date Completed

Public Notification by mail or direct delivery

Signature of Water System Representative

Date

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