



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

November 19, 2015

Ms. Kath Harlin  
Risk Management  
O'Connor Hospital  
2105 Forest Avenue  
San Jose, CA 95128

Dear Ms. Harlin:

**CITATION NO. : 02-17-15C-028**  
**TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION**  
**TOTAL COLIFORM MONITORING AND REPORTING VIOLATION**  
**FAILURE TO NOTIFY THE PUBLIC VIOLATION**  
**O'CONNOR HOSPITAL, SYSTEM NO. 4300808**

Enclosed is a citation issued to O'Connor Hospital. The total coliform maximum contaminant level, tier 1 public notification, and repeat sampling requirements were not met during October 2015.

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

Attachment: (1) Proof of Notification Form

Cc: Santa Clara County Environmental Health Department (w/o attachment)

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:** O'Connor Hospital  
2105 Forest Avenue  
San Jose, CA 95128

**Attn:** Kath Harlin, Risk Management  
O'Connor Hospital

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE  
22, SECTION 64426.1(b)(2), SECTION 64424(a)(1), and SECTION 64463.1(a)(1)(A)  
and (b)(1)-  
WATER SYSTEM NO. 4300808  
CITATION NO. 02-17-15C-028  
Issued on November 19, 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 O'Connor Hospital (2105 Forest Avenue, San Jose, CA 95128) for violation of California Code of Regulations

1  
2 (CCR), Title 22, Section 64426.1 subsection (b)(2), Section 64424 subsection (a)(1),  
3 and Section 64463.1 subsection (a)(1)(A) and (b)(1).

4 **APPLICABLE AUTHORITIES**

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

6  
7 (a) If the department determines that a public water system is in violation  
8 of this chapter or any regulation, permit, standard, citation, or order issued or adopted  
9 thereunder, the department may issue a citation to the public water system. The  
10 citation shall be served upon the public water system personally or by certified mail.  
11 Service shall be deemed effective as of the date of personal service or the date of  
12 receipt of the certified mail. If a person to whom a citation is directed refuses to accept  
13 delivery of the certified mail, the date of service shall be deemed to be the date of  
14 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 department may assess a penalty in an amount not to exceed  
23 one 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  
27



1  
2 Violations

3  
4 **California Code of Regulations, Title 22, Section 64426.1, subsection (b)(2)**  
5 **provides, in relevant part:**

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

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

11  
12 **California Code of Regulations, Title 22, Section 64424, subsection (a)(1)**  
13 **provides, in relevant part:**

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

19 (1) For a water supplier that normally collects more than one routine  
20 sample a month, a repeat sample set shall be at least three samples for each  
21 total coliform-positive sample.

22  
23 **California Code of Regulations, Title 22, Section 64463.1, subsection (a)(1)(A)**  
24 **and (b)(1) provides, in relevant part:**

25 (a) A water system shall give public notice pursuant to this section and section  
26 64465 if any of the following occurs:

27 (1) Violation of the total coliform MCL when:

(A) Fecal coliform or *E. coli* are present in the distribution system;



1  
2 (b) As soon as possible within 24 hours after learning of any of the violations in  
3 subsection (a) or being notified by the Department that it has determined there is a  
4 potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or  
5 (6)], the water system shall:

6 (1) Give public notice pursuant to this section;

7  
8 **STATEMENT OF FACTS**

9 The O'Connor Hospital water system is operated under Water Supply Permit No. 02-  
10 05-95P-4300808, issued on October 11, 1995.

11  
12 O'Connor Hospital serves approximately 2,153 patients, visitors, employees, and  
13 contractors in San Jose. O'Connor Hospital has an onsite well, but was served by San  
14 Jose Water Company at the time of the total coliform and *E. Coli* positives.

15  
16 On October 29, 2015 O'Connor Hospital collected three routine coliform samples in  
17 which two tested positive for total coliform and *E. Coli*. O'Connor Hospital was notified  
18 that there were two positive results on October 30, 2015 and informed the Division  
19 that day. Due to miscommunication between the laboratory and O'Connor Hospital,  
20 only the total coliform positives were mentioned.

21  
22 Two repeat samples were collected from the positive locations on October 30, 2015.  
23 Both repeat samples tested negative for total coliform and *E. Coli*. Section  
24 64424(a)(1) requires three repeat samples for each positive routine sample. As a  
25 result, six repeat samples were to be collected and were specified in the approved  
26 bacteriological sample siting plan. A full set of repeat samples were collected on  
27 November 2, 2015. All repeat samples tested negative for total coliform and *E. Coli*.



1  
2 O'Connor Hospital was directed on November 10, 2015 to collect an additional six  
3 samples.

4  
5 With more than one routine sample testing positive for total coliform during the month  
6 of October, O'Connor Hospital is in violation of the maximum contaminant level. Due  
7 to the presence of *E. Coli*, the violation represents an acute health risk.

8  
9 With incomplete repeat distribution system sampling collected following the October  
10 positives, O'Connor Hospital is in violation of the total coliform rule monitoring,  
11 reporting requirements, and tier 1 public notification requirements.

12  
13 **DETERMINATION**

14 The Division has determined that O'Connor Hospital failed to comply with the total  
15 coliform maximum contaminant level (MCL), tier 1 notification requirements, and  
16 monitoring requirements.

17  
18 **DIRECTIVES**

19 O'Connor Hospital is hereby directed to take the following actions:

- 20
- 21 1. Forthwith, O'Connor Hospital shall cease and desist from failing to comply with  
22 Subsection 64426.1(a)(1), Chapter 15, Title 22, CCR, immediately.
  - 23  
24 2. Forthwith, O'Connor Hospital shall cease and desist from failing to comply with  
25 Subsection 64424(a)(1), Chapter 15, Title 22, CCR, immediately.
  - 26  
27 3. Forthwith, O'Connor Hospital shall cease and desist from failing to comply with  
Subsection 64463.1(a)(1)(A) and (b)(1), Chapter 15, Title 22, CCR, immediately.



1  
2 4. Conduct public notification for the total coliform monitoring and reporting violation  
3 in conformance with Section 64463.1, Chapter 15, Title 22, CCR. The notification  
4 shall be completed in accordance with the following:  
5

6 A water system shall deliver the public notice in a manner designed to  
7 reach residential, transient, and nontransient users of the water system  
8 and shall use, as a minimum, one of the following forms:

9 (2) Posting in conspicuous locations throughout the area served  
10 by the water system;

11 (3) Hand delivery to persons served by the water system; or

12 (4) Other method approved by the Department, based on the  
13 method's ability to inform water system users.  
14

15 Proof of notification must be provided to the Division. This can be met by  
16 submitting a completed Proof of Notification form (Attachment enclosed) and a  
17 copy of the notice issued within 14 days of completing the notification. The notice  
18 must be approved by the Division prior to distribution.  
19

20 5. Provide water quality analytical results for the second round of repeat sampling.  
21 O'Connor Hospital has collected a second round of repeat sampling on November  
22 10, 2015 and hereby completed monitoring requirements.  
23

24 6. Prepare a written Corrective Action Plan (CAP) based on investigation findings.  
25 The plan shall include an evaluation of the causes of the bacteriological problem  
26 and the preventative measures to reduce the possibility of future bacteriological  
27 contamination. In addition, include specific actions that will be taken to prevent



1  
2 future bacteriological sampling procedure violations. This will include specifying  
3 secondary personnel that will be available to perform sampling in a timely manner.  
4 The CAP shall be submitted to the Division by January 15, 2015.

5  
6 Nothing in this Citation relieves O'Connor Hospital of its obligation to meet the  
7 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
8 standard, or order issued or adopted thereunder.

9  
10 All submittals required by this Citation shall be submitted to the Division at the  
11 following address:

12 Mr. Eric Lacy, P.E.  
13 District Engineer, Santa Clara District  
14 Division of Drinking Water  
15 State Water Resources Control Board  
16 850 Marina Bay Parkway  
17 Building P, 2<sup>nd</sup> Floor  
18 Richmond, CA 94804-6403

19  
20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon O'Connor Hospital, its officers,  
22 directors, shareholders, agents, employees, contractors, successors, and assignees.  
23

24 **SEVERABILITY**

25 The Directives of this Citation are severable, and O'Connor Hospital shall comply with  
26 each and every provision thereof, notwithstanding the effectiveness of any other  
27 provision.

**FURTHER ENFORCEMENT ACTION**

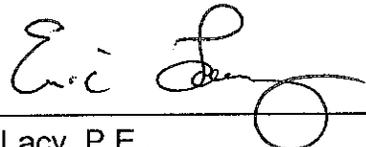
28 The California SDWA authorizes the Division to: issue citation with assessment of  
29 administrative penalties to a public water system for violation or continued violation of  
30 the requirements of the California SDWA or any permit, regulation, permit or order



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

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.

November 19, 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

bcc: Chron; system enforcement file

File Server – 4300808

Certified Mail # 7014 3490 0001 7031 0635

## PROOF OF NOTIFICATION

Water System Name: O'Connor Hospital

Water System Number: 4300808

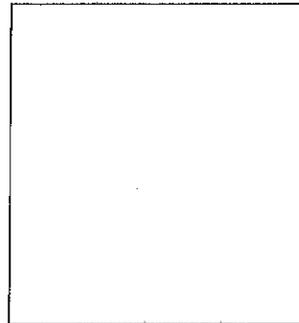
As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by O'Connor Hospital of the total coliform maximum contaminant level exceedance, monitoring and reporting violation, and failure to notify the public violation. I complied with the directives of the State Water Resources Control Board Division of Drinking Water as indicated below:

Required Action

Date Completed

Public Notification

- (a) conspicuous locations throughout the area served by the water system
- (b) mail or direct delivery to all employees



\_\_\_\_\_  
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.