



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 7, 2015

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

COMPLIANCE ORDER NO. : 02_17_15R_001
WELL 2 USAGE / NITRATE
TWIN VALLEY, INC., WATER SYSTEM NO. 4300575

Dear Mr. Havens:

Enclosed is a Compliance Order issued to Twin Valley, Inc. (System) public water system.

The System will be billed at the State Water Resources Control Board's (Water Board) hourly rate (currently estimated at \$153.00) for the time spent on issuing this Compliance Order. Health and Safety Code Section 116577 provides that a public water system must reimburse the Water Board for actual costs incurred by the Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation.

The System will receive a bill sent from the Drinking Water Fee Branch in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions concerning this letter, please contact me at (510) 620-3453.

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

Mr. Steve Havens

- 2 -

December 7, 2015

cc: Santa Clara County Environmental Health Department

1
2 **CALIFORNIA**
3 **STATE WATER RESOURCES CONTROL BOARD**
4 **DIVISION OF DRINKING WATER**

5 TO: Twin Valley, Inc.
6 System No. 4300575
7 ATTN: Mr. Steve Havens
8 14295 Sycamore Drive
9 Morgan Hill, CA 95037

10 **COMPLIANCE ORDER NO. 02_17_15R_001**
11 **FOR**
12 **VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(3)**
13 **Dated December 7, 2015**

14 Section 116655 of the California Health and Safety Code (hereinafter "CHSC")
15 authorizes the issuance of a compliance order to a public water system for violations
16 or threatened violations of the California Safe Drinking Water Act (CHSC, Division
17 104, Part 12, Chapter 4, (commencing with Section 116270)) (hereinafter "California
18 SDWA"), or any permit, regulation, or standard issued or adopted thereunder.

19
20
21 The State Water Resources Control Board (hereinafter "Board"), acting by and
22 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
23 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order
24 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety
25 Code (hereinafter "CHSC") to Twin Valley, Inc. (hereinafter "the System") for violation
26 of CHSC Section 116555(a)(3).
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APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

California Code of Regulations, Title 22, Section 64431, provides, in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.



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Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Nitrate (as nitrogen)	10

STATEMENT OF FACTS

The System is a community public water system serving a population of approximately 250 through 92 service connections. The System operates under Domestic Water Supply Permit No. 02-05-95P-4300575, issued on February 22, 1995 and the Domestic Water Supply Permit Amendment issued December 31, 1997. The System is a community public water system as defined in CHSC, Section 116275.

The System utilizes five groundwater wells as its sources of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant levels for nitrate (as nitrogen) of 10 mg/L, equivalent to 45 mg/L as NO₃, established in Title 22 CCR, Section 64431.



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Well 2, Primary Station Code 4300575-002, has historically exceeded the nitrate maximum contaminant level (MCL). According to historical water quality monitoring records, nitrate has been detected as high as 78 mg/L (as NO₃).

The Domestic Water Supply Permit Amendment issued December 31, 1997 allows the System to use Well 2 only when system demand cannot be met using the other sources. Well 2 is not approved for prolonged or continuous use. The permit amendment also requires that the System provide adequate blending treatment to the water produced by Well 2 such that the nitrate levels of the blended water shall not exceed 40 mg/L (as NO₃) at any time, and that an Operations Plan be submitted for Division review and approval prior to the first proposed use of Well 2. The System has not submitted an Operations Plan.

During the sanitary survey conducted on September 14, 2015, the Division discovered the System was operating Well 2, but was not operating it in accordance with permit provisions. A field analysis conducted at this time indicated there was an imminent health risk due to nitrate levels detected at the maximum contaminant level.

Field analysis indicated that nitrate was detected at Well 2 and the blend point at the maximum contaminant level, indicating ineffective blending treatment and an imminent health threat. The nitrate monitoring collected by the System for Well 2 routinely indicates levels less than half the nitrate MCL, but these results conflict with

1
2 the Division's analyses. The Division subsequently collected laboratory samples for
3 Well 2 on October 27, 2015. Preliminary results indicated nitrate was detected at 9.7
4 mg/L (as N) or 43 mg/L (as NO3).

5
6 On September 23, 2015, the Division instructed the System to discontinue use of Well
7 2. On September 29, 2015, the Division repeated the instruction to discontinue use of
8 Well 2 by means of e-mail. On September 30, 2015, the System conveyed that it had
9 insufficient supply to discontinue use of Well 2. The documentation submitted by the
10 System demonstrated that Well 2 provides up to three quarters of the System's
11 demand. The current operation of Well 2 is directly contrary to the System's existing
12 permit and the Division's understanding of the System's operations.
13

14
15 On October 6, 2015, the Division instructed the System to undertake emergency
16 actions due to insufficient supply and using a source with elevated nitrate. The
17 Division directed the System to conduct nitrate public notification on October 7, 2015,
18 which the System complied with. On October 23, 2015, the Division issued a letter to
19 the System establishing Well 2 emergency use restrictions (Appendix A). Thus far,
20 the restrictions have not been complied with.
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24 **DETERMINATIONS**

25 Based on the above Statement of Facts, the Division has determined that the System
26 has violated CHSC, Section 116555 in that the System is not providing a reliable and
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adequate supply of pure, wholesome, healthful, and potable water. The System has also violated Provision 4 of the December 31, 1997 Permit Amendment in that the System is not operating in accordance with an approved Operations Plan for the Well 2 blending process.

DIRECTIVES

The System is hereby directed to take the following actions:

1. On or before August 1, 2016, comply with Health and Safety Code, Section 116555(a)(3) and remain in compliance.

2. On or before December 31, 2015, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

3. Prepare for Division approval a Corrective Action Plan identifying improvements to the System. On or before December 31, 2015, submit a plan to discontinue unapproved use of Well 2. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup. The schedule shall include, but not be limited to, specifying from the date of this compliance order, in no more than 60 days identifying the preferred alternative, in no more than 90 days obtaining an estimate for the preferred alternative from appropriate consultants, in no more



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than 120 days submitting complete plans and specifications to the Division for review and approval, and by August 1, 2016 completing all actions, including permitting, required to bring the preferred alternative into use.

4. Comply with the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
5. On or before February 29, 2016 and every month thereafter, submit a report to the Division showing actions taken during the month to comply with the Corrective Action Plan.
6. Not later than ten (10) days following the date of compliance, demonstrate to the Division that the water delivered by System complies with the nitrate MCL.
7. On or before December 31, 2015, contract with a laboratory certified by the Environmental Laboratory Accreditation Program, pursuant to Section 64415, Chapter 15, Title 22, California Code or Regulations, to have an appropriately trained sampler, employed by the laboratory, collect the compliance nitrate samples from Well 2 (Primary Station Code 4300575-002) and Well 02 – Treated Nitrate (Primary Station Code 4300575-007). Submit verification of compliance with this directive by January 15, 2016.
8. Conduct quarterly public notification of failure to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water; specifically, notify all customers that the System is failing to provide water that is reliably



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and consistently below the nitrate maximum contaminant level. The notification shall be completed in accordance with the following:

Direct delivery to each customer receiving a bill including those that may not receive this notice directly, such as people in apartments, nursing homes, schools, and businesses.

The public notification shall include the following health effects language:

Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women. If you are caring for an infant, or you are pregnant, you should ask advice from your health care provider.

Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity.



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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. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the System anticipates it will not meet the performance deadline.

All submittals required by this Order shall be addressed to:

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

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the System.

The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and



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

Nothing in this Order relieves the System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon the System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and the System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a 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 regulation, permit, standard, citation, 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 Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law



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or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.



Dec. 7, 2015

Stefan Cajina, P.E., Chief
North Coastal Section
State Water Resources Control Board
Division of Drinking Water

Date

Certified Mail No. 7014 3490 0001 7031 0642

Appendix A: October 23, 2015 Letter

Appendix B: Proof of Public Notification





EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

October 23, 2015

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

WELL 2 EMERGENCY USAGE RESTRICTIONS
Twin Valley Inc., Water System No. 4300575

Dear Mr. Steve Havens:

This letter is in response to the serious water quality and quantity issues facing Twin Valley, Inc. (TVI). Pursuant to the permit amendment issued to Twin Valley on December 31, 1997, Well 2 is only allowed to be used when system demand cannot be met using other approved sources and that adequate blending treatment must be provided such that the water produced by Well 2 does not exceed 40 mg/L at any time. TVI has indicated that Well 2 is being relied on to meet the majority of the water supply needs. However, routine use of Well 2 is in direct conflict with TVI's permit. In addition, TVI has not demonstrated that adequate blending treatment is being provided.

The Division hereby requires TVI take the following actions:

1. Repair and return Wells 4 and 5 to service immediately.
2. Establish mandatory conservation.
3. Begin work towards developing additional sources of supply.
4. Cease and desist adding additional service connections.
5. Submit weekly meter readings from all wells.

Temporary use of Well 2 will only be permitted until an adequate additional supply and conservation measures can be implemented to meet demand. The Division requires TVI to adhere to the following conditions for temporary use of Well 2:

1. Produce the least amount of water possible from Well 2 to meet water demand.
2. Maximize water production from Wells 3, 4, 5, and 6.
3. Well 2 cannot operate at any time without Well 3 in operation.
4. Well 3 must produce at least 9 gpm at all times.
5. If Well 3 production drops below 9 gpm, Well 2 operation must immediately cease.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

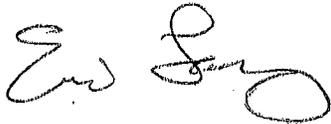
850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

6. Well 2 cannot produce more than 30 gpm at any time.
7. Provide daily nitrate results, Monday through Friday, from the blend point and from another house in the distribution system that is not your own.

Respond, in writing, verifying receipt of this correspondence and compliance with the requirements herein by October 30, 2015.

If you have any questions concerning this letter, please contact Ms. Karen Nishimoto at (510) 620-3461.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy". The signature is fluid and cursive, with a large loop at the end.

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

cc: Santa Clara County Environmental Health Department

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 failure to provide water that is reliably and consistently below the nitrate maximum contaminant level. 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.

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.