



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 8, 2015

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

COMPLIANCE ORDER NO. : 02_17_15R_002
CONNECTION MORATORIUM
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

cc: Santa Clara County Environmental Health Department

California Public Utilities Commission

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**STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

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

**COMPLIANCE ORDER NO. 02_17_15R_002
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555(a)(3)
Dated December 8, 2015**

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

The State Water Resources Control Board (hereinafter "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 compliance order (hereinafter "Order") to Twin Valley, Inc. (hereinafter "the System"), for failure to comply with CHSC Section 116555 (a)(3).



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A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated herein by this reference.

STATEMENT OF FACTS

The System is a community public water system serving a population of approximately 250 through 92 service connections.

The System does not have adequate, approved sources of supply to meet customer demand. The System cannot meet demand without Well 2. Well 2 has historically exceeded the maximum contaminant level for nitrate and is only permitted to be used when demand cannot be met using the other approved sources and when adequate blending is being provided pursuant to the Domestic Water Supply Permit Amendment issued to the System on December 31, 1997.

On September 30, 2015, the System reported a maximum production capability of 2,131,200 gallons per month, including Well 2. The System's documented maximum demand is 2,840,156 gallons per month. The System cannot meet maximum day demand requirements pursuant to Section 64554(b), Title 22, California Code of Regulations, even when using Well 2. Well 2 provides over three quarters of the supply for the System.

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The System is currently under a Compliance Order issued December 7, 2015 to discontinue unapproved use of Well 2.

Based on the Board's water production and consumption records for the System, the Board has determined that without additional source capacity, the System is not able to provide an adequate and reliable supply of water to its customers.

DETERMINATIONS

The Division has determined that the System does not provide a reliable and adequate supply of pure, wholesome, healthful, and potable water, in that the System does not have access to sufficient water to meets its maximum day demand. The System therefore has violated, and continues to violate, CHSC Section 116555 (a)(3).

DIRECTIVES

The System is hereby directed to take the following actions:

1. Effective immediately upon its receipt of this Order, the System shall not make any additional service connections to its water system, including

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any such service connections for which a “will serve” letter was issued at any time by the System, but for which a building permit was not issued prior to the date of this Order. As used in this Order, “will serve” letter means any form of notice, representation or agreement that the System will supply water to a property, parcel or structure.

2. By December 31, 2015, the System shall identify any and all properties for which “will serve” letters have been issued, but a service connection has not been made.
3. By January 15, 2016, the System shall advise the owner(s) of those properties and all appropriate local planning agencies that the “will serve” letter issued for such property is null and void and may not be relied upon for any purpose.
4. By January 15, 2016, the System shall provide to the Division the following documents:
 - a) Copies of all “will serve” letters issued by the System at any time for which a service connection has not been made, including the address or parcel number of the respective property;
 - b) A list of the property owners and applicable planning agencies it notified that its “will serve” letters are null and void along with a

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certification that the required notification was completed by the System; and

c) A current list of all service connections, including the address of each.

5. By February 29, 2016, the System shall provide to the Division, for its review and approval, a Source Capacity Planning Study pursuant to Title 22, CCR, Section 64558. The Study shall be prepared by a Civil Engineer, registered in the State of California, or another qualified person approved by the Division. The Study shall include a plan for meeting the *projected system demand* identified in the approved Source Capacity Planning Study, including a schedule for implementation of said plan. The System shall comply with the schedule in the approved plan.

6. By the last day of March, June, September, and December of each calendar year following the Division's approval of the plan for meeting the *projected system demand*, the System shall provide progress reports to the Division regarding compliance with said plan. The System shall continue submitting these reports until the plan for meeting the *projected system demand* is fully implemented, or until the Division issues written approval to cease submitting them.

The Division reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such



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

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

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

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

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24 **PARTIES BOUND**

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

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34 **SEVERABILITY**

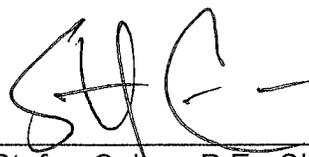
35 The Directives of this Order are severable, and the System shall comply with
36 each and every provision thereof, notwithstanding the effectiveness of any
37 provision.



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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 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 compliance order.



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

Dec. 8, 2015

Date

Appendix: Applicable Authorities
Certified Mail No. 7014 3490 0001 7031 0659

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR COMPLIANCE ORDER NO. 02_17_15R_002

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

Section 116275(s) of the Health and Safety Code states in relevant part:

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance.

Section 116555 of the Health and Safety Code states in relevant part:

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

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116655 of the Health and Safety Code 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.

Title 22, CCR, Section 64558 states in relevant part:

(a) If directed by the Department to do so based on its determination that there is an existing or potential problem with the system's source capacity or a proposed expansion pursuant to section 64556(a)(5), a water system shall submit a Source Capacity Planning Study (Study) containing the following information:

- (1) The anticipated growth of the water system over a projected period of at least ten years in terms of the population and number and type of residential, commercial, and industrial service connections to be served by the water system.
- (2) Estimates of the amount of water needed to meet the total annual demand and the MDD over the projected ten-year growth period (projected system demand). Methods, assumptions, and calculations used to estimate the projected system demand shall be included.
- (3) A map and description of the entire existing and proposed service area, showing:
 - (A) The location of each water source, including wells that are abandoned, out-of-service, destroyed, standby, or inactive;
 1. Any valid water rights owned by the system for surface water sources, including information on any limitations or restrictions of those rights;
 2. For a groundwater aquifer, the groundwater levels and drawdown patterns;
 3. Permits or approvals for groundwater extraction if pumping from an adjudicated groundwater basin;
 4. Existing and planned source pumping capability and distribution storage capacity for the system as a whole and for each pressure zone;

Appendix 1. Applicable Statutes and Regulations for
Compliance Order No. 02_17_15R_002

5. The calculated sustained well yields of existing wells if groundwater sources are used;

6. Permits, if required, for any waters proposed for use to offset potable water demand; and

7. A Source Water Assessment for each potable water source.

(B) Distribution system piping, pressure zones, hydropneumatic tanks, and reservoirs;

(C) Valves, sample taps, flow meters, unmetered service connections, and other system appurtenances;

(D) Conveyance facilities;

(E) Any flood plains in the projected service area; and

(F) The 100 year flood or highest recorded flood level, whichever is higher.

(b) If directed by the Department to do so based on its determination that a study is out of date, a water system shall update and submit the Study to the Department.

(c) Water systems that have submitted an Urban Water Management Plan to the Department of Water Resources pursuant to Water Code Part 2.6 commencing with section 10610, may submit a copy of that report in lieu of some or all of the requirements of subsection (a) to the extent such information is included in the plan.