



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

January 6, 2016

Mr. Joseph Aiello, President
Uesugi Farms, Inc.
1020 State Highway 25
Gilroy, CA 95037

Dear Mr. Aiello:

CITATION NO. : 02-17-16C-001
UESUGI FARMS, INC., SYSTEM NO. 4300995

The citation issued on January 5, 2016 was written with incorrect dates, listing 2015 instead of 2016. Please discard and replace with this citation issued on January 6, 2016.

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

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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



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January 6, 2016

Mr. Joseph Aiello, President
Uesugi Farms, Inc.
1020 State Highway 25
Gilroy, CA 95037

Dear Mr. Aiello:

CITATION NO. : 02-17-16C-001
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
GROUNDWATER RULE MONITORING VIOLATION
UESUGI FARMS, INC., SYSTEM NO. 4300995

Enclosed is a citation issued to Uesugi Farms, Inc. The total coliform maximum contaminant level and groundwater monitoring were not met during December 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)

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Uesugi Farms, Inc.
1020 State Highway 25
Gilroy, CA 95037

Attn: Joseph Aiello, President
Uesugi Farms, Inc.

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE
22, SECTION 64426.1(b)(2), SECTION 64430-
WATER SYSTEM NO. 4300995
CITATION NO. 02-17-16C-001
Issued on January 6, 2016

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 Uesugi Farms Inc. (hereinafter, UFI) (1020 State highway 25, Gilroy, CA 95037) for violation of California

1
2 Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2) and Section
3 64430.

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.
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Violations

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

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

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

California Code of Regulations, Title 22, Section 64430, in relevant part:

A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Ground Water Rule published in 71 Federal Register 65574 (November 8, 2006) and amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009), which are hereby incorporated by reference: Sections 141.21(d)(3), 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B to Subpart Q (Public Notification), and 141.400 through 141.405.

California Code of Regulations, Title 22, Addendum A: CA Ground Water Rule- A reference to text adopted pursuant to Section 64430, provides in relevant part:

(a) Triggered source water monitoring —

(1) General requirements. A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log

1
2 virus inactivation and removal) before or at the first customer for each
3 ground water source; and

4 (ii) The system is notified that a sample collected under 22
5 California Code of Regulations sections 64422 and 64423 is total
6 coliform-positive and the sample is not invalidated under 22 California
7 Code of Regulations section 64425.

8 (2) Sampling requirements. A ground water system must collect, within
9 24 hours of notification of the total coliform-positive sample, at least one ground
10 water source sample from each ground water source in use at the time the total
11 coliform-positive sample was collected under 22 California Code of Regulations
12 sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this
13 section.

14
15 **STATEMENT OF FACTS**

16 The UFI water system is operated under Water Supply Permit No. 02-17-08P-
17 4300995, issued on July 10, 2008 and amended on August 31, 2015.

18
19 UFI serves 40 full time employees and is supplied from one active onsite well, Well 01
20 (Primary Station Code 4300995-001). UFI has 6 hydropneumatic tanks and does not
21 disinfect its water.

22
23 On December 8, 2015, UFI collected one routine sample which tested "present" for
24 total coliform and "absent" for *E. coli*. Four repeat samples were collected on
25 December 10, 2015 with two samples testing "present" for total coliform. UFI collected
26 a groundwater sample on December 14, 2015 which tested negative for total coliform.
27 The groundwater well should have been sampled within 24 hours following notification
of a total coliform positive. UFI collected five repeat samples, which includes a



1
2 groundwater sample, on December 16, 2015 and all results tested negative for total
3 coliform.

4
5 With more than one sample collected during December 2015 with total coliform
6 positive results, UFI is in violation of the total coliform maximum contaminant level.
7 UFI did not sample the well within 24 hours of notification and is in violation of the
8 groundwater monitoring requirements during December 2015.

9
10 **DETERMINATION**

11 The Division has determined that UFI failed to comply with the total coliform maximum
12 contaminant level (MCL) and groundwater monitoring requirements during December
13 2015. During December 2015, UFI collected eleven routine and repeat samples, three
14 of which were total coliform positive.

15
16 **DIRECTIVES**

17 UFI is hereby directed to take the following actions:

- 18
19 1. Forthwith, UFI shall cease and desist from failing to comply with Subsection
20 64426.1(b)(2), Chapter 15, Title 22, CCR, immediately.
- 21
22 2. Forthwith, UFI shall cease and desist from failing to comply with Subsection
23 64430, Chapter 15, Title 22, CCR, immediately.
- 24
25 3. Conduct public notification for the total coliform maximum contaminant level and
26 groundwater monitoring violations in conformance with Section 64463.4, Chapter
27



1
2 15, Title 22, CCR. The notification shall be completed in accordance with the
3 following:

4 Posting in conspicuous locations throughout the area served by the
5 water system as well as direct delivery to each employee.
6

7 Proof of notification must be provided to the Division. This can be met by
8 submitting a completed Proof of Notification form (Attachment enclosed) and a
9 copy of the notice issued within 14 days of completing the notification. The notice
10 must be approved by the Division prior to distribution.
11

- 12 4. Collect at least five routine samples in January 2016 in conformance with Section
13 64424(d), Chapter 15, Title 22, CCR:

14 (d) If a public water system for which fewer than five routine samples/month
15 are collected has one or more total coliform-positive samples, the water
16 supplier shall collect at least five routine samples the following month.
17

- 18 5. Prepare a written Corrective Action Plan (CAP) based on investigation findings.
19 The plan shall include an evaluation of the causes of the bacteriological problem
20 and the preventative measures to reduce the possibility of future bacteriological
21 contamination. In addition, include specific actions that will be taken to prevent
22 future bacteriological sampling violations. The CAP shall be submitted to the
23 Division by March 15, 2016.
24

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



1
2 Nothing in this Citation relieves UFI of its obligation to meet the requirements of the
3 California Safe Drinking Water Act, or of any regulation, permit, standard, or order
4 issued or adopted thereunder.

5
6 All submittals required by this Citation shall be submitted to the Division at the
7 following address:

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

15
16 **PARTIES BOUND**

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

19
20 **SEVERABILITY**

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

23
24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Division to: issue citation with assessment of
26 administrative penalties to a public water system for violation or continued violation of
27 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



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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.

January 6, 2016 Eric Lacy
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 – 4300995
Certified Mail # 70143490000170310772



PROOF OF NOTIFICATION

Water System Name: Uesugi Farms, Inc.
Water System Number: 4300995

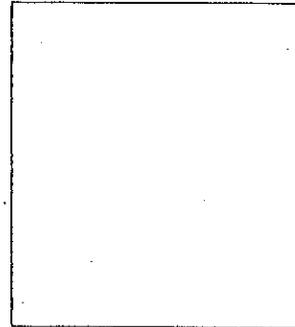
As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Uesugi Farms, Inc. of the total coliform maximum contaminant level and groundwater monitoring violations. I complied with the directives of the State Water Resources Control Board Division of Drinking Water as indicated below:

Required Action

Date Completed

Public Notification

- (a) Posting in 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.