



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

January 27, 2016

Mr. Reed Grandy
Sullivan Mutual Water Company
195 Scheller Avenue
Morgan Hill, CA 95037

Dear Mr. Grandy:

CITATION NO. : 02_17_16C_006
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
GROUNDWATER RULE MONITORING AND REPORTING VIOLATION
SULLIVAN MUTUAL WATER COMPANY, SYSTEM NO. 4300571

Enclosed is a citation issued to Sullivan Mutual Water Company. The citation is issued because the water system failed to comply with Section 64426.1(b)(2), Section 64424(a), and Section 64430, Chapter 15, Title 22, California Code of Regulations. The total coliform maximum contaminant level, total coliform monitoring and reporting requirements, and groundwater rule monitoring and reporting requirements were not met during December 2015.

If you have any questions regarding this matter, please contact Karen Nishimoto at (510) 620-3461.

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

Attachments: (1) Tier 2 Resolved Total Coliform Notice Template
(2) Proof of Notification Form

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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

Mr. Reed Grandy

- 2 -

January 27, 2016

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: Reed Grandy
195 Scheller Avenue
Morgan Hill, CA 95037

Attn: Reed Grandy
Sullivan Mutual Water Company

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE
22, SECTION 64426.1(b)(2), SECTION 64424(a), SECTION 64430 - WATER
SYSTEM NO. 4300571
CITATION NO. 02_17_16C_006
Issued on January 27, 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 Sullivan Mutual Water Company (hereinafter, SMWC) (195 Scheller Avenue, Morgan Hill, CA 95037) for

1 violation of California Code of Regulations (CCR), Title 22, Section 64426.1
2 subsection (b)(2), Section 64424(a), and Section 64430.

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

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

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

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

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

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

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
5 any of the following occurs:

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

9

10 California Code of Regulations, Title 22, Section 64424, subsection (a) provides,
11 in relevant part:

12

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

19

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

22

23 A public water system that uses ground water shall comply with the
24 following provisions of 40 Code of Federal Regulations as they appear in
25 the Ground Water Rule published in 71 Federal Register 65574
26 (November 8, 2006) and amended in 71 Federal Register 67427
27 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009),



1 which are hereby incorporated by reference: Sections 141.21(d)(3),
2 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer
3 Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B
4 to Subpart Q (Public Notification), and 141.400 through 141.405.
5

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

9
10 (a) *Triggered source water monitoring —*

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

14 (i) The system does not provide at least 4-log treatment of
15 viruses (using inactivation, removal, or a State-
16 approved combination of 4-log virus inactivation and
17 removal) before or at the first customer for each ground
18 water source; and

19 (ii) The system is notified that a sample collected under 22
20 California Code of Regulations sections 64422 and
21 64423 is total coliform-positive and the sample is not
22 invalidated under 22 California Code of Regulations
23 section 64425.

24 (2) *Sampling requirements.* A ground water system must collect,
25 within 24 hours of notification of the total coliform-positive
26 sample, at least one ground water source sample from each
27 ground water source in use at the time the total coliform-



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positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

STATEMENT OF FACTS

The SMWC water system is operated under Water Supply Permit No. 02-05-95P-4300571, issued on March 6, 1995.

SMWC is a community water system, located between the cities of San Jose and Morgan Hill, CA. The water system consists of one active well and serves 64 customers via 16 residential service connections. No treatment is provided. Currently, SMWC collects one sample per month as specified in the bacteriological sampling plan dated March 2001.

During the month of December 2015, SMWC had two consecutive total coliform-positive samples and failed to properly perform repeat sampling and triggered groundwater source sampling. SMWC's routine monthly sample taken on December 21, 2015 was total coliform-positive. SMWC re-sampled on December 22, 2015 at the same location. SMWC failed to perform the required four repeat samples and triggered groundwater source sampling on December 22, 2015 by only taking one repeat sample.

The single December 22, 2015 sample was total coliform-positive. SMWC re-sampled the single sample location on December 29, 2015. SMWC again failed to perform the required four repeat samples and triggered groundwater source sampling on December 29, 2015 by only taking one repeat sample. The December 29, 2015 sample was total coliform-negative.

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On January 6, 2016, the Division received a copy of the total coliform-positive results from December 21, 2015 and December 22, 2015 from the laboratory and required SMWC to immediately perform the required repeat and triggered groundwater source sampling in accordance with the bacteriological sample siting plan.

On January 13, 2016, SMWC sampled three distribution system locations and the ground water well. All results were total coliform-negative.

SMWC is in violation of the total coliform maximum contaminant level, total coliform monitoring and reporting requirements, and groundwater rule monitoring and reporting requirements during December 2015.

DETERMINATION

The Division has determined that SMWC failed to comply with the total coliform maximum contaminant level, total coliform monitoring and reporting requirements, and groundwater rule monitoring and reporting requirements during December 2015. During December 2015, the SMWC had two total coliform-positives, failed to correctly perform repeat monitoring, and failed to correctly perform triggered groundwater source monitoring.

DIRECTIVES

SMWC is hereby directed to take the following actions:

- 1 1. Forthwith, SMWC shall cease and desist from failing to comply with Subsection
2 64426(b)(2), Chapter 15, Title 22, CCR, immediately.
3
4 2. Forthwith, SMWC shall cease and desist from failing to comply with Subsection
5 64424(a), Chapter 15, Title 22, CCR, immediately.
6
7 3. Forthwith, SMWC shall cease and desist from failing to comply with Section
8 64430, Chapter 15, Title 22, CCR, immediately.
9
10 4. Conduct public notification for the total coliform maximum contaminant level
11 violation, total coliform monitoring and reporting violation, and groundwater rule
12 monitoring and reporting violation within one month in conformance with Section
13 64463.4, Chapter 15, Title 22, CCR. The notification shall be completed in
14 accordance with the following:

15 Notice by direct delivery to all customers shall be issued within 30 days of
16 notification of the violation. The Division's *Tier 2 Resolved Total Coliform*
17 *Notice Template* (enclosed) may be used to conduct public notification. The
18 notice must be approved by the Division prior to distribution.
19

20 Proof of notification must be provided to the Division. This can be met by
21 submitting a completed Proof of Notification form (Attachment enclosed) and a
22 copy of the notice issued within 14 days of completing the notification.
23

- 24 5. 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 be taken to reduce the possibility of
27



1 bacteriological contamination in the future. SMWC's current bacteriological
2 sample siting plan is dated March 2001. The CAP shall also include a revised
3 bacteriological sample siting plan which includes triggered groundwater source
4 monitoring and notification of the Division following a routine total coliform-positive.
5 The bacteriological sample siting plan shall also specify listing the sample
6 addresses on the chain of custody when completing any compliance sampling in
7 order to specify the location sampled. The CAP shall be submitted to the Division
8 by February 29, 2016.

9
10 6. Within 15 days of receipt of this Citation, SMWC shall submit a written response to
11 the Division indicating its willingness to comply with directives of this Citation.

12
13 The Division reserves the right to make such modifications to this Citation as it may
14 deem necessary to protect public health and safety. Such modifications may be
15 issued as amendments to this Citation, and shall be deemed effective upon issuance.

16
17 Nothing in this Citation relieves SMWC of its obligation to meet the requirements of
18 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
19 issued or adopted thereunder.

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1 All submittals required by this Citation shall be submitted to the Division at the
2 following address:

3
4 Mr. Eric Lacy, P.E.
5 District Engineer, Santa Clara District
6 Division of Drinking Water
7 State Water Resources Control Board
8 850 Marina Bay Parkway
9 Building P, 2nd Floor
10 Richmond, CA 94804-6403

11
12 **PARTIES BOUND**

13 This Citation shall apply to and be binding upon SMWC, its officers, directors,
14 shareholders, agents, employees, contractors, successors, and assignees.
15

16 **SEVERABILITY**

17 The Directives of this Citation are severable, and SMWC shall comply with each and
18 every provision thereof, notwithstanding the effectiveness of any other provision.
19

20 **FURTHER ENFORCEMENT ACTION**

21 The California SDWA authorizes the Division to: issue citation with assessment of
22 administrative penalties to a public water system for violation or continued violation of
23 the requirements of the California SDWA or any permit, regulation, permit or order
24 issued or adopted thereunder including, but not limited to, failure to correct a violation
25 identified in a citation or compliance order. The California SDWA also authorizes the
26 Division to take action to suspend or revoke a permit that has been issued to a public
27 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

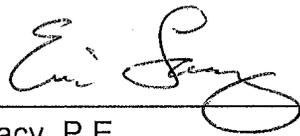


1 violates an order of the Division. The Division does not waive any further enforcement
2 action by issuance of this citation.

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January 27, 2016

Date



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

CERTIFIED MAIL # 7014 3490 0001 7031 0864

Instructions for Tier 2 Resolved Total Coliform Notice Template

Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Fewer Than 40 Samples a Month</u>	<u>If You Take 40 or More Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We have increased sampling for coliform bacteria to catch the problem early if it recurs.”
- “The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

[System] Has Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took [number] samples to test for the presence of coliform bacteria during [month year]. [Number/percentage] of those samples showed the presence of total coliform bacteria. The standard is that no more than [1 sample per month/5.0 percent of samples] may do so.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

PROOF OF NOTIFICATION

Water System Name: Sullivan Mutual Water Company
Water System Number: 4300571

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Sullivan Mutual Water Company of the total coliform maximum contaminant level violation, total coliform monitoring and reporting violation, and groundwater rule monitoring and reporting violation. I complied with the directives of the 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.