CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

February 16, 2016

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

Dear Mr. Grandy:

CITATION NO. : 02_17_16C_009
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
GROUNDWATER RULE MONITORING AND REPORTING VIOLATION
STATE NOTIFICATION VIOLATION
SULLLIVAN 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 64424(a), Section 64430, and Section 64426(a), Chapter 15, Title 22, California Code of Regulations. The total coliform monitoring and reporting requirements were not met during January 2015.

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

Sincerely,

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

Attachments: (1) Tier 3 Monitoring Violations Annual Notice Template
(2) Proof of Notification Form

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

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 64424(a) - WATER SYSTEM NO. 4300571

C I T A T I O N NO. 02_17_16C_009

Issued on February 16, 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 violation of California Code of Regulations (CCR), Title 22, Section 64424(a).

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 3-95)
OSP 05 90192

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.

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

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

California Code of Regulations, Title 22, Section 64430 provides, 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* —

(3) *Additional requirements.* If the State does not require corrective action under § 141.403(a)(2) for a fecal indicator-positive source water sample collected under paragraph (a)(2) of this section that is not invalidated under paragraph (d) of this section, the system must collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator-positive sample.

California Code of Regulations, Title 22, Section 64426 provides, in relevant part:

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;

(2) A system as a sample which is positive for fecal of *E. coli;* or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in Section 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(1) Contact the State Board by the end of the day on which the system is notified of the test results or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours; and

(2) Submit to the State Board information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

(A) Current operating procedures that are or could potentially be related to the increase in bacterial count;

(B) Any interruptions in the treatment process;

(C) System pressure loss to less than 5 psi;

(D) Vandalism and/or unauthorized access to facilities;

(E) Physical evidence indicating bacteriological contamination of facilities;

(F) Analytical results of any additional samples collected, including source samples'

(G) Community illness suspected of being waterborne; and

(H) Records of the investigation and any action taken.

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. A disinfection system was installed in January, 2016. Currently, SMWC collects one sample per month as specified in the bacteriological sampling plan dated March 2001.

During the month of January 2015, SMWC had a total of three total coliform and *E. coli* positive samples. Hose Bib # 3 and the groundwater well were total coliform and *E. coli* positive on January 28, 2016. SMWC notified the community of water quality results on January 29, 2016 and advised the community not to drink the water. On January 29, 2016 SMWC collected two bacteriological samples, one at Hose Bib #3 and the other at the groundwater well. SMWC failed to properly perform repeat sampling, to properly perform groundwater source sampling, and to notify the Division of an *E. coli* positive sample within 24 hours of learning of the test result.

SMWC informed the Division of the positive sample results on February 1, 2016. On February 2, 2016 SMWC sampled at four distribution system locations and the groundwater well. The sampling locations did not stay the same. Hose Bib #5 was substituted for Hose Bib #1. SMWC failed to properly perform repeat sampling by not sampling at the same sample sites. The well was again total coliform and *E. coli* positive on February 2, 2016. On February 3, 2016 five bacteriological samples were taken from the well and all were negative. On February 5, 2016 the Division approved lifting the boil water advisory.

SMWC is in violation of the total coliform monitoring and reporting requirements, groundwater rule monitoring and reporting requirements, and state notification requirements.

DETERMINATION

The Division has determined that SMWC failed to comply with the total coliform monitoring and reporting requirements, groundwater rule monitoring and reporting requirements, and state notification requirements during January 2015. During January 2015, the SMWC had three *E. coli*-positives, failed to correctly perform

repeat monitoring, failed to correctly perform triggered groundwater source monitoring, and failed to notify the State within 24 hours.

DIRECTIVES

SMWC is hereby directed to take the following actions:

1. Forthwith, SMWC shall cease and desist from failing to comply with Subsection 64424(a), Chapter 15, Title 22, CCR, immediately.

2. Forthwith, SMWC shall cease and desist from failing to comply with Subsection 64430, Chapter 15, Title 22, CCR, immediately.

3. Forthwith, SMWC shall cease and desist from failing to comply with Section 64426(a), Chapter 15, Title 22, CCR, immediately.

4. Conduct public notification for the total coliform monitoring and reporting violation, groundwater rule monitoring and reporting violation, and state notification violation within one year in conformance with Section 64463.7, Chapter 15, Title 22, CCR. The notification shall be completed in accordance with the following:

   Notice by direct delivery or the 2015 Consumer Confidence Report to all customers shall be issued within 1 year of notification of the violation. The Division's *Tier 3 Monitoring Violations Annual Notice Template* (enclosed) may be used to conduct public notification. The notice must be approved by the Division prior to distribution.

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.

5. Prepare a written Corrective Action Plan (CAP) based on investigation findings. The CAP shall include an evaluation of the causes of the bacteriological problem and the preventative measures to be taken to reduce the possibility of bacteriological contamination in the future. The CAP shall include an Operations Plan for the recently installed chlorination system. The CAP shall include a revised bacteriological sample siting plan which includes repeat sampling requirements, triggered groundwater source monitoring, and notification of the Division following positive sample results. The bacteriological sample siting plan shall also specify listing the sample addresses on the chain of custody when completing any compliance sampling in order to specify the location sampled. The CAP shall be submitted to the Division by March 31, 2016.

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

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

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

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

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

PARTIES BOUND

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

SEVERABILITY

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

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue 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 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 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.

February 16, 2016
Date

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

CERTIFIED MAIL # 7014 3490 0001 7031 0895

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **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.

If You Are a…	*You Must Notify Consumers by…*	*…and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method…*
Community Water System [64463.7(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 [64463.7(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, insertion in an annual notice, or included in the Consumer Confidence Report[1]. 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 standard language for monitoring and testing

[1] CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

Contaminant	*Required Sampling Frequency*	*Number of Samples Taken*	*When All Samples Should Have Been Taken*	*When Samples Were or Will Be Taken*
VOCs [(a)]	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

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.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- "We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards."
- "We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]"
- "We plan to take the required samples soon, as described in the last column of the table above."

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)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

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.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

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.

Monitoring Requirements Not Met for [System]

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was 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 are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	*Required Sampling Frequency*	*Number of Samples Taken*	*When All Samples Should Have Been Taken*	*When Samples Were or Will Be Taken*
	[number] sample every [number][time interval]			

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being 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 monitoring and reporting violation, groundwater rule monitoring and reporting violation, and State notification 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 OR 2015 Consumer Confidence Report	

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.