CALIFORNIA
Water Boards

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State Water Resources Control Board
Division of Drinking Water

April 18, 2016

Mr. Roger Soohoo, Deputy Director
Santa Clara County Crime Lab
2310 North First Street
San Jose, CA 95131

Dear Mr. Soohoo:

CITATION NO. : 02_17_16C_016
TOTAL TRIHALOMETHANES MAXIMUM CONTAMINATION LEVEL VIOLATION
SANTA CLARA COUNTY CRIME LAB, SYSTEM NO. 4301009

Enclosed is a citation issued to Santa Clara County Crime Lab. The total trihalomethanes maximum contaminant level was not met during the 2016 compliance period.

If you have any questions regarding this matter, please contact Samantha Mak at (510) 620- 2988.

Sincerely,

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

Attachments: (1) Proof of Notification 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: Santa Clara County Crime Lab
2310 North First Street
San Jose, CA 95131

Attn: Roger Soohoo, Deputy Director
Santa Clara County Crime Lab

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533(a)

WATER SYSTEM NO. 4301009

C I T A T I O N NO. 02_17_16C_016

Issued on April 18, 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 Santa Clara County Crime Lab (hereinafter, SCCCL) (2310 North First Street, San Jose, CA 95131) for violation of California Code of Regulations (CCR), Title 22, Section 64533 subsection (a).

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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.

Violations

California Code of Regulations, Title 22, Section 64533 subsection (a) provides, in relevant part:

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A

Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection Byproduct	*Maximum Contaminant Level (mg/L)*	*Detection Limit for Purposes of Reporting (mg/L)*
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010

STATEMENT OF FACTS

The SCCCL water system is operated under Water Supply Permit No. 02-17-15P-4301009, issued on June 15, 2015.

SCCCL in a nontransient, noncommunity water system that serves domestic water to 60 full time employees through one San Jose Water Company service connection. SCCCL provides additional chlorination treatment to the water in an effort to control *Legionella* in the hot and cold water supply. Pursuant to Title 22, CCR, Section

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64534.1, SCCCL was required to conduct one year of quarterly disinfection byproduct monitoring beginning in February 2015. SCCCL collected the following disinfection byproduct monitoring leading up to the TTHM MCL violation:

Quarter 1: A TTHM sample was collected on June 18, 2015 with a result of 200 µg/L.

Quarter 2: A TTHM sample was collected on September 29, 2015 with a value of 6.8 µg/L resulting in a running annual average of 51.7 µg/L.

Quarter 3: A TTHM sample was collected on December 29, 2015 with a result of 70 µg/L resulting in a running annual average of 69.2 µg/L.

Quarter 4: A TTHM sample was collected on April 1, 2016 with a result of 130 µg/L. The running annual average is 101.7 µg/L, which is over the TTHM MCL of 80 µg/L. Based on these results, SCCCL is in violation of the TTHM MCL.

DETERMINATION

The Division has determined that SCCCL failed to comply with the total trihalomethanes (TTHM) Maximum Contaminant Level (MCL) during 2016. For a public water system monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCL of 0.080 mg/L (80 µg/L) for total trihalomethanes, consisting of chloroform, bromodichloromethane, dibromochloromethane, and bromoform. The TTHM LRAA for 2016 was 101.7 µg/L.

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DIRECTIVES

SCCCL is hereby directed to take the following actions:

1. Forthwith, SCCCL shall cease and desist from failing to comply with the MCL for total trihalomethanes (TTHM).

2. SCCCL shall conduct public notification (template enclosed) for the TTHM maximum contaminant level violation within one month in accordance with Section 64463.4(c)(2), Chapter 15, Title 22, CCR. The notification shall be completed in accordance with the following:

    1) Posting in conspicuous locations throughout the area served by the water system as well as direct delivery to each employee.

3. Within 10 days of public notification, SCCCL shall provide to the Division certification of public notification using the enclosed form (Attachment). The certification of notification must identify the methods of public notification.

4. SCCCL shall include information regarding the TTHM MCL violation identified in this Citation in the 2015 Consumer Confidence Report, which must be completed and distributed by July 1, 2016. A draft of the 2015 Consumer Confidence Report shall be submitted to the Division for review and approval prior to distribution and/or posting.

5. Within 30 days of receipt of this Citation, SCCCL shall prepare a written Corrective Action Plan (CAP). The plan shall include an evaluation of the possible causes of

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the exceedance and provide preventative measures to reduce the possibility of future exceedances.

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 SCCCL 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 SCCCL, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

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

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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.

April 18, 2016
Date

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

Attachments:

1. Proof of Notification Template
2. Proof of Notification Form

cc: Santa Clara County Environmental Health Department

bcc: System File- Enforcement; Chron;

Certified Mail # 70143490000170312080

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) 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.

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 [64463.4(c)(1)]	Mail or direct delivery [(a)]	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet [(b)]
		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 on the Internet or intranet [(b)]
		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.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for [contaminant]."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

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.

Santa Clara County Crime Lab Has Levels of Total Trihalomethanes 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 are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on April 1, 2016 resulted in a total trihalomethanes running annual average of 101.7 µg/L. This is above the standard maximum contaminant level (MCL) of 80 µg/L.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

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 the Santa Clara County Crime Lab.

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

PROOF OF NOTIFICATION

Water System Name: Santa Clara County Crime Lab
Water System Number: 4301009

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Santa Clara County Crime Lab of the total trihalomethanes maximum contaminant level violation. 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 each employee	

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.