State Water Resources Control Board
Division of Drinking Water

October 10, 2016

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

CITATION NO. 02_17_16C_030
TWIN VALLEY, INC., WATER SYSTEM NO. 4300575

Dear Mr. Havens:

Enclosed is a Citation issued to Twin Valley, Inc. (System). This Citation includes a penalty for violating the directives of Citation 02_17_16C_016.

If you have any questions concerning this letter, please contact me at (510) 620-3453.

Sincerely,

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

cc: Santa Clara County Environmental Health Department

CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Twin Valley, Inc.
System No. 4300575
ATTN: Mr. Steve Havens
14295 Sycamore Drive
Morgan Hill, CA 95037

CITATION FOR VIOLATION OF CITATION 02_17_16C_019 AND CALIFORNIA CODE OF REGULATIONS, TITLE 22 , SECTION 64765(a) AND CALIFORNIA HEALTH AND SAFETY CODE SECTION 116555 (a)(3) - WATER SYSTEM NO. 4300575

CITATION NO. 02_17_16C_030

Issued on October 10, 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 Twin Valley, Inc. (hereinafter, the System) (14295 Sycamore Drive, Morgan Hill, CA 95037) for violation of Citation No. 02_17_16C_019 issued June 15, 2016, violation of California Code of Regulations, Title 22, Section 64765 subsection (a), and violation of California Health and Safety Code Section 116555 subsection (a)(3).

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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 64765, subsection (a) provides, in relevant part:

(a) Except as provided in (c), chief and shift operators shall possess valid operator certificates pursuant to Table 64765-A.

Table 63765-A
Minimum Certification Requirements for Chief and Shift Operators

Treatment Facility Classification	*Minimum Certification of Chief Operator*	*Minimum Certification of Chief Operator*
T1	T1	T1
T2	T2	T1
T3	T3	T2
T4	T4	T3
T5	T5	T3

California Health and Safety Code, Section 116555, subsection (a)(3) provides, in relevant part:

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

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

STATEMENT OF FACTS

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

The System has a T2 treatment classification and does not have a T2 certified chief operator.

Therefore, the System is in violation of operator certification requirements.

As more fully described in Citation 02_17_16C_019 which is included in the Appendix, the System is in violation of California Health and Safety Code (CHSC) Section 116555(a)(3).

Citation 02_17_16C_019 was issued for failing to comply with the Directives of Compliance Orders 02_17_15R_001 and 02_17_15R_002. Citation 02_17_16C_019 established the following compliance schedule:

Task Description	Completion Date
Evaluate Proposed Alternatives, Recommend Preferred Alternative	6/30/2016
Pilot Test or Treatability Study	7/15/2016
Source Capacity Planning Study	7/15/2016
Engineer's Estimate of Probable Construction Cost Estimate(s)	7/30/2016
Plan to Meet Projected Demand	7/30/2016
Progress Reporting Projected System Demand	Quarterly

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Final Alternative Selection and Design	8/15/2016
Monthly Report Showing Actions Taken During the Month	Monthly Starting 6/30/2016
Payment of Penalty within ten days of receipt of Citation, and thereafter every thirty days.	

The item *Evaluate Proposed Alternatives, Recommend Preferred Alternative,* which was due June 30, 2016, was submitted July 15, 2016. The Division sent a letter July 18, 2016 requiring revisions. A response was sent July 29, 2016 to which the Division sent a letter August 2, 2016 requiring revisions which have not been completed.

The item, *Pilot Test or Treatability Study*, which has a due date of July 15, 2016 has not been completed. A document titled *Pilot Test / Treatability Study* was submitted July 15, 2016, but did not meet the intent of the requirement. The Division sent a letter July 18, 2016 requiring that a *Pilot Test / Treatability Study* be submitted by July 29, 2016. A response was sent July 29, 2016 which did not meet the intent of a *Pilot Test / Treatability Study.* The Division sent a letter August 2, 2016 requiring that a *Pilot Test / Treatability Study* be completed by August 12, 2016, which has not been completed.

The item, *Source Capacity Study*, which was due July 15, 2016, has not been submitted to the Division.

The item, *Engineer's Estimate of Probable Construction Cost Estimate(s),* which was due July 30, 2016, has not been submitted to the Division.

The item, *Plan to Meet Projected Demand*, which has a due date of July 30, 2016, has not been completed. A response was sent July 29, 2016 which did not meet the intent or the requirement and was not accepted. The Division sent a letter August 2, 2016 requiring revisions by August 12, 2016 which have not been completed.

The item, *Quarterly Progress Reporting Projected System Demand*, has not been completed.

The item, *Final Alternative Selection and Design*, which has a due date of August 15, 2016, has not been completed.

Citation 02_17_16C_019 reiterated the requirement from Compliance Order 02_17_15R_001 to submit monthly reports showing actions taken. No monthly reports have been submitted with the exception of April 2016 and August 2016, which was submitted late.

Citation 02_17_16C_019 required the System to pay a Penalty within ten (10) days of receipt of the Citation and every thirty (30) days thereafter. The System paid the initial Penalty but has not continued to pay the accruing Penalty every thirty (30) days.

DETERMINATION

The Division hereby issues a citation to the System for failure to comply with the Directives of Citation 02_17_16C_016. The Division also hereby issues a citation to the System for failure to comply with operator certification requirements by failing to have an appropriately certified chief operator.

PENALTIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650

The Division hereby assesses upon the System: (1) a penalty of fifty dollars ($50) per day for each day beyond July 15, 2016 that the System failed or fails to submit a complete Source Capacity Planning Study; (2) a penalty of fifty dollars ($50) per day for each day beyond July 30, 2016 that the System failed or fails to submit a complete Engineer's Estimate of Probable Construction Cost Estimate(s); and (3) a penalty of fifty dollars ($50) per day for each day beyond August 15, 2016 that the System failed or fails to submit a complete Final Alternative Selection and Design. Directions for paying the penalties are included in Directive 6 of this citation.

As of the date of October 10, 2016, the total amount of penalties assessed under this citation is $10,750 (Penalty); the Penalty will continue to accrue as described above.

DIRECTIVES

The System is hereby directed to take the following actions:

1. Comply with California Health and Safety Code (CHSC) Section 116555(a)(3) by providing a reliable and adequate supply of pure, wholesome, healthful, and potable water.

2. Submit to the Division for review and approval by October 30, 2016 an analysis of the System's control systems and by November 15, 2016 install appropriate control systems.

3. Submit to the Division by October 30, 2016 verification of application for funding either by application for State Revolving Fund, loans, grants, self-funding, or other means of obtaining funds necessary for system improvements.

4. Submit to the Division by October 15, 2016 verification that an appropriately certified operator is responsible for the operation of the System.

5. Submit to the Division by November 15, 2016 a determination of the System's existing sources' capacities, such as by completing a pump test.

6. Upon issuance of this Citation, the System is directed to pay the Penalty within ten (10) days of receipt of this Citation, and thereafter every thirty (30) days. Payment shall be made by check, made payable to the State Water Resources Control Board, together with a copy of the first page of this Citation, and the number of the Citation written on the check at the following address:

State Water Resources Control Board
Division of Administrative Services – Fee Branch
P.O. Box 1888
Sacramento, CA 95812-1888

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 the System 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.

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All submittals required by this Citation, with the exception of the documents as described in Directive 6 relating to the payment of the Penalty, 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 the System, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the System 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.

Oct. 10, 2016
Date

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

CERTIFIED MAIL # 7015 1730 0000 9907 7497

Appendix A: Citation 02_17_16C_019

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

June 15, 2016

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

CITATION NO. 02_17_16C_019
TWIN VALLEY, INC., WATER SYSTEM NO. 4300575

Dear Mr. Havens:

Enclosed is a Citation issued to Twin Valley, Inc. (System). This Citation includes a penalty for violating the directives of Compliance Orders 02_17_15R_001 and 02_17_15R_002. The penalty is $2,890 (two thousand eight hundred and ninety dollars).

If you have any questions concerning this letter, please contact me at (510) 620-3453.

Sincerely,

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

cc: Santa Clara County Environmental Health Department

CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Twin Valley, Inc.
System No. 4300575
ATTN: Mr. Steve Havens
14295 Sycamore Drive
Morgan Hill, CA 95037

CITATION FOR VIOLATION OF COMPLIANCE ORDER 02_17_15R_001 AND COMPLIANCE ORDER 02_17_15R_002 - WATER SYSTEM NO. 4300575

CITATION NO. 02_17_16C_019

Issued on June 15, 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 Twin Valley, Inc. (hereinafter, the System) (14295 Sycamore Drive, Morgan Hill, CA 95037) for violation of Compliance Order 02_17_15R_001 issued on December 7, 2015 and Compliance Order 02_17_15R_002 issued on December 8, 2015.

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STD. 113 (REV. 3-95)
OSP 06 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.

STATEMENT OF FACTS

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

As more fully described in Compliance Orders 02_17_15R_001 and 02_17_15R_002, which are included in the Appendices, the System is in violation of California Health and Safety Code (CHSC) Section 116555(a)(3).

Compliance Order 02_17_15R_001 required the System to submit a Corrective Action Plan on or before December 31, 2015 to discontinue the unapproved use of Well 2. The System submitted a Corrective Action Plan on December 31, 2015. The Corrective Action Plan included the following schedule:

Task Description	Completion Date
Identify Proposed Alternatives	January 15, 2016
Evaluate Proposed Alternatives, Recommend Preferred Alternative	February 5, 2016
Pilot Test or Treatability Study	February 19, 2016
Prepare Source Capacity Planning Study	February 29, 2016
Prepare Engineer's Estimate of Probable Construction Cost Estimate(s)	March 6, 2016
Progress Reporting Projected System Demand	Quarterly Starting March 31, 2016
Final Alternative Selection and Design	April 5, 2016
Final Alternative Implementation and Report	August 1, 2016

The item *Evaluate Proposed Alternatives, Recommend Preferred Alternative,* which was due February 5, 2016, was submitted February 11, 2016. The Division sent a letter March 24, 2016 requiring revisions, which have not been completed.

The item, *Pilot Test or Treatability Study*, which was due February 19, 2016, has not been submitted to the Division.

The item, *Source Capacity Planning Study*, which was due February 29, 2016, was submitted March 21, 2016. The *Source Capacity Planning Study* was also required to be submitted no later than February 29, 2016 by Compliance Order 02_17_15R_002. The Division sent a letter March 24, 2016 requiring revisions. An addendum to the *Source Capacity Planning Study* was submitted April 28, 2016 by the System. The Division sent a letter April 29, 2016 requiring revisions, which have not been completed.

The item, *Engineer's Estimate of Probable Construction Cost Estimate(s),* which was due March 6, 2016, has not been submitted to the Division.

The item, *Progress Reporting Projected System Demand,* beginning March 31, 2016 and continuing quarterly thereafter, has not been submitted to the Division. Compliance Order 02_17_15_002 also required the System to submit progress reports by the last day of March, June, September, and December of each calendar year for meeting the projected system demand, until the plan for meeting the project system demand is fully implemented or the Division issues written approval to cease submitting them.

The item, *Final Alternative Selection and Design,* which was due April 5, 2016, has not been submitted to the Division.

Compliance Order 02_17_15R_001 required the System to submit monthly reports to the Division, beginning on or before February 29, 2016 and every month thereafter, showing actions taken during the month to comply with the Corrective Action Plan. The System has submitted a monthly report only for April 2016. No monthly reports were submitted for February, March, or May, 2016.

DETERMINATION

The Division hereby issues a citation to the System for failure to comply with the Directives of Compliance Order 02_17_15R_001. In particular, "Comply with the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein" and "On or before February 29, 2016 and every month thereafter, submit a report to the Division showing actions taken during the month to comply with the Corrective Action Plan." Compliance Order 02_17_15R_001 was issued to the System on December 7, 2015 for violation of Section 116555(a)(3). The System has failed to comply with the Directives of Compliance Order 02_17_15R_001.

The Division hereby issues a citation to the System for failure to comply with the Directives of Compliance Order 02_17_15R_002. In particular, "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" and "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." Compliance Order 02_17_15R_002 was issued to the System on December 8, 2016 for violation of Section 116555(a)(3). The System has failed to comply with the Directives of Compliance Order 02_17_15R_002.

PENALTIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 116650

The Division hereby assesses upon the System: (1) a penalty of ten dollars ($10) per day for each day beyond February 19, 2016 that the System failed or fails to submit a complete Pilot Test or Treatability Study; (2) a penalty of ten dollars ($10) per day for each day beyond March 6, 2016 that the System failed or fails to submit a complete Engineer's Estimate of Probable Construction Cost Estimate(s); and (3) a penalty of ten dollars ($10) per day for each day beyond April 5, 2016 that the System failed or fails to submit a complete Final Alternative Selection and Design. Directions for paying the penalties are included in Directive 10 of this citation.

As of the date of June 15, 2016, the total amount of penalties assessed under this citation is $2,890 (Penalty); the Penalty will continue to accrue as described above.

DIRECTIVES

The System is hereby directed to take the following actions:

1. Comply with California Health and Safety Code (CHSC) Section 116555(a)(3).

2. Submit to the Division for review and approval by June 30, 2016, the item *Evaluate Proposed Alternatives, Recommend Preferred Alternative,* including the revisions identified in the March 24, 2016 correspondence.

3. Submit to the Division for review and approval by July 15, 2016 the item *Pilot Test or Treatability Study.*

4. Submit to the Division for review and approval by July 15, 2016 the item *Source Capacity Planning Study,* including the revisions identified in the March 24, 2016 and April 29, 2016 correspondence.

5. Submit to the Division for review and approval by July 30, 2016 the item *Engineer's Estimate of Probable Construction Cost Estimate(s).*

6. Submit to the Division for review and approval by July 30, 2016 a plan to meet the projected system demand.

7. 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 issued written approval to cease submitting them.

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STD. 113 (REV. 3-95)
OSP 05 90192

8. Submit to the Division for review and approval by August 15, 2016 the item *Final Alternative Selection and Design.*

9. On or before June 30, 2016 and every month thereafter, submit a report to the Division showing actions taken during the month.

10. Upon issuance of this Citation, the System is directed to pay the Penalty within ten (10) days of receipt of this Citation, and thereafter every thirty (30) days. Payment shall be made by check, made payable to the State Water Resources Control Board, together with a copy of the first page of this Citation, and the number of the Citation written on the check at the following address:

State Water Resources Control Board
Division of Administrative Services – Fee Branch
ATTN: Ms. Perin Peebles
P.O. Box 1888
Sacramento, CA 95812-1888

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 the System 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, with the exception of the documents as described in Directive 10 relating to the payment of the Penalty, 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 the System, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the System 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.

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OSP 05 90192

June 15, 2016
Date

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

CERTIFIED MAIL # 7015 1730 0000 9907 7268

Appendix A: Compliance Order No. 02_17_15R_001

Appendix B: Compliance Order No. 02_17_15R_002

State Water Resources Control Board
Division of Drinking Water

December 7, 2015

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

COMPLIANCE ORDER NO. : 02_17_15R_001
WELL 2 USAGE / NITRATE
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,

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

cc: Santa Clara County Environmental Health Department

CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Twin Valley, Inc.
System No. 4300575
ATTN: Mr. Steve Havens
14295 Sycamore Drive
Morgan Hill, CA 95037

COMPLIANCE ORDER NO. 02_17_15R_001
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(3)
Dated December 7, 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 this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Twin Valley, Inc. (hereinafter "the System") for violation of CHSC Section 116555(a)(3).

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STD. 113 (REV. 3-96)
OSP 05 90102

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:
(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

CHSC, Section 116655 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.

California Code of Regulations, Title 22, Section 64431, provides, in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A

Maximum Contaminant Levels

Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Nitrate (as nitrogen)	10

STATEMENT OF FACTS

The System is a community public water system serving a population of approximately 250 through 92 service connections. The System operates under Domestic Water Supply Permit No. 02-05-95P-4300575, issued on February 22, 1995 and the Domestic Water Supply Permit Amendment issued December 31, 1997. The System is a community public water system as defined in CHSC, Section 116275.

The System utilizes five groundwater wells as its sources of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant levels for nitrate (as nitrogen) of 10 mg/L, equivalent to 45 mg/L as NO3, established in Title 22 CCR, Section 64431.

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OSP 06 00102

Well 2, Primary Station Code 4300575-002, has historically exceeded the nitrate maximum contaminant level (MCL). According to historical water quality monitoring records, nitrate has been detected as high as 78 mg/L (as NO3).

The Domestic Water Supply Permit Amendment issued December 31, 1997 allows the System to use Well 2 only when system demand cannot be met using the other sources. Well 2 is not approved for prolonged or continuous use. The permit amendment also requires that the System provide adequate blending treatment to the water produced by Well 2 such that the nitrate levels of the blended water shall not exceed 40 mg/L (as NO3) at any time, and that an Operations Plan be submitted for Division review and approval prior to the first proposed use of Well 2. The System has not submitted an Operations Plan.

During the sanitary survey conducted on September 14, 2015, the Division discovered the System was operating Well 2, but was not operating it in accordance with permit provisions. A field analysis conducted at this time indicated there was an imminent health risk due to nitrate levels detected at the maximum contaminant level.

Field analysis indicated that nitrate was detected at Well 2 and the blend point at the maximum contaminant level, indicating ineffective blending treatment and an imminent health threat. The nitrate monitoring collected by the System for Well 2 routinely indicates levels less than half the nitrate MCL, but these results conflict with

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the Division's analyses. The Division subsequently collected laboratory samples for Well 2 on October 27, 2015. Preliminary results indicated nitrate was detected at 9.7 mg/L (as N) or 43 mg/L (as NO3).

On September 23, 2015, the Division instructed the System to discontinue use of Well 2. On September 29, 2015, the Division repeated the instruction to discontinue use of Well 2 by means of e-mail. On September 30, 2015, the System conveyed that it had insufficient supply to discontinue use of Well 2. The documentation submitted by the System demonstrated that Well 2 provides up to three quarters of the System's demand. The current operation of Well 2 is directly contrary to the System's existing permit and the Division's understanding of the System's operations.

On October 6, 2015, the Division instructed the System to undertake emergency actions due to insufficient supply and using a source with elevated nitrate. The Division directed the System to conduct nitrate public notification on October 7, 2015, which the System complied with. On October 23, 2015, the Division issued a letter to the System establishing Well 2 emergency use restrictions (Appendix A). Thus far, the restrictions have not been complied with.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the System has violated CHSC, Section 116555 in that the System is not providing a reliable and

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adequate supply of pure, wholesome, healthful, and potable water. The System has also violated Provision 4 of the December 31, 1997 Permit Amendment in that the System is not operating in accordance with an approved Operations Plan for the Well 2 blending process.

DIRECTIVES

The System is hereby directed to take the following actions:

1. On or before August 1, 2016, comply with Health and Safety Code, Section 116555(a)(3) and remain in compliance.

2. On or before December 31, 2015, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

3. Prepare for Division approval a Corrective Action Plan identifying improvements to the System. On or before December 31, 2015, submit a plan to discontinue unapproved use of Well 2. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup. The schedule shall include, but not be limited to, specifying from the date of this compliance order, in no more than 60 days identifying the preferred alternative, in no more than 90 days obtaining an estimate for the preferred alternative from appropriate consultants, in no more

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than 120 days submitting complete plans and specifications to the Division for review and approval, and by August 1, 2016 completing all actions, including permitting, required to bring the preferred alternative into use.

4. Comply with the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

5. On or before February 29, 2016 and every month thereafter, submit a report to the Division showing actions taken during the month to comply with the Corrective Action Plan.

6. Not later than ten (10) days following the date of compliance, demonstrate to the Division that the water delivered by System complies with the nitrate MCL.

7. On or before December 31, 2015, contract with a laboratory certified by the Environmental Laboratory Accreditation Program, pursuant to Section 64415, Chapter 15, Title 22, California Code or Regulations, to have an appropriately trained sampler, employed by the laboratory, collect the compliance nitrate samples from Well 2 (Primary Station Code 4300575-002) and Well 02 – Treated Nitrate (Primary Station Code 4300575-007). Submit verification of compliance with this directive by January 15, 2016.

8. Conduct quarterly public notification of failure to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water; specifically, notify all customers that the System is failing to provide water that is reliably

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and consistently below the nitrate maximum contaminant level. The notification shall be completed in accordance with the following:

Direct delivery to each customer receiving a bill including those that may not receive this notice directly, such as people in apartments, nursing homes, schools, and businesses.

The public notification shall include the following health effects language:

Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women. If you are caring for an infant, or you are pregnant, you should ask advice from your health care provider.

Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity.

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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. The notice must be approved by the Division prior to distribution.

9. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the System anticipates it will not meet the performance deadline.

All submittals required by this Order shall be addressed to:

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

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the System.

The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and

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

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

PARTIES BOUND

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

SEVERABILITY

The Directives of this Order are severable, and the System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

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

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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 Order.

Dec. 7, 2015

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

Date

Certified Mail No. 7014 3490 0001 7031 0642

Appendix A: October 23, 2015 Letter

Appendix B: Proof of Public Notification

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

October 23, 2015

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

WELL 2 EMERGENCY USAGE RESTRICTIONS
Twin Valley Inc., Water System No. 4300575

Dear Mr. Steve Havens:

This letter is in response to the serious water quality and quantity issues facing Twin Valley, Inc. (TVI). Pursuant to the permit amendment issued to Twin Valley on December 31, 1997, Well 2 is only allowed to be used when system demand cannot be met using other approved sources and that adequate blending treatment must be provided such that the water produced by Well 2 does not exceed 40 mg/L at any time. TVI has indicated that Well 2 is being relied on to meet the majority of the water supply needs. However, routine use of Well 2 is in direct conflict with TVI's permit. In addition, TVI has not demonstrated that adequate blending treatment is being provided.

The Division hereby requires TVI take the following actions:

1. Repair and return Wells 4 and 5 to service immediately.
2. Establish mandatory conservation.
3. Begin work towards developing additional sources of supply.
4. Cease and desist adding additional service connections.
5. Submit weekly meter readings from all wells.

Temporary use of Well 2 will only be permitted until an adequate additional supply and conservation measures can be implemented to meet demand. The Division requires TVI to adhere to the following conditions for temporary use of Well 2:

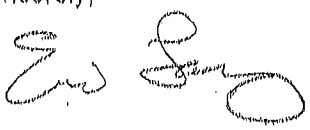
1. Produce the least amount of water possible from Well 2 to meet water demand.
2. Maximize water production from Wells 3, 4, 5, and 6.
3. Well 2 cannot operate at any time without Well 3 in operation.
4. Well 3 must produce at least 9 gpm at all times.
5. If Well 3 production drops below 9 gpm, Well 2 operation must immediately cease.

6. Well 2 cannot produce more than 30 gpm at any time.
7. Provide daily nitrate results, Monday through Friday, from the blend point and from another house in the distribution system that is not your own.

Respond, in writing, verifying receipt of this correspondence and compliance with the requirements herein by October 30, 2015.

If you have any questions concerning this letter, please contact Ms. Karen Nishimoto at (510) 620-3461.

Sincerely,



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

cc: Santa Clara County Environmental Health Department

PROOF OF NOTIFICATION

Water System Name: Twin Valley, Inc.
Water System Number: 4300575

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Twin Valley Inc. of the failure to provide water that is reliably and consistently below the nitrate maximum contaminant level. I complied with the directives of the Division of Drinking Water as indicated below:

Required Action	Date Completed
Public Notification by Direct Delivery To all customers.	

Signature of Water System Representative _____ Date _____

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. 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.

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,

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

cc: Santa Clara County Environmental Health Department

California Public Utilities Commission

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

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

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

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

PARTIES BOUND

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

SEVERABILITY

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

Dec. 8, 2015

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

Date

Appendix: Applicable Authorities

Certified Mail No. 7014 3490 0001 7031 0659

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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;

6. 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.