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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

Water System No. 4900799

February 19, 2015

Christy Bax
El Portal Mobile Estates
871 38th Avenue
Santa Cruz, CA 95062

**CITATION NO. 02-18-15C-007
TRICHLOROETHYLENE MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR
THIRD AND FOURTH QUARTER 2014**

Enclosed is a Citation issued to the El Portal Mobile Estates (System) public water system.

El Portal Mobile Estates will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

El Portal Mobile Estates will receive a bill sent from our Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on El Portal Mobile Estates for the current fiscal year.

If you have any questions regarding this matter, please contact Karen Bolan of my staff at (707) 576-2730 or me at (707) 576-2006.

Sincerely,


Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosures

Cc (w/ enclosures) Tim Ehlert

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: El Portal Mobile Estates

Water System No: 4900799

To: Christy Bax
El Portal Mobile Estates
871 38th Avenue
Santa Cruz, CA 95062

Issued: February 19, 2015

**CITATION FOR NONCOMPLIANCE
WITH TRICHLOROETHYLENE MAXIMUM CONTAMINANT LEVEL
THIRD AND FOURTH QUARTER 2014**

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the El Portal Mobile Estates (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64444.

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter

1 4, commencing with Section 116270), or any regulation, standard, permit or
2 order issued thereunder. A copy of the *Applicable Statutes and Regulations*
3 is located in Appendix 1, which is attached hereto and incorporated by
4 reference.
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7 **STATEMENT OF FACTS**

8 El Portal Mobile Estates is classified as a community water system with 123
9 connections serving a population of 200.
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11 The Division received the following chemical monitoring results for
12 trichloroethylene (TCE) from Well 02:

13	March 10, 2014	0.0055 mg/L
14	March 27, 2014	0.0039 mg/L
15	June 2, 2014	0.011 mg/L
16	July 30, 2014	0.012 mg/L
17	September 15, 2014	0.011 mg/L
18	December 1, 2014	0.016 mg/L

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21 The third quarter 2014 calculated running annual average (RAA)
22 concentration of quarterly results is 0.0091 mg/L and the fourth quarter 2014
23 calculated RAA concentration of quarterly results is 0.0108 mg/L, which both
24 exceed the maximum contaminant level of 0.005 mg/L.
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27 The System is served by two wells, Well 01A and Well 02. According to
Division records, Well 01A has a capacity of 30 gpm (43,200 gpd) and Well



1 02 has a capacity of 27 gpm (38,880 gpd). Records from the past 10 years
2 show the System's maximum day demand (MDD) is 68,055 gallons. Each
3 well individually does not have source capacity necessary to meet MDD.
4

5 After the July TCE sample, Well 02 was shut off from supplying the system.
6 Although this will temporarily reduce TCE being served to customers, Well
7 01A does not have adequate source capacity to supply the system as the
8 only source. Therefore, removing Well 02 from supplying the system is not a
9 permanent solution to comply with the MCL.
10

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12 **DETERMINATION**

13 The Division has determined that the System is in violation of Title 22, CCR,
14 Section 64444, Maximum Contaminant Levels - Organic Chemicals.
15 Section 64444 and Section 64445.1(c)(5)(B) define a violation of the TCE
16 MCL as a running annual average concentration exceeding 0.005 mg/L.
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18
19 If Well 02 is not used to supply the system, the System will be in violation of
20 Title 22, CCR, Section 64554, New and Existing Source Capacity. Section
21 64554(a) requires a system's sources to have the capacity to meet the
22 system's MDD.
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25 **DIRECTIVES**

26 EI Portal Mobile Estates is hereby directed to take the following actions:
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1. Comply with Sections 64444 and 64554, Title 22, CCR in all future monitoring periods.

2. On or before **March 19, 2015**, and in any future calendar quarter in which the four-quarter running annual average TCE concentration from Well 02 exceeds the MCL, notify all persons served by the System of the MCL violation in conformance with Title 22, CCR, Sections 64463.4 and 64465. Appendix 2 includes a Public Notification Template that may be used to fulfill this directive.

3. Complete Appendix 3: Compliance Certification. Submit it together with a copy of the public notification and the Intent to Comply to the Division on or before **March 19, 2015**.

4. Continue to collect quarterly samples from Well 02 for TCE analysis. The analytical results shall be reported to the Division using the source code 4900799-002 no later than the 10th day following the month in which the samples were analyzed.

5. By **June 30, 2015**, submit to the Division for review and approval, a plan and compliance schedule for improvements to the water system to correct the TCE water quality problem and eliminate the delivery of water to consumers that does not meet the primary drinking water standard while maintaining adequate source capacity to meet MDD. The plan and schedule must be prepared by a Civil Engineer

1 registered in the State of California, with at least three years of
2 experience in designing drinking water related projects. Any Division
3 comments must be addressed within 30 days from receipt of
4 comments.
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7 6. By **December 31, 2016**, complete all the improvements in the
8 approved project submitted pursuant to Directive 5 above in
9 accordance with the approved compliance schedule.
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11 7. By **March 19, 2015**, submit a written response to the Division,
12 indicating your willingness to comply with the directives of this
13 Citation.
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16 The Division reserves the right to make such modifications to this Citation,
17 as it may deem necessary to protect public health and safety. Such
18 modifications may be issued as amendments to this Citation and shall be
19 effective upon issuance.
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22 Nothing in this Citation relieves the System of its obligation to meet the
23 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
24 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
25 standard, permit or order issued thereunder.
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1 All submittals required by this Citation shall be submitted to the Division
2 at the following address: Janice M. Thomas, P.E.
3 State Water Resources Control Board
4 Division of Drinking Water
5 50 D Street, Suite 200
6 Santa Rosa, CA 95404

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12 **PARTIES BOUND**

13 This Citation shall apply to and be binding upon the System, its owners,
14 officers, directors, agents, employees, contractors, successors, and
15 assignees.
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18 **SEVERABILITY**

19 The directives of this Citation are severable, and the System shall comply
20 with each provision thereof notwithstanding the effectiveness of any
21 provision.
22

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24 **ENFORCEMENT ACTION**

25 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
26 California Health and Safety Code authorizes the Division to: issue
27 additional citations with assessment of penalties if the System continues to
fail to correct a violation identified in a citation; 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 orders
of the Division; and petition the superior court to take various enforcement
measures against a public water system that has failed to comply with



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orders of the Division. The Division does not waive any further enforcement
action by issuance of this citation.

Janice M. Thomas February 19, 2015
Date

Janice M. Thomas, P.E., Sonoma District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Appendices (3):

- 1. Applicable Statutes and Regulations
- 2. Public Notification Template
- 3. Compliance Certification



Certified Mail No. 7013109000023885725

4900799Compliance
02-18-15C-007-4900799-02/KAB

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02-18-15C-007**

Section 116650 of the CHSC states in relevant part:

- (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 (CCR), Section 64444 states in relevant part:

The MCLs for the primary drinking water chemicals shown in Table 64444-A shall not be exceeded in the water supplied to the public.

CCR, Table 64444-A states in relevant part:

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
(a) Volatile Organic Chemicals (VOCs)	
Trichloroethylene.....	0.005

CCR, Section 64445.1 states in relevant part:

- (c) When organic chemicals are detected pursuant to Table 64445.1-A,
 - (5) If the detected level of an organic chemical for any sampling site exceeds that listed in Table 64444-A, the water supplier shall report this information to the Department within 48 hours of receipt of the result. Unless use of the contaminated source is discontinued, the water supplier shall resample the contaminated source and compliance shall be determined as follows:
 - (B) Water systems serving 3,300 persons or less shall sample quarterly for a minimum of one year and shall submit the results to the Department as specified in §64469. If the running annual average concentration does not exceed the MCL in Table 64444-A, the water supplier may reduce the sampling frequency to once every year during the quarter that previously yielded the highest analytical result. Quarterly monitoring shall resume if any reduced frequency sample result exceeds the MCL. If the running annual average concentration exceeds the MCL in Table 64444-A, the water system shall be deemed to be in violation of §64444.

CCR, Section 64551.30 states in relevant part:

"Maximum day demand (MDD)" means the amount of water utilized by consumers during the highest day of use (midnight to midnight), excluding fire flow, as determined pursuant to Section 64554.

CCR, Section 64551.40 states in relevant part:

"Source capacity" means the total amount of water supply available, expressed as a flow, from all active sources permitted for use by the water system, including approved surface water, groundwater, and purchased water.

CCR, Section 64554 states in relevant part:

- (a) At all times, a public water system's water source(s) shall have the capacity to meet the system's maximum day demand (MDD). MDD shall be determined pursuant to subsection (b).
- (b) A system shall estimate MDD and PHD for the water system as a whole (total source capacity and number of service connections) and for each pressure zone within the system (total water supply available from the water sources and interzonal transfers directly supplying the zone and number of service connections within the zone), as follows:
 - (1) If daily water usage data are available, identify the day with the highest usage during the past ten years to obtain MDD; determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain the PHD.
 - (2) If no daily water usage data are available and monthly water usage data are available:
 - (A) Identify the month with the highest water usage (maximum month) during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its period of operation;
 - (B) To calculate average daily usage during maximum month, divide the total water usage during the maximum month by the number of days in that month; and
 - (C) To calculate the MDD, multiply the average daily usage by a peaking factor that is a minimum of 1.5; and
 - (D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

CCR, Section 64463.4 states in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
 - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
- (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery 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; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.
 - (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give public notice by:
 - (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or
 4. Direct delivery to each customer.

CCR, Section 64465 states in relevant part:

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;
 - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
 - (5) Whether alternative water supplies should be used;
 - (6) What actions consumers should take, including when they should seek medical help, if known;
 - (7) What the water system is doing to correct the violation or occurrence;
 - (8) When the water system expects to return to compliance or resolve the occurrence;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
 - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public

- 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; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: —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 your 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 your drinking water during that time.
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
- (1) For a Tier 1 public notice:
- (A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and
- (B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;
- (2) For a Tier 2 or Tier 3 public notice:
- (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
- (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
1. Information in the appropriate language(s) regarding the importance of the notice; or
 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and
- (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
 - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

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.

**El Portal Mobile Estates Has Levels of Trichloroethylene
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 September 15, 2014 showed running annual average trichloroethylene levels of 0.0091 milligrams per liter (mg/L) and results received on December 1, 2014 showed running annual average trichloroethylene levels of 0.0108 mg/L. These are above the standard, or maximum contaminant level (MCL), of 0.005 mg/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 use water containing trichloroethylene in excess of the MCL over many years may experience liver 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 water system 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

APPENDIX 2. PUBLIC NOTIFICATION TEMPLATE (TIER 2)

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 El Portal Mobile Estates.

State Water System ID#: 4900799. Date distributed: _____.

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number 02-18-15C-007

Name of Water System: El Portal Mobile Estates

System Number: 4900799

I certify that the users of the water supplied by this water system were notified of the TCE MCL violation of Title 22, California Code of Regulations, Section 64444 for the compliance period of Third and Fourth Quarter 2014 and that the following actions, as directed in Citation No. 02-18-15C-007 have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification -- Mail and Direct Delivery and Other Notification Methods completed.	
(Citation Directive 7) Statement of Intent to Comply.	

Signature of Water System Representative

Date

Attach a copy of the Public Notification posted and the Statement of Intent to Comply.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN
March 19, 2015**

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 order 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.