CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

Water System No. 4900560

September 29, 2015

Bernie Hovden
Kelly Mutual Water Company
6581 Barbara Drive
Sebastopol, CA95472

CITATION NO. 02_18_15C_054
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION FOR AUGUST 2015

Enclosed is a Citation issued to the Kelly Mutual Water Company (System) public water system.

Kelly Mutual Water Company 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.

The System will receive a bill from the Division 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 regarding this matter, please contact Cindi Lee of my staff at (707) 576-2422 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

Citation No. 02_18_15C_054

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Kelly Mutual Water Company

Water System No: 4900560

To: Kelly Mutual Water Company
6581 Barbara Drive
Sebastopol, CA 95472

Issued: January 29, 2015

CITATION FOR NONCOMPLIANCE

WITH TOTAL COLIFORM MONITORING AND REPORTING

AUGUST 2015

The Division of Drinking Water of the State of California Water Resources Control Board (Division) hereby issues a citation to the Kelly Mutual Water Company (hereinafter System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64423 and 64423.1.

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 4, commencing with Section 116270), or any regulation, standard, permit or

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OSP 05 90192

order issued thereunder. A copy of the *Applicable Statues and Regulations* is located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Kelly Mutual Water Company is classified as a community water system with 41 connections serving a population of 135. As of the date of this Citation, the Division has not received results for a routine bacteriological sample collected from the distribution system of the Kelly Mutual Water Company during August 2015.

DETERMINATION

The Division has determined that the System is in violation of Title 22, CCR, Section 64423 and 64423.1, Routine Sampling and Sample Analysis and Reporting of Results. Section 64423 defines a violation of the routine sampling as not collecting the minimum number of samples. Section 64423.1 defines a violation as not reporting results.

The System did not collect any routine bacteriological samples during August 2015. The results, if any, were not reported. Therefore, the System violated the routine sampling and reporting in Section 64423 and 64423.1 in August 2015.

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DIRECTIVES

Kelly Mutual Water Company is hereby directed to take the following actions:

1. Comply with Section 64423 and 64423.1, Title 22, CCR in all future monitoring periods.

2. On or before **October 30, 2015**, notify all persons served by the System of the monitoring and reporting violation in conformance with Section 64463.4 and 64465, Title 22, CCR. Appendix 2: Public Notification Template may be used to fulfill this directive.

3. The System shall complete Appendix 3: Compliance Certification. Submit it together with a copy of the public notification to the Division on or before **November 20, 2015**.

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 effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104,

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

Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

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

Janice M. Thomas, P.E.
State Water Resources Control Board
Division of Drinking Water
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

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

SEVERABILITY

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

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

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Division to: issue 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 orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.

Janice M Thomas September 29, 2015

Janice M. Thomas, P.E., Sonoma District Engineer Date
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. 7014 1200 0001 1167 6870

4900560/Compliance
02_18_15C_054_4900560_23.docx/CEL

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APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 02_18_15C_054

Section 116650 of the CHSC states in relevant part:

(a) If the State Board 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 State Board 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 State Board 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 64423 states in relevant part:

(a) Each water supplier shall collect routine bacteriological water samples as follows:
  (1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.
  (2) The minimum number of samples for nontransient-noncommunity water systems shall be based on the known population served as shown in Table 64423-A during those months when the system is operating.

Table 64423-A
Minimum Number of Routine Total Coliform Samples

Monthly Population Served	*Service Connections*	*Minimum Number of Samples*
25 to 1000	15 to 400	1 per month

California Code of Regulations (CCR), Section 64423.1 states in relevant part:

(c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the State Board not later than the tenth day of the following month.

California Code of Regulations (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 State Board 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 State Board

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 State Board's written approval based on the violation or occurrence having been resolved and the State Board'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 State Board'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 person served, within the required time period as follows:
   (1) Unless otherwise directed by the State Board 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 State Board 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.

California Code of Regulations (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 mailll; 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.

APPENDIX 2. PUBLIC NOTIFICATION TEMPLATE (TIER 2)

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.

Kelly Mutual Water Company Failed to Test for Coliform Bacteria in August 2015

Our water system failed to test the drinking water for coliform bacteria during August 2015. Although this is not an emergency, as our customers, you have a right to know about this violation – what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened? We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During August 2015 we did not test for coliform bacteria and therefore cannot be sure of the bacteriological quality of the drinking water during that time.

What does this mean? Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria during August 2015 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do? You do not need to boil the water or take any corrective actions. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: _____

(name)

_____

(address)

_____

(phone number)

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number 02_18_15C_054

Name of Water System: **Kelly Mutual Water Company**

System Number: **4900560**

I certify that the users of the water supplied by this water system were notified of the sampling violations of Title 22, California Code of Regulations (CCR), Sections 64423 and 64423.1 for the compliance period of August 2015 and that the following actions, as directed in 02_18_15C_054 have been completed:

Required Action	Date Completed
(Citation Directive 2) Public Notification – Mail or Direct Delivery or Other Notification Methods completed.	

_____ _____

Signature of Water System Representative Date

Attach a copy of the Public Notification posted.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN NOVEMBER 23, 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.