



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

August 13, 2015

Ms. Katherine Loudd
Palo Alto Park Mutual Water Company
2190 Addison Avenue
Palo Alto, CA 94303

Dear Ms. Loudd:

CITATION NO. 02-17-15C-021
MAXIMUM CONTAMINANT LEVEL – TOTAL COLIFORM BACTERIA
Palo Alto Park Mutual Water Company, Water System No. 4110020

Enclosed is a citation issued to Palo Alto Park Mutual Water Company (PAPMWC) for failure to comply with Sections 64426.1 (b) (2) and 64430, Chapter 15, Title 22, California Code of Regulations. Specifically, PAPMWC failed to comply with the maximum contaminant level for total coliform with two samples collected in July 2015 total coliform positive, E.coli negative. PAPMWC also failed to collect, within 24 hours of notification from the laboratory, ground water source samples from each ground water source in use at the time the total coliform positive sample was collected.

The attached citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severity and Further Enforcement Action. No civil penalty is levied with the current citation.

If you have any further questions regarding this letter, please contact Ms. Van Tsang at (510) 620-3602.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer
Santa Clara District
Drinking Water Field Operations Branch
Division of Drinking Water

cc: San Mateo County Environmental Health

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Palo Alto Park Mutual Water Company
2190 Addison Avenue
Palo Alto, CA 94303

Attn: Ms. Katherine Loudd

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64426.1 (b) (2) AND 64430
WATER SYSTEM NO. 4110020
CITATION NO. 02-17-15C-021
Issued on August 13, 2015

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 (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 citation to the Palo Alto Park Mutual Water Company (hereinafter, "PAPMWC" or "Water System") (2190 Addison Avenue, Palo Alto, CA 94303) for the following violations:

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- (1) California Code of Regulations, Title 22, Section 64426.1 (b) (2)
- (2) California Code of Regulations, Title 22, Section 64430

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division 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 Division 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 Division 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.



1 **California Code of Regulations, Title 22, Section 64426.1, subsection (b) (2)**
2 **provides in relevant part:**

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4 (b) (2) A public water system which collects fewer than 40 samples per month
5 is in violation of the total coliform maximum contaminant level if more than one
6 sample collected during any month is total coliform positive.

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8 **California Code of Regulations, Title 22, Section 64430 provides in relevant part:**

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10 A public water system that uses ground water shall comply with the following
11 provisions of 40 Code of Federal Regulations as they appear in the Ground
12 Water Rule published in 71 Federal Register 65574 (November 8, 2006) and
13 amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal
14 Register 30953 (June 29, 2009), which are hereby incorporated by reference:
15 Section 141.400 through 141.405.

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17 **Federal Register, Section 141.402 provides in relevant part:**

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19 A ground water system must collect, within 24 hours of notification of the total
20 coliform-positive sample, at least one ground water source sample from each
21 ground water source in use at the time the total coliform-positive sample was
22 collected under 22 California Code of Regulations sections 64422 and 64423.

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1 **STATEMENT OF FACTS**

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3 Palo Alto Park Mutual Water Company is a community water system that provides
4 potable water to approximately 2,500 persons through 692 metered connections. The
5 Water System consists of five groundwater wells – Well 02 (Primary Station Code
6 (PSC) No. 4110020-002), Well 03 (PSC No. 4110020-003), Well 05 (PSC No.
7 4110020-004), Well 06 (PSC No. 4110020-005) and Well 07 (PSC No. 4110020-006);
8 two storage tanks – a 350,000 gallon welded steel storage tank and a 11,500-gallon
9 steel storage tank; two booster pumps and a distribution system.

10
11 CCR, Title 22, Section 64423 (a) (1) specifies that community water systems shall
12 collect routine bacteriological samples at sample sites that are representative of water
13 throughout the distribution system including all pressure zones, and areas supplied by
14 each water source and distribution reservoir. The minimum number of samples shall
15 be based on the known population served or the total number of service connections,
16 whichever results in the greater number of samples, as shown in Table 64423-A.

17
18 If a routine sample is total coliform-positive, the water supplier shall collect a repeat
19 sample set within 24 hours of being notified of the positive result. For a water supplier
20 that normally collects more than one routine sample a month, a repeat sample set
21 shall be at least three samples for each total coliform positive sample. According to
22 Table 64423-A and the Water System's Bacteriological Sample Siting Plan, the Water
23 System is required to collect a minimum of one (1) routine bacteriological sample per
24 week.

25
26 Palo Alto Park Mutual Water Company collected four (4) routine bacteriological
27 samples for the month of July. A bacteriological sample collected on July 14, 2015 at



1 141 Donohoe Street was total coliform positive, E.coli negative. Three (3) repeat
2 samples were collected at 141 Donohoe Street (original), 201 Donohoe Street
3 (upstream) and 2128 Addison Avenue (downstream) on July 16, 2015. The sample
4 collected at the upstream location was total coliform positive, E.coli negative. All other
5 bacteriological samples collected during the month of July 2015 were negative for
6 total coliform and E.coli.

7

8 Palo Alto Park Mutual Water Company was notified by their contracted laboratory of
9 the total coliform positive routine sample on July 17, 2015. Ground water source
10 samples were not collected from Well 03, Well 05, Well 06 and Well 07 until July 22,
11 2015. Well 02 was not in use at the time the total coliform positive sample was
12 collected.

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DETERMINATION

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16 The Division has determined that Palo Alto Park Mutual Water Company failed to
17 comply with the California Code of Regulations, Title 22, Section 64426.1 (b) (2) and
18 Section 64430. Specifically, PPMWC failed to comply with the maximum
19 contaminant level for total coliform with two samples collected in July 2015 total
20 coliform-positive, E.coli negative. PPMWC also failed to collect, within 24 hours of
21 notification from the laboratory, ground water source samples from each ground water
22 source in use at the time the total coliform-positive sample was collected.

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DIRECTIVES

Palo Alto Park Mutual Water Company is hereby directed to take the following actions:

1. Forthwith, PAPMWC shall cease and desist from failing to comply with the California Code of Regulations, Title 22, Sections 64426.1 (b) (2) and 64430.

2. Within 30 days of receipt of this Citation, PAPMWC shall produce and provide to the Division a Corrective Action Plan (CAP). The CAP shall include an evaluation of the cause(s) of the bacteriological contamination and the preventative measures to be taken to reduce the possibility of bacteriological contamination in the future. In addition, the CAP shall include specific actions that will be taken to ensure all required ground water source sampling is performed in a timely manner.

3. Within 30 days of receipt of this Citation, PAPMWC shall conduct public notification for the total coliform maximum contaminant level and Ground Water Rule violations in conformance with CCR, Title 22, Chapter 15, Section 64463.4. The notification shall be completed in accordance with the following methods:
 - a. Mail or direct deliver 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

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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, 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.

4. Within 30 days of receipt of this Citation, PAPMWC shall provide to the Division certification of public notification using the enclosed form (Attachment No. 1). A copy of the notice shall be attached to the certification form.

5. PAPMWC shall include information regarding the violations identified in this Citation in the 2015 Consumer Confidence Report, which must be completed and distributed to all customers by July 1, 2016.

6. Within 30 days of receipt of this Citation, PAPMWC shall agree in writing to comply with all directives of this Citation.

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

Nothing in this Citation relieves PAPMWC 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.

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

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

PARTIES BOUND

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

SEVERABILITY

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

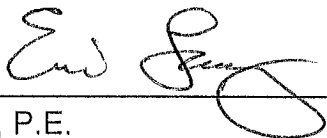


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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board 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 Board 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 Board; 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 Board. The Board does not waive any further enforcement action by issuance of this citation.

August 13, 2015
Date


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

Attachment 1: Proof of Notification

cc: San Mateo County Environmental Health
certified mail # 7014 3490 0001 7031 0505

PROOF OF COMPLIANCE
Citation Number 02-17-15C-021
Palo Alto Park Mutual Water Company
System Number: 4110020

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Palo Alto Park Mutual Water Company of the bacteriological maximum contaminant level violation of Section 64426.1 (b)(2) and the Groundwater Rule violation of Section 64430, Chapter 15, Title 22, California Code of Regulations, for the compliance period of July 2015.

I complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
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1. Public notification

a. Mail or direct delivery _____

b. Posting in conspicuous places _____

Signature of Water System Representative	Date
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THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION. A COPY OF THE DELIVERED OR MAILED 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.