



# City of East Palo Alto

## Community & Economic Development Department

### Public Works Department

1960 Tate Street, East Palo Alto CA 94303

650-853-3189

#### **Investigation into Palo Alto Park Mutual Water Company**

The City of East Palo Alto (City) is located in the heart of the Silicon Valley in the San Francisco Bay Area. Our community is roughly 30,000 residents and is serviced by three water companies including Palo Alto Park Mutual Water Company (PAPMWC) which services the north western portion of the City. They were incorporated in the mid 1920s and currently supply ground water to roughly 670 homes. PAPMWC is governed by a five member board and have an operating staff of four. This company is mainly controlled by the Loudd family. They hold seats on the board and are the day to day staff. Our main point of contact is Ms. Katherine Loudd who has been with the company since roughly 1990.

City staff has been attempting to establish a positive working relationship with the PAPMWC and Ms. Loudd for years. Historically, the two parties have had their shares of disputes regarding the ownership of the streets in the PAPMWC district. The City was served with a lawsuit by PAPMWC claiming damages to their streets. After countless hours of research, the City has found the documents concluding the City as the proper owner of all streets in the jurisdiction. However, PAPMWC still believes in their ownership claim and has continued to work on the streets illegally.

This investigation will be presented in three phases; the first will demonstrate the illegal excavations PAPMWC conducted this year as well as work they have completed prior without proper permits. The water company conducts work on the streets and their buildings without the appropriate notification to City/State officials, without the appropriate permits and with the help of unlicensed contractors. In 2016 City staff witnessed PAPMWC staff illegally excavating in the public right-of-way in at least four (4) occasions. Provided in this phase are witness narratives and photo documentation supporting the City's position of illegal excavations on City property. The City has also observed minor work on their headquarters that required a Building permit, also not obtained.

The second phase will investigate the charge of "impact fees" on their customers. The PAPMWC has been charging impact fees on residents constructing any addition to their homes even though these projects do not influence the consumption of water by the customer. PAPMWC cannot prove these claims of increased water usage because it is the only water provider in the City that does not utilize a metered system for all the properties it serves. A preliminary list of customers who have been charged this "impact fee" was provided to the City. City staff conducted interviews with the customers who pulled a permit for an addition during 2016 in order to obtain the explanation they were given by PAPMWC for the fees charged. It should be taken into account that PAPMWC had been ordered previously by a court to discontinue the application of impact fees on their clients. In 2016, PAPMWC was once again in court over the application of these fees on consumers.

The last phase will briefly discuss the inability of the water company to maintain itself in proper operation. They have been cited previously by the California Department of Public Health in regards to their contamination levels. Additionally, this company has been failing in recent history to maintain adequate water pressure in their system. These failures are a significant risk to the customers and first responders who count on this water system to be in a functioning condition.

This investigation is only the starting point. As it was being conducted, more layers of information, violations and issues were discovered. This investigation has been years in the making and cannot be concluded in a few weeks. The City will continue to document and share violations by PAPMWC with outside agencies.

**Suspects:**

Katherine Loudd, 2234 Dumbarton Avenue, East Palo Alto CA 94303

Earl Thomas-Address Unknown

Jabari Loudd-Address Unknown

**Witnesses:**

Kevin Lewis  
City of East Palo Alto  
Public Works Inspector

Alicia Braswell  
PAPMWC Customer  
470 Bell Street

Lenin Melgar  
City of East Palo Alto  
Maintenance Worker

Pauline Singh  
PAPMWC Customer  
2230 Poplar Avenue

Vicente Vazquez  
City of East Palo Alto  
Maintenance Worker

Andrei Garcia  
PAPMWC Customer  
2035 Ralmar Avenue

Donald Timoteo  
City of East Palo Alto  
Code Enforcement Officer

Lionel Valencia  
PAPMWC Customer  
2219 Oakwood Drive

Eric Ayala  
PAPMWC Customer  
351 Weeks Street

Ricky Prasad  
PAPMWC Customer  
2247 Poplar Avenue

**Request for Inspection:**

The City attempted to schedule an inspection of the facilities of PAPMWC in April 2017. A message was left at their office asking them to contact the Building Division to set up an inspection. An employee returned the call and asked for a written request to be emailed. An email was sent and no response has been received to date. The following pages are the email and request letter that was sent to PAPMWC.

**From:** Janet Nunez  
**To:** ["papmwc@yahoo.com"](mailto:papmwc@yahoo.com)  
**Cc:** [Christopher Gale](#)  
**Subject:** Formal Request for Inspection-City of East Palo Alto  
**Date:** Thursday, April 20, 2017 4:16:00 PM  
**Attachments:** [Request for Inspection.pdf](#)  
[image001.png](#)

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Hello,

Attached is the letter of inspection request. Please contact me with any questions.  
Thanks,

*Janet Nuñez-Aguilar*

City of East Palo Alto  
Community & Economic Development Department  
Building Services Division  
1960 Tate Street  
East Palo Alto, CA 94303  
650-853-3129





# City of East Palo Alto

## Community & Economic Development Department Building Division

April 19, 2017

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

RE: Inspection of the PAPMWC facilities

To whom it may concern,

The City of East Palo Alto Building Division is formally requesting to conduct an inspection of your facilities. Permit history shows work done on the property after earthquake damage but no final inspection was made of the facilities by our division. We are requesting an inspection to update our records to reflect what is there presently. Please contact Janet Nuñez at 650-853-3129 to set up a time for us to conduct this inspection.

Sincerely,

Chris Gale  
Chief Building Official

# Phase I: Illegal Excavations

Violations  
observed in-  
progress with  
suspect present

## Codes Violated by PAPMWC

- EPAMC 12.12.010-Permit Required
- EPAMC 13.06.220 (A)-Regulations applicable to users of the public rights-a-way
- EPAMC 13.06.250 (A)-Coordination with the City
- EPAMC 13.06.280 (A)-Permit application procedures
- CA Code of Regulations, Chapter 4, Article II, Section 1598 & 1599-Vehicles, Traffic Control, Flaggers, Barricades & Warning Signs
- CA-MUTCD Section 6C.01-6C.14-Temporary Traffic Control Plans
- CA-MUTCD 6D.03-Worker Safety Consideration
- CA-MUTCD 6E.01-6E.03-Qualifications for Flaggers
- CA-MUTCD 6F.01, 6F.03, 6F.16-6F.18, 6F.33, 6F.45-6F.46, 6F.64-Type of Devices
- PC498 (b)(1)(3)(4)(5)-Utility Service Theft
- PC 588-Public or Private Road or Bridge Damage
- Dig Alert (811)
  - CA Government Code 4216.2(a)(1),(c),(d)
  - CA Government Code 4216.3(a)(4)
  - CA Government Code 4216.6(a)(1),(2),(3)
  - CA Government Code 4216.7(a)
  - CA Government Code 4216.9(a)(b)





**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303  
650-853-3189**

The male subject witnessed in the following pictures has identified himself as “Earl Thomas” on several occasions. He has also identified himself as Earl to other Engineering staff members. Earl has stated previously that he is with the Palo Alto Park Mutual Water Company and works for Katherine Loudd. He refers me to Ms. Loudd for any questions that he refuses to answer himself.

A handwritten signature in blue ink, appearing to read "Kevin G Lewis".

Kevin G Lewis  
Public Works Inspector



Location: Intersection of Poplar Avenue & East Bayshore Road (July 19, 2016)

Witnesses: Lenin Melgar (Maintenance Division), Vicente Vazquez (Maintenance Division) & Kevin Lewis (Engineering Division)

Picture 1 of 2

Violations:	<p>The previous picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• Worker caught in the excavation has been linked to other PAPMWC work in past encounters with City staff</li></ul> <p>(see following witness narratives )</p>
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Location: Intersection of Poplar Avenue & East Bayshore Road (July 19, 2016)  
Picture 2 of 2

Violations:	<p>The above picture depicts an illegal excavation.</p> <ul style="list-style-type: none"><li>• Incorrect shoring</li><li>• Tapping into water valve not belonging to PPMWC</li><li>• Incorrect traffic control</li><li>• Only one worker for this project, no flaggers</li><li>• Work without a City permit</li><li>• No inspections from City staff</li><li>• Water in excavation</li></ul>
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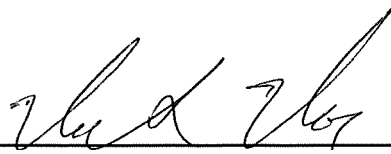
**City of East Palo Alto  
Public Works Department  
Maintenance Division  
150 Tara Road East Palo Alto, CA 94303  
650-853-5916**

On July 19th 2016 I Lenin Melgar, along with Vicente Vazquez Maintenance workers for the City for East Palo Alto, were driving in a City vehicle on Poplar and East Bayshore in response to an illegal dumping complaint. We saw a work area that was not safe, no work ahead signs, no cones, very unsafe looking for such a large hole. We slowed down to see what was going on; simultaneously Kevin Lewis Public Works Inspector was arriving.

Our Concern was safety, there weren't enough cones or signage to warn drivers about work being done, it was a dangerous work site we were surprise on how bad the set up was.

It was exposed water lines; I'm not sure if they were tapping into a main line or repairing one but was not safe at all. The guy was reluctant to talk and was stand offish. We offered our cones and our time to make the site safe. Kevin took over and we left the site.

X  11/29/16  
\_\_\_\_\_  
Lenin Melgar

X   
\_\_\_\_\_  
Vicente Vasquez



**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303  
650-853-3189**

December 1, 2016

RE: Illegal excavation in the Intersection of Poplar Avenue and East Bayshore Road

On July 19<sup>th</sup>, 2016, I Kevin Lewis Public Works City Inspector received a phone call from the City of East Palo Alto Public Works Director Mr. Kamal Fallaha that Palo Alto Park Mutual was digging in the City Right of Way intersection of Poplar and East Bayshore.

Based on the location given to me by the City Public Works Director I did not have any knowledge of this excavation. I did not receive any work notification of this excavation from the Palo Alto Park Mutual Water Company and there were no permits found on file.

Upon my arrival I noticed limited traffic control less of less than 15 ft. of either direction of the excavation. The limited traffic control pushed traffic into the opposite direction of oncoming traffic in both directions. I immediately placed cones available from my vehicle to correctly divert traffic as best I could. The lack of safety warranted a complete shutdown of the operation that was already in progress. In addition to no permit, no traffic control plan had been reviewed prior to my knowledge of this work excavation. The excavation was entered during afternoon peak traffic conditions. The size and magnitude of this excavation suggest that work began during the off hours of City Staff. This also suggests weekend preparation of USA Utility service locates leading into a following work week day of Monday evening of July 18<sup>th</sup>. During the day of July 18<sup>th</sup> the excavation did not exist during daily normal routine city observations.

In review of the photo provided shows a 6 inch cast iron water main and its freeway crossing encasement cut away with a brass saddle and small ball valve that was mounted around the water main. Of the portion of encasement sleeve that was cut away left the water main unprotected underneath as well as on top. Based on my professional observation the mechanical propose of these items are used for releasing discharging water. The installment of the brass mechanical saddle means unsanitary intrusion of the water main by way of drilling. Sanitarily there were no chemicals located on site to suggest that the water main was sanitized and properly prepared before drilling. This would include the mechanical devices that were installed around the water main.

I asked Earl the reason for drilling/tapping the water main. He stated that Palo Alto Park Mutual wanted to insert a television camera into the water main to search and view where the water main might be broken. I told Earl that he excavated over a water main which is owned by the City of East Palo Alto and operated by American Water Services. I stated that the main is not broken and that it had been turned off for reasons not at liberty to discuss. Earl commented that he had the correct water main and that they were not getting any water to the west side of the freeway. I asked him if he had a water distribution map showing the water utility grids of which he did not. I proceeded to show the worker where each water main is located and which water main does not belong to Palo Alto Park Mutual.

I immediately notified American Water Service Manager Mr. Joseph Blake and the lead operator Mr. Andreas Mendervil who arrived shortly after to confirm my observations and findings. My findings were correct and I asked that a traffic plate be installed over the excavation until the situation could be further assessed by the City of East Palo Alto Public Works Director.

Kevin G Lewis, City Inspector



Location: Intersection of Poplar Avenue & East Bayshore Road (August 24, 2016)

Witnesses: Kevin Lewis (Engineering Division)

Picture 1 of 2

Violations:	The above picture depicts an attempted water valve excavation. <ul style="list-style-type: none"><li>• This is consistent with a valve stem repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement cement is not in accordance with City Standards (see following witness narrative )</li></ul>
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Location: Intersection of Poplar Avenue & East Bayshore Road (August 24, 2016)  
Picture 2 of 2

Violations:	The above picture depicts an illegal excavation. <ul style="list-style-type: none"><li>• This is consistent with a valve stem repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303  
650-853-3189**

December 6, 2016

RE: Encroachment of Poplar and East Bayshore Road Gutter

On the 24th of August 2016, I came across a construction repair by Palo Alto Park Mutual at the location of Poplar and East Bayshore.

I observed Earl cutting a square portion of a new concrete gutter around what is known as a G5 Water Valve Box.

I asked Earl what repairs were being made and how come there was a concrete square cut and removed from the gutter. He stated that the "valve stem" which operates the gate valve to make it open and close was broken.

Understanding the type of work that a broken valve stem requires, I repeated my question to Earl thinking that I must have misunderstood. He then stated that the valve stem nut was stripped and needed to be replaced. I continued to observe the repairs and found the work in progress to be unnecessary due to the type of the actual repair needed. I began to explain to him what needed to be done, although a square portion of the concrete gutter had already been cut and removed. My explanation of this type of work contained processes that would complete the work without cutting a newly City poured gutter.

Explanation of Actual Work

The actual nature of this work warranted heating devices such as map gas or a torch of which to heat and release the existing valve defective materials off. This would have allowed new material to be installed on to the valve stem allowing the stem to open and close properly.

I asked if there was a permit for this work. Earl replied that he did not need a permit. I notified my office of this work while in progress and was informed that there wasn't any notification from the Palo Alto Mutual Water Company and that there was no permit on file. I was also informed by the Public Works Director that the gutter that was cut open was one of the newer gutters constructed in 2014.

I requested that the concrete be replaced from seem to seem, meaning an entire square surrounding and past the valve box.

On the 26<sup>th</sup> of August, I found that only the immediate square area of concrete around the valve box was filled with concrete mortar (see exhibit F). Once the mortar settled and cured it left an unfinished rough path around valve the G5 Valve Box.

Kevin G Lewis  
City Inspector



Location: Intersection of Poplar Avenue & East Bayshore Road (October 25, 2016)

Witnesses: Kevin Lewis (Engineering Division), Donald Timoteo (Building Division) & Kamal Fallaha (Engineering Division)

Picture 1 & 2 of 3

<p>Violations:</p>	<p>The above pictures depict an illegal excavation.</p> <ul style="list-style-type: none"> <li>• This is consistent with a water main repair</li> <li>• There are no markings from USA (811) around the excavation site</li> <li>• No encroachment permits were found in City records</li> <li>• No inspections were conducted by City staff</li> <li>• The replacement asphalt is not in accordance with City standards</li> <li>• Incorrect shoring</li> <li>• No qualified flagger</li> <li>• No proper traffic control for project</li> <li>• Insufficient Personal Protection Equipment (PPE)</li> </ul> <p>(see following witness narratives)</p>
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Location: Intersection of Poplar Avenue & East Bayshore Road (October 25, 2016)

Picture 3 of 3

Violations:	<p>The above picture depicts an improper traffic control for an illegal excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• Incorrect traffic control for project</li><li>• No traffic control plan was submitted for review to the City</li></ul>
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**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303  
650-853-3189**

November 30, 2016

RE: Encroachment of the Intersection Poplar and E. Bayshore.

On Oct 25<sup>th</sup>, 2016, I Kevin Lewis Public Works City Inspector came across an unauthorized excavation located within the East Bayshore truck route. Before physically approaching the excavation, I placed a call to Code Enforcement Officer Mr. Donald Timoteo asking for help with an assessment.

Upon the Code Enforcement's arrival it was determined that there wasn't any notification or encroachment permit. Once I identified the scope of work, I relieved the assistance of Code Enforcement Officer Mr. Donald Timoteo.

I approached the excavation with caution due to minimum traffic control of approximately 25ft. in either direction of the excavation. The position of the excavation warranted one way traffic control in each direction with proper signage, however neither was deployed.

Within the excavation I observed an exposed 6 inch cast iron water main under repairs. Within my observation I noticed the excavation to be wet due to water leaking from the repair. Earl was in a crouched position, the work was observed to be deeper than 48 inches. The excavation was dangerous due to the side walls capable of caving in.

Due to my professional experiences the excavation was subject to vibration due to heavy traffic, thus East Bayshore traffic and the adjacent alignment to the U.S. 101 Freeway. I observed no shoring within the excavation to protect the worker from deteriorating sidewalls.

I asked Earl if he could show me an encroachment permit. He stated that he did not need a permit and that if I had any questions to notify Ms. Katherine Loudd.

I asked Earl if he would install shoring on to the side walls of his excavation. He stated that he did not need any shoring. I asked him to exit the excavation and to return with shoring before reentering into the excavation. Earl exited the excavation and returned to the job site with improper materials such as pieces of lumber for his shoring.

Kevin G Lewis, City Inspector



# City of East Palo Alto

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## Community & Economic Development Department Building Division

November 30, 2016

Re: Encroachment at intersection located at Poplar and East Bayshore, East Palo Alto, CA

On October 25<sup>th</sup>, 2016 I, Donald Timoteo, received a phone call from our Public Works Inspector Kevin Lewis if I can help assist him with an encroachment issue located at the intersection of Poplar and East Bayshore in East Palo Alto. Upon arrival I noticed a poorly set up safety perimeter around the area that was being worked on. It appeared that the dimensions of the safety cones were not up to safety standards as well as the flagger on duty were not sufficient in performing traffic control with oncoming vehicles.

After parking I approached Kevin who was right above the excavated area the work was being done at. I observed a worker performing repair work on a pipe that was exposed in the area that was excavated. It appeared to be damaged water lines as well as water leakage. Kevin and I discussed our observations and Kevin was going to refer the matter to his manager Kamal who was in route to the site in question. Once Kamal arrived I excused myself to respond to a complaint.

Donald Timoteo  
Code Enforcement Officer II City of East Palo Alto, CA  
dtimoteo@cityofepa.org  
650-853-3173



Location: Between 1435 & 1437 East Bayshore Road (January 1, 2017)

Witness: Kevin Lewis (Engineering Division)

Picture 1 of 4

Violations:	The above picture depicts an illegal excavation. <ul style="list-style-type: none"><li>• This is consistent with a valve repair</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Location: Between 1435 & 1437 East Bayshore Road (December 30, 2016)

Witness: Kevin Lewis (Engineering Division)

Picture 2 of 4

Violations:	The above picture depicts an illegal excavation. <ul style="list-style-type: none"><li>• This is consistent with a valve repair</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Location: Between 1435 & 1437 East Bayshore Road (December 30, 2016)

Witness: Kevin Lewis (Engineering Division)

Picture 3 of 4

Violations:	The above picture depicts an illegal excavation. <ul style="list-style-type: none"><li>• This is consistent with a valve repair</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Location: Between 1435 & 1437 East Bayshore Road (December 30, 2016)

Witness: Kevin Lewis (Engineering Division)

Picture 4 of 4

Violations:	The above picture depicts an improper traffic control for an illegal excavation. <ul style="list-style-type: none"><li>• No traffic control plan was submitted for City review</li><li>• No notification was given to the City for this project</li><li>• Traffic control layout is incorrect</li></ul>
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**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303  
650-853-3189**

February 6, 2017

I noticed an excavation that had already been in progress upon my arrival. As I proceeded to approach the excavation I noticed a PPMWC employee "Earl" working near the excavated site. I asked Earl what he was working on. Earl explained that he was repairing a service lateral and curb stop that initially a plumber was hired to do. While the plumber was making the repairs he broke one of the shut off valves, (Curb Stop.) Before leaving the work site I asked Earl to make sure that his traffic control was corrected with proper signage.

Upon my return to the work site sometime after I found two small concrete irrigation boxes. Inside the irrigation boxes were two newly installed curb stop valves. The irrigation boxes were cemented in and around each other.

The curb stops are not code because they do not have the "No Lead" initials (NL) stamped on them. The concrete irrigation box needed to be G5 Valve boxes that are commonly used with any commercial valve apparatuses.

Kevin G Lewis, City Inspector



Location: 2292 Poplar Avenue (April 10, 2017)  
Picture 1 of 3

Violations:	The above picture depicts an illegal excavation. <ul style="list-style-type: none"><li>• Incorrect shoring</li><li>• Incorrect traffic control</li><li>• Work without a City permits</li><li>• No inspections from City staff</li></ul>
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Location: 2292 Poplar Avenue (April 10, 2017)  
Picture 2&3 of 3

Violations:	The above picture depicts an illegal excavation. <ul style="list-style-type: none"><li>• Work without a City permit</li><li>• No inspections from City staff</li><li>• Patch work does not meet City standards</li></ul>
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**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303**

April 10, 2017

RE: Street and easement encroachment at the intersection of Garden Street & Lincoln Street

On the 10th of April 2017 I, Kevin Lewis, City Inspector came across an excavation installation in progress by Palo Alto Park Mutual at the intersection of Lincoln Street and Garden Street. I observed Palo Alto Park Mutual worker Earl Thomas performing a new water service installation. The service work was intended for address 369 Garden Street, which is an existing parcel starting new construction/renovation.

The nature of work required an asphalt cut, excavation and trenching to the address intended for new services. The excavation and trench work occurred before my arrival, and based on the volume of work, the work may have been started days prior. The trench extended from one side of the street to the other before encroachment into the City easement property. The second portion of this work required a water main tap and connection with various materials and equipment. This type of work requires the use of Personal Protection Equipment (PPE).

Traffic control was at a minimum with various assorted traffic cones. I did not see or notice any construction, caution, work ahead or end of construction signage leading up to traffic transitioning, including within and after the work buffer zone.

I also noticed within the excavation of the water main no shoring protection while Earl was straddling the water main. Although traffic vibrations were at a minimum, loose granulated soils and mixed soils types such as A, B, and C would dictate a risk of cave-in. The excavation was less than 4 feet deep, but more than 40 inches in depth. There were many other safety violations such as; no cones and/or protective warning signage and no warning tape around heavy equipment staged on the City right of way (ROW).

I asked whether or not there was a permit for their work and the answer was no. I did not have to ask any questions pertaining to the type of work taking place because of my expertise and knowledge of water distribution.

I checked at my office to see if there were permits for utility construction of which there were not. The only permit on file was a building permit for the address 369 Garden Street, which does not cover work in the ROW. Permits for this type of work are issued by my division. I did not receive or process an application for this work.

City Inspector

Violations  
observed in-  
progress  
without suspect  
on site

## Codes Violated by PAPMWC

- EPAMC 12.12.010-Permit Required
- EPAMC 13.06.220 (A)-Regulations applicable to users of the public rights-a-way
- EPAMC 13.06.250 (A)-Coordination with the City
- EPAMC 13.06.280 (A)-Permit application procedures
- CA Code of Regulations, Chapter 4, Article II, Section 1598 & 1599-Vehicles, Traffic Control, Flaggers, Barricades & Warning Signs
- CA-MUTCD Section 6C.01-6C.14-Temporary Traffic Control Plans
- CA-MUTCD 6D.03-Worker Safety Consideration
- CA-MUTCD 6E.01-6E.03-Qualifications for Flaggers
- CA-MUTCD 6F.01, 6F.03, 6F.16-6F.18, 6F.33, 6F.45-6F.46, 6F.64-Type of Devices
- PC 588-Public or Private Road or Bridge Damage
- Dig Alert (811)
  - CA Government Code 4216.2(a)(1),(c),(d)
  - CA Government Code 4216.3(a)(4)
  - CA Government Code 4216.6(a)(1),(2),(3)
  - CA Government Code 4216.7(a)
  - CA Government Code 4216.9(a)(b)



Location: Sound-wall at the end of Poplar Avenue, cross street Green Street (August 10, 2016)

Witness: Kevin Lewis (Engineering Division)

Violations:	<p>The above picture depicts the illegal excavation at the base of the soundwall next to southbound Highway 101.</p> <ul style="list-style-type: none"><li>• Work without a City permit</li><li>• No inspections were conducted by City staff</li><li>• No USA (811) markings</li><li>• Improperly secured excavation site</li></ul> <p>(see following witness narrative)</p>
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**City of East Palo Alto  
Public Works Department  
Engineering Division  
1960 Tate Street East Palo Alto, CA 94303  
650-853-3189**

December 6, 2016

RE: Encroachment of Poplar and the U.S. 101 Caltrans Sound Wall

On August 10<sup>th</sup>, 2016, I Kevin Lewis came across an excavation at the location of Poplar and the U.S. 101 Caltrans Sound Wall, also share of the City Right of Way.

The site excavation was abandon and I noticed the excavation to be partially covered. Further observation revealed the exposure of the Palo Alto Park Mutual Water Main to be under repairs. I could not distinguish what repairs were attempted. There was no notification of this work and no permits were filed with the City of East Palo Alto.

This excavation confirms the findings of the July 19<sup>th</sup> excavation to be correct.

Kevin G Lewis  
City Inspector  
Engineering Division

# Past violations observed

**Further Inspections of Streets:**

Upon the first-hand witness accounts of the illegal excavations by PAPMWC, it was decided that a full inspection of the streets in the PAPMWC jurisdiction needed to be conducted in order to uncover all locations where other work had occurred. The inspection details are as follows:

Inspection Dates: December 2nd, 5th and 13th 2016

Photographs: Taken by Janet Nuñez-Aguilar with Apple iPhone 6S camera (see Exhibits A through JJJ).

**General Information:**

On Friday December 2<sup>nd</sup>, 2016, I Janet Nuñez-Aguilar, Permit Tech and principal investigator for the City of East Palo Alto, with the assistance of City Public Works Inspector Kevin Lewis (former Lead Operator for American Water Services in East Palo Alto), commenced the inspection of the streets in the PAPMWC jurisdiction. This investigation covered the following streets:

- |                     |                    |
|---------------------|--------------------|
| -Addison Avenue     | -Lilac Lane        |
| -East Bayshore Road | -Lincoln Street    |
| -West Bayshore Road | -Menalto Avenue    |
| -Bay Road           | -Oakdale Avenue    |
| -Bell Street        | -Oakwood Drive     |
| -Donohoe Street     | -Palo Verde Avenue |
| -Dumbarton Avenue   | -Poplar Avenue     |
| -Garden Street      | -Ralmar Avenue     |
| -Glen Way           | -Runnymede Street  |
| -Green Street       | -Weeks Street      |

The purpose was to identify potential illegal excavations, illegal connections and possible water theft by PAPMWC. During our investigation, 60 potential sites were identified. These sites are identified on the table labeled Attachment #1. Majority of these findings are believed to be illegal excavations meaning encroachment permits were not issued by the City to conduct the work and PAPMWC was aware that obtaining permits is a necessary step in the process. We found applications on the City permitting system previously submitted by Katherine Loudd for two (2) encroachment permits thus she is aware that she must receive a City permit for any work in the right of way. Furthermore, two of the sites were identified as potential sites where water theft had occurred. The following pages contain photographic documentation of the findings. The investigation of the streets continued on December 5<sup>th</sup> and concluded on December 13<sup>th</sup>. Given their practices of excavating without permits during hours when City staff are not around, this list will most likely be increasing after the conclusion of this report.

## Codes Violated by PPMWC

- EPAMC 12.12.010-Permit Required
- EPAMC 13.06.220 (A)-Regulations applicable to users of the public rights-a-way
- EPAMC 13.06.250 (A)-Coordination with the City
- EPAMC 13.06.280 (A)-Permit application procedures
- CA Code of Regulations, Chapter 4, Article II, Section 1598 & 1599-Vehicles, Traffic Control, Flaggers, Barricades & Warning Signs
- PC498 (b)(1)(3)(4)(5)-Utility Service Theft
- PC 588-Public or Private Road or Bridge Damage
- 2016 CBC Title 24, Volume 1 Part 2-11B-302.3-Accessibilty Openings
- Dig Alert (811)
  - CA Government Code 4216.2(a)(1),(c),(d)
  - CA Government Code 4216.3(a)(4)
  - CA Government Code 4216.6(a)(1),(2),(3)
  - CA Government Code 4216.7(a)
  - CA Government Code 4216.9(a)(b)

Attachement #1  
**Locations of Illegal Work in the PPMWC District**

<b>Exhibit #</b>	<b>Location</b>	<b>Description</b>
A	2292 Poplar Avenue	Illegal Excavation
B	2292 Poplar Avenue	Illegal Excavation
C	Intersection of Poplar Avenue & E. Bayshore Road	Illegal Excavation Possible Water Theft Site
D	Intersection of Poplar Avenue & E. Bayshore Road	Illegal Excavation
E	Intersection of Poplar Avenue & E. Bayshore Road	Illegal Excavation
F	Intersection of Poplar Avenue & E. Bayshore Road	Illegal Excavation
G	2292 Addison Avenue	Illegal Excavation
H	2252 Addison Avenue	Illegal Excavation
I	2248 Addison Avenue	Illegal Excavation
J	2242 Addison Avenue	Illegal Excavation
K	2242 Addison Avenue	Illegal Excavation
L	2231 Addison Avenue	Illegal Excavation
M	2238 Addison Avenue	Illegal Excavation
N	2223 Addison Avenue	Illegal Excavation
O	2223 Addison Avenue	Illegal Excavation
P	2226 Addison Avenue	Illegal Excavation
Q	2222 Addison Avenue	Illegal Excavation
R	2218 Addison Avenue	Illegal Excavation
S	2212 Addison Avenue	Illegal Excavation
T	2207 Addison Avenue	Illegal Excavation
U	2205 Addison Avenue	Illegal Excavation
V	2203 Addison Avenue	Illegal Excavation
W	2203 Addison Avenue	Illegal Excavation
X	2203 Addison Avenue	Illegal Excavation
Y	2169 Addison Avenue	Illegal Excavation
Z	2169 Addison Avenue	Illegal Excavation
AA	2161 Addison Avenue	Illegal Excavation
BB	2216 Dumbarton Avenue	Illegal Excavation
CC	2216 Dumbarton Avenue	Illegal Excavation
DD	2216 Dumbarton Avenue	Illegal Excavation
EE	2291 Dumbarton Avenue	Illegal Excavation
FF	2382 Palo Verde Avenue	Illegal Excavation
GG	2382 Palo Verde Avenue	Illegal Excavation
HH	2351 Palo Verde Avenue	Illegal Excavation
II	401 Runnymede Street	Illegal Excavation
JJ	401 Runnymede Street	Illegal Excavation
KK	2366 Glen Way	Illegal Excavation
LL	2366 Glen Way	Illegal Excavation

MM	Intersection of Oakdale Road & Glen Way	Illegal Excavation
NN	2270 Glen Way	Illegal Excavation
OO	2280 Glen Way	Illegal Excavation
PP	2249 Glen Way	Illegal Excavation
QQ	2179 Lincoln Street	Illegal Excavation
RR	2179 Lincoln Street	Illegal Excavation
SS	Intersection of Lincoln Street & E. Bayshore Road	Illegal Excavation
TT	432 Bell Street	Illegal Excavation
UU	419 Bell Street	Illegal Excavation
VV	475 Bell Street	Illegal Excavation
WW	W. Bayshore Road & Donohoe Street	Illegal Excavation
XX	248 Green Street	Illegal Excavation
YY	175 Green Street	Illegal Excavation
ZZ	175 Green Street	Illegal Excavation
AAA	Intersection of Green Street & Ralmar Avenue	Illegal Excavation
BBB	Intersection of Green Street & Ralmar Avenue	Possible Water Theft Site
CCC	2032 Poplar Avenue	Illegal Excavation
DDD	2032 Poplar Avenue (“sound wall”)	Illegal Excavation
EEE	2032 Poplar Avenue	Illegal Excavation
FFF	2050 Ralmar Avenue	Illegal Excavation
GGG	2143 Dumbarton Avenue	Illegal Excavation
HHH	Intersection of Oakwood Avenue & E. Bayshore	Illegal Excavation
III	Intersection of Donohoe Street & Ralmar Avenue	Illegal Excavation
JJJ	2166 Poplar Avenue	Illegal Excavation

Exhibit A



Location: 2292 Poplar Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts the excavation across the width of Poplar Avenue.</p> <ul style="list-style-type: none"><li>• This is consistent with a service line replacement</li><li>• The cracking asphalt on both sides of the excavation are consistent with poor compaction of the backfill material</li><li>• Cracking besides the work area shows the soil is failing adjacent to the area of repair due to improper work</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit B



Location: 2292 Poplar Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts the continuation of a service line replacement from the street into the sidewalk and to the utility box.</p> <ul style="list-style-type: none"><li>• The utility box location is inconsistent with ADA standards for location and installation</li><li>• The concrete type used to fill in the sidewalk cut is not the same material used for the rest of the sidewalk and is beginning to crack around the box</li><li>• This work does not have the required permit according to City records and no inspections were conducted</li><li>• This sidewalk has no markings from USA (811)</li></ul>
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Exhibit C



Location: Intersection of Poplar Avenue & East Bayshore Road (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a water main excavation</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit D



Location: Intersection of Poplar Avenue & East Bayshore Road (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a water main excavation</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• Edges of excavation are not flush with the street</li></ul>
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Exhibit E



Location: Intersection of Poplar Avenue & East Bayshore Road (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a water main excavation</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• Asphalt around edge of excavation is not “flush” with the street</li></ul>
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Exhibit F



Location: Intersection of Poplar Avenue & East Bayshore Road (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This work is consistent with a valve stem repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The edges of the excavation is not “flush” with the gutter</li></ul>
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Exhibit G



Location: 2292 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records for this work</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit H



Location: 2252 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit I



Location: 2248 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit J



Location: 2242 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit K



Location: 2242 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit L



Location: 2231 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit M



Location: 2238 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit N



Location: 2223 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit O



Location: 2223 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit P



Location: 2226 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The “BUMP” sign on the street was not repainted once work was completed</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit Q



Location: 2222 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit R



Location: 2218 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit S



Location: 2212 Addison Avenue (photographed 12/2/16)

Violations:

The above picture depicts an excavation.

- This is consistent with a main repair
- There are no markings from USA (811) around the excavation site
- No encroachment permits were found in City records
- No inspections were conducted by City staff
- The replacement asphalt is not in accordance with City standards
- The cracking asphalt around the excavation is consistent with poor compaction of the backfill material
- Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work

Exhibit T



Location: 2207 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit U



Location: 2205 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit V



Location: 2203 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit W



Location: 2203 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit X



Location: 2203 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit Y



Location: 2169 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a valve repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit Z



Location: 2169 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a service lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit AA



Location: 2161 Addison Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a service lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit BB



Location: 2216 Dumbarton Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a service lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit CC



Location: 2216 Dumbarton Avenue (photographed 12/2/16)

Violations:	The above picture depicts an excavation. <ul style="list-style-type: none"><li>• This is consistent with a service lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit DD



Location: 2216 Dumbarton Avenue (photographed 12/2/16)

Violations:

The above picture depicts the excavation on the sidewalk.

- Work was done without a City permit
- No inspections by City staff were conducted

Exhibit EE



Location: 2291 Dumbarton Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a service lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit FF



Location: 2382 Palo Verde Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a service lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit GG



Location: 2382 Palo Verde Avenue (photographed 12/2/16)

Violations:	The above picture depicts a hydrant repair. <ul style="list-style-type: none"><li>• Illegal excavation</li><li>• No City permit for the work</li><li>• No inspections conducted by City staff</li><li>• No USA (811) markings</li><li>• Fire hydrant is not the required minimum height</li></ul>
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Exhibit HH



Location: 2351 Palo Verde Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit II



Location: 401 Runnymede Street (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation across the width of Runnymede Street.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit JJ



Location: 401 Runnymede Street (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit KK



Location: 2366 Glen Way (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation across the width of Glen Way.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral replacement</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit LL



Location: 2366 Glen Way (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit MM



Location: Intersection of Oakdale Avenue & Glen Way (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation along the block length of Oakdale Avenue.</p> <ul style="list-style-type: none"><li>• This is consistent with a main/valve replacement</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit NN



Location: 2270 Glen Way (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation along the width of Glen Way.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit OO



Location: 2280 Glen Way (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation along the width of Glen Way.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit PP



Location: 2249 Glen Way (photographed 12/2/16)

Violations:	The above picture depicts an excavation. <ul style="list-style-type: none"><li>• This is consistent with a service repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards and not “flush”</li></ul>
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Exhibit QQ



Location: 2179 Lincoln (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit RR



Location: 2179 Lincoln (photographed 12/2/16)

Violations:	The above picture depicts an excavation. <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit SS



Location: Intersection of Lincoln Street & East Bayshore Road (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a valve repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• Appears to be an outer and inner excavation (2 different excavations)</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit TT



Location: 432 Bell Street (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation along the width of Bell Street.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit UU



Location: 419 Bell Street (photographed 12/2/16)

Violations:	The above picture depicts an excavation. <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit VV



Location: 475 Bell Street (photographed 12/2/16)

Violations:	The above picture depicts an excavation. <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards and not “flush”</li></ul>
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Exhibit WW



Location: West Bayshore & Donohoe Street (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• Appears to be multiple excavations (2 different excavations)</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit XX



Location: 248 Green Street (photographed 12/2/16)

Violations:	The above picture depicts an excavation. <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit YY



Location: 175 Green Street (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards and not “flush”</li></ul>
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Exhibit ZZ



Location: 175 Green Street (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit AAA



Location: Intersection of Green Street & Ralmar Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit BBB



Location: Intersection of Green Street & Ralmar Avenue (photographed 12/2/16)

Witness: Kevin Lewis (Engineering Division)

Violations:

- Site of water theft
  - Illegal excavation of hydrant not pertaining to PAPMWC
  - No permit from City to conduct work
  - No USA (811) markings
  - Reinstalled an unapproved hydrant
- (see witness narrative labeled Attachment # 2)

Exhibit CCC



Location: 2032 Poplar Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit DDD



Location: 2032 Poplar Avenue (photographed 12/2/16)

Violations:	<ul style="list-style-type: none"><li>• Illegal excavation</li><li>• Work without a City permit</li><li>• No inspections conducted by City staff</li><li>• No USA (811) markings</li><li>• Equipment left on site</li></ul>
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Exhibit EEE



Location: 2032 Poplar Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit FFF



Location: 2050 Ralmar Avenue (photographed 12/2/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a hydrant lateral repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit GGG



Location: 2143Dumbarton Avenue (photographed 12/5/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were issued in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit HHH



Location: Intersection of Oakwood Avenue & East Bayshore Road (photographed 12/5/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• New valve for hydrant placed without a permit</li><li>• Hydrant it not the appropriate height</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li></ul>
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Exhibit III



Location: Intersection of Donohoe Street & Ralmar Avenue (photographed 12/5/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards</li><li>• The cracking asphalt around the excavation is consistent with poor compaction of the backfill material</li><li>• Cracking beside the work area shows the soil is failing adjacent to the area of repair due to improper work</li></ul>
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Exhibit JJJ



Location: 2166 Poplar Avenue (photographed on 12/13/16)

Violations:	<p>The above picture depicts an excavation.</p> <ul style="list-style-type: none"><li>• This is consistent with a main repair</li><li>• There are no markings from USA (811) around the excavation site</li><li>• No encroachment permits were found in City records</li><li>• No inspections were conducted by City staff</li><li>• The replacement asphalt is not in accordance with City standards and not “flush”</li></ul>
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Attachment #2  
**City of East Palo Alto**  
**Public Works Department**  
**Engineering Division**  
**1960 Tate Street East Palo Alto, CA 94303**  
**650-853-3189**

December 2, 2016

RE: Encroachment of the Intersection Green Street & Ralmar Avenue

January 2014, I Kevin Lewis, Lead Operator for American Water Services at the time, observed an illegal water utility (fire hydrant) excavation during morning routine system maintenance at the corner of Green Street & Ralmar Avenue. This was an illegal utility excavation performed by Palo Alto Park Mutual Water Company.

I immediately stopped the workers to ask why they were working on the City of East Palo Alto's fire hydrant. The response was; the fire hydrant belongs to them and that there wasn't any water coming from the fire hydrant.

I asked if they had a water utility map grid which they did not. I showed them our map and how the system operates. There was an argument insisting that these particular utilities belonged to them in spite of our water utility map grid review.

I stated the reason for the hydrant being off was because the water main which feeds the hydrant was metered. American Water Services previously had problems collecting payment for water taken and used by Palo Alto Park Mutual from this hydrant.

I was asked to prove that the water main belong to the City and operated by American Water. I asked one of my operators to re-energize the water main for flow purposes that the meter would show movement and receiving water would appear through the fire hydrant. Within a half hour the separation of the water services were confirmed.

I instructed them to rebuild the water main spools and reinstall the fire hydrant, and to repair the City Right Of Way that was excavated. I monitored the excavated site approximately one month before rebuild/reconstruction of the excavation site.

The underground reconstruction was improperly completed and is now without proper restraints. The fire hydrant that once existed is no longer there, replaced with another dry barrel hydrant which does not belong to the City of East Palo Alto. The fire hydrant remains un-operational due to the closing of the freeway crossing. However, after the reconstruction the Menlo Park Fire Department was notified that the hydrant was un-operational. Other fire hydrants in close proximity were identified for emergency purposes. The original Clow Fire Hydrant has not been returned and the meter readings confirmed that the water usage and billing were correct according to American Water Services. The Billing was an excessive \$7,000.

Since the illegal encroachment, the inlet valve to this particular water main crossing has been reopened and operated by Palo Alto Park Mutual Water Company worker. This would be another utility breach due to recent excavation of the City's water main located at the intersection of Poplar Avenue and East Bayshore Road.

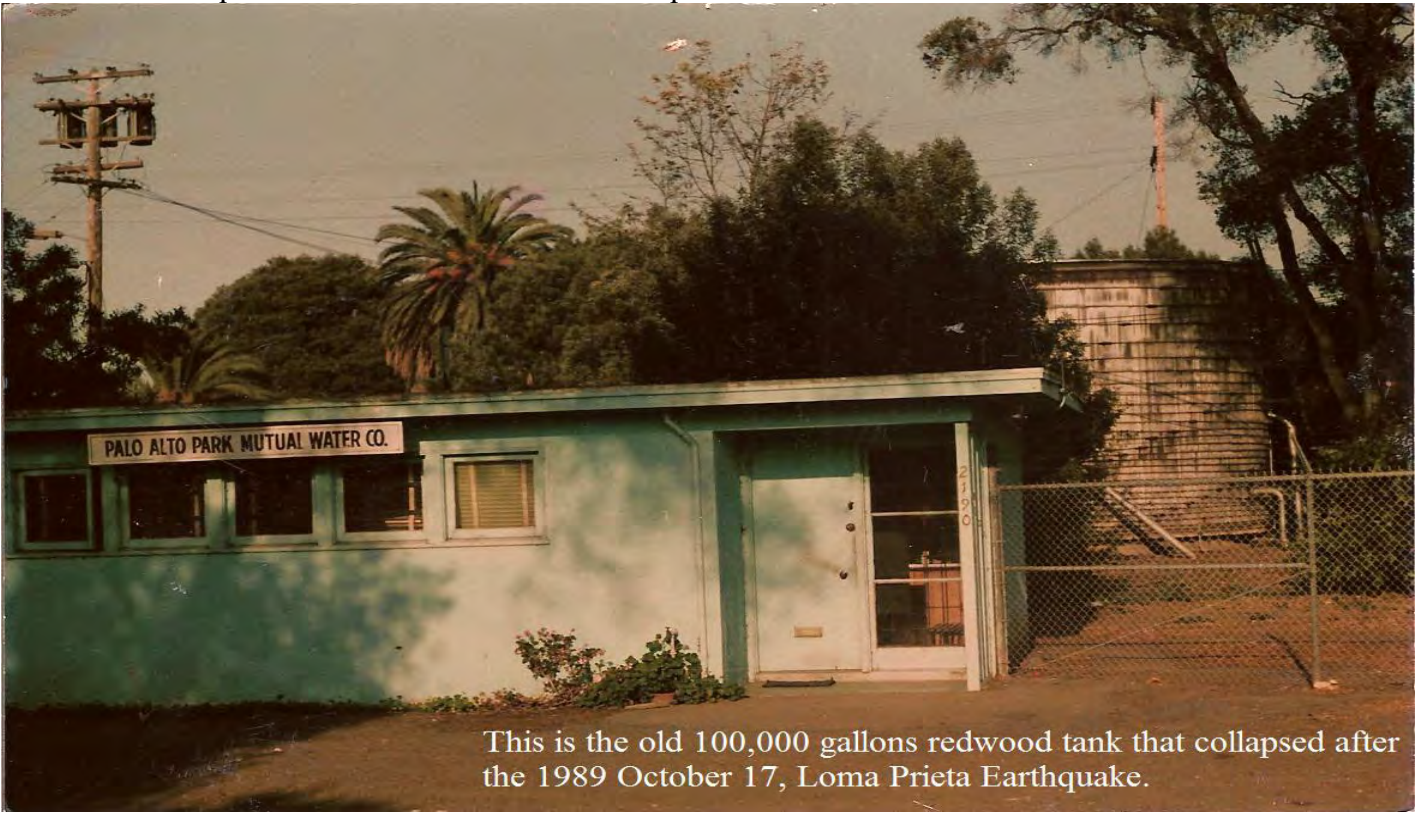
Kevin G Lewis  
City Inspector

## Investigation into PPMWC: Failure to Obtain Building Permits

### **Background:**

PPMWC had a facilities upgrade shortly after the 1989 Loma Prieta Earthquake. They followed the formal permitting process with the City to repair the damages their system had sustained. Prior to construction, they applied for a variance which they were awarded with the condition that they obtain a Building Permit. Needless to say, a Building permit was not issued. The damaged tanks were demolished and an additional building was built on the property behind the main office without a Building permit. PPMWC is aware of the process and requirements to make changes to their buildings but have failed to complete that process (Ms. Loudd was the manager at this point). PPMWC has also installed vehicle impact barriers in their parking lot without a Building permit. Encroachment permits are not the only permits they refuse to obtain from the City. The following photographs illustrate were PPMWC have made changes on their headquarters.

PAPMWC Headquarters Prior to Loma Prieta Earthquake



PAPMWC Headquarters in 2016



# Phase II: “Impact Fees” on customers



## Investigation into PPMWC: Impact Fees Imposed on Customers

### **Background:**

Customers of the PPMWC who make the decision to add square footage to their properties are surprised to receive their monthly water bill with an “impact fee” shortly after the project is under way. This fee ranges from \$2,500-\$6,000. The fee is applied to additions because according to the PPMWC argument, any addition leads to more water consumption, regardless of what is being added. Currently, PPMWC is the only water company in our City that does not have a completely metered system therefore proving their allegations is a difficult task. If a customer does not pay the bill in full they are also charged with late fees until the payment is received in full.

The City has received documentation showing these fees being collected since 2012. PPMWC has been taken to court on previous occasions in regards to this fee by customers in their jurisdiction. The latest appearance in court was in February 2016. A list of customers that were charged that fee, dating back to 2001, was provided to the court during the legal procedures. City staff ran a report through the permitting software and has contacted customers charged with this fee between 2015 and 2016. The attempt was made to contact other customers who were on that list. However, due to change in residency and phone numbers, we were not able to find current contact information for majority of the people listed. The following pages contain notes of the phone discussions that were held.



# City of East Palo Alto

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## Community & Economic Development Department Building Division

### Investigation of Impact Fees by PAPMWC

Property Address: 351 Weeks Street  
Customer Name: Eric Ayala  
Contact Number: 650-630-2640  
Interviewed: Janet Nuñez-Aguilar  
Interview was conducted on: December 27, 2016  
Language: Spanish

- Are you a customer with PAPMWC? Yes
- Did you receive a bill with an impact fee from PAPMWC? Yes (provided a copy to City staff)
- Did you pay that fee? Yes, \$5,000.00
- Do you believe that was a reasonable fee as it relates to the impact of the water? Why?
  - No, the fee was too much. We are using the same amount of water as before. Same amount of people are living on this property as before.
  - Because this addition triggered the need for fire sprinklers, the water company deemed it a “new home”
- What was the scope of work for your project?
  - Remodeled existing home
  - Added an additional two bedrooms
  - Added one additional bathroom
  - Added the required fire sprinklers
- Do you know what this fee was for?
  - Was told it was their (PAPMWC) policy to collect this fee
- Did you obtain a building permit?
  - Yes, BLD2016-0031 (permit completed on 12/05/16)
- Additional Comments
  - Was told he would not be allowed to continue his project until he paid the fee
  - Was told “You have no option (but to pay)”
  - Stated the fees and water quality was not the same as other cities (specifically Menlo Park)



# City of East Palo Alto

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## Community & Economic Development Department Building Division

### Investigation of Impact Fees by PPMWC

Property Address: 470 Bell Street  
Customer Name: Alicia Braswell  
Contact Number: 303-901-7846  
Interviewed: Janet Nuñez-Aguilar  
Interview was conducted on: December 28, 2016  
Language: English

- Are you a customer with PPMWC? Yes
- Did you receive a bill with an impact fee from PPMWC? Yes, was billed for roughly \$1,400.00
- Did you pay that fee?
  - No. She went to the water company office to prove that she was not adding any square footage to her property and therefore was not impacting the water usage. The person at the office waived the impact fee.
- Do you believe that was a reasonable fee as it relates to the impact of the water? Why?
  - No, the remodel was not going to impact the water usage.
- What was the scope of work for your project?
  - Remodeled existing bathrooms and kitchen
  - Replaced the floors
  - New paint and stucco
  - New landscaping
  - New gate
  - New furnace
- Do you know what this fee was for?
  - Was told by the water company that a renovation and addition triggered the impact fee
  - PPMWC claimed that more bedrooms meant more water usage
  - Customer was not given an explanation for what the fee was used for
- Did you obtain a building permit?
  - Yes, BLD2015-0195 (permit completed on 03/25/16)
- Additional Comments
  - Was told by PPMWC that the renovation was going to impact the water usage



# City of East Palo Alto

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## Community & Economic Development Department Building Division

### Investigation of Impact Fees by PAPMWC

Property Address: 2230 Poplar Avenue  
Customer Name: Pauline Singh  
Contact Number: 650-787-9024  
Interviewed: Janet Nuñez-Aguilar  
Interview was conducted on: December 29, 2016  
Language: English

- Are you a customer with PAPMWC? Yes
- Did you receive a bill with an impact fee from PAPMWC? Yes (provided copy of bill to City staff)
- Did you pay that fee? Yes, was billed \$6,000.00
- Do you believe that was a reasonable fee as it relates to the impact of the water? Why?
  - No, the fee was really high and was not clear what it was impacting
  - Was not given an explanation to why the calculation was so high
- What was the scope of work for your project?
  - Added a master bedroom and bathroom (520 square feet)
  - No fire sprinklers were required for her project
- Do you know what this fee was for?
  - Was not given an explanation
- Did you obtain a building permit?
  - Yes, BLD2016-0052 (permit has not been completed)
- Additional Comments
  - Was told by PAPMWC that she “had to (pay)”
  - Said PAPMWC “Don’t want to give you information”
  - Wants to know the actual impact on the water supply
  - Stated no information for consumers is available
  - Was told that addition under 50% had an impact fee of \$4,500 and over 50% was \$6,000.00



# City of East Palo Alto

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## Community & Economic Development Department Building Division

### Investigation of Impact Fees by PPMWC

Property Address: 2035 Ralmar Avenue  
Customer Name: Andrei Garcia  
Contact Number: 443-994-8186  
Interviewed: Janet Nuñez-Aguilar  
Interview was conducted on: December 29, 2016  
Language: English

- Are you a customer with PPMWC? Yes
- Did you receive a bill with an impact fee from PPMWC? Yes, \$2,500. (provided copy of bill to City staff)
- Did you pay that fee?  
-No. Andrei stated that PPMWC has been charging him the impact fee with each bill. Since he has not paid the impact fee, PPMWC has been charging him late fees as well. He is at \$500 in late fees.
- Do you believe that was a reasonable fee as it relates to the impact of the water? Why?  
-No because the occupancy of the home did not change. Total water usage is not going up. Andrei also stated that his property has no water meter.
- What was the scope of work for your project?  
-Addition of 200 square feet for the relocation of the bathroom and extending the existing bedroom.
- Do you know what this fee was for?  
-No
- Did you obtain a building permit?  
-Yes, BLD2016-0216 (permit completed on 07/01/16)
- Additional Comments  
-Was told that the PPMWC manager needed to approve his project plans  
-PPMWC was emailed a digital set of plans but they were not approved because their system would not allow them to zoom into the plans to read  
-Andrei dropped off the Menlo Park Fire District approved plans for them to read. These plans stated that no fire sprinklers were required. However, PPMWC was insisting that he needed to install sprinklers  
-He believes that the fire sprinkler requirement was being used a reason to bill for impact fees



# City of East Palo Alto

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## Community & Economic Development Department Building Division

### Investigation of Impact Fees by PPMWC

Property Address: 2219 Oakwood Drive  
Customer Name: Lionel Valencia  
Contact Number: 650-898-5511  
Interviewed: Janet Nuñez-Aguilar  
Interview was conducted on: December 30, 2016  
Language: Spanish

- Are you a customer with PPMWC? Yes
- Did you receive a bill with an impact fee from PPMWC? Yes, for \$2,500 in 2015
- Did you pay that fee?  
-No. Lionel is now being charged \$3,000 in late fees for not paying the water bill (with impact fee) in full.
- Do you believe that was a reasonable fee as it relates to the impact of the water? Why?  
-No because the trailer was empty. He was told that the trailer on the property meant more water consumption.
- What was the scope of work for your project?  
-Did not have a construction project on this property.
- Do you know what this fee was for?  
-No but was told that he received this fee for the extra unit on the property (camping trailer).
- Did you obtain a building permit?  
-N/A
- Additional Comments  
-He was forced to get rid of the trailer and once he did, he returned to PPMWC and asked that the fee be removed which they declined to do.  
-Informed the customer that he could do/have whatever he wanted on his property and that the City could not force him to remove the trailer  
-suggested that he sue the City for the loss of his trailer, he would win the case according to PPMWC  
-suggested that he replace the trailer  
-PPMWC stated that impact fees were for second units including mobile homes (camping trailer)



# City of East Palo Alto

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## Community & Economic Development Department Building Division

### Investigation of Impact Fees by PPMWC

Property Address: 2247 Poplar Avenue  
Customer Name: Ricky Prasad  
Contact Number: 650-804-0966  
Interviewed: Janet Nuñez-Aguilar  
Interview was conducted on: January 3, 2017  
Language: English

- Are you a customer with PPMWC? Yes
- Did you receive a bill with an impact fee from PPMWC? Yes, for \$2,500
- Did you pay that fee? Yes
- Do you believe that was a reasonable fee as it relates to the impact of the water? Why?  
-No, water usage has not gone up. Addition was for relocating the washer and dryer to new laundry room. Relocated existing appliances, did not add more appliances.
- What was the scope of work for your project?  
-Added less than 180 square feet for new laundry room
- Do you know what this fee was for?  
-Was told that since he added square footage, PPMWC needed to collect the impact fee  
-Stated that two men showed up to his property to inform him of the fee (probably saw the construction occurring). He was verbally told that for any increase in square footage, he would have to pay the fee.  
-Stated that he went to PPMWC office to argue the fee and was told by a female employee (not Ms. Loudd) that she would also have to pay the fee if she added to her home.
- Did you obtain a building permit?  
-Yes, BLD2015-0225 (not yet completed)
- Additional Comments  
-Impact fee came along with monthly water bill; he could not pay it all at once and was therefore charged late fees for 2-3 months until the full payment was received by PPMWC.  
-Roughly recalls being told that if he did not pay, PPMWC would send the bill to a collections agency  
-His property is not metered and he believes PPMWC uses the impact fee to make money  
-He believes that PPMWC employees just drive around looking for people doing construction

Phase III:  
Failure of  
Maintaining System  
at Minimum  
Standards



## Investigation into PPMWC: Failure to Maintain Proper Operations

### **Background:**

During the course of our investigation we discovered system violations including high pollutants and water pressure below industry standards. PPMWC was issued citations by the California Water Boards and California Department of Public Health. These citations were issued for the contaminant levels and violations of permit provisions. The citations date back to January 2014 with the most recent one being issued in June of 2016.

Over the Independence Day weekend in 2016, the City was informed that PPMWC was experiencing water pressure below standards. This posed a severe risk given that this weekend is famous for the setting off of fireworks which lead to increased fire risks. The Menlo Park Fire District was extremely concerned about the ability of being able to suppress a fire with the low water pressure in the hydrants. The City contacted PPMWC and offered to allow them to tie in to the City system until the pressure returned to normal, PPMWC declined. Both the Fire Department and the City were on alert that weekend in case a disastrous event occurred. The following documents are the discussions between the City, Menlo Park Fire and PPMWC over that holiday weekend.

#### Codes Violated by PAPMWC

- 2013 California Building Code Title 24, Part 5 Section 608.1-Indequate Water Pressure
- 2013 California Building Code Title 24, Part 5 Section 609.9-Disinfection of Potable Water
- California Health and Safety Code Section 116650(a)(b)(c)(d)(e)-Violation of Safe Drinking Water Act
- California Health and Safety Code Section 116650, Article 9, Chapter 4, Part 12, Division 104-Failure to comply with Safe Drinking Water Act
- California Code of Regulations Subsection 64449(a), Chapter 15, Title 22-Failure to comply with maximum contaminant level
- California Code of Regulations Sections 64426.1(b)(2) & 64430, Chapter 15, Title 22-maximum contaminant level
- Federal Register Section 141.402-Collection of groundwater for testing purposes



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

June 15, 2016

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

Dear Ms. Loudd:

**CITATION NO. 02-17-16C-020 – VIOLATION OF PERMIT PROVISION 3**  
**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 Permit Provision 3 of Permit Amendment 1 to the Domestic Water Supply Permit No. 02-88-006. Specifically, PAPMWC failed to provide proper blending to the water produced by Well 07 so that the water supplied into the distribution system is in compliance with the iron maximum contaminant level for samples collected on April 5, 2016 and April 12, 2016.

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

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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 PERMIT PROVISION 3**  
**WATER SYSTEM NO. 4110020**  
**CITATION NO. 02-17-16C-020**  
**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 (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 violating Permit Provision 3 of Permit Amendment 1 to the Domestic Water Supply Permit No. 02-88-006.

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**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 **Permit Provision 3 of Permit Amendment 1 to the Domestic Water Supply**  
2 **Permit No. 02-88-006 provides in relevant part:**

3  
4 Palo Alto Park Mutual Water Company shall at all times provide proper blending to the  
5 water produced by Well 07 so that the water supplied into the distribution system is in  
6 compliance with the iron and manganese maximum contaminant level. Proper  
7 treatment shall be demonstrated by sampling the water storage tank effluent.

8  
9 **STATEMENT OF FACTS**

10  
11 Palo Alto Park Mutual Water Company is a community water system that provides  
12 potable water to approximately 2,500 persons through 692 metered connections. The  
13 Water System consists of five groundwater wells – Well 02 (Primary Station Code  
14 (PSC) No. 4110020-002), Well 03 (PSC No. 4110020-003), Well 05 (PSC No.  
15 4110020-004), Well 06 (PSC No. 4110020-005) and Well 07 (PSC No. 4110020-006);  
16 two storage tanks – a 350,000 gallon welded steel storage tank and a 11,500-gallon  
17 steel storage tank; two booster pumps and a distribution system.

18  
19 Water produced from Well 07 exceeds the iron and manganese maximum  
20 contaminant level (MCL) of 0.3 mg/L and 0.05 mg/L, respectively. As such, PPMWC  
21 is required within Permit Amendment 1, issued on July 1, 2007, to blend the water  
22 produced from Well 07 with Wells 02, 03, 05 and/or 06 within the 350,000 gallon  
23 storage tank, under specified operation modes. Compliance for iron and manganese  
24 is determined weekly after the storage tank using laboratory analyses.

25  
26  
27

1 Palo Alto Park Mutual Water Company collected an iron and manganese sample after  
2 the storage tank on April 5, 2016 and April 12, 2016. The iron results were 0.74 mg/L  
3 and 0.34 mg/L, respectively. The manganese results were non-detect.

4  
5 **DETERMINATION**  
6

7 The Division has determined that Palo Alto Park Mutual Water Company failed to  
8 comply with the Permit Provision 3 of Permit Amendment 1 to the Domestic Water  
9 Supply Permit No. 02-88-006. Specifically, PAPMWC failed to provide proper  
10 blending to the water produced by Well 07 so that the water supplied into the  
11 distribution system is in compliance with the iron maximum contaminant level for  
12 samples collected on April 5, 2016 and April 12, 2016.

13  
14 **DIRECTIVES**  
15

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

- 18
- 19 1. Forthwith, PAPMWC shall cease and desist from failing to comply with Permit  
20 Provision 3 of Permit Amendment 1 to the Domestic Water Supply Permit No. 02-  
21 88-006.
  - 22
  - 23 2. Within 30 days of receipt of this Citation, PAPMWC shall produce and provide to  
24 the Division a Corrective Action Plan (CAP). The CAP shall include an evaluation  
25 of the cause(s) of the iron exceedance and the milestones and timeline to install  
26 an iron and manganese removal treatment system.  
27



1 3. Within 30 days of receipt of this Citation, PPMWC shall conduct public  
2 notification for the iron secondary maximum contaminant level violation in  
3 conformance with CCR, Title 22, Chapter 15, Section 64463.4. The notification  
4 shall be completed in accordance with the following methods:

5  
6 a. Mail or direct deliver to each customer receiving a bill including those  
7 that provide their drinking water to others (e.g., schools or school  
8 systems; apartment building owners or large private employers), and  
9 other service connections to which water is delivered by the water  
10 system, and

11  
12 b. Use of one or more of the following methods to reach persons not  
13 likely to be reached by a mailing or direct delivery (renters, etc.):

- 14 1. Publication in a local newspaper;  
15 2. Posting in conspicuous public places served by the water  
16 system, or on the Internet; or  
17 3. Delivery to community organizations.

18  
19 4. Within 40 days of receipt of this Citation, PPMWC shall provide to the Division  
20 certification of public notification using the enclosed form (Attachment No. 1). A  
21 copy of the notice shall be attached to the certification form.

22  
23 5. Within 10 days of receipt of this Citation, PPMWC shall agree in writing to comply  
24 with all directives of this Citation.

25  
26  
27



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

4  
5 Nothing in this Citation relieves PPMWC of its obligation to meet the requirements of  
6 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order  
7 issued or adopted thereunder.

8  
9 All submittals required by this Citation shall be submitted to the Division at the  
10 following address:

11  
12 Eric Lacy, P.E.  
13 District Engineer  
14 State Water Resources Control Board  
15 Division of Drinking Water  
16 850 Marina Bay Parkway  
17 Building P, 2<sup>nd</sup> Floor  
18 Richmond, CA 94804

19  
20  
21  
22 **PARTIES BOUND**

23  
24 This Citation shall apply to and be binding upon PPMWC, its officers, directors,  
25 shareholders, agents, employees, contractors, successors, and assignees.

26  
27 **SEVERABILITY**

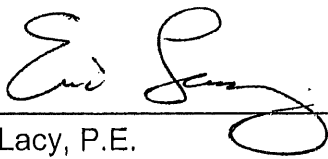
28  
29 The Directives of this Citation are severable, and PPMWC shall comply with each  
30 and every provision thereof, notwithstanding the effectiveness of any other provision.



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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.

<u>June 15, 2016</u>	
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 # 7015 1730 0000 9907 7282

ATTACHMENT 1

**PROOF OF COMPLIANCE**  
**Citation Number 02-17-16C-020**  
**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 iron maximum contaminant level exceedance for samples collected on April 5, 2016 and April 12, 2016.

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

Required Action

Date Completed

1. Public notification

a. Mail or direct delivery to all customers

\_\_\_\_\_

b. Posting in conspicuous places

\_\_\_\_\_

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

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

## **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.

### **Palo Alto Park Mutual Water Company Has Levels of Iron Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on April 5, 2016 and April 12, 2016 showed iron levels of 0.74 mg/L and 0.34 mg/L. This is above the standard, or maximum contaminant level (MCL), of 0.3 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.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### **What happened? What is being done?**

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

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

#### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Palo Alto Park Mutual Water Company

State Water System ID#: 4110020. Date distributed: \_\_\_\_\_.



State of California—Health and Human Services Agency  
California Department of Public Health



RON CHAPMAN, MD, MPH  
Director & State Health Officer

EDMUND G. BROWN JR.  
Governor

January 24, 2014

Mrs. Katharine J. P. Loudd  
Manager  
Palo Alto Park Mutual Water Company  
2190 Addison Avenue  
East Palo Alto, CA 94303

Dear Mrs. Loudd:

**CITATION NO. 02-17-14C-003  
MANGANESE SECONDARY MAXIMUM CONTAMINANT LEVEL VIOLATION  
PALO ALTO PARK MUTUAL WATER COMPANY, WATER SYSTEM NO. 4110020**

Enclosed is a citation issued to Palo Alto Park Mutual Water Company (hereafter, Water System or PAPMWC). The citation is issued as the Water System failed to comply with Subsection 64449 (a), Chapter 15, Title 22, California Code of Regulations (CCR) and Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007. The water supplied by PAPMWC to the public exceeded the Manganese Secondary Maximum Contaminant Level (SMCL) during December 2013.

The attached citation consists of three sections: Violation, Directives, and Civil Penalties. The Violation section describes the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Civil Penalty section describes fees to be assessed for failure to comply with the citation. No civil penalty is levied with the current citation

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

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

Mrs. Katharine J. P. Loudd  
January 24, 2014  
Page 2

Enclosures: 1) Attachment A - Sample Manganese SMCL Exceedance Notice  
2) Attachment B - Proof of Notification

Certified Mail #7007 0710 0000 5917 2453

cc: San Mateo County Environmental Health Department (via e-mail; w/ encl.)

Mrs. Katharine J. P. Loudd  
January 24, 2014  
Page 2

Enclosures: 1) Attachment A - Sample Manganese SMCL Exceedance Notice  
2) Attachment B - Proof of Notification

Certified Mail #7007 0710 0000 5917 2453

cc: San Mateo County Environmental Health Department (via e-mail; w/ encl.)

bcc: File Server; 4110020\Enforcement\December 2013 Mn SMCL vio citation;  
Enforcement File; Chron (all w/ encl.)  
W4110020/140122.cit.ltr



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**STATE OF CALIFORNIA**  
**DEPARTMENT OF PUBLIC HEALTH**

Issued January 24, 2014

RE: Palo Alto Park Mutual Water Company  
Water System No. 4110020  
2190 Addison Avenue  
East Palo Alto, CA 94303

TO: Ms. Katherine J. P. Loudd  
Manager

**CITATION FOR NONCOMPLIANCE**  
**Manganese Secondary Maximum Contaminant Level**  
**December 2013**

Section 116650 of Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for the failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

**VIOLATION**

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter, Department) hereby issues a citation to Palo Alto Park Mutual Water Company (hereinafter, Water System or PAPMWC) (mailing address: 2190 Addison Avenue, East Palo Alto, CA 94303) for failure to comply with the Secondary Maximum Contaminant Level

1 (SMCL) for Manganese, as specified in Subsection 64449 (a), Chapter 15, Title 22, California  
2 Code of Regulations (CCR) and Permit Provision No. 3 of the Permit Amendment to  
3 Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007.  
4 Subsection 64449 (a), CCR, specifies that a community water system shall not exceed a  
5 Manganese level of 0.05 milligrams per liter (mg/L) in the drinking water supplied to the  
6 public. Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit  
7 No. 02-88-006 issued to the Water System on June 29, 2007 specifies that PPMWC shall  
8 at all times provide proper blending to the water produced by the Wells 02 and 07 so that the  
9 water supplied into the distribution system is in compliance with the Iron and Manganese  
10 Maximum Contaminant Levels (MCLs). In December 2013, the drinking water supplied by  
11 PPMWC, as collected on December 17, 2013 from its Water Storage Tank Effluent (aka  
12 Tank Effluent; Primary Station Code (PSC) No. 4110020-007) monitoring location, had a  
13 Manganese level of 0.07 mg/L. Therefore, the Water System violated the Manganese SMCL  
14 and Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit No.  
15 02-88-006 issued to the Water System on June 29, 2007 during December 2013.  
16

### 17 DIRECTIVES

18  
19 The Water System is hereby directed to take the following actions:

- 20 1) Cease and desist violating Subsection 64449 (a), Chapter 15, Title 22, California Code of  
21 Regulations (CCR) and Permit Provision No. 3 of the Permit Amendment to Domestic  
22 Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007  
23 immediately.
- 24 2) Conduct public notification for the Manganese SMCL violation in conformance with  
25 Section 64463.4(c), Chapter 15, Title 22, CCR within thirty (30) days upon receipt of this  
26 citation. The notification shall be completed in accordance with the following methods:  
27



- 1 a. Mail or direct delivery to each customer receiving a bill including those that  
2 provide their drinking water to others (e.g., schools or school systems, apartment  
3 building owners or large private employers), and other service connections to  
4 which water is delivered by the water system, and  
5 b. Use of one or more of the following methods to reach persons not likely to be  
6 reached by a mailing or direct delivery (renters, etc.):  
7 1. Publication in a local newspaper;  
8 2. Posting in conspicuous public places served by the water system, or on  
9 the Internet; or  
10 3. Delivery to community organizations.

11 A sample copy of public notification for your use in notifying the public and your  
12 employees is enclosed for your reference and use (Attachment A). Department  
13 approval of the proposed notice is required prior to performing notification. Complete  
14 Attachment B (Proof of Notification form) and return it to the Department by February  
15 28, 2014. A copy of the notice used shall be attached to the Proof of Notification  
16 form.  
17

- 18 3) Investigate the Manganese SMCL exceedance event and prepare a written Corrective  
19 Action Plan (CAP) based on the investigation findings. The CAP shall include an  
20 evaluation of the causes of the SMCL exceedance event and the specific measures to be  
21 taken to ensure that future SMCL violations will not occur. The Water System must  
22 include operational and compliance monitoring in the CAP. At a minimum, this is to  
23 include at least monthly iron and manganese sampling at the Water Storage Tank  
24 Effluent compliance sampling location and have the results analyzed and submitted  
25 electronically to the Department by a certified laboratory. Submit the CAP to the  
26 Department by February 28, 2014.  
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All submittals to the Department are to be addressed to:

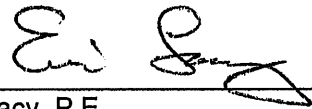
Mr. Eric Lacy, P.E., District Engineer  
California Department of Public Health  
Drinking Water Field Operations Branch  
850 Marina Bay Parkway, Bldg P, 2<sup>nd</sup> Fl  
Richmond, CA 94804

**CIVIL PENALTY**

Subsections 116650(d) and 116650(e), CHSC, allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4. No civil penalty is assessed with this citation. Failure to comply with any provision of this citation may result in the Department imposing a civil penalty of up to one thousand dollars (\$1,000.00) per day as of the date of violation of the provision.

January 24, 2014

Date



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

Attachments  
CERTIFIED MAIL # 7007 0710 0000 5917 2453

cc: San Mateo County Environmental Health Department (via e-mail, w/ attachments.)



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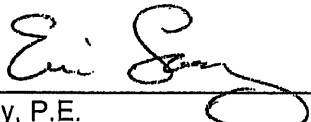
All submittals to the Department are to be addressed to:

Mr. Eric Lacy, P.E., District Engineer  
California Department of Public Health  
Drinking Water Field Operations Branch  
850 Marina Bay Parkway, Bldg P, 2<sup>nd</sup> Fl  
Richmond, CA 94804

**CIVIL PENALTY**

Subsections 116650(d) and 116650(e), CHSC, allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4. No civil penalty is assessed with this citation. Failure to comply with any provision of this citation may result in the Department imposing a civil penalty of up to one thousand dollars (\$1,000.00) per day as of the date of violation of the provision.

January 24, 2014  
Date

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

Attachments  
CERTIFIED MAIL # 7007 0710 0000 5917 2453

cc: San Mateo County Environmental Health Department (via e-mail, w/ attachments.)  
bcc: File Server: 4110020\Enforcement\December 2013 Mn SMCL vio citation;  
Enforcement File, Chron (all w/ attachments)  
W4110020/140121.Cit

**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.

**Palo Alto Park Mutual Water Company Has Levels of Manganese Above the Secondary  
Drinking Water Standard in December 2013**

Our water system recently violated the Secondary Maximum Contaminant Level (MCL) for manganese in December 2013. 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 December 17, 2013 showed a manganese level of 0.07 mg/L. This is above the manganese secondary standard or maximum contaminant level (MCL) of 0.05 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.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

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

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Palo Alto Park Mutual Water Company

State Water System ID#: 4110020. Date distributed: \_\_\_\_\_.

**PROOF OF NOTIFICATION**

**Citation Number 02-17-14C-003**

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 violations of Title 22, California Code of Regulations (CCR) for the compliance period of December 2013. I complied with the directives of this citation as indicated below:

Required Action

Date Completed

Conduct Public Notification – (Attach copy of the notice.)

Submit Corrective Action Plan


\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

<p><b>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE POSTED NOTICE MUST BE ATTACHED TO THIS FORM.</b></p>
--

**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.



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**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](http://www.waterboards.ca.gov)



1 STATE OF CALIFORNIA  
2 WATER RESOURCES CONTROL BOARD  
3 DIVISION OF DRINKING WATER  
4

5 TO: Palo Alto Park Mutual Water Company  
6 2190 Addison Avenue  
7 Palo Alto, CA 94303  
8

9 Attn: Ms. Katherine Loudd  
10

11 CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
12 TITLE 22, SECTIONS 64426.1 (b) (2) AND 64430  
13 WATER SYSTEM NO. 4110020  
14 CITATION NO. 02-17-15C-021  
15 Issued on August 13, 2015  
16

17 Section 116650 of the California Health and Safety Code authorizes the issuance of a  
18 citation to a public water system for violation of the California Safe Drinking Water Act  
19 (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section  
20 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order  
21 issued or adopted thereunder.  
22

23 The State Water Resources Control Board (hereinafter "Board"), acting by and  
24 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director  
25 for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Palo  
26 Alto Park Mutual Water Company (hereinafter, "PAPMWC" or "Water System") (2190  
27 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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(b) (2) A public water system which collects fewer than 40 samples per month is in violation of the total coliform maximum contaminant level if more than one sample collected during any month is total coliform positive.

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

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

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

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

1 **STATEMENT OF FACTS**

2  
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.

13

14

**DETERMINATION**

15

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, PPMWC 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. PPMWC 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, PPMWC 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 PPMWC 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:

3  
4 Eric Lacy, P.E.  
5 District Engineer  
6 State Water Resources Control Board  
7 Division of Drinking Water  
8 850 Marina Bay Parkway  
9 Building P, 2<sup>nd</sup> Floor  
10 Richmond, CA 94804

11 **PARTIES BOUND**

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

14 **SEVERABILITY**

15  
16 The Directives of this Citation are severable, and PPMWC shall comply with each  
17 and every provision thereof, notwithstanding the effectiveness of any other provision.  
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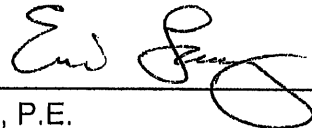


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**FURTHER ENFORCEMENT ACTION**

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>
1. Public notification	
a. Mail or direct delivery	_____
b. Posting in conspicuous places	_____
_____ Signature of Water System Representative	_____ Date

**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.



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

Division of Drinking Water

October 23, 2014

Mrs. Katharine J. P. Loudd  
Manager  
Palo Alto Park Mutual Water Company  
2190 Addison Avenue  
East Palo Alto, CA 94303

Dear Mrs. Loudd:

**CITATION NO. 02-17-14C-015  
MANGANESE SECONDARY MAXIMUM CONTAMINANT LEVEL VIOLATION  
PALO ALTO PARK MUTUAL WATER COMPANY, WATER SYSTEM NO. 4110020**

Enclosed is a citation issued to Palo Alto Park Mutual Water Company (hereafter, Water System or PAMWC). The citation is issued as the Water System failed to comply with Subsection 64449 (a), Chapter 15, Title 22, California Code of Regulations (CCR) and Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007. The water supplied by PAMWC to the public exceeded the Manganese Secondary Maximum Contaminant Level (SMCL) during September 2014.

The attached citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severability and Further Enforcement Action. The Applicable Authorities, Statement of Facts and Determination sections describe the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Parties Bound, Severability and Further Enforcement Action sections describe administrative penalties to be assessed for failure to comply with the citation. No administrative penalty is levied with the current citation.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

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

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

Mrs. Katherine J. P. Loudd

- 2 -

October 23, 2014

Enclosures: 1) January 28, 2009 letter to the PPMWC  
2) Attachment A - Sample Manganese SMCL Exceedance Notice  
3) Attachment B - Proof of Notification

Certified Mail #7006 3450 0001 8420 8501

cc: San Mateo County Environmental Health Department (e-mailed to Greg Smith; w/ encl.)

Mrs. Katherine J. P. Loudd

- 2 -

October 23, 2014

Enclosures: 1) January 28, 2009 letter to the PPMWC  
2) Attachment A - Sample Manganese SMCL Exceedance Notice  
3) Attachment B - Proof of Notification

Certified Mail #7006 3450 0001 8420 8501

cc: San Mateo County Environmental Health Department (e-mailed to Greg Smith; w/ encl.)

bcc: File Server; 4110020\Enforcement\September 2014 Mn SMCL vio citation; Enforcement  
File; Chron (all w/ encl.)  
W4110020/141022.cit.ltr

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STATE OF CALIFORNIA  
DIVISION OF DRINKING WATER  
STATE WATER RESOURCES CONTROL BOARD

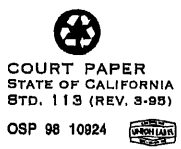
**TO:** Palo Alto Park Mutual Water Company  
Water System No. 4110020  
2190 Addison Avenue  
East Palo Alto, CA 94303

**ATTN:** Mrs. Katherine J. P. Loudd  
Manager

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,  
SECTION 64449 (a) et al. – WATER SYSTEM NO. 4110020  
CITATION NO. 02-17-14C-015  
Issued on October 23, 2014**

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" or "DDW") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Palo Alto Park Mutual Water Company



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(hereinafter, "PAPMWC" or "Water System") (mailing address: 2190 Addison Avenue, East Palo Alto, CA 94303) for violation of California Code of Regulations (CCR), Title 22, Section 64449 (a) and Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007.

**APPLICABLE AUTHORITIES**

**Section 116650 of California Health and Safety Code provides:**

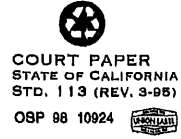
(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally 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.



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**California Code of Regulations, Title 22, Section 64449 (a) provides, in relevant part:**

A community water system shall not exceed a Manganese level of 0.05 milligrams per liter (mg/L) in the drinking water supplied to the public.

**Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007 specifies, in relevant part:**

PAPMWC shall at all times provide proper blending to the water produced by the Wells 02 and 07 so that the water supplied into the distribution system is in compliance with the Iron and Manganese Maximum Contaminant Levels (MCLs).

**STATEMENT OF FACTS**

The PAPMWC is a community water system that serves domestic water to 692 service connections with a population of approximately 2500 people (2012 Annual Report to the Drinking Water Program). The Water System is a mutual water company owned by homeowners, residing in the Palo Alto Park area, a subdivision in East Palo Alto and Menlo Park. The Water System consists of five groundwater wells - Well 02 (Primary Station Code (PSC) No. 4110020-002), Well 03 (PSC No. 4110020-003), Well 05 (PSC No. 4110020-004), Well 06 (PSC No. 4110020-005) and Well 07 (PSC No. 4110020-006); two storage tanks - a 350,000-gallon welded steel storage tank and a 11,500-gallon steel storage tank; two booster pumps and a distribution system.

Well 07 has Iron and Manganese levels exceeding the secondary maximum contaminant levels (SMCL) of 0.3 milligrams per liter (mg/L) and 0.05 mg/L, respectively. Well 02 has



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Manganese levels exceeding the secondary MCL. To mitigate the aforementioned water quality problems, the PPMWC chlorinates with sodium hypochlorite (NaOCl) prior to the 350,000-gallon tank to oxidize the iron and manganese produced by Wells 02 and 07 and blends the water produced by these two wells with the other wells in accordance with an blending plan specified in the Permit Amendment to Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29, 2007.

In accordance with the Division's January 28, 2009 letter to the Water System (copy enclosed), the PPMWC is currently required, among others, to sample for iron and managanese and have analyzed by a certified laboratory Well 02, Well 07 and Well Blend Iron/Manganese (aka Storage Tank Effluent) on a monthly basis.

In September 2014, the drinking water supplied by PPMWC, as collected on September 16, 2014 from its Water Storage Tank Effluent (aka Well Blend Iron/Manganese or Tank Effluent; PSC No. 4110020-007) monitoring location, had a Manganese level of 0.07 mg/L, which exceeds the Manganese SMCL of 0.05 mg/L.

The Water System failed to notify the Division about the manganese SMCL exceedance in a timely manner. It was instead the Division who brought the violation to the PPMWC'S attention in an October 16, 2014 telephone discussion with Ms. Katherine Loudd, the Water System manager.

**DETERMINATION**

The Division has determined that the PPMWC failed to comply with the Manganese Secondary Maximum Contaminant Level and Permit Provision No. 3 of the Permit Amendment to Domestic Water Supply Permit No. 02-88-006 issued to the Water System on

1 June 29, 2007 during September 2014. In September 2014, the drinking water supplied by  
2 the PAPMWC, as collected on September 16, 2014 from its Water Storage Tank Effluent  
3 (aka Well Blend Iron/Manganese or Tank Effluent; PSC No. 4110020-007) monitoring  
4 location, had a Manganese level of 0.07 mg/L.

5  
6 **DIRECTIVES**

7 The PAPMWC is hereby directed to take the following actions:

- 8  
9 1) Forthwith, the PAPMWC shall cease and desist from failing to comply with Section 64449  
10 (a), Chapter 15, Title 22, CCR and Permit Provision No. 3 of the Permit Amendment to  
11 Domestic Water Supply Permit No. 02-88-006 issued to the Water System on June 29,  
12 2007 immediately.
- 13 2) Conduct public notification for the Manganese SMCL violation in conformance with  
14 Section 64463.4(c), Chapter 15, Title 22, CCR within thirty (30) days upon receipt of this  
15 citation. The notification shall be completed in accordance with the following methods:
- 16 a. Mail or direct delivery to each customer receiving a bill including those that  
17 provide their drinking water to others (e.g., schools or school systems, apartment  
18 building owners or large private employers), and other service connections to  
19 which water is delivered by the water system, and
- 20 b. Use of one or more of the following methods to reach persons not likely to be  
21 reached by a mailing or direct delivery (renters, etc.):
- 22 1. Publication in a local newspaper;
- 23 2. Posting in conspicuous public places served by the water system, or on  
24 the Internet; or
- 25 3. Delivery to community organizations.
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A sample copy of public notification for your use in notifying the public and your employees is enclosed for your reference and use (Attachment A). Division approval of the proposed notice is required prior to performing notification. Complete Attachment B (Proof of Notification form) and return it to the Division by November 24, 2014. A copy of the notice used shall be attached to the Proof of Notification form. The Proof of Notification must identify the methods of public notification and provide adequate evidence of the notification (e.g., mailing receipts issued by the post office).

- 3) Investigate the Manganese SMCL exceedance event and prepare a written Corrective Action Plan (CAP) based on the investigation findings. The CAP shall include an evaluation of the causes of the SMCL exceedance event and the specific measures to be taken to ensure that future SMCL violations and the non-reporting of such violations will not occur.

As part of the CAP, the Water System, beginning December 1, 2014 and every week on a Monday thereafter shall sample and have analyzed by a certified laboratory the compliance sampling location Well Blend Iron/Manganese (aka Storage Tank Effluent) for iron and manganese. The Water System shall continue to sample and have analyzed by a certified laboratory Well 02 and Well 07 during the third week of the each month. Wells 03, 05 and 06 must sampled for iron and manganese and the results analyzed by a certified laboratory once every three years. All laboratory results shall be submitted electronically to the Division's Monitoring and Evaluation Unit (MEU) by the laboratory. In addition, all analytical results, together with the chain of custody papers, must be submitted to the Division as soon as these become available.

The Water System, as part of the CAP, shall also evaluate its blending and oxidation treatment process to determine if the operation of the wells is providing the proper blend;

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if the chlorination treatment employed is adequately oxidizing the excess iron and manganese from the raw water supply and providing an effective residual disinfectant into the distribution system, with a free chlorine level entering the distribution system to be maintained, as a minimum, at or above 0.3 mg/L (but not exceeding the maximum residual disinfectant level for chlorine of 4.0 mg/L); and if the level of the accumulated sediments in the 350,000-gallon storage has reached a stage that would eventually allow passage of the oxidized iron and manganese into the distribution system. The PPMWC shall provide the evaluation findings and recommendations in the CAP.

Submit the CAP to the Division no later than November 24, 2014.

- 4) Submit to the Division for its review and approval a revised operations plan, incorporating the findings and recommendations of the above-mentioned treatment process evaluation, the compliance monitoring and reporting requirements specified in this citation, as well the field analysis sampling and reporting that the Water System needs to conduct for process control purposes. Submit the operations plan no later than December 24, 2014.

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 PPMWC 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 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, Second Floor  
Richmond, CA 94804

**PARTIES BOUND**

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

**SEVERABILITY**

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

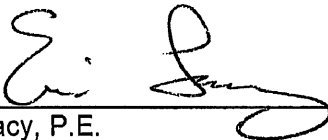
**FURTHER ENFORCEMENT ACTION**

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

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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.

October 23, 2014  
Date

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

Attachments

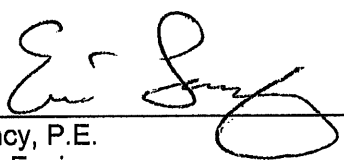
CERTIFIED MAIL # 7006 3450 0001 8420 8501

cc: San Mateo County Environmental Health Department (e-mailed to Greg Smith, w/ attachments.)

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October 23, 2014  
Date

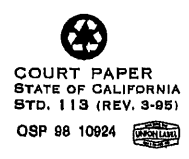
  
Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

Attachments

CERTIFIED MAIL # 7006 3450 0001 8420 8501

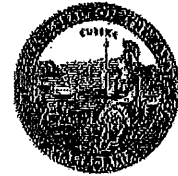
cc: San Mateo County Environmental Health Department (e-mailed to Greg Smith, w/ attachments.)

bcc: File Server: 4110020\Enforcement\September 2014 Mn SMCL vio citation;  
Enforcement File, Chron (all w/ attachments)  
W4110020\141020.Cit





State of California—Health and Human Services Agency  
**California Department of Public Health**



MARK B HORTON, MD, MSPH  
Director

ARNOLD SCHWARZENEGGER  
Governor

January 28, 2008<sup>9</sup>

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

Dear Ms. Loudd:

**FIELD ANALYSIS MONITORING AND REPORTING PROCEDURES  
PALO ALTO PARK MUTUAL WATER COMPANY, WATER SYSTEM NO. 4110020**

This is to confirm the items discussed in the Department's January 22, 2009 telephone conference with Palo Alto Park Mutual Water Company (PAPMWC). Mr. Jose P. Lozano of the Department discussed with you and Mr. Bryan Lincoln, PAPMWC's water system operator, monitoring and reporting procedures that PAPMWC must immediately implement for the field analysis data obtained from the compliance sites listed below.

- Well Blend Iron/Manganese (Primary Station Code (PSC) No. 4110020-007, aka Water Storage Tank Effluent or Distribution System);
- Well 02 (PSC No. 4110020-002); and
- Well 07 (PSC No. 4110020-006).

The Department understands that sampling at the Well Blend Iron/Manganese compliance point occurs just before entering PAPMWC's distribution system, downstream of the 350,000-gallon water tank and the booster pump station.

Mr. Lozano, in a January 22, 2009 e-mail (copy enclosed) to both of you, provided you with instructions and a spreadsheet specifying the field analysis data that PAPMWC is requested to submit weekly to the Department no later than Friday of each week. Mr. Lozano later discussed these instructions and the spreadsheet with both of you during the January 22, 2009 telephone conference. PAPMWC indicated in the phone conference that it will comply with the instructions.

The above-mentioned instructions are part of the reporting and monitoring procedural changes that the Department is requiring you to implement immediately. These procedures specified in this letter supersede Provision 13 of the June 29, 2007 amended permit issued to the water system.

---

Drinking Water Field Operations Branch, 850 Marina Bay Parkway, Building P, 2<sup>nd</sup> Floor, Richmond, CA 94804  
(510) 620-3474 FAX (510) 620-3455

CDPH Internet Address: [www.cdph.ca.gov](http://www.cdph.ca.gov)

Program Internet Address: <http://www.cdph.ca.gov/programs/services/programs/Pages/DWP.aspx>



It was previously discussed with you and your staff in the Department's December 17, 2008 site visit that PPMWC exceeded the secondary maximum contaminant level (MCL) for iron and manganese in October 2008, when it supplied water to the distribution system exceeding the secondary MCLs for these two parameters. Section 64449 (a), Title 22, California Code of Regulations (CCR) specifies that the secondary MCLs must never be exceeded in community water systems, like PPMWC. Please note that PPMWC also violated Provision 3 of its June 27, 2007 amended permit in October 2008 when water was supplied into the distribution system exceeded the secondary MCLs for iron and manganese.

In accordance with its June 29, 2007 amended permit, PPMWC is required to sample these three locations monthly and have the results analyzed by a certified laboratory to provide evidence of the effectiveness of the blending and oxidation treatment process. PPMWC is also required in the aforementioned permit to prove on a monthly basis that the field analysis sampling, using its HACH DR /890 Portable Colorimeter, is sufficiently accurate to "mimic" the results of the samples analyzed by the laboratory and can be adequately used as a process control tool. As discussed in several e-mails to you and in the December 17, 2008 site inspection, review of past monthly field analysis sampling results provided by the water system indicates the field kit is not sufficiently accurate to be used as a reliable indicator of treatment performance.

Moreover, the above-mentioned results of laboratory analysis sampling conducted in the previous five months does not conclusively show that blending and oxidation treatment process is working as intended. Therefore, as discussed during the phone conference, the Department is requiring PPMWC to implement the following operational procedures immediately:

- 1) Perform the activities listed below weekly using the field analysis kit and report via e-mail the collected field instrument results using the enclosed spreadsheet to the Department no later than Friday of each week.
  - a. Sample Well 02, Well 07 and Well Blend Iron/Manganese (aka Storage Tank Effluent or Distribution System) for iron and manganese.
  - b. Sample Well Blend Iron/Manganese (aka Storage Tank Effluent or Distribution System) for free chlorine residual.
  - c. Collect and record in the spreadsheet the flow rates of all operating wells at the time of the field analysis sampling, as derived from corresponding flow meter readings of each well
- 2) Sample for iron and manganese and have analyzed by a certified laboratory Well 02, Well 07 and Well Blend Iron/Manganese (aka Storage Tank Effluent or Distribution System) during the third week of each month. For comparison purposes, the field analysis sampling and the laboratory analysis sampling shall be conducted at approximately the same time during the third week of the month.

Wells 03, 05 and 06 must be sampled for iron and manganese and the results analyzed by a certified laboratory once every three years.

Ms. Katherine Loudd  
January 28, 2008<sup>1</sup>  
Page 3

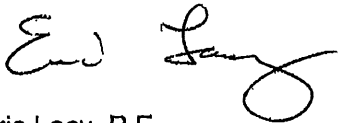
- 3) Verify weekly prior to use by means of the appropriate standards (for iron, manganese and free chlorine residual) that the measurements using PPMWC's HACH DR/890 Portable Colorimeter are accurate. Record comments regarding the field instrument verification performed during the sampling in the space provided in the enclosed spreadsheet.

PAPMWC shall comply with the above weekly sampling and reporting procedures unless otherwise directed by the Department. Failure to comply with the above procedures will result in the Department's taking enforcement action against the water system.

Finally, PAPMWC must provide public notification of the October 2008 iron and manganese secondary MCL exceedance in its 2008 Consumer Confidence Report (CCR), which must be provided to its users no later than July 1, 2009. Please provide the Department by February 27, 2009 the sample notice PAPMWC proposes to use in notifying its customers of the exceedance.

If you have any questions regarding this letter please call Jose Lozano at (510) 620-3459.

Sincerely,



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

Enclosure: Excel spreadsheet in the Department's January 22, 2009 e-mail.

cc: San Mateo Environmental Health Department (w/o encl.)

PALO ALTO PARK MUTUAL WATER COMPANY SYSTEM # 4110020  
 WEEKLY FIELD ANALYSIS RESULTS (TO BE E-MAILED TO DRINKING WATER PROGRAM BY FRIDAY OF EACH WEEK)

Date:	Field Fe	Field Mn	Field Free Chlorine Residual	Time	GPM
			N/A		
Well #2			N/A		
Well #3			N/A		
Well #5			N/A		
Well #6			N/A		
Well #7			N/A		
Storage Tank Effluent					

NOTES/COMMENTS REGARDING WEEKLY VERIFICATION OF HACH DR890 INSTRUMENT:

**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.

**Palo Alto Park Mutual Water Company Has Levels of Manganese Above the Secondary  
Drinking Water Standard in September 2014**

Our water system recently violated the Secondary Maximum Contaminant Level (MCL) for manganese in September 2014. 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 16, 2014 showed a manganese level of 0.07 mg/L. This is above the manganese secondary standard or maximum contaminant level (MCL) of 0.05 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.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

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

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Palo Alto Park Mutual Water Company

State Water System ID#: 4110020. Date distributed: \_\_\_\_\_.

**PROOF OF NOTIFICATION**

**Citation Number 02-17-14C-015**

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 violations of Title 22, California Code of Regulations (CCR) for the compliance period of September 2014. I complied with the directives of this citation as indicated below:

Required Action

Date Completed

Conduct Public Notification – (Attach copy of the notice and evidence(s) of notification (e.g. mail receipts, etc.))

Submit Corrective Action Plan

Submit Revised Operations Plan


\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE 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.



## Toxic Water: A series about the worsening pollution in American waters and regulators' response

Examine whether contaminants in your water supply met two standards: the legal limits established by the Safe Drinking Water Act and typically stricter health guidelines. The data was collected by an advocacy organization, the [Environmental Working Group](#), who shared it with The Times.

- [Browse All States](#)
- [Understanding the Data](#)
- [Related Story](#)
- [Join the Discussion](#)
- [All Stories in the Series: Toxic Waters](#)

View State...

### Palo Alto Park Mutual Water Company

- Chart
- Key
- 1 or more tests taken in the month
- 1 or more positive detections
- 1 or more tests above health limit
- 1 or more tests above legal limit

San Mateo County, **California**. Serves 2,500 people.

#### 2 contaminants above legal limits

In some states a small percentage of tests were performed before water was treated, and some contaminants were subsequently removed or diluted. As a result, some reported levels of contamination may be higher than were present at the tap. Results shown are based on individual samples and may not indicate a violation of the Safe Drinking Water Act, which often occurs only after prolonged tests show concentrations above a legal limit.

Contaminant	Average result	Maximum result	Health limit	Legal limit	Number of Tests				Monthly Testing History	Chart key at top of page	E.P.A. regulated
					Total #	Positive result	Above health	Above legal			
Lead (total)	9.33 ppb	28	0.20	15	3	1	1	1		Yes	
Nitrite	0.13 ppm	1.20	1	1	9	1	1	1		Yes	

#### 4 contaminants below legal limits, but above health guidelines

Contaminant	Average result	Maximum result	Health limit	Legal limit	Number of Tests				Monthly Testing History	Chart key at top of page	E.P.A. regulated
					Total #	Positive result	Above health	Above legal			
Alpha particle activity	1.04 pCi/L	5.30	-	15	6	3	3	0		Yes	
Arsenic (total)	0.92 ppb	2.30	2	10	5	2	2	0		Yes	
Radium-228	0.46 pCi/L	0.97	0.02	5	9	6	6	0		Yes	
Tetrachloroethylene	0.11 ppb	0.53	0.06	5	5	1	1	0		Yes	

#### 9 contaminants found within health guidelines and legal limits

Contaminant	Average result	Maximum result	Health limit	Legal limit	Number of Tests				Monthly Testing History	Chart key at top of page	E.P.A. regulated
					Total #	Positive result	Above health	Above legal			
Aluminum	320.33 ppb	880	-	-	6	5	0	0		No	
Barium (total)	99.20 ppb	120	2000	2000	5	5	0	0		Yes	
Chromium (total)	1.20 ppb	3.90	100	100	5	2	0	0		Yes	
Copper	13.34 ppb	180	1300	1300	9	3	0	0		Yes	
Gross beta particle activity (pCi/L)	1.57 pCi/L	5.59	15	15	3	2	0	0		Yes	
Manganese	39.34 ppb	290	300	-	30	27	0	0		No	
Nitrate	0.87 ppm	1.54	10	10	11	10	0	0		Yes	
Nitrate & nitrite	1.03 ppm	1.50	10	10	4	4	0	0		Yes	
Selenium (total)	0.86 ppb	2.80	50	50	5	2	0	0		Yes	

Units: ppb: parts per billion, pCi/L: picocuries per liter, ppm: parts per million, mrem/yr: millirems per year, MFL: million fibers per litre

#### 136 contaminants tested for but not found

1,1,1,2-Tetrachloroethane, 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,1-Dichloroethylene, 1,1-Dichloropropene, 1,2-Dibromo-3-chloropropane (DBCP), 1,2,3-Trichlorobenzene, 1,2,3-Trichloropropane, 1,2,4-Trichlorobenzene, 1,2,4-Trimethylbenzene, 1,2-Dichloroethane, 1,2-Dichloropropane, 1,3,5-Trimethylbenzene, 1,3-Dichloropropane, 1,3-Dichloropropene, 2,2-Dichloropropane, 2,3,7,8-TCDD (Dioxin), 2,4,5-TP (Silvex), 2,4-D, 3-Hydroxycarbofuran, 4-Nitrophenol, Acetone, Alachlor (Lasso), Aldicarb, Aldicarb sulfone, Aldicarb sulfoxide, Antimony (total), Aroclor 1221, Aroclor 1232, Aroclor 1242, Aroclor 1248, Aroclor 1254, Aroclor 1260, Asbestos, Atrazine, Baygon (Propoxur), Bentazon (Basagran), Benzene, Benzof[a]pyrene, Beryllium (total), Bromobenzene, Bromochloromethane, Bromodichloromethane, Bromoform, Bromomethane,

Cadmium (total), Carbaryl, Carbofuran, Carbon tetrachloride, Chlordane, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethylene, cis-1,3-Dichloropropene, Cyanide, Dacthal, Dalapon, Di(2-Ethylhexyl) adipate, Di(2-ethylhexyl) phthalate, Dibromoacetic acid, Dibromochloromethane, Dibromomethane, Dicamba, Dichloroacetic acid, Dichlorodifluoromethane, Dichloromethane (methylene chloride), Dinoseb, Diquat, Endothal, Endrin, Ethyl-t-butyl ether (ETBE), Ethylbenzene, Ethylene dibromide (EDB), Glyphosate, Heptachlor, Heptachlor epoxide, Hexachlorobenzene (HCB), Hexachlorobutadiene, Hexachlorocyclopentadiene, Hexachloroethane, Isopropyl ether, Isopropylbenzene, Lindane, m- & p- Xylene, m-Dichlorobenzene, Mercury (total inorganic), Methiocarb, Methomyl, Methoxychlor, Methyl ethyl ketone, Methyl isobutyl ketone, Molinate (Ordram), Monobromoacetic acid, Monochloroacetic acid, Monochlorobenzene (Chlorobenzene), MTBE, n-Butylbenzene, n-Propylbenzene, Naphthalene, o-Chlorotoluene, o-Dichlorobenzene, o-Xylene, Oxamyl (Vydate), p-Chlorotoluene, p-Dichlorobenzene, p-Isopropyltoluene, Paraquat, Pentachlorophenol, Perchlorate, Picloram, Radium-226, sec-Butylbenzene, Silver (total), Simazine, Styrene, Tert-Amyl-Methyl Ether, Tert-Butyl Alcohol, tert-Butylbenzene, Thallium (total), Thiobencarb (Bolero), Toluene, Total haloacetic acids (HAAs), Total polychlorinated biphenyls (PCBs), Total trihalomethanes (TTHMs), Toxaphene, trans-1,2-Dichloroethylene, trans-1,3-Dichloropropene, Trichloroacetic acid, Trichloroethylene, Trichlorofluoromethane, Trichlorotrifluoroethane, Vinyl chloride, Xylenes (total)

### Additional Resources

[View E.W.G.'s Report for This System »](#)

Note: The Times' analysis may differ from the Environmental Working Group ([Learn More](#))

[View E.P.A. Violations »](#)

**Source:** The Environmental Working Group ([About this data](#))

System operators should contact [The Times](#) to report inaccuracies or comments.

Charles Duhigg, Matthew Ericson, Tyson Evans, Brian Hamman, Derek Willis

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## Menlo Park Fire Protection District Fire Prevention Bureau

170 Middlefield Road

Menlo Park, CA 94025

Phone: (650) 688-8425 Fax: (650) 323-9129

Palo Alto Park Mutual Water Company (PAPMWC)  
2190 Addison Ave.  
East Palo Alto, CA 94303

June 30, 2016

### **Immediate Threat to Public Safety - Inadequate Water Pressure & Required Fire Flow**

On June 29, 2016, Fire Marshal Jon Johnston with the Menlo Park Fire Protection District received a phone call from "Wilson" from the Palo Alto Park Mutual Water Company, reporting that a system booster pump had failed. He reported that it was going to be up to 2 weeks before the Water Company could have it repaired. He further reported that, at the current time, the water supply system was operating with only a 700 gallon per minute (GPM) and 20 pounds per inch (PSI) "static" water pressure.

That low level of supply and pressure presents an immediate threat to public safety. The California Fire Code definition of Fire Flow is: "The flow rate of a water supply, measured at 20 pounds per square inch "residual pressure", that is **available** for fire fighting."

The difference between a static supply, or water that is available and a residual supply, or water that is left, is significant and critical to fire operations. Your system is currently operating at what would normally be considered the bottom threshold if fire units were already engaged in firefighting operations fighting a fire with water flowing.

At 20 PSI, firefighting personnel operating a pump during a fire emergency are required to begin to gate down hose lines, or reduce flow so as to NOT cause damage to the water supply system, fire equipment and water pump itself.

That damage can range from collapsing water mains to the destruction of valves. The adverse reaction to this system destruction is amplified in the fire pump as the impellers, that create or boost pressure, can be damaged or destroyed by metal debris from the water system which could subsequently render the fire engine out of service due to a catastrophic failure. That damage is not only costly but more importantly could take weeks or months to repair.

However, it doesn't stop there, firefighters engaged in combat firefighting operations could be compromised without a reliable water supply. Depending upon when this were to occur, it could put firefighters in jeopardy and compromise their ability to tactically save lives and property.



The California Fire Code Section B105 Fire-Flow Requirements for Buildings states:

B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration for one- and two-family dwellings having a fire flow calculation area that does not exceed 3600 square feet shall be 1,000gpm for 1 hour.

B105.2 Buildings other than one- and two-family dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

The table minimum is 1500gpm for 2 hours and increases based upon building size and construction type, **in other words, your system no longer meets the minimum standards for safe and effective operation for firefighting purposes.**

The California Fire Code Section 507 Fire Protection Water Supplies states:

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

507.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

It is our understanding that East Palo Alto Assistant City Manager Sean Charpentier visited with Ms. Loudd of PAPMW to offer the Water Company assistance in meeting the required fire flow per the California Fire Code. The offers for a temporary pump or the ability to turn on an emergency inter-tie was refused for some reason, as we understand it.

The Fire District has determined that this situation and two week repair timeline is **unacceptable**, especially given the upcoming 4<sup>th</sup> of July weekend and the associated historical fire activity in this area of not only illegal fireworks, that could start a fire, but the relative age, density and high occupancy of homes and dwellings that typically are not equipped with early suppression fire systems.

The Menlo Park Fire Protection District has discussed several emergency contingency plans that range from shuttling water from your neighboring water purveyors fire hydrant system to requesting water tenders from other fire agencies to establish a reliable water supply for emergency firefighting operations.

These emergency measures do not release the Water District from its responsibility to meet the minimum Fire Code for public safety. By order of the Fire Chief, based upon the inadequate fire flow for the service area known as the Palo Alto Park Mutual Water Company, it is deemed that this situation is a **threat to public safety due to inadequate water supply and available fire flow"**.

If the Water District cannot resolve or mitigate this situation by Friday, July 1, 2016 at 6 pm, the Fire Chief will request that the City of East Palo Alto declare a temporary state of emergency for your water service area.

Immediate remedies must be explored to maintain public safety. This could consist of mobile pumps that could be rented and brought in to bypass your damaged booster pump, or other solutions that have been proposed by the City.

Fire Marshal Jon Johnston is designated as the Fire District's primary point of contact for this emergency.

Thank you

Fire Chief Harold Schapelhouman

Cc:

Fire Board

City of East Palo Alto

San Mateo County Office of Emergency Services

California CPUC

# Freitas + Freitas

Engineering and Planning Consultants, Inc.

July 1, 2016

Fire Marshal Jon Johnston  
Menlo Park Fire Protection District

Subject: Your June 30, 2016 Letter Concerning Water Supply  
Palo Alto Park Mutual Water System (PAPMWC)

Fire Marshal Johnston,

Thank you for your email and letter of June 30, 2016 concerning the water supply capability of PAPMWC and your statement of **"Immediate Threat to Public Safety – Inadequate Pressure & Required Fire Flow"**. As you have correctly noted, we are repairing one of our system booster pumps and are relying on one booster pump with an emergency electrical generator backup. However your letter incorrectly classifies the 700 gpm at 20 psi as the static water pressure in our system. The quoted 700 gpm at 20 psi is the capacity of a fire hydrant flow tested recently with one pump operating. The static pressure in our system is actually 70 psi with the discharge matching the demand at any given time.

We have operated our system with one pump operating and another of the same size as a standby by for over 20 years with no observed problems as the system demand is generally a maximum of about 250 gpm at 70 psi.

We are well aware of your quoted California Fire Code Section 507 and although receiving no funding from your agency have cooperated with your agency and the fire code requirements.

We recognize that we are operating with just one pump because of the malfunction of this pump and are securing a replacement pump which you have correctly noted will take about two weeks. With this in mind we will immediately open our existing back up intertie with the adjacent water company to provide for additional flow should we need it until our replacement pump is operational.

There is no need for your **"Immediate Threat to Public Safety – Inadequate Pressure & Required Fire Flow"** statement.

Sincerely,



Michael Freitas

Registered Civil Engineer C23345

3233 Valencia Ave., Suite A1, Aptos, California 95003

831-688-1168 fr8tus@aol.com

# PALO ALTO PARK MUTUAL WATER COMPANY

2190 ADDISON AVENUE  
EAST PALO ALTO, CA 94303-1433

Telephone: (650) 322-6903

Fax: (650) 322-6981

1 July 2016

Re: Health and Safety: system pressure and fire flow protection

Good morning,

Let's address the first the issue, the intertie that Palo Alto Park Mutual Water did not shut-off, can be turned it on.

Please let this letter serve to confirm and dismiss any and all concerns with regards where Palo Alto Park Mutual Water Company stands on the issues of the Health and the Safety to the customer that we serve. Our number one priority is the delivery of safe potable water and meeting both the primary and secondary standards as set by the U. S. Environmental Protection Agency and adopted by the State of California.

Our system is a dual system, which means that we have a back-up, 2 storage tanks, 2 variable frequency boosters pumps etc.

With regard to your email of 1 July 2016, "[ Menlo Park Fire Protection District recognizing the immediate threat to life and safety from the deficiency of the current status of the Palo Alto Park Mutual Water Company (Immediate Threat to Public Safety - Inadequate Water Pressure & Required Fire Flow)]" let it be known that the PPMWC (Palo Alto Park Mutual Water) system is currently operating with a 65 to 68 psi (pound per square inch). Nevertheless, *we are operating with one boosters out of service*. This booster will be back on line in less than two weeks.


In your email attachment, "[ He further reported that, at the current time, the water supply system was operating with only a 700 gallon per minute (GPM) and 20 pounds per inch (PSI) "static" water pressure.]" This is not PPMWC system pressure, it is the pressure and flow at the fire hydrant near 2056 Glen way. We have taken reading from several fire hydrants in our system and the reading are as follows: 452 Garden 1000 GPM with 35 psi, 2109 Dumbarton 950 GPM at 32 psi and 2128 Menalto 920 GPM at 30 psi.

For your concerns we did not reject totally the offers of the City of East Palo Alto, for a booster pump or to have *the intertie valve open which we did not closed*.

We the PPMWC here with employ you intervene and help resolve this matter. *However, let me state again that you certainly can turn on the intertie or have America Water to turn it on.*

I did call Mr. Kevin Lewis today, 1 July 2016 regarding the booster pump that the City of East Palo Alto offer. Mr. Lewis stated that it had not got there.

Your truly

  
Mrs. Katherine J. P. Loudd, Manager  
Palo Alto Park Mutual Water Company

Cc: City of East Palo Alto

State of California, Water Resources Control Board

COMMUNITY WATER SERVICE SINCE 1924



CITY OF EAST PALO ALTO  
OFFICE OF THE CITY MANAGER  
2415 UNIVERSITY AVENUE  
EAST PALO ALTO, CA 94303

July 1, 2016

Katherine Loudd, Treasurer  
Palo Alto Park Mutual Water Company  
2190 Addison Ave.  
East Palo Alto, CA 94303-1433

Re: Inadequate Water Pressure at Fire Hydrants

Katherine Loudd:

Thank you for the attached letter, the letter from your Registered Civil Engineer, and for meeting us at 452 Garden St. at 3pm. Your letter and the letter from your Registered Civil Engineer state that there is no problem with the pressure in the Palo Alto Park Mutual Water Company System. Michael Freitas confirmed over the phone that with one booster pump your system operates at sufficient pressures. The pressures mentioned in your letter are not consistent with our independent field test earlier in the day where 5 hydrants registered between 15-20 psi. However, our site visit at 452 Garden at 3pm indicated water pressure at that one hydrant at that time was consistent with your letter.

We are concerned that the water pressures in your letter are not sustainable. However, you state in writing that your system has adequate pressure and meets all applicable Health and Safety Codes, and your Registered Engineer corroborated this in his letter and verbally. **To ensure that problems do not arise over the 4<sup>th</sup> of July Weekend, please send us updated reports on the pressure and flow during the peak AM and PM hours for Saturday, Sunday, and Monday for the sites included in your original letter. Please send them to: [scharpentier@cityofepa.org](mailto:scharpentier@cityofepa.org); [jonj@menlofire.org](mailto:jonj@menlofire.org); [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org).**

PAPMWC is entirely responsible for the any liability that arises from the inability to provide sufficient water to your customers and anybody else who might incur damages. **If for any reason you feel that your system cannot meet all applicable local, State, and Federal codes and regulations regarding the provision of water supply, you need to let us know immediately.**

If, as indicated in your letters, there is no problem with pressure in your system, there is no reason for the City to expend significant resources and incur risk to subsidize your operation. If you feel you cannot provide adequate water supply to your customers, the City is open exploring options. However, you have to acknowledge in writing that you cannot provide adequate water supply, request assistance, and provide the proper indemnifications and legal protections. This is the only responsible course of action given your history of litigation.

I have attached copies of all letters. If you have any questions you can contact me anytime.

Sean Charpentier  
Assistant City Manager  
(650) 833-8946  
[scharpentier@cityofepa.org](mailto:scharpentier@cityofepa.org)



**CITY OF EAST PALO ALTO**  
**OFFICE OF THE CITY MANAGER**  
2415 UNIVERSITY AVENUE  
EAST PALO ALTO, CA 94303

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July 1, 2016

Katherine Loudd, Treasurer  
Palo Alto Park Mutual Water Company  
2190 Addison Ave.  
East Palo Alto, CA 94303-1433

Re: Inadequate Water Pressure at Fire Hydrants

Katherine Loudd:

We have received the attached letter from the Menlo Park Fire Protection District (MPFPD). American Water Enterprises field verified that the static pressure at 5 Palo Alto Park Mutual Water Company (PAPMWC) hydrants was between 15-20 PSI.

The MPFPD letter states: **“your system no longer meets the minimum standards for safe and effective operation for firefighting purposes.”**

Providing adequate domestic and fire suppression water supply within the boundaries of the PAPMWC is entirely the responsibility of the PAPMWC and is not a City responsibility. PAPMWC's inability to maintain and operate its necessary booster pumps violates California Fire Code Sections and could result in charges of gross negligence or willful misconduct from parties that incur damages.

We are concerned about this situation because your shareholders and customers are City residents and constituents, without operable PAPMWC fire hydrants the fire could spread throughout the City, and we are at the beginning of the 4<sup>th</sup> of July weekend, with its associated risk of fireworks and fires.

The City is open to discussing options to potentially mitigate this avoidable problem if the PAPWMC requests such assistance in writing and approves the proper indemnification and other legal protections for the City.

If you have any questions you can contact me.

Sean Charpentier  
Assistant City Manager  
(650) 833-8946  
[scharpentier@cityofepa.org](mailto:scharpentier@cityofepa.org)

**Conclusion:**

City property has been damaged by the illegal excavations of PAPMWC. They have been destroying recently paved streets and their patch work does not meet City standards. They excavate without giving notification to the proper agencies including the City. They do not take the precautions to insure their workers or the public are safe when working on the streets. If allowed to continue, it is only a matter of time until a worker is injured or they dig into a utility line.

Furthermore, the customers are being charged “impact fees” by PAPMWC. Our residents are the lowest income earners in Silicon Valley and must meticulously budget before being able to invest into their properties. After they are well underway with their projects, they receive an unexpected bill and are told to pay or face late fees. When they question PAPMWC, they are simply told that they have no choice but to pay if they want to finish their project. Our residents are being placed in a difficult situation and the City lacks jurisdiction to intercede.

Lastly, this water company has had issues keeping their operations up to minimum standards. In 2016, they received their fourth citation by a state agency in the last three years. The Fire Department, not PAPMWC, had to inform the City that its residents were in a dangerous situation given the poor water pressure in July of 2016. All information received by the City from the Fire Department was claimed to be inaccurate by PAPMWC in follow up correspondence. Their actions during these tense situations further drive the point that they are unwilling to collaborate with the City and a working relationship, for the time being, is a stretch.

**Recommendations:**

The City and other agencies must take a closer look at the practices of this company. We ask that you consider Business and Professions Code 17200 when evaluating this case. This is why based on our findings, we recommend submittal of this case to the City of East Palo Alto Attorney’s Office and the District Attorney’s Office for review and possible enforcement action(s).

Prepared by:

Janet Nuñez-Aguilar  
Building Permit Technician  
Building Division

Kevin G. Lewis  
Public Works Inspector  
Engineering Division

Christopher Gale  
Chief Building Official  
Building Division