



Ron Chapman, MD, MPH  
Director & State Health Officer

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

DRINKING WATER FIELD OPERATIONS BRANCH  
50 D STREET, SUITE 200, SANTA ROSA, CA 95404  
PHONE: (707) 576-2145 / FAX: (707) 576-2722  
INTERNET ADDRESS: [www.cdph.ca.gov](http://www.cdph.ca.gov)



EDMUND G. BROWN JR.  
Governor

May 9, 2013

Mr. Bud Hambleton  
Crescent Bay Improvement Company  
4215 Saint Croix Ct.  
San Jose, CA 95118-2044

Dear Mr. Bud Hambleton:

Enclosed is a citation issued to the Crescent Bay Improvement Company (Water System). The citation is being issued because the Water System failed to comply with the maximum contaminant level (MCL) for a disinfection byproduct, as specified in Section 64533, Title 22 of the California Code of Regulations during the 1st Quarter 2013.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the Water System to return to compliance. The Further Enforcement Action section describes penalties that may be assessed for failure to comply with the Citation. No civil penalty is levied in the enclosed citation.

Your Water System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation and any follow-up time required of Department staff to ensure compliance. The Water System will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact our office at (707) 576-2145.

Sincerely,

Michelle Floyd Frederick, P.E.  
District Engineer  
Mendocino District

Enclosure: Citation No. 02-03-13C009-1700519-1305-02

1 **Citation No. 02-03-13C009-1700519-1305-02**

2

3

STATE OF CALIFORNIA

4

DEPARTMENT OF PUBLIC HEALTH

5

6 **Public Water System:** Crescent Bay Improvement Company

7 **Water System No.:** 1700519

8 **Issue Date:** May 10, 2013

9

10 **To:** Crescent Bay Improvement Company

11 4215 Saint Croix Ct.

12 San Jose, CA 95118-2044

13

14 **CITATION FOR NON-COMPLIANCE**

15 **Section 64533, Title 22, California Code of Regulations**

16 **Maximum Contaminant Level – Disinfection Byproduct**

17 **Running Annual Average 1st Quarter 2013**

18

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

23

24 The Division of Drinking Water and Environmental Management of the California  
25 Department of Public Health (Department) hereby issues a citation to Crescent Bay  
26 Improvement Company (System) for failure to comply with Title 22, California Code  
27 of Regulations (CCR) Section 64533.

1 **APPLICABLE AUTHORITIES**

2 Section 116650 of the CHSC states in relevant part:

3  
4 (a) If the department determines that a public water system is in violation of this  
5 chapter or any regulation, permit, standard, citation, or order issued or  
6 adopted thereunder, the department may issue a citation to the public water  
7 system. The citation shall be served upon the public water system  
8 personally or by certified mail. Service shall be deemed effective as of the  
9 date of personal service or the date of receipt of the certified mail. If a  
10 person to whom a citation is directed refuses to accept delivery of the  
11 certified mail, the date of service shall be deemed to be the date of mailing.

12  
13 (b) Each citation shall be in writing and shall describe the nature of the violation  
14 or violations, including a reference to the statutory provision, standard,  
15 order, citation, permit, or regulation alleged to have been violated.

16  
17 (c) A citation may specify a date for elimination or correction of the condition  
18 constituting the violation.

19  
20 (d) A citation may include the assessment of a penalty as specified in  
21 subdivision (e).

22  
23 (e) The department may assess a penalty in an amount not to exceed one  
24 thousand dollars (\$1,000) per day for each day that a violation occurred,  
25 and for each day that a violation continues to occur. A separate penalty  
26 may be assessed for each violation.

27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

California Code of Regulations (CCR), Section 64533 states in relevant part:

Using the monitoring and calculations methods specified in sections 64534, 64534.2, 64535 and 64535.2, the primary maximum contaminant level (MCL) for the disinfection byproducts shown in Table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A states in relevant part:

Table 64533-A	
MCLs and Detection Limits for Purposes of Reporting Disinfection Byproducts	
Disinfection Byproduct	Maximum Contaminant Level (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060

**STATEMENT OF FACTS**

The Department has received laboratory results for quarterly TTHM and HAA5 samples ending the 1st Quarter 2013 from the public water system Crescent Bay Improvement Company (System). The running annual average for TTHM and HAA5 concentrations from the last four quarters, ending with the 1st Quarter 2013, for Crescent Bay Improvement Company was 0.087 mg/L and 0.064 mg/L, respectively.

**DETERMINATIONS**

The Department determined that Crescent Bay Improvement Company failed to comply with the MCL(s) for the TTHM and HAA5 running annual average(s) in the 1st Quarter 2013, a violation of Section 64533, Title 22 of the CCR. The Department hereby issues Citation No. 02-03-13C009-1700519-1305-02 to Crescent Bay Improvement Company for failure to comply with Section 64533.

**DIRECTIVES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Crescent Bay Improvement Company is hereby directed to take the following actions:

1. Comply with Section 64533, Title 22 of the CCR in all future monitoring periods.
2. Notify all persons served by the System of the disinfection byproduct MCL violation(s) in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:

- a. Completion of Attachment A to include the name, address and telephone number of a System official as a source of additional information concerning the public notice. Any deviations from the language contained in Attachment A requires prior approval from the Department. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the System to prevent this violation from occurring in the future. You must use the space provided on page 2 of Attachment A for this written description.**
- b. By mail or direct delivery of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, to each customer receiving a bill, including those that provide their drinking water to others. This notice must also be given to all other service connections which receive water from the System. This notice must be delivered to each customer/service connection by **June 30, 2013**.
- c. By publication of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper. This notice must be published for one day. The publication in a local newspaper must be completed by **June 30, 2013**.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

d. The System shall provide public notice for this violation in accordance with Section 64465(c), Title 22 of the CCR. This section requires that each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish speaking residents may contact the System to obtain a translated copy of the public notice or assistance in Spanish. In addition, Section 64465(c) also requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in the community (whichever is less), the public notice must contain information in the appropriate language(s) regarding the importance of the notice, or it must contain a telephone number or address where such residents may contact the System to receive a translated copy of the notice or to receive assistance in the appropriate language. The Spanish language requirement is already included in the notice attached to this citation, Attachment A.

3. A representative of the System shall complete the attached Certification of Compliance form and return it to the Department by **July 10, 2013**. A copy of the notice delivered to customers and a copy of the newspaper publication must be attached to the Compliance Certification Form.

4. The public notification and Certification of Compliance requirements listed in the directives above shall be performed quarterly until Crescent Bay Improvement Company is no longer in violation of a disinfection byproduct maximum contaminant level. Future quarterly public notifications must include the most recent data available and be approved by the Department prior to distribution to

1 Crescent Bay Improvement Company customers. The public notice shall be  
2 distributed within 30 days of receiving laboratory results. A copy of the public  
3 notice shall be submitted to the Department within 40 days of receiving  
4 laboratory results.

5  
6 5. The System shall submit a Source, Treatment and Operation Evaluation and  
7 Compliance Plan by **July 10, 2013**. The Source, Treatment and Operation  
8 Evaluation shall describe the potential factors that contributed to the formation of  
9 the disinfection byproducts. The Compliance Plan shall describe the action taken  
10 by the System to minimize the production of disinfection byproducts, a timeline  
11 for compliance and the monitoring frequency of various water quality parameters  
12 to determine if the action is adequate to minimize the formation of disinfection  
13 byproducts.

14  
15 All submittals required by this Citation shall be submitted to the Department at the  
16 following address:

17  
18 Michelle F. Frederick, P.E., District Engineer  
19 Mendocino District  
20 Drinking Water Field Operations Branch  
21 50 D Street, Suite 200  
22 Santa Rosa, CA 95404

23 The Department reserves the right to make such modifications to this Citation, as it  
24 deems necessary to protect public health and safety. Such modifications may be  
25 issued as amendments to this Citation and shall be effective upon issuance.  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**PARTIES BOUND**

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

**SEVERABILITY**

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

**FURTHER ENFORCEMENT ACTION**

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has a failed to comply with orders of the department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the department. By issuance of this Citation, the Department does not waive any right to take additional or alternative enforcement action against the System including, but not limited to, assessment of civil penalties as authorized by law.

Michelle J. Frederick

May 10, 2013

Michelle Floyd Frederick, P.E., District Engineer  
Mendocino District  
Drinking Water Field Operations Branch

Date

ATTACHMENTS

Certified Mail No. 7012 2210 0001 9133 4017

1700519/Compliance-4/02-03-13C009-1700519-1305-02/AJL



**CERTIFICATION OF COMPLIANCE**

**Citation Number 02-03-13C009-1700519-1305-02**

Name of Water System: **Crescent Bay Improvement Company**

System Number: **1700519**

**Certification**

As required by Section 64463.4 of the California Code of Regulations, I certify that the users of the water supplied by the **Crescent Bay Improvement Company** were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period ending in the 1st Quarter 2013. In addition, I certify that Crescent Bay Improvement Company has complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – Mail or Hand Delivery by <b>6/30/2013*</b>	
Public Notification – Newspaper by <b>6/30/2013*</b>	

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

\_\_\_\_\_  
Date

*\*Attach a copy of the notice delivered to customers and a copy of the notice published in the newspaper.*

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT BY  
July 10, 2013**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

ATTACHMENT A

**Required Notice for Exceeding Disinfectant/Disinfection Byproduct MCL**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Esta contiene información es muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

**Crescent Bay Improvement Company Has Levels  
of Disinfection Byproducts Above Drinking Water Standards**

The Crescent Bay Improvement Company public water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation. Crescent Bay Improvement Company routinely monitors the distribution system for the presence of total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5). The average annual testing results ending in the 1st Quarter 2013 showed that the Crescent Bay Improvement Company exceeded the maximum contaminant level (MCL) for TTHM and HAA5. The most recent running annual averages for TTHM and HAA5 for Crescent Bay Improvement Company are:

Ending Quarter	Running Annual Average TTHM Results (ug/L)	Running Annual Average HAA5 Results (ug/L)
1st Quarter 2013	0.087	0.064

The TTHM and HAA5 maximum contaminant levels are 0.080 mg/L and 0.060 mg/L.

As a result of disinfecting drinking water, disinfectant byproducts may form. Design and/or disinfection modifications may reduce the level of disinfection byproducts in drinking water.

**What should I do?**

**You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.

**What does this mean?**

This situation does not require that you take immediate action. If it had, you would have been notified immediately.

The California Department of Public Health (CDPH) sets drinking water maximum contaminant levels and requires the disinfection of drinking water. However, when used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). CDPH has determined that a number of DBPs are a health concern at certain levels of exposure. Some people who drinking water containing TTHM and HAA5 in excess of the MCL over many years may have an increased risk of getting cancer.

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

As a result of disinfection, we have exceeded the TTHM and HAA5 MCL in the 1st Quarter 2013.

**DESCRIBE ACTIONS AND PLANS TO PREVENT FROM FURTHER OCCURRENCES.**

For more information, please contact [INDIVIDUAL] [TITLE]. Phone [PHONE NUMBER].

Alternatively, contact us by mail at Mr. Bud Hambleton, 4215 Saint Croix Ct., San Jose, CA 95118-2044, the Office of Environmental Health Hazard Assessment at (916) 323-2514, or Michelle Frederick of the Department of Public Health Drinking Water Field Office Branch at (707) 576-2145.

*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 notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Crescent Bay Improvement Company (Public Water System 1700519) Date distributed: