



RON CHAPMAN, MD, MPH  
Director & State Health Officer

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



EDMUND G. BROWN JR.  
Governor

January 28, 2014

Mr. Jim Smith  
Board President  
Skylonda Mutual Water Company  
127 Blakewood Way  
Woodside, CA 94062

Dear Mr. Smith:

**COMPLIANCE ORDER NO. 02-17-14R-001  
CONTINUING BARIUM MAXIMUM CONTAMINANT LEVEL FAILURE  
Skylonda Mutual Water Company, Water System No. 4100533**

Enclosed is a compliance order issued to Skylonda Mutual Water Company (Company). The compliance order is issued as the water system has failed to comply with Section 116555(a), California Health and Safety (H&S) Code; Section 64431, Chapter 15, Title 22, California Code of Regulations (CCR); and Provision 26 of the December 3, 2012 Domestic Water Supply Permit. The water system has continually provided water for domestic consumption that exceeds the maximum contaminant level (MCL) for barium.

The attached compliance order consists of the following six sections: Findings of Fact, Conclusions of Law, Order, Parties Bound, Severability, and Civil Penalty. The water system is required to comply with the requirements and schedule in the Order section of the enclosed Compliance Order. Failure to meet these directives is subject to further enforcement actions as described in the Civil Penalty section.

Should you have any questions regarding this letter, please contact me at (510) 620-3453.

Sincerely,

Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Drinking Water Field Operations Branch  
California Department of Public Health

CERTIFIED MAIL NO: 7007 0710 0000 5917 2439  
cc: San Mateo County Environmental Health Department

1 **Compliance Order No. 02-17-14R-001**

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3 **STATE OF CALIFORNIA**

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5 **DEPARTMENT OF PUBLIC HEALTH**

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8 **IN RE:** SKYLONDA MUTUAL WATER COMPANY

9 Water System No. 4100533

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11 **TO:** Mr. Jim Smith

12 Skylonda Mutual Water Company

13 127 Blakewood Way

14 Woodside, CA 94062

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17 **Date Issued:** January 28, 2014

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19 **COMPLIANCE ORDER FOR VIOLATION OF HEALTH AND SAFETY CODE**  
20 **SECTIONS 116555 (a)(1) AND (a)(3) AND TITLE 22, CALIFORNIA CODE OF**  
21 **REGULATIONS SECTION 64431 AND PROVISION 26 OF THE DECEMBER 3,**  
22 **2012 DOMESTIC WATER SUPPLY PERMIT.**

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24  
25 Section 116655 of the California Health and Safety Code authorizes the issuance  
26 of an order for failure to comply with a requirement of California Safe Drinking  
27 Water Act (California Health and Safety Code, Division 104, Part 12, Chapter 4,



1 commencing with Section 116270), or any permit, regulation, or standard issued  
2 thereunder.

3  
4 The Division of Drinking Water and Environmental Management of the State of  
5 California Department of Public Health (Department) hereby issues a compliance  
6 order (Order) to Skylonda Mutual Water Company (System) for failure to comply  
7 with Health and Safety Code Sections 116555 (a)(1) and (a)(3); Title 22, California  
8 Code of Regulations, Section 64431; and Provision 26 of the December 3, 2012  
9 Domestic Water Supply Permit issued by the Department to the System.  
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12 **STATEMENT OF FACTS**

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15 Skylonda Mutual Water Company is a community water system serving an  
16 estimated population of 350 residents through 156 service connections.

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18 The sources of supply for the System are La Honda Creek (Source Number  
19 4100533-007), the Lake (Source Number 4100533-001), Well 06 (Source Number  
20 4100533-003), Well 07 (Source Number 4100533-006), and Well 08 (Source  
21 Number 4100533-008). Water from La Honda Creek and Well 06 are combined in  
22 the Lake prior to a microfiltration surface water treatment plant.

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24 Section 64431, Title 22 of the California Code of Regulations requires that  
25 community water systems deliver water to all customers that complies with the  
26 barium maximum contaminant level (MCL) of 1. milligram per liter (mg/L).  
27



1 Provision 26 of the December 3, 2012 Domestic Water Supply Permit issued by the  
 2 Department to the System requires the System to perform monthly barium  
 3 monitoring at the surface water treatment plant effluent to ensure effective  
 4 treatment, resulting in delivery of water meeting all drinking water standards. A  
 5 barium maximum contaminant level exceedance at the water treatment plant  
 6 effluent requires the System to take immediate action to investigate and correct the  
 7 maximum contaminant level exceedance.

8  
 9 The most recent year of sample results for barium (in  $\mu\text{g/L}$ ) from Well 06, the Lake,  
 10 and the treatment plant effluent are shown in the following table:  
 11

<b>Date of Sample</b>	<b>Well 6 Results (<math>\mu\text{g/L}</math>)</b>	<b>The Lake Results (<math>\mu\text{g/L}</math>)</b>	<b>Treatment Effluent Results (<math>\mu\text{g/L}</math>)</b>
January 9, 2013			820
February 21, 2013			580
March 27, 2013	370	750	510* (Sampled 3/18/2013)
April 10, 2013			550
May 13, 2013			460
June 26, 2013	1,300	510	470
July			
August 19, 2013			690
September 23, 2013	2,700	1,300	1,300
October 14, 2013			1,200
November 14, 2013			3,300
December 12, 2013	2,700	1,600	1,600

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 22 The treatment plant effluent barium concentration exceeds the barium MCL.  
 23 Therefore, the System's treatment plant does not produce water that reliably meets  
 24 the barium MCL of 1. mg/L.

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 26 The System received a November 21, 2013 citation for noncompliance for violating  
 27 the barium MCL at the treatment plant effluent. The System was notified of the  
 requirements to conduct quarterly public notification as long as the violations



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continue and prepare a Corrective Action Plan (CAP) that describes the specific actions that will be taken to ensure future barium MCL violations do not occur, which includes specific actions including preventative measures and milestones on the pathway to return to compliance.

**AUTHORITIES**

Health and Safety Code section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
  - (1) complies with primary and secondary drinking water standards
  - (3) provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Health and Safety Code section 116655 states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
  - (1) Directing compliance forthwith.
  - (2) Directing compliance in accordance with a time schedule set by the department.
  - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
  - (1) That the existing plant, works, or system be repaired, altered, or added to.
  - (2) That purification or treatment works be installed.
  - (3) That the source of the water supply be changed.
  - (4) That no additional service connection be made to the system.
  - (5) That the water supply, the plant, or the system be monitored.
  - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

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2 California Code of Regulations, Title 22, section 64431 (a) states in relevant part:

3 (a) Public water systems shall comply with the primary MCLs in Table  
4 64431-A as specified in this article.

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Barium	1.

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9 **DETERMINATIONS**

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11 Based on the above-described Statement of Facts, the Department determines that  
12 the System has violated the following:

- 13 1. Health and Safety Code, Section 116555 (a)(1): Specifically, the System  
14 has failed to comply with primary and secondary drinking water standards.  
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- 16 2. Health and Safety Code, Section 116555 (a)(3): Specifically, the System  
17 has failed to provide a reliable and adequate supply of pure, wholesome,  
18 healthful and potable water.  
19
- 20 3. California Code of Regulations, Title 22 Section 64431: Specifically, the  
21 System has failed to comply with the primary maximum contaminant level for  
22 barium of 1. mg/L.  
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**ORDER**

Pursuant to Section 116655 of the California Health and Safety Code, the Department and its Director hereby orders the system to do the following:

**Directive 1. As soon as possible**, the System shall comply with California Health and Safety Code Sections 116555(a)(1) and (a)(3); California Code of Regulations Section 64431; and Provision 26 of the December 3, 2012 Domestic Water Supply Permit in all future monitoring periods.

**Directive 2. Effective immediately**, the System shall provide quarterly public notification of its failure to comply with the barium MCL during any calendar quarter in which any month’s treatment plant effluent sample exceeds the barium MCL. The notification procedures and format are provided in Attachment B. Proof of public notification shall be provided to the Department following each quarterly notification by the 10<sup>th</sup> day of the month following notification, using the form provided as Attachment A.

**Directive 3. Effective immediately**, the System shall continue to collect quarterly samples from Well 06 and the Lake for barium analysis. The analytical results shall be reported to the Department using the source codes 4100533-003 and 4100533-001, respectively, no later than the 10<sup>th</sup> day following the month in which the samples were analyzed. The System shall also continue to collect monthly samples from the treatment plant effluent for barium analysis. The analytical results shall be reported to the Department using the source code 4100533-004 no later than the 10<sup>th</sup> day following the month in which the samples were analyzed.

*Issued on January 28, 2014*

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**Directive 4. By April 30, 2014**, the System shall submit to the Department for review and approval, a plan and compliance schedule for improvements to the water system to correct the barium water quality problem and eliminate the delivery of water to consumers that does not meet the primary drinking water standards.

**Directive 5. By December 31, 2014**, the System shall complete all the improvements in the proposed project submitted pursuant to Directive 4 above in accordance with the compliance schedule to be reviewed and approved by the Department.

**Directive 6. By February 28, 2014**, the System shall submit a written response to the Department, indicating its willingness to comply with the directives of this Order.

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

Nothing in this Order relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any permit, regulation, standard or order issued thereunder,

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All submittals required by this Order shall be addressed to:

Mr. Eric Lacy, P.E.  
Santa Clara District Engineer  
Department of Public Health  
Drinking Water Field Operations Branch  
850 Marina Bay Parkway  
Building P, 2<sup>nd</sup> Floor  
Richmond, CA 95804-6403

**PARTIES BOUND**

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

**SEVERABILITY**

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

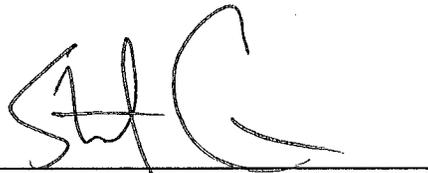


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**FURTHER ENFORCEMENT ACTION**

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the H&S Code authorizes the Department to: issue a citation with assessment of penalties for failure to comply with any order, in an amount not to exceed one thousand dollars (\$1,000) per day for each day the violation continues; take action to suspend or revoke a permit that has been issued to a public water system if the system has failed to comply with an order of the Department; and petition the superior court to take various enforcement actions against a public water system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this Order.

The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the System, its employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the System or its agents in carrying out activities pursuant to the Order.



Stefan Cajina, P.E., Chief  
North Coastal Region  
Drinking Water Program

Jan 28, 2014  
Date

CERTIFIED MAIL # 7007 0710 0000 5917 2439

- Attachments:**  
Attachment A: Proof of Notification Form  
Attachment B: Public Notification Method & Notice



ATTACHMENT A  
PROOF OF NOTIFICATION

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

System Number: **4100533**

**Certification**

As required by Section 64463.4 of the California Code of Regulations, I notified the users of the water supplied by Skylonda Mutual Water Company of the barium violation of Section 64431 of the California Code of Regulations for the compliance period of October 1, 2013 – through December 31, 2013. I complied with the directives of this order as indicated below:

Required Action	Date Completed
Public Notification – Mail or Direct Delivery	<input type="text"/>
Public Notification – Posting in Public Places Served by the Water System	<input type="text"/>
Plan and time schedule for barium treatment	<input type="text"/>
Statement of willingness to comply	<input type="text"/>

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

\_\_\_\_\_  
Date

Attach a copy of the direct delivery/mail notice and a copy of the public posting.

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

## ATTACHMENT B

## Instructions for Tier 2 Barium MCL Notice Instructions & Template

Since exceeding the barium maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting in public places served by the water system or on the Internet <sup>(b)</sup>
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet <sup>(b)</sup>
		Direct delivery to each customer

(a) Notice must be distributed 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.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

*Non-English Speaking Groups Other than Spanish-Speaking.* For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove barium or connecting to [system]’s water supply.”
- “We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.”
- “We will increase the frequency at which we test the water for barium.”
- “We have since taken samples at this location and had them tested. They show that we meet the standards.”

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets. It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

**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.

**Skylonda Mutual Water Company Has Levels of Barium 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. The water sample results collected from of October 1, 2013 – through December 31, 2013 exceeded the State standard, or maximum contaminant level (MCL), of 1 part per million for barium in the treatment plant effluent.

**What should I do?**

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing barium in excess of the MCL over many years may experience an increase in blood pressure.*
- 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 [Contact Name] at [Phone Number] or [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.

This notice is being sent to you by Skylonda Mutual Water Company.

State Water System ID#: 4100533. Date distributed: \_\_\_\_\_.