State Water Resources Control Board
Division of Drinking Water

April 15, 2025

System No. 4300716

Lori K. Stout, Owner
Lupin Lodge
20600 Aldercroft Heights Road
Los Gatos, CA 95031
kaylorikay@gmail.com

CITATION AND COMPLIANCE ORDER NO. 02_17_25J_008
LEAD AND COPPER MONITORING VIOLATION
FOR 2022 THROUGH 2024

Enclosed is Citation and Compliance Order No. 02_17_25J_008 (Enforcement Action) issued to the Lupin Lodge (Lupin) public water system. Please note that there are legally enforceable deadlines associated with this Enforcement Action.

Lupin will be billed at the State Water Resources Control Board's (State Water Board) hourly rate for the time spent issuing this Enforcement Action, as required by law. (Health & Saf. Code, § 116577, subd. (a).) Lupin will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for enforcement time spent on Lupin for the current fiscal year.

A process exists by which a public water system can petition the State Water Board for reconsideration of this Enforcement Action. Petitions sent to the State Water Board "shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order or decision was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition." (Health & Saf. Code, § 116701, subd. (b).)

Petitions must be received by the State Water Board within 30 days of the issuance of this Enforcement Action by the State Water Board. If the 30th day falls on a Saturday,

Sunday, or state holiday, the petition is due the following business day by 5:00 p.m. Information regarding filing petitions may be found at:

Drinking Water Petitions for Reconsideration
https://www.waterboards.ca.gov/drinking_water/programs/petitions/instructions.html

If you have any questions regarding this matter, please contact me at (510) 620-3602 or via email at Van.Tsang@waterboards.ca.gov.

Sincerely,

Van Tsang
Digitally signed by Van Tsang
Date: 2025.04.15 15:59:29 -07'00'

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

Enclosure: Citation and Compliance Order No. 02_17_25J_008
Lead and Copper Tap Sample Results Reporting Form
Notification Template
Compliance Certification
Notification of Receipt

Certified Mail No. 7011 0470 0002 9557 5139

cc: Santa Clara County Department of Environmental Health
(via email: dehdrinkingwater@cep.sccgov.org)

Citation and Compliance Order No. 02_17_25J_008

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Name of Public Water System: Lupin Lodge

Water System No: 4300716

Attention: Lori K Stout, Owner
20600 Aldercroft Heights Road
Los Gatos, CA 95031

Issued: April 15, 2025

CITATION AND COMPLIANCE ORDER FOR NONCOMPLIANCE
CALIFORNIA HEALTH AND SAFETY CODE SECTION 116555 AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTIONS 64675 AND 64675.5

LEAD AND COPPER MONITORING VIOLATION
2022 THROUGH 2024

The State Water Resources Control Board (State Water Board) is authorized to issue a citation or compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (Health & Saf. Code, division 104, part 12, chapter 4, commencing

with section 116270) (California SDWA) or any regulation, standard, permit, or order issued or adopted under the Act. (Health & Saf. Code, §§ 116650, 116655.)

The State Water Board, acting by and through its Division of Drinking Water (Division) and the Deputy Director for the Division, and pursuant to Health and Safety Code[1] sections 116650 and 116655, hereby issues Citation and Compliance Order No. 02_17_25J_008 (Enforcement Action) to the Lupin Lodge (Lupin), for violation of section 116555 and California Code of Regulations, title 22, sections 64675 and 64675.5.

STATEMENT OF FACTS

Lupin is classified as a community public water system with a population of 300, serving 30 connections. Lupin operates under Domestic Water Supply Permit No. 02-17-166P-4300716 issued by the State Water Board on June 20, 2016. Lupin is using approved surface water sources that are filtered and disinfected to supply potable water to the distribution system.

The California SDWA requires all public water systems to comply with primary drinking water standards. (Health & Saf. Code, § 116555, subd. (a)(1).) “Primary drinking water standards” include maximum levels of contaminants, specific treatment techniques, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board. (Health & Saf. Code, § 116275, subd. (c).)

California Code of Regulations, title 22, section 64675 requires that public water systems maintain a monitoring program for lead and copper levels at the consumers’ taps. The minimum number of tap sample sites required for the public water system is

[1] Unless otherwise indicated, all statutory citations are to the California Health and Safety Code.

based on the population served and whether the public water system is on an initial, a standard, or a reduced monitoring schedule. (Cal. Code Regs., tit. 22, § 64675.) The triennial monitoring schedule for Lupin included 5 lead and copper samples due by September 30, 2024. (Cal. Code Regs., tit. 22, § 64675.5.) The State Water Board has not received the analytical results to show that the 2022 through 2024 lead and copper monitoring was conducted.

DETERMINATION

The State Water Board has determined that Lupin has failed to comply with section 116555 and California Code of Regulations, title 22, sections 64675 and 64675.5.

DIRECTIVES

Lupin is hereby directed to take the following actions:

1. Collect 5 lead and copper samples during the period between **June 1 to June 30, 2025**. Ensure that the laboratory that conducts the analyses timely submits the analytical results to the State Water Board electronically by **July 31, 2025**. Appendix 1 – Lead and Copper Tap Sample Results Reporting Form – must also be used to submit the results of this monitoring to the State Water Board, by **August 10, 2025**.

2. By **May 2, 2025**, notify all persons served by Lupin of the violation of California Code of Regulations, title 22, section 64431, in conformance with California Code of Regulations, title 22, sections 64463, 64465, and 64463.4 (Tier 2). Appendix 2 – Notification Template must be used to fulfill this Directive, unless otherwise approved by the State Water Board. The contents of the public notice must be

approved by the State Water Board prior to issuance. **Lupin must edit the wording of the public notice as necessary.**

The public notice must be delivered in accordance with the following:

- By mail or direct delivery of the public notice to each customer served by the water system and;
- By one or more of the following secondary methods to reach persons not likely to be reached by mail or direct delivery:
  - By publication in a local newspaper
  - By delivery to community organizations
  - By posting in conspicuous public places served by Lupin or on the internet

  If Lupin opts to post the notice in conspicuous public places or on the internet, the public notice must remain posted for a minimum of seven (7) consecutive days. No later than **April 25, 2025**, Lupin must determine which option will be used to conduct the secondary distribution of the public notice and notify the State Water Board of their decision.

3. By **May 2, 2025**, Lupin must produce and provide to the State Water Board a Corrective Action Plan (CAP). The CAP must include a monitoring schedule and the names of persons responsible for collecting the lead and copper samples.

4. By **August 10, 2025**, complete Appendix 3 – Compliance Certification form. Submit it together with a copy of the public notice required by Directive 2 to the State Water Board within 10 days following the public notification.

5. Include this violation in the 2024 Consumer Confidence Report in accordance with California Code of Regulations, title 22, section 64481, subdivision (g).

6. By **April 25, 2025,** complete and return to the State Water Board the "Notification of Receipt" form attached to this Enforcement Action as Appendix 4. Completion of this form confirms that Lupin has received this Enforcement Action and understands that it contains legally enforceable directive(s) with due dates.

All submittals required by this Enforcement Action, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Enforcement Action must include the following information: water system name and number, Citation and Compliance Order number, and title of the document being submitted.

Van Tsang, P.E.
District Engineer
Santa Clara District
Van.Tsang@waterboards.ca.gov
Dwpdist17@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Enforcement Action as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Enforcement Action and shall be effective upon issuance.

Nothing in this Enforcement Action relieves Lupin of its obligation to meet the requirements of the California SDWA or any regulation, standard, permit, or order issued or adopted thereunder.

PARTIES BOUND

This Enforcement Action shall apply to and be binding upon Lupin, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

If any provision of this Enforcement Action is held invalid or the application of that provision to any circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Enforcement Action that can be given effect without the invalid provision or application, and to this end the provisions of this Enforcement Action are severable.

FURTHER ENFORCEMENT

The California SDWA authorizes the State Water Board to issue an order or 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 regulation, permit, standard, citation, 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 State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the

State Water Board. The State Water Board does not waive any further enforcement by issuance of this Enforcement Action.

Digitally signed by Van Tsang
Date: 2025.04.15 15:59:52 -07'00'

April 15, 2025
Date

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

Appendices:

1. Lead and Copper Tap Sample Results Reporting Form
2. Notification Template
3. Compliance Certification
4. Notification of Receipt

Certified Mail No. 7011 0470 0002 9557 5139

Appendix 1 – Lead and Copper Tap Sample Results Reporting Form

This form must be submitted to the regulating entity (DDW District Office or County Agency) for each round of lead and copper sampling:

Lead and Copper Tap Sample Results Reporting Form
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/portal/swrcb_lead_copper_form.pdf

Appendix 2 – Notification Template

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

(The following two sentences are in Spanish relaying information on the importance of this notice. Translated to English it would read as follows. [This report contains very important information about your drinking water. Translate it or talk to someone who understands it well.])

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

LUPIN LODGE FAILED TO SAMPLE FOR LEAD AND COPPER DURING THE 2022 THROUGH 2024 MONITORING PERIOD

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.

[Describe the violation].

What should I do?

- **You do not need to boil your water or take other actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Tests taken during this same time period did not indicate the presence of bacteria in the water.

What happened? What is being done?

[Insert the corrective action that was taken or will be taken. Examples are included in the instructions].

For more information, please contact [Insert name of water system contact] at [Insert water system contact's phone number] or [Insert water system's 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 [per 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 [Insert water system name].

State Water System Number: [Insert water system number].

Date distributed: [Insert date the notice is distributed].

Appendix 3 – Compliance Certification
Citation and Compliance Order Number: 02_17_25J_008
Name of Water System: Lupin Lodge
System Number: 4300716

This form, when completed and sent to dwpdist17@waterboards.ca.gov for the Division of Drinking Water, District 17, certifies that the required actions listed below were completed and public notification of water users was performed as required by California Code of Regulations, title 22, sections 64463 through 64465.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN AUGUST 10, 2025.

Required Action	**Date Completed**
Directive 1 (Lead and Copper Sampling Form)	
Directive 2 (Public Notification)	
Directive 3 (Corrective Action Plan)	
Directive 5 (Include in 2024 CCR)	
Directive 6 (Notification of Receipt)	

Attach a copy of the public notice distributed to the water system's customers.

Public notification for failure to **sample for lead and copper during the 2022 through 2024 monitoring period** was conducted on:_____ (date), for **Lupin Lodge** using the following delivery and good-faith efforts (check all that apply and fill in requested information):

For community and nontransient-noncommunity public water systems

☐ The notice was distributed by mail or direct delivery to each customer.

Secondary notification requirements for all systems
One or more of the following methods were used to notify persons (such as renters, students, patients, prison inmates, etc.) not likely to be reached by mailing or direct delivery.

☐ Posted the notice at the following conspicuous locations served by the water system. (If more space is needed, please attach a list of locations). _____

_____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www._____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title_____

Signature _____

Date _____

Disclosure: Be advised that the California Health and Safety Code sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or may be charged with a misdemeanor, punishable with a fine of up to $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

Appendix 4 – Notification of Receipt

Citation and Compliance Order Number: 02_17_25J_008

Name of Water System: Lupin Lodge

System Number: 4300716

Certification

I certify that I am an authorized representative of the Lupin Lodge and that Citation and Compliance Order No. 02_17_25J_008 was received on _____. I further certify that the Citation and Compliance Order has been reviewed by the appropriate management staff of the Lupin Lodge and that they clearly understand that the Citation and Compliance Order contains legally enforceable directives with specific due dates.

_____	_____
Signature of Water System Representative	Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN APRIL 25, 2025.

Disclosure: Be advised that the California Health and Safety Code sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than $25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.