



RON CHAPMAN, MD, MPH
Director & State Health Officer

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



EDMUND G. BROWN
Governor

November 15, 2013
System No. 1000600

Herbert J. Davis
2310 Tollhouse Road
Clovis, CA 93611

Davis & Roberts Construction, Inc.
28929 Hidden Hollow
Tollhouse, CA 93667

RE: Citation No. 03-23-13C-052
Failure to Submit Permit Application and Application Fee

Dear Mr. Davis:

The purpose of this letter is to inform you that the California Department of Public Health (Department) has issued Citation No. 03-23-13C-052 (enclosed) for failure to submit a permit application and application fee, for the operation of the water system located at 29533 Auberry Road, in Prather, CA. **Please note that the citation requires submittal of the permit application, the permit application fee, and the remaining documents required for issuance of the permit, by December 31, 2013.**

The Department is available to meet with you regarding this matter. If there are any questions, or to schedule a meeting in our Fresno office, please contact Philip Dutton or myself at (559) 447-3300.

Sincerely,

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/PD

Enclosure

1
2
3 **STATE OF CALIFORNIA**
4 **DEPARTMENT OF PUBLIC HEALTH**

5
6 IN RE: **CANYON FEED & SUPPLY**
7 Water System No. 1000600

8 TO: Herbert J. Davis
9 2310 Tollhouse Road
10 Clovis, CA 93611

11 Davis & Roberts Construction, Inc.
12 28929 Hidden Hollow
13 Tollhouse, CA 93667

14 **CITATION FOR NONCOMPLIANCE**

15 **FAILURE TO SUBMIT PERMIT APPLICATION AND APPLICATION FEE**

16 Issued on November 15, 2013

17
18
19 Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code
20 (hereinafter 'CHSC'), authorizes the issuance of a citation for failure to comply with a
21 requirement of the California Safe Drinking Water Act, or any regulation, standard, permit,
22 or order issued hereunder.
23

24 **VIOLATION**

25 The Drinking Water Field Operations Branch of the Department of Public Health
26 (hereinafter 'Department') hereby issues a Citation to Canyon Feed & Supply Water
27 System (hereinafter 'Water System'), for failure to comply with Section 116525(a) and

1 Section 116570(a) of the CHSC. Specifically, the Water System, located at 29533 Auberry
2 Road, failed to comply with the requirements to obtain a permit from the Department to
3 operate the public water system. The Water System has failed to submit a permit
4 application and permit application fee, with required documentation, necessary to obtain a
5 valid domestic water supply permit to operate the Water System.

6
7 Section 116275(h) defines a public water system as having 15 or more service connections
8 or regularly serving more than 25 individuals daily for at least 60 days out of the year.
9 Further, the Department has determined that the Water System meets the definition of a
10 noncommunity water system, as defined by CHSC Section 116275(j).

11
12 CHSC Section 116525(a) states that no person shall operate a public water system unless he
13 or she first submits an application to the Department and receives a permit. CHSC Section
14 116570(a) states that each water system serving less than 1,000 service connections
15 applying for a domestic water supply permit pursuant to Section 116525 or 116550 shall
16 pay a permit application processing fee to the Department. Payment of the application fee
17 shall accompany the permit application.

18
19 The Water System is not currently operating under a valid domestic water supply permit.
20 The Canyon Feed & Supply Water System is an existing noncommunity water system
21 serving a reported population of 60 persons daily, through five service connections.

22
23 **BACKGROUND**

24 Fresno County Environmental Health, in the course of their regulating the L&A Café
25 restaurant, located at 29533 Auberry Rd # 104, Prather, CA, notified the Department that
26 the water system serving the businesses at 29533 Auberry Road likely meets the definition
27 of a public water system and should be required to obtain domestic water supply permit. On
May 3, 2011, Department personnel conducted a site visit of the water system to obtain

1 additional information. During this visit, the Department was informed that Jeff and Susan
2 Davis of Canyon Feed and Supply, located at 29533 Auberry Rd # 101, Prather, CA, owned
3 and were responsible for the Water System.

4
5 Since the 2011 visit, Susan Davis has informed the Department that Canyon Feed and
6 Supply leases the property and that Davis & Roberts Construction, Inc. is the property
7 owner and legally responsible for the Water System.

8
9 The Department has confirmed through review of Fresno County Records that the legal
10 owner of the property at 29533 Auberry Road, Assessor's Parcel No. 118-422-49, is Davis
11 and Roberts Construction, Inc. The California Secretary of State's office identifies Herbert
12 J. Davis (mailing address: 2310 Tollhouse Road, Clovis, CA 93611) as the agent for Davis
13 and Roberts Construction, Inc.

14
15 The Department has made multiple efforts to notify the Canyon Feed and Supply Water
16 System of the requirement to obtain a domestic water supply permit, including most
17 recently, a letter dated June 19, 2013, addressed to Davis and Roberts Construction, Inc. at
18 2310 Tollhouse Drive, Clovis, CA 93611. The letter outlined the requirements that must be
19 met for the Water System to obtain a domestic water supply permit. A copy of this letter is
20 provided as Attachment A. You may contact our office if you require additional copies of
21 the attachments to the letter.

22
23 **DIRECTIVES**

24 Davis and Roberts Construction, Inc. is hereby directed to take the following actions:

- 25
26 1. Comply with all statutory and regulatory requirements pertaining to the ownership
27 and operation of a public water system, including but not limited to: submittal of an
application to obtain a domestic water supply permit for the noncommunity water

1 system serving the buisnesses at 29533 Auberry Road in Prather, CA. A summary of
2 some of the legal responsibilities are outlined in Attachment B, *Introduction to*
3 *Regularatory Requirements for Public Water Systems*.

- 4
5 2. By **December 31, 2013**, the Water System shall complete and submit the permit
6 application (Attachment C), the permit application fee, and the remaining
7 documents required for issuance of the permit, as outlined in the June 19, 2013,
8 letter. The appropriate fee is \$310 for a new noncommunity water system. The
9 Water System may request an additional copy of the June 19, 2013, letter from the
10 Department.

11
12 **CIVIL PENALTIES**

13 Sections 116650(d) and 116650(e) of the CHSC allow for the assessment of a civil penalty
14 for failure to comply with requirements of the California Safe Drinking Water Act. Failure
15 to comply with any provision of this Citation may result in the Department imposing an
16 administrative penalty of not less than \$100 (one hundred dollars) per day as of the date of
17 violation of any provision of this Citation.

18
19
20 11/15/13
21 Date

20 Betsy S. Lichti
21 Betsy S. Lichti, P.E.
22 Senior Sanitary Engineer, Fresno District
23 DRINKING WATER FIELD OPERATIONS BRANCH

- 24
25
26
27 Attachments:
Attachment A: June 19, 2013 Letter
Attachment B: Regulatory Requirements for Public Water Systems
Attachment C: Domestic Water Supply Permit Application Form



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



RON CHAPMAN, MD, MPH
 Director & State Health Officer

FILE COPY



EDMUND G. BROWN JR.
 Governor

June 19, 2013
 System No. 1000600

Davis & Roberts Construction, Inc.
 Canyon Feed & Supply
 2310 Tollhouse Road
 Clovis, CA 93611

RE: Domestic Water Supply Permit Required for Operation of a Public Water System

SECOND NOTICE:

Please note that continued failure to respond to the requirements outlined in this letter may result in further enforcement actions.

Fresno County Environmental Health, in the course of their regulating the L&A Café restaurant, located at 29533 Auberry Rd # 104, Prather, CA, notified our office that the water system (Water System) serving the businesses at 29533 Auberry Road likely meets the definition of a public water system and is required to obtain domestic water supply permit from this office. On May 3, 2011, Department personnel conducted a visit of the water system to obtain additional information. During this visit, the Department was informed that Jeff and Susan Davis of Canyon Feed and Supply, located at 29533 Auberry Rd # 101, Prather, CA, owned and were responsible for the Water System.

Since the 2011 visit, Susan Davis has informed the Department that Canyon Feed and Supply leases the property and that Davis & Roberts Construction, Inc. is the property owner and legally responsible for the Water System. As the owner of the Water System, Davis & Roberts Construction, Inc. is required to obtain a Domestic Water Supply Permit from the California Department of Public Health – Drinking Water Program (Department) because the water system serving the businesses at 29533 Auberry Road, Parther, CA, meets the regulatory definition of a public water system. Specifically, the water system has been classified as a nontransient noncommunity water system. Outlined below are the Department's requirements for processing a permit application for an existing and unpermitted *nontransient noncommunity* water system using groundwater as its source of supply.

1. Permit Application

For all new water supply systems, an application must be submitted to the Department for a drinking water supply permit. The permit application that must be completed on the part of the applicant is provided in *Attachment A* (Form EH 100), which also includes the following data sheets that must be completed to provide technical information regarding your water system:

- A1 - System Information Sheet
- A2 - Administrative Programs Data Sheet

- A3 - Well Data Sheet
- A4 - Distribution Data Sheet
- A5 - Reservoir Data Sheet (for storage facilities)
- A6 - Chlorination Data Sheet
- A7 - Filter Plant Data Sheet.

Water systems serving fewer than 1,000 service connections are required to pay a permit application processing fee to the Department at the time application is made. **For new noncommunity water systems, the appropriate fee is currently \$310.00.** A check for this amount should be made payable to the California Department of Public Health.

A document titled *Introduction to Regulatory Requirements for Public Water Systems* is provided as *Attachment B* to assist you in understanding the requirements for public water systems.

2. Technical, Managerial and Financial (TMF) Requirements for New Public Water Systems

Enclosed is a document entitled "*TMF Assessment Form*" (*Attachment C*) that outlines the steps that must be taken to ensure the ongoing viability of public water supply systems. Please review this information closely and submit the *Mandatory* documentation pertaining to non-community water systems with the permit application. A time schedule will be included in the permit for implementation of the *Necessary* elements that have not yet been developed. ***Special conditions may be specified in the permit if the water system owner cannot show adequate compliance with the technical, managerial and financial aspects of the on-going operation of the public water system.***

If the Water System can document continuous ownership prior to January 1, 1998, the Department will waive the TMF Assessment requirement.

3. Requirements for Existing Wells

Source Site Plan

A plot plan must be prepared and submitted to the Department showing the location of the existing or proposed domestic well and the locations of the following activities within 1500' of the well: any existing or proposed septic tanks, leach field systems, sewer lines and storm drains; land use around the well, including structures, roads, crops (including type of crop); and any chemical or gasoline storage facilities. *Requirements for Source Site Plans* are provided as *Attachment D*.

Well Construction Documents

If the water system is proposing the use of an existing well, any information that you may have related to the drilling and construction of the well, such as the Well Completion Report or Well Drillers Report, should also be forwarded to this office with the permit application.

On March 9, 2008, revisions to the California Waterworks Standards became effective that require water systems to provide documentation demonstrating that a well site control zone with a 50-foot radius around the site can be established for protecting the source from vandalism, tampering, or other threats at the site by water system ownership, easement,

zoning, lease, or an alternative approach approved by the Department based on its potential effectiveness in providing protection of the source from contamination.

Drinking Water Source Assessment Requirements

As of April 1, 1999, all new sources must have an assessment completed and submitted with the permit application. This assessment must be conducted in accordance with the Department's Drinking Water Source Assessment and Protection Program (DWSAP). The assessment must include the following:

- A ***Delineation*** of protection areas/zones around the well (2 year, 5 year and 10 year time of travel).
- An ***Inventory*** of Possible Contaminating Activities (PCAs) that might lead to the release of microbiological or chemical contaminants within the identified delineated zones.
- A ***Vulnerability Assessment*** to identify the PCAs to which the source is most vulnerable.

A brief summary of the Department's DWSAP is provided in *Attachment E*. In order to begin a source water assessment for a new well, the Well Data Sheet (*Attachment A3*) and the PCA Checklist (in *Attachment E*) needs to be completed and submitted to our office. To obtain detailed information on the procedures to complete a source water assessment you may access the Department's web site at:

<http://www.cdph.ca.gov/certlic/drinkingwater/Pages/DWSAP.aspx>

4. Emergency Chlorination

All domestic water supply wells are required to have the capability to quickly install emergency disinfection. This includes the provision of the necessary plumbing (tapped port into the well discharge line downstream of the check valve) and electrical capacity at the well site to operate disinfection equipment in case of a bacteriological water quality failure as follows:

- An all-weather, 110 volt electrical receptacle, energized by the well pump operation.
- A three-quarter (3/4) inch threaded tap on the piping downstream of the well check valves for use as a chlorine injection point.
- A sample tap (non-threaded) at least three to six feet downstream of the chlorine injection point.

5. Water Quality Monitoring

Community and noncommunity water supply systems are required to conduct monitoring of the water from each source, including surface water, and from the distribution system on an ongoing basis, as outlined below. In order to maintain the required monitoring schedule, all water quality records should be obtained from the previous owners, if the permit is for a change in ownership.

All of the source monitoring and distribution system bacteriological monitoring indicated below shall be initiated during the month immediately following receipt of this letter.

Chemical Monitoring of the Source: Water quality monitoring is required from each source used by the system. The monitoring requirements depend on the size and type of water system (community vs. noncommunity) and possible contaminating activities near the source. For a typical groundwater source the monitoring schedule provided in *Attachment F, Source Water Quality Monitoring Schedule (PTGD)* would apply.

Electronic Data Transfer

Please note that all chemical source water quality monitoring for ***all water systems*** must be submitted to the Department by the laboratory using our Electronic Data Transfer (EDT) system. **Your water system will not receive any credit for data not submitted electronically by the laboratory.** Your Water System's source water quality monitoring results must be submitted by using the PS-Code 1000600-001.

Distribution System Bacteriological Monitoring: The bacteriological monitoring frequency is based on the population served by the system, and is one sample per month. **This sampling must begin immediately, since the facility is currently in operation.** Bacteriological samples must be collected from within the distribution system in accordance with an approved Bacteriological Sample Siting Plan (discussed further in Item 6). All bacteriological sample results shall be submitted to our office by the 10th day of the month following sample collection. Guidance on proper bacteriological sample collection, reporting and follow-up (*Attachment G*) is enclosed.

Water quality data from distribution system monitoring, such as coliform, lead and copper, or disinfection by-product monitoring cannot be transmitted electronically and must continue to be reported by submittal of hard copy laboratory reports to the Fresno District Office.

6. Bacteriological Sample Siting Plan

A Bacteriological Sample Siting Plan must be developed and submitted prior to the final permit approval. This plan is to identify locations to be used for routine and repeat sample collection in conformance with the requirements specified in Title 22, California Code of Regulations (CCR), Sections 64421 to 64430. *Attachment H, Guidelines for Completing a Bacteriological Sample Siting Plan* is provided to assist in developing a plan.

7. Operator Certification Requirements

Chapter 13, Title 22 of the CCR requires water systems to maintain certified water treatment operators (where treatment is provided other than chlorination) and water distribution operators of an appropriate grade. Your water system will be required, at a minimum, to have a **D1 certified distribution operator** on staff or under contract. Responsibilities of the certified distribution operator are outlined in *Attachment I - Summary of Operator Certification Requirements for Public Water Systems*. If treatment is provided, the level of treatment plant operator will be evaluated upon submittal of your permit application. Please indicate how you will comply with the operator certification requirements in the *Administrative Programs Data Sheet (Attachment A2)*.

A list of local certified contract operators can be obtained from our office on request.

8. Emergency Notification Plan

An Emergency Notification Plan must be provided to the Department prior to permit approval, specifying the responsible parties to be contacted in an emergency. The plan must also identify the method to be used to notify customers of water quality emergencies. Please use the *Attachment J* for providing us this information.

9. Operating and Enforcement Fees

Please be advised that all nontransient noncommunity water systems are required to pay an annual operating fee of \$2.00 (two dollars) per person served, but not less than \$456.00, to the Department for regulatory oversight of the system. The Department will conduct billing for the annual operating fee after the beginning of each new fiscal year.

The Department will charge at the current hourly billing rate (\$124.00 per hour) for any enforcement actions that are necessary to be taken against the water system for violations of the Safe Drinking Water Act or any drinking water regulation, permit or order.

The permit application documents are due to our office within 30 days and no later than July 26, 2013. Failure to submit the permit application may result in further enforcement action taken by the Department. The Permit Application Fee of \$310 must be submitted with the permit application for the application submittal to be deemed complete. Once the application has been received along with all requested documentation, our office will begin the permitting process.

If there is an existing public water system in the area, we highly recommend that you consider getting water supply from that system in lieu of being permitted as a public water system due to ongoing requirements that need to be fulfilled to operate a public water system.

Please note that under the California Health and Safety Code Section 116730, it is a misdemeanor to operate a public water system without a permit issued by the Department. We encourage you to submit the permit application to avoid any legal action.

As noted above, the Water System will be required to conduct certain monitoring and reporting upon receipt of this letter. If you require any further information or copies of any regulations applicable to public water supply systems, or have further questions regarding this matter, please contact our office at (559) 447-3300.

Sincerely,



Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments

- Attachment A - Permit Application Form EH100
 - A1 - System Information Sheet
 - A2 - Administrative Programs Data Sheet
 - A3 - Well Data Sheet
 - A4 - Distribution Data Sheet
 - A5 - Reservoir Data Sheet
- Attachment B - Introduction to regulatory requirements for Public Water Systems
- Attachment C - TMF Capacity Assessment Form for New Non-community Public Water Systems
- Attachment D - Source Site Plan Requirements
- Attachment E - Drinking Water Source Assessment Program Guidance
- Attachment F - Water Quality Monitoring Schedule for New Wells (PTGD)
- Attachment G - Bacteriological Monitoring Requirements for Small Water Systems
- Attachment H - Guidelines for Completing a Bacteriological Sample Siting Plan
- Attachment I - Operator Certification Requirements for Public Water Systems
- Attachment J - Emergency Notification Plan



MARK B HORTON, MD, MSPH
Director

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

Attachment B



EDMUND G. BROWN JR
Governor

Introduction to Regulatory Requirements for Public Water Systems

This document is an introduction to regulatory requirements for public water systems regulated by the State of California. **Personnel of public water systems are advised to review the California Health and Safety Code (CHSC) and the California Code of Regulations (CCR) for a full description of regulatory requirements.** This document covers only a small portion of the overall regulatory requirements.

What are public water systems (Per California Safe Drinking Water Act)

The term "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Regulatory requirements vary somewhat for different types of public water systems. The three main types of public water systems are as follows (CHSC, Title 22, Sec. 116275):

1. **Community Water Systems** - Means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. This category includes subdivisions, mutual water companies, mobile home parks and other similar residential areas.
2. **Transient Noncommunity Water System** - Means a public water system that is not a community water system that does not regularly serve at least 25 of the same persons over six months per year. This category includes restaurants, campgrounds, small wineries, motels and other non-residential areas.
3. **Nontransient Noncommunity Water System** - Means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year. This category includes schools and larger places of employment with more than 25 employees.

Key Legal Obligations

Owners of public water system are responsible to ensure that the drinking water is safe and reliable for those who use the system. The following are some of the key legal obligations:

1. Water quality must meet all health standards. (Section 116555 of the CHSC)
2. Community water systems and Non-Transient, Non-Community water systems are required to issue an Annual Water Quality Report to their customers. (Section 116470 of the CHSC)
3. An adequate quantity of water must always be available. (Section 116555 of the CHSC)
4. Water must always be delivered under proper pressure (at least 20 pounds per square inch, Title 22, CCR, Section 64566).

5. The system must be properly operated, maintained and protected from damage and contamination.
6. The system cannot be connected to another, unapproved system or source (Section 116550 CHSC)
7. System must operate under a valid water supply permit. Any changes or additions to source or treatment requires the system to apply for and receive an amended permit. (Section 116525 CHSC)
8. Water system must pay all required water system regulatory fees (many fees are set in regulation).
9. Water system must submit an annual report to the regulatory agency as required. The form for this report is sent to each public water system each year. (Section 116530 of the CHSC)
10. As of January 1, 1998 new public water systems and water systems which change ownership must meet Technical, Managerial and Financial (TMF) requirements. (Section 116540 of the CHSC).

The 1996 federal Safe Drinking Water Act (SDWA) introduced the concept of TMF Capacity for public water systems. This concept involves a public water system having the capability through its financial resources, technical resources, organizational structure and personnel to comply with all applicable drinking water standards and regulations. In addition, the concept of capacity involves being able to plan for the future and use the necessary resources to keep the water system in compliance. Some of the items to be addressed include: a system description, source assessment, technical evaluation (including consolidation), operations plan, operator certification, ownership, organization, water rights, customer service policies, budget protection and control, reserves, and capital improvement.

How to manage the system to maintain compliance

1. **Name a qualified person to manage and operate the system.** This may be you, another person or agency. A State certified operator is required for water treatment facilities, such as chlorination, and/or distribution. (Section 63765 & 63770 of the CCR)
2. **Set up administrative procedures that work.** These include operation policies, taking water samples, meter reading and billing, and timely response to complaints. Establish and maintain a written record of these procedures.
3. **Prepare and keep on hand an adequate Emergency Notification Plan and Bacteriological Sample Siting Plan.** These documents will help you comply with emergency notification procedures and bacteriological monitoring requirements. (pursuant to Sections 116460 and 64422 of the CCR).

Are system improvements needed?

1. **Evaluate your water system regularly to make sure it works properly.** Before you add additional users, be sure your system can handle them. (pursuant to the *California Waterworks Standards*: Sections 64555 through 64644 of the CCR)
2. **Prepare written plans that describe system improvements needed.** Use a professional engineer for significant system improvements or modifications. Apply for an amended water supply permit for changes in source or treatment. (pursuant to Section 116550 of the CHSC)

Testing water samples

Arrange for a state-certified laboratory to test system water quality samples. Check with the laboratory to ensure that it has the appropriate certification and will submit your data electronically to the Department as required.

1. **Sample in accordance with an approved Bacteriological Sample Siting Plan for coliform bacteria.** (pursuant to Section 64422 of the CCR). Coliform bacteria should not be present in drinking water and the presence of coliform bacteria indicates water system contamination that may be serious. In the event of positive bacteriological samples, collect repeat check samples in accordance with the requirements of your regulatory agency. Contact your regulatory agency for technical assistance in the event of a problem.
2. **Sample the source water for chemicals in accordance with the required frequencies.** (pursuant to Sections 64432, 64439, 64441 64443, 64444, 64445 of the CCR). Be sure to collect the samples in the proper containers and directly from the source water. Your regulatory agency will provide you with a schedule of required sampling following the completion of a system inspection or upon request.
3. **Keep records of what samples you take and have your laboratory report the results to the Department on the required forms.**
4. **In the event of a problem, follow the requirements specified in the Health and Safety Code.** Additional samples may be required. You may be required to inform the water users about the problem and what they should do. Consult the regulations for specific requirements.

Other sources of information and technical assistance: Visit the State of California's Drinking Water Website at: www.dhs.ca.gov/ps/ddwem/technical/dwp/tmf/TMF_index.htm

Legal consequences of non-compliance

Failure to comply with regulatory requirements exposes the public water system to enforcement actions by your regulatory agency as provided by Sections 116625, 116650, 116655 and 116660 of the CHSC. This can include fines and civil penalties. Time spent by your regulatory agency on enforcement activities is billed to the individual system pursuant to Section 116577. Failure to comply can also expose you to other legal liabilities and lawsuits.

Water system regulatory fees

There are three categories of regulatory fees for public water systems regulated by the State. These three categories of fees are as follows:

1. **Water supply permit fees:** Pursuant to Section 116570, public water systems which apply for a new or amended water supply permit are required to pay a fee upon submittal of application. Contact the regulatory agency for the current amount of this fee.

Type of Permit	Permit fee
Amended permit - new source or treatment	\$258.00
Amended permit - change of ownership	\$155.00
New permit - Community water system	\$518.00
New permit - Noncommunity water system	\$310.00

2. **Annual drinking water operating fee:** Pursuant to Section 116565 of the CHSC, all public water systems are required to pay this annual fee. An invoice is sent prior to September 30th of each year. The current amount of this fee is as follows:

Type of Public Water System	Applies to	Annual Fee
Community Water Systems (CWS)	CWS ≥ 1,000 service connections	\$ 120.53 per hour
Community Water Systems (CWS)	CWS < 1,000 service connections	\$ 6.00 per service connection but not less than two hundred fifty dollars (\$250) per water system
Nontransient noncommunity water systems (NTNC)	All NTNC	\$ 2.00 per person served but not less than four hundred fifty-six dollars (\$456)
Transient Noncommunity Water Systems (TNC)	All TNC	\$ 800.00 per water system
Noncommunity water system with Health & Safety Code §116282 exemptions	TNC only	\$102

3. **Enforcement fees:** Pursuant to Section 116577 of the CHSC, public water systems are required to reimburse the regulatory agency for the cost of enforcement activities related to that water system. This is in addition to the annual drinking water operating fee. Enforcement fees are charged to small public water systems for activities listed in Section 116577 (a)(1). These activities may include the time spent associated with one or more of the following:

- Issuance of a citation or compliance order to a public water system.
- Issuance of an enforcement letter to a public water system. This may include any letter which directs a public water system to take action as a result of non-compliance with a specific regulation, directive or other regulatory requirement.

The time charged may include both office and field time spent on these activities. An invoice for any enforcement fees accrued during a fiscal year will be sent to the public water system prior to September 1st of the following year. **The amount of the invoice is based on the actual hours multiplied by the current hourly rate which is approximately \$120.53 per hour.**

pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.

- (b) The FCWWD #40/Shaver Springs Water System shall prepare a Corrective Action Plan for improvements to the Water System to correct the water quality problem (exceedance of the Gross Alpha MCL) and eliminate the need to deliver water to consumers that does not meet the primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as evaluation of alternatives, design, construction, startup and public information.
- (c) The Corrective Action Plan required under Item 1(b) shall be presented to the Department in an office hearing no later than **December 31, 2013**.
- (d) FCWWD #40/Shaver Springs Water System shall submit quarterly progress reports to the Department, beginning **May 2014**. The progress reports shall describe the status of compliance with the plan and the proposed project.
- (e) By **November 30, 2016**, FCWWD #40/Shaver Springs Water System shall achieve compliance with the Gross Alpha MCL, demonstrating a Gross Alpha particle activity (excluding Radon and Uranium) quarterly running annual average that is less than 15 pCi/L at Well 06. The Water System shall notify the Department in writing of the date that compliance has been achieved, no later than ten days after receiving the laboratory sampling results.
- (f) The FCWWD #40/Shaver Springs Water System must conduct public notification in accordance with CCR Section 64463 and inform the public of its inability to meet the Gross Alpha MCL at Well 06 until a project is completed to provide water

Introduction to Regulatory Requirements for Public Water Systems

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1. **Community Water Systems** - Means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. This category includes subdivisions, mutual water companies, mobile home parks and other similar residential areas.
2. **Transient Noncommunity Water System** - Means a public water system that is not a community water system that does not regularly serve at least 25 of the same persons over six months per year. This category includes restaurants, campgrounds, small wineries, motels and other non-residential areas.
3. **Nontransient Noncommunity Water System** - Means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year. This category includes schools and larger places of employment with more than 25 employees.

Key Legal Obligations

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1. Water quality must meet all health standards. (Section 116555 of the CHSC)
2. Community water systems and Non-Transient, Non-Community water systems are required to issue an Annual Water Quality Report to their customers. (Section 116470 of the CHSC)
3. An adequate quantity of water must always be available. (Section 116555 of the CHSC)
4. Water must always be delivered under proper pressure (at least 20 pounds per square inch, Title 22, CCR, Section 64566).

5. The system must be properly operated, maintained and protected from damage and contamination.
6. The system cannot be connected to another, unapproved system or source (Section 116550 CHSC)
7. System must operate under a valid water supply permit. Any changes or additions to source or treatment requires the system to apply for and receive an amended permit. (Section 116525 CHSC)
8. Water system must pay all required water system regulatory fees (many fees are set in regulation).
9. Water system must submit an annual report to the regulatory agency as required. The form for this report is sent to each public water system each year. (Section 116530 of the CHSC)
10. As of January 1, 1998 new public water systems and water systems which change ownership must meet Technical, Managerial and Financial (TMF) requirements. (Section 116540 of the CHSC).

The 1996 federal Safe Drinking Water Act (SDWA) introduced the concept of TMF Capacity for public water systems. This concept involves a public water system having the capability through its financial resources, technical resources, organizational structure and personnel to comply with all applicable drinking water standards and regulations. In addition, the concept of capacity involves being able to plan for the future and use the necessary resources to keep the water system in compliance. Some of the items to be addressed include: a system description, source assessment, technical evaluation (including consolidation), operations plan, operator certification, ownership, organization, water rights, customer service policies, budget protection and control, reserves, and capital improvement.

How to manage the system to maintain compliance

1. **Name a qualified person to manage and operate the system.** This may be you, another person or agency. A State certified operator is required for water treatment facilities, such as chlorination, and/or distribution. (Section 63765 & 63770 of the CCR)
2. **Set up administrative procedures that work.** These include operation policies, taking water samples, meter reading and billing, and timely response to complaints. Establish and maintain a written record of these procedures.
3. **Prepare and keep on hand an adequate Emergency Notification Plan and Bacteriological Sample Siting Plan.** These documents will help you comply with emergency notification procedures and bacteriological monitoring requirements. (pursuant to Sections 116460 and 64422 of the CCR).

Are system improvements needed?

1. **Evaluate your water system regularly to make sure it works properly.** Before you add additional users, be sure your system can handle them. (pursuant to the *California Waterworks Standards*: Sections 64555 through 64644 of the CCR)
2. **Prepare written plans that describe system improvements needed.** Use a professional engineer for significant system improvements or modifications. Apply for an amended water supply permit for changes in source or treatment. (pursuant to Section 116550 of the CHSC)

Testing water samples

Arrange for a state-certified laboratory to test system water quality samples. Check with the laboratory to ensure that it has the appropriate certification and will submit your data electronically to the Department as required.

1. **Sample in accordance with an approved Bacteriological Sample Siting Plan for coliform bacteria.** (pursuant to Section 64422 of the CCR). Coliform bacteria should not be present in drinking water and the presence of coliform bacteria indicates water system contamination that may be serious. In the event of positive bacteriological samples, collect repeat check samples in accordance with the requirements of your regulatory agency. Contact your regulatory agency for technical assistance in the event of a problem.
2. **Sample the source water for chemicals in accordance with the required frequencies.** (pursuant to Sections 64432, 64439, 64441 64443, 64444, 64445 of the CCR). Be sure to collect the samples in the proper containers and directly from the source water. Your regulatory agency will provide you with a schedule of required sampling following the completion of a system inspection or upon request.
3. **Keep records of what samples you take and have your laboratory report the results to the Department on the required forms.**
4. **In the event of a problem, follow the requirements specified in the Health and Safety Code.** Additional samples may be required. You may be required to inform the water users about the problem and what they should do. Consult the regulations for specific requirements.

Other sources of information and technical assistance: Visit the State of California's Drinking Water Website at: www.dhs.ca.gov/ps/ddwem/technical/dwp/tmf/TMF_index.htm

Legal consequences of non-compliance

Failure to comply with regulatory requirements exposes the public water system to enforcement actions by your regulatory agency as provided by Sections 116625, 116650, 116655 and 116660 of the CHSC. This can include fines and civil penalties. Time spent by your regulatory agency on enforcement activities is billed to the individual system pursuant to Section 116577. Failure to comply can also expose you to other legal liabilities and lawsuits.

Water system regulatory fees

There are three categories of regulatory fees for public water systems regulated by the State. These three categories of fees are as follows:

1. **Water supply permit fees:** Pursuant to Section 116570, public water systems which apply for a new or amended water supply permit are required to pay a fee upon submittal of application. Contact the regulatory agency for the current amount of this fee.

Type of Permit	Permit fee
Amended permit - new source or treatment	\$258.00
Amended permit - change of ownership	\$155.00
New permit - Community water system	\$518.00
New permit - Noncommunity water system	\$310.00

2. **Annual drinking water operating fee:** Pursuant to Section 116565 of the CHSC, all public water systems are required to pay this annual fee. An invoice is sent prior to September 30th of each year. The current amount of this fee is as follows:

Type of Public Water System	Applies to	Annual Fee
Community Water Systems (CWS)	CWS ≥ 1,000 service connections	\$ 126 per hour
Community Water Systems (CWS)	CWS < 1,000 service connections	\$ 6.00 per service connection but not less than two hundred fifty dollars (\$250) per water system
Nontransient noncommunity water systems (NTNC)	All NTNC	\$ 2.00 per person served but not less than four hundred fifty-six dollars (\$456)
Transient Noncommunity Water Systems (TNC)	All TNC	\$ 800.00 per water system
Noncommunity water system with Health & Safety Code §116282 exemptions	TNC only	\$102

3. **Enforcement fees:** Pursuant to Section 116577 of the CHSC, public water systems are required to reimburse the regulatory agency for the cost of enforcement activities related to that water system. This is in addition to the annual drinking water operating fee. Enforcement fees are charged to small public water systems for activities listed in Section 116577 (a)(1). These activities may include the time spent associated with one or more of the following:

- Issuance of a citation or compliance order to a public water system.
- Issuance of an enforcement letter to a public water system. This may include any letter which directs a public water system to take action as a result of non-compliance with a specific regulation, directive or other regulatory requirement.

The time charged may include both office and field time spent on these activities. An invoice for any enforcement fees accrued during a fiscal year will be sent to the public water system prior to September 1st of the following year. **The amount of the invoice is based on the actual hours multiplied by the current hourly rate which is approximately \$126 per hour.**

STATE OF CALIFORNIA
APPLICATION
FOR
DOMESTIC WATER SUPPLY PERMIT
FROM

Attachment C

Applicant: _____
(Enter the name of legal owner, person(s) or organization)

Address: _____

System Name: _____

System Number: _____

TO: Department of Public Health
Southern California Branch
Drinking Water Field Operations
Fresno District Office
265 W. Bullard Avenue, Suite 101
Fresno, California, 93704



Pursuant and subject to the requirements of the California Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 7, Section 116525, relating to domestic water supply permits, application is hereby made for a domestic water supply permit to operate _____

(Applicant should state the type of system, e.g., community,

transient-noncommunity, or nontransient-noncommunity, and the proposed area of services. This application will also be used

for a change in ownership application.

I (We) declare under penalty of perjury that the statements on this application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.

By: _____

Title: _____

Address: _____

Telephone: _____

Dated: _____

DDW 09/2008