



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

August 27, 2013  
System No. 1000546

Ms. Betty Brown  
FCSA # 49 / Five Points  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93725

**RE: Compliance Order No. 03-23-13R-006 For HAA5 MCL Non-Compliance**

Dear Ms. Brown:

The California Department of Public Health (Department) has issued Compliance Order No. 03-23-13R-006 to the FCSA # 49 / Five Points Water System for violation of the Haloacetic Acids Five (HAA5) Maximum Contaminant Level (MCL). The Compliance Order requires your Water System to present to the Department a Corrective Action Plan for improvements to the Water System to correct the water quality problem (violation of the HAA5 MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards." The Compliance Order also requires that the Water System complete a project to resolve the HAA5 MCL violation no later than **August 31, 2016**.

**Please submit a written response to our office by September 20, 2013, regarding your intent to comply with the attached Compliance Order.** The Compliance Order also requires the submission of quarterly progress reports to the Department, even if no progress has been made. The first progress report is due no later than February 28, 2014.

Please note that Departmental approval is required before proceeding with any changes or additions to your treatment or source of supply. Compliance Order Item No. 1(e) requires that the Corrective Action Plan be presented to the Department no later than **November 30, 2013**. Arrangement for presenting the plan can be made by contacting Sudarshan Poudyal or me at (559) 447-3300.

Sincerely,

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

BSL/SP



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<http://www.fypower.org>

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Southern California Drinking Water Field Operations Branch  
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704  
(559) 447-3300; Fax (559) 447-3304  
Internet Address: <http://www.dhs.ca.gov/ps/ddwem/>

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

IN RE: FCSA # 49 / FIVE POINTS  
Water System No. 1000546

TO: Ms. Betty Brown  
Special Districts Administrator  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93725

COMPLIANCE ORDER FOR NONCOMPLIANCE  
OF HALOACETIC ACIDS FIVE MAXIMUM CONTAMINANT LEVEL

Issued on August 27, 2013

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

**FINDINGS**

The Fresno County Service Area (FCSA) # 49 / Five Points water system (hereinafter Water System) is a community water system located in Fresno County that supplies water for domestic purposes to a year-round population of approximately 450 persons through 46 service connections. The Water System operates under a domestic Water Supply Permit No. 03-23-12P-016 issued by the California Department of Public Health, Drinking Water Program (hereinafter Department) in March 2012.

1 The Water System receives raw surface water from the California Aqueduct via Westlands  
2 Water District. Raw water is treated and filtered by two parallel Siemens Tri-mite TM 175  
3 package filtration plants with processes that include: coagulation, contact clarification and  
4 filtration, and which are operated as conventional filtration. Treated water from the filters  
5 is pumped into one 80,000 gallon bolted steel storage tank. The treatment plant was  
6 constructed with funding from the Safe Drinking Water State Revolving Fund (SDWSRF)  
7 program under the executed Funding Agreement No. SRF07C422 and its amendments. The  
8 new surface water treatment plant was activated in September 2010 while the options for  
9 DBP control was being considered. The project deadline was December 2011 and it was  
10 deemed complete on February 10, 2012 by the Department. The project did not include any  
11 treatment to minimize DBP formation.  
12

13 Beginning January 1, 2004, the U.S. Environmental Protection Agency's (U.S. EPA) Stage  
14 1 Disinfectants/Disinfection By-Products (D/DBP) Rule required water systems serving less  
15 than 10,000 persons to begin monitoring and reporting disinfection byproduct and residual  
16 disinfectant levels to the Department. The D/DBP Rule was adopted by the State of  
17 California, effective June 17, 2006. The D/DBP Rule applies to any community or non-  
18 transient non-community water system that uses a chemical disinfectant in any part of the  
19 treatment process or which provides water that contains a chemical disinfectant. The  
20 D/DBP Rule set a maximum contaminant level (MCL) in drinking water for total  
21 trihalomethanes (TTHM) of 80 µg/L, and for haloacetic acids (HAA5) of 60 µg/L.  
22

23 The Water System began quarterly monitoring for disinfection byproducts in the second  
24 quarter of 2011. Compliance with the HAA5 MCL is based on a running annual average  
25 (RAA), computed quarterly, of all samples collected within the distribution system. If the  
26 RAA of any consecutive four-quarter period exceeds the HAA5 MCL, the system is not in  
27 compliance. Compliance can also be determined in less than four quarters of monitoring if

1 the resulting average of one quarter exceeds 4 times the MCL, if the resulting average of  
 2 two quarters exceeds 2 times the MCL, or if the resulting average of three quarters exceeds  
 3 1.34 times the MCL. Table 1 presents historical HAA5 monitoring data for the Water  
 4 System. The most recent monitoring shows that the Water System's HAA5 four-quarter  
 5 RAAs in the first and second quarter of 2013 were 83 µg/L and 97 µg/L, respectively,  
 6 which exceed the HAA5 MCL of 60 µg/L. The TTHM RAAs were also above the MCL of  
 7 80 µg/L. The Water System was issued a Compliance Order No. 03-23-12O-012 on  
 8 October 30, 2012 for TTHM MCL violation.

9  
 10 **Table 1: TTHM and HAA5 monitoring data**

Date	TTHM (MCL = 80 µg/L)	TTHM RAA (µg/L)	HAA5 (MCL = 60 µg/L)	HAA5 RAA (µg/L)
2 <sup>nd</sup> Qtr 2011	71		52	
3 <sup>rd</sup> Qtr 2011	77		39	
4 <sup>th</sup> Qtr 2011	65		43	
1 <sup>st</sup> Qtr 2012	120	<b>83</b>	42	44
2 <sup>nd</sup> Qtr 2012	130	<b>98</b>	57	45
3 <sup>rd</sup> Qtr 2012	150	<b>116</b>	82	56
4 <sup>th</sup> Qtr 2012	140	<b>135</b>	-	60
1 <sup>st</sup> Qtr 2013	180	<b>150</b>	110	<b>83</b>
2 <sup>nd</sup> Qtr 2013	160	<b>158</b>	98	<b>97</b>

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 18 **CONCLUSIONS OF LAW**

19 Based on the above Findings, the Department has determined that the FCSA # 49 / Five  
 20 Points Water System has violated provisions contained in the California Health and Safety  
 21 Code (CHSC) and Title 22, California Code of Regulations (CCR). These violations  
 22 include, but are not limited to, the following:

- 23  
 24 1. CHSC Section 116555 (a)(1): Specifically, the FCSA # 49 / Five Points Water  
 25 System has failed to provide water that complies with primary drinking water  
 26 standards.

27

1 2. CHSC Section 116555 (a)(3): Specifically, the FCSA # 49 / Five Points Water  
2 System has failed to ensure that a reliable and adequate supply of pure, wholesome,  
3 healthful, and potable water is provided to all of its consumers.

4  
5 3. CCR, Section 64533: Specifically, the water produced by the FCSA # 49 / Five  
6 Points Water System exceeds the Maximum Contaminant Level for Haloacetic  
7 Acids of 60 µg/L.

8  
9 **ORDER**

10 To ensure that the water supplied by the FCSA # 49 / Five Points Water System is at all  
11 times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the  
12 CHSC, the FCSA # 49 / Five Points Water System is ordered to take the following actions:

13  
14 1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1), (a)(3)  
15 and CCR Section 64533 by ensuring that the system is provided with a reliable and  
16 adequate supply of pure, wholesome, healthful, and potable water, in compliance  
17 with all primary drinking water standards.

18  
19 b) The FCSA # 49 / Five Points Water System shall provide quarterly public  
20 notification of its inability to meet the HAA5 MCL during any calendar quarter  
21 that the four-quarter RAA exceeds the HAA5 MCL. Notification procedures require  
22 mail or direct delivery of notice to each customer receiving a bill including those  
23 that provide their drinking water to others ( e.g., school and other commercial  
24 service connections). The notice is provided in Attachment A. The first public  
25 notification shall be conducted by **September 15, 2013**. Proof of public notification  
26 shall be provided to the Department following each quarterly notification by the 10<sup>th</sup>  
27

1 day of the month following notification, using the form provided in Attachment B.  
2 The first proof of public notification is due by **October 10, 2013**.

3  
4 c) FCSA # 49 / Five Points Water System shall continue to collect quarterly  
5 samples for TTHMs and HAA5s from the distribution system in accordance with the  
6 approved DBP monitoring plan. The analytical results shall be reported to the  
7 Department no later than the 10<sup>th</sup> day following the month in which the sample was  
8 collected.

9  
10 d) The FCSA # 49 / Five Points Water System shall prepare a Corrective Action  
11 Plan for improvements to the Water System to correct the water quality problem  
12 (exceedance of the HAA5 MCL) and eliminate the need to deliver water to  
13 consumers that does not meet the DBP standards. The plan shall include a time  
14 schedule for completion of various phases of the project such as evaluation of  
15 alternatives, design, construction, startup and public information. The plan must  
16 include an evaluation of the options that are outlined in Attachment C.

17  
18 e) The Corrective Action Plan required under Item (1)(d) above shall be presented to  
19 the Department in an office meeting no later than **November 30, 2013**.

20  
21 f) The FCSA # 49 / Five Points Water System shall submit quarterly progress  
22 reports on the status of the implementation of the plan to the Department beginning  
23 **February 2014**.

24  
25 g) The FCSA # 49 / Five Points Water System shall operate the existing water  
26 system to minimize formation of TTHMs and HAA5s.

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- 1 2. The FCSA # 49 / Five Points Water System shall submit a written response by  
2 **September 15, 2013**, indicating its willingness to comply with the directives of this  
3 Compliance Order.  
4
- 5 3. The FCSA # 49 / Five Points Water System shall complete a project to resolve the  
6 HAA5 MCL violation no later than **August 31, 2016**.  
7
- 8 4. The Department reserves the right to make such modifications to this Order as it may  
9 deem necessary to protect public health and safety. Such modifications may be issued  
10 as amendments to this Order and shall be effective upon issuance.  
11
- 12 5. All submittals required by this Order shall be addressed to:  
13  
14 Betsy S. Lichti, P.E., Senior Sanitary Engineer  
15 Department of Public Health  
16 Southern California Branch  
17 Drinking Water Field Operations  
18 265 W. Bullard Avenue, Suite 101  
19 Fresno, CA 93704  
20
- 21 6. If the FCSA # 49 / Five Points Water System is unable to perform the tasks  
22 specified in this Order for any reason, whether within or beyond its control, and if  
23 the Water System notifies the Department in writing no less than five days in  
24 advance of the due date, the Department may extend the time for performance if the  
25 Water System demonstrates that it has used its best efforts to comply with the  
26 schedule and other requirements of this Order.  
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7. If the FCSA # 49 / Five Points Water System fails to perform any of the tasks  
specified in this Order by the time described herein or by the time subsequently  
extended pursuant to Item 6 above, the Water System shall be deemed to have not

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complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in CHSC, Sections 116725 and 116730.

8. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the FCSA # 49 / Five Points Water 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 FCSA # 49 / Five Points Water System or its agents in carrying out activities pursuant to this Order.

**PARTIES BOUND**

This Order shall apply to and be binding upon the FCSA # 49 / Five Points Water System water system, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The requirements of this Order are severable, and the FCSA # 49 / Five Points Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

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**CIVIL PENALTIES**

Failure to comply with any provision or Compliance Schedule of the Compliance Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties.

8-27-2013

Date



Carl L. Carlucci, P.E., Chief  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

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**Attachments:**

- Attachment A: Public Notification Method & Notice
- Attachment B: Proof of Notification Form
- Attachment C: Improvement Plan Options

