



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

June 23, 2014
System No. 1009020

Armando Galvan
Five Points Ranch
P.O. Box 99
Five Points, CA 93624

RE: Compliance Order No. 03-23-14R-006 For Noncompliance with the Nitrate MCL

Dear Mr. Galvan:

The purpose of this letter is to inform you that the California Department of Public Health (Department) has issued Compliance Order No. 03-23-14R-006 to the Five Points Ranch Water System (Water System) on June 23, 2014.

The Compliance Order requires that you submit a written response to our office by June 30, 2014, acknowledging receipt of this order and your intent to comply with the directives within. The Compliance Order requires the preparation and presentation of a Corrective Action Plan. This plan must be presented to the Department in an office meeting by August 15, 2014. The Compliance Order also requires the submission of quarterly progress reports on the Corrective Action Plan to the Department. The first progress report is due no later than October 10, 2014.

The Department recognizes that the Water System's Well 02 has shown two annual samples with no detectable nitrate. The Water System may consider proposing the inactivation of Well 01 as part of the required Corrective Action Plan.

If you have any questions regarding this matter, 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

Cc: Joe McGuire, Westside Water Conditioning, 45 W G Street, Los Banos, CA 93635

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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

**IN RE: FIVE POINTS RANCH
WATER SYSTEM NO. 1009020**

**TO: MR. ARMANDO GALVAN
FIVE POINTS RANCH
P.O. BOX 99
FIVE POINTS, CA 93624**

**COMPLIANCE ORDER FOR NONCOMPLIANCE WITH
THE NITRATE MAXIMUM CONTAMINANT LEVEL**

Issued on June 23, 2014

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The Five Points Ranch Water System (“Water System”) is a small community water system, located in western Fresno County, which provides domestic water to a ranch, employee housing, and ancillary support facilities. The Water System’s 2013 electronic

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Annual Report indicates a year-round residential population of 100 individuals, served through 32 single family residential service connections. The Water System provides untreated groundwater obtained from two active wells onsite.

The Water System operates under Domestic Water Supply Permit No. 03-12-08P-057 and Domestic Water Supply Permit Amendment No. 03-23-13PA-001, issued by the California Department of Public Health - Drinking Water Program (“Department”) on November 3, 2008, and January 7, 2013, respectively. The Department issued the permit amendment to approve Well 02 as an active source of supply for the Water System. The permit amendment also documented the continuous disinfection treatment approved by the Department.

The California Code of Regulations (“CCR”), Section 64431, establishes the MCL for nitrate at 45 mg/L as NO₃. CCR Section 64432.1 establishes the monitoring and compliance requirements for nitrate. The Water System has had two raw water samples from Well 01 exceed the nitrate MCL. Nitrate monitoring results for Well 01 are presented in the table below. Specifically, samples collected on February 10, 2014, and May 21, 2014, each showed a nitrate concentration of 78 mg/L as NO₃. The Water System’s contract operator service has indicated that the sample collected on March 18, 2014, may have been sampled from Well 02 in error.

Table 1: Well 01 Nitrate Monitoring Summary

Sample Date	Nitrate (mg/L as NO ₃)	Sample Date	Nitrate (mg/L as NO ₃)
4/11/2007	ND	4/19/2012	ND
4/9/2008	ND	2/10/2014	78*
4/7/2009	ND	3/18/2014	ND
4/15/2010	ND	5/21/2014	78*
6/9/2011	2.1	<i>*Sample result exceeds nitrate MCL</i>	

The Water System is in violation of the nitrate MCL in the water produced by Well 01. Raw water monitoring for Well 02, which was constructed in 2012, has shown no detectable nitrate in two rounds of annual monitoring and remains in compliance with the nitrate MCL as of the date of this compliance order.

The Water System's contract operator service indicates that Well 01 is not a primary source of supply. As such, the Water System may consider proposing the inactivation or rehabilitation of Well 01 as part of the required Corrective Action Plan described below. If inactivating Well 01, the Water System would have to document that maximum day demands can be met with only.

CONCLUSIONS OF LAW

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

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1. CHSC Section 116555(a)(1). Specifically, the Five Points Ranch Water System is a public water system that produces water that does not comply with a primary drinking water standard.
2. CHSC Section 116555 (a)(3): Specifically, the Five Points Ranch Water System has failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.
3. CCR Section 64431 (a): Specifically, the water produced by Well 01 has exceeded the nitrate maximum contaminant level of 45 mg/L (as NO₃), as shown in Table 1 above. No treatment is provided to reduce the nitrate concentration in water delivered the distribution system.

ORDER

In order to ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the Health and Safety Code, the Five Points Ranch Water System is ordered to take the following actions:

1. (a) Cease and Desist from failing to comply with CHSC Sections 116555(a)(1) and 116555(a)(3) by ensuring that the system is provided with a reliable and

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

(b) The Five Points Ranch Water System shall provide Tier 1 public notification in English and in Spanish, in accordance with CCR Section 64463.1, of its inability to meet the nitrate MCL. Attachment A is a Department approved notice to be provided to all consumers. An electronic copy of this attachment is available upon request. The notification shall be provided to consumers by posting the notice at prominent locations, and specifically at locations where consumption of the water may occur, and by mail or direct delivery to each employee. **The first public notification shall be posted by no later than June 30, 2014.**

(c) The Five Points Ranch Water System shall provide public notification to all water users quarterly until a project is completed to correct the problem. Proof of public notification shall be submitted to the Department by the 10th day of the month following each quarter. Attachment B shall be used to satisfy this requirement.

(d) Five Points Ranch Water System personnel shall prepare a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the nitrate MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards.

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The plan shall include a time schedule for completion of various phases of the project such as design, construction, startup and public information.

(e) The Corrective Action Plan required under item (1)(d) above shall be presented to the Department in an office meeting no later than **August 15, 2014**.

(f) The Five Points Ranch Water System shall submit quarterly progress reports to the Department on the implementation status of the Corrective Action Plan. The first quarterly progress report shall describe progress made in the third quarter of 2014 and shall be submitted to the Department by **October 10, 2014**.

(g) By no later than **June 1, 2016**, the Five Points Ranch Water System shall complete a project designed to achieve compliance with the nitrate MCL. The Water System shall notify the Department in writing of the date that the project has been completed. Any changes to the Water System's sources or treatment require prior Department approval.

2. Quarterly raw water monitoring of Well 01 for nitrate shall continue, and shall take place before each quarterly notice is released so that the notice can reflect the most recent sample results. The nitrate results must be submitted to the Department via electronic data transfer (EDT) using the following primary station code (PS-Code): 1009020-001.

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3. The Five Points Ranch Water System shall submit a written response by **June 30, 2014**, indicating its willingness to comply with this Compliance Order.

4. The Department reserves the right to make such modifications 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.

5. All submittals required by this Order shall be addressed to:

Betsy S. Lichti, P.E.
Senior Sanitary Engineer
CA Department of Public Health
Southern California Branch
Drinking Water Field Operations
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

6. If the Five Points Ranch Water System is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Five Points Ranch Water System notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the Five Points Ranch Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

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7. If the Five Points Ranch 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 Five Points Ranch Water System shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in CHSC Section 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 Five Points Ranch 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 Five Points Ranch 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 Five Points Ranch Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the Five Points Ranch shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

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6-23-2014

Date



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

CLC/PD

Attachments:
Attachment A: Public Notification English/Spanish
Attachment B: Proof of Notification Form



DRINKING WATER WARNING

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

Five Points Ranch water has high levels of nitrate.

DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR USE IT TO MAKE INFANT FORMULA

Water samples collected on [INSERT DATE] from Well No. X showed nitrate levels of XX mg/L as NO₃. These levels are above the nitrate standard, or maximum contaminant level (MCL), of 45 mg/L as NO₃. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- 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?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

Five Points Ranch is [Describe corrective action planned and applicable interim solution(s)].

The Five Points Ranch water system must provide public notification at least once every three months until the problem is corrected. The Department has ordered Five Points Ranch to submit a plan to correct the nitrate problem.

For more information, please contact [Name] at [Contact].

DRINKING WATER WARNING

Agua de Five Points Ranch tiene altos niveles de nitrato.

NO LE DE ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD NI UTILICE PARA HACERLECHE DE FORMULA

Las muestras de agua recogidas de la [FECHA], del Pozo Numero X, presentaron niveles de nitrato de XX mg / L de NO₃. Estos niveles están por encima de la norma, o nivel máximo de contaminante (MCL), de 45 mg / L de NO₃. El nitrato en el agua potable es un problema de salud grave para los bebés de menos de seis meses de edad.

¿Qué debo hacer?

- **NO LE DE ESTA AGUA A BEBES.** *Los bebés menores de seis meses que beben agua que contiene nitratos en exceso del MCL rápidamente pueden enfermarse gravemente y, si no es tratada, puede morir debido a los altos niveles de nitrato pueden interferir con la capacidad de la sangre del bebé para transportar oxígeno. Los síntomas incluyen dificultad para respirar y amoratamiento de la piel. Los síntomas en los bebés pueden desarrollarse rápidamente, con deterioro de la salud durante un período de días. Si se presentan síntomas, busque atención médica inmediatamente.*
- **MUJERES EMBARAZADAS NO DEBEN CONSUMIR EL AGUA.** *Los altos niveles de nitratos también pueden afectar a la capacidad transportadora de oxígeno de la sangre de mujeres embarazadas.*
- Agua, jugo, y leche en polvo para niños menores de seis meses de edad no debe prepararse con agua del grifo. El agua embotellada o bajo otro tipo de agua de nitratos se debe utilizar para los niños hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar o dejar reposar el agua no reduce el nivel de nitrato. Hervir el agua puede hacer que la mayor concentración de nitratos, debido a que los nitratos permanecen cuando el agua se evapora.
- Si usted tiene otros problemas de salud sobre el consumo de esta agua, es posible que desee consultar a un médico.

¿Qué pasó? ¿Qué se hace?

Sources of nitrates in drinking water sources can be natural, industrial or agricultural (including septic systems and runoff). Nitrate levels in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

Five Points Ranch esta [Describe corrective action planned and applicable interim solution(s)].

Sistema de Five Points Ranch agua debe proporcionar una notificación pública al menos una vez cada tres meses hasta que se solucione el problema. El Departamento ha ordenado a Five Points Ranch para presentar un plan para corregir el problema de los nitratos.

Para obtener más información, póngase en contacto con [Contact Information].

Este aviso ha sido publicado por Five Points Ranch
Sistema de Agua del Estado Número 1009020

Fecha de distribución: _____

PROOF OF NOTIFICATION

(Return with copy of Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Five Points Ranch** water system of the failure to meet the **nitrate MCL** for the 1st, 2nd, 3rd, or 4th (circle) quarter of _____ (year).

Notification was made on _____ (date) by

hand delivered or mailed/posted written notice.
(circle all completed)

Name of Water System Representative

Signature of Water System Representative

Date

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

Due by the 10th day of the following month for each month or quarter that public notification was conducted.

Violation No. 03-23-14R-006
System Name: Five Points Ranch
System No.: 1000479