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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: New Life Community Church
405 W Lincoln Avenue
Fresno, CA 93706

Attn: Mr. Neil Marthedal

**CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE,
SECTIONS 116525(a) AND 116570(a)
FOR FAILURE TO SUBMIT PERMIT APPLICATION AND FEE
CITATION NO. 03-23-14C-064
Issued on September 23, 2014**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the New Life Community Church Water System (hereinafter, "Water System") (mailing address: 405 W Lincoln Avenue, Fresno, CA) for violation of CHSC Sections 116525(a) and 116570(a). Specifically, the Water System

1 failed to submit a permit application and fee to the Division, with required documentation,
2 necessary to obtain a valid domestic water supply permit to operate the Water System.

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APPLICABLE AUTHORITIES

5 CHSC Section 116525(a) states that no person shall operate a public water system
6 unless he or she first submits an application to the Division and receives a permit. CHSC
7 Section 116570(a) states that each water system serving less than 1,000 service
8 connections applying for a domestic water supply permit pursuant to Section 116525 or
9 116550 shall pay a permit application processing fee to the Division. Payment of the
10 application fee shall accompany the permit application.

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STATEMENT OF FACTS

13 Based on the information we have, the Water System serves approximately 25 people or
14 more for at least 60 days out of the year and provides potable water for handwashing and
15 drinking. Therefore, the Water System meets the definition of a transient non-community
16 public water system and a domestic water supply permit will need to be issued by the
17 Division.

18

19 The Division has not received the permit application and fee from the Water System. The
20 Division made multiple efforts to notify the Water System of the requirement to obtain a
21 domestic water supply permit. The first letter outlining the permit requirements was sent
22 on April 10, 2014. No response was received. An Enforcement Letter No. 03-23-14E-042
23 was sent to the Water System with a deadline of July 31, 2014 for submitting the permit
24 application, fee and required documentation. No response has been received till date.

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DETERMINATION

The Division has determined that New Life Community Church has failed to comply with Sections 116525(a) and 116570(a) of the CHSC.

DIRECTIVES

New Life Community Church is hereby directed to take the following actions:

1. Comply with all statutory and regulatory requirements pertaining to the ownership 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 system serving the New Life Community Church at 405 W Lincoln Avenue in Fresno, CA. A summary of some of the legal responsibilities are outlined in Attachment B, Introduction to Regulatory Requirements for Public Water System.
2. By **October 31, 2014**, the Water System shall complete and submit the permit application (Attachment A), the permit application fee, and the remaining documents required for issuance of the permit, as outlined in the October 22, 2013 letter. The appropriate fee is \$310 for a new noncommunity water system. The Water System may request a copy of the October 22, 2013 letter attachments from the Division.

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

1 Nothing in this Citation relieves New Life Community Church of its obligation to meet the
2 requirements of the California Safe Drinking Water Act, or of any regulation, permit,
3 standard, or order issued or adopted thereunder.

4

5 All submittals required by this Citation shall be submitted to the Division at the following
6 address:

7 Betsy S. Lichti, P.E.
8 Fresno District Engineer
9 State Water Resources Control Board
10 Division of Drinking Water
11 265 W. Bullard Avenue, Suite 101
12 Fresno, CA 93704

13

14

15

PARTIES BOUND

16 This Citation shall apply to and be binding upon New Life Community Church, its officers,
17 directors, shareholders, agents, employees, contractors, successors, and assignees.

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SEVERABILITY

20 The Directives of this Citation are severable, and New Life Community Church shall
21 comply with each and every provision thereof, notwithstanding the effectiveness of any
22 other provision.

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FURTHER ENFORCEMENT ACTION

25 The California SDWA authorizes the Division to: issue citation with assessment of
26 administrative penalties to a public water system for violation or continued violation of the
27 requirements of the California SDWA or any permit, regulation, permit or order issued or
28 adopted thereunder including, but not limited to, failure to correct a violation identified in a
29 citation or compliance order. The California SDWA also authorizes the Division to take



1 action to suspend or revoke a permit that has been issued to a public water system if the
2 system has violated applicable law or regulations or has failed to comply with an order of
3 the Division; and to petition the superior court to take various enforcement measures
4 against a public water system that has failed to comply with violates an order of the
5 Division. The Division does not waive any further enforcement action by issuance of this
6 citation.

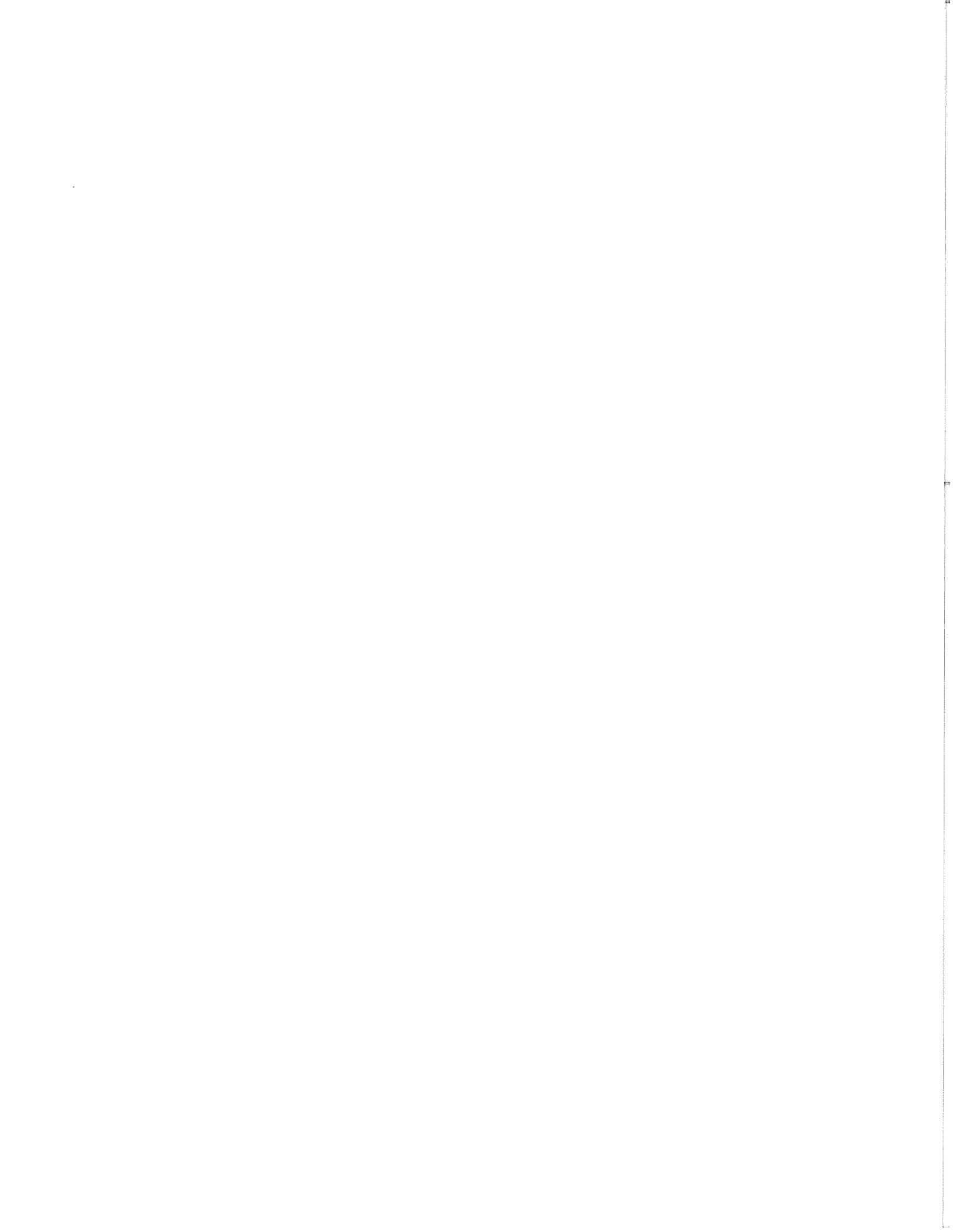
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9/23/14
Date

Betsy Lichti
Betsy S. Lichti, P.E.,
District Engineer
Division of Drinking Water
State Water Resources Control Board



- Attachments:
- A: Domestic Water Supply Permit Application Form
 - B: Regulatory Requirements for Public Water Systems
 - C: October 22, 2013 Letter



STATE OF CALIFORNIA
APPLICATION
FOR
DOMESTIC WATER SUPPLY PERMIT
FROM

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

Address: _____

System Name: _____

System Number: _____

TO: State Water Resources Control Board
Division of Drinking Water
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: _____ Signature

Title: _____

Address: _____

Telephone: _____

Dated: _____



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

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 Consumer Confidence Report to their customers, reporting the quality of the water delivered in the previous year. (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:

Hourly Cost Rate for CWS \geq 1,000 Service Connections FY 2009/2010		
Water System Type	Applies to:	Fee/Rates
CWS (\geq 1,000 service connections)	Permit-related activities and actions	\$126.00 per hour

Small Water System Annual Water System Operating Fees FY 2009/2010 New fees pursuant to Sec. 116565 of the 2009/10 Budget Act		
Water System Type	Applies to:	Fee/Rates
CWS ($<$ 1,000 service connections)	CWS -Six dollars (\$6) per SC, but not less than two hundred fifty dollars (\$250) per water system	\$ 6.00 per SC
NCWS Nontransient	Nontransient noncommunity water systems, Two dollars (\$2) per person served but not less than four hundred fifty-six dollars (\$456)	\$ 2.00 per person served
NCWS Transient	Transient noncommunity water system eight hundred dollars (\$800) per water system	\$ 800.00 per water system
SB 1172 Exemptions	Noncommunity water system with Health & Safety Code \S 116282 exemptions	\$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 \$126.00 dollars per hour.**



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

October 22, 2013
System No. 1000614

Mr. Neil Marthedal
New Life Community Church
405 W. Lincoln Avenue
Fresno CA 93706

**RE: Permit Application for a New Public Water System (New Life Community Church)
in Fresno County**

Dear Mr. Marthedal:

Based on the information we have, this water system currently serves approximately 25 persons or more for at least 60 days out of the year and provides water for handwashing and drinking. Therefore, this water system meets the definition of a *transient non-community* public water system and a domestic water supply permit will need to be issued by our department. The system number noted above (1000614) is assigned to this water system and should be used on any future correspondence with our department. The well used for domestic water has been assigned Primary Station Code (1000614-001) which should be used by the analyzing laboratory for reporting any water quality monitoring samples.

Outlined below are the Department's requirements for processing an application for a drinking water supply permit for a new *transient non-community* 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 non-community water systems, the appropriate fee is currently \$310.00.

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 Report**

A technical report must be submitted with the permit application, which includes a detailed description of the water system. The report shall describe the proposed or existing system as follows: service area, distribution system including storage and pumping facilities, the water sources including source capacity for each source, water quality evaluation, and any water treatment facilities. The report shall list the system owner and persons responsible for day-to-day operation of the system. The report shall describe the operations plan for the system and shall specify how the responsible party will respond to failure of major system components. The report shall also include a plan for notification of those served by the system under emergency conditions. Please review the **Applicant Instructions** for information regarding the preparation of the technical report, which are available at the following link:

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

3. **Well Completion report**

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.

4. **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 H*. In order to begin a source water assessment for a new well, the Well Data Sheet (*Attachment A3*) and the

PCA Checklist (in *Attachment H*) 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>

8. **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 down stream 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.

9. **Water Quality Monitoring**

Community and non-community 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 I: Source Water Quality Monitoring Schedule* (TNC1) would apply. Please note that this monitoring schedule does not apply to purchased or surface water sources.

Distribution System Bacteriological Monitoring: The bacteriological monitoring frequency is based on the population served by the system, and is one sample per quarter. **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 10). 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 J*) is enclosed.

10. **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 K, Guidelines for Completing a Bacteriological Sample Siting Plan* is provided to assist in developing a plan.

11. 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. If disinfection treatment is provided, the water system will be required, at a minimum, to have on staff or under contract a **D1 certified distribution operator**. Responsibilities of the certified distribution operator are outlined in *Attachment L - 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 the water system 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.

12. Cross-Connection Control Program

The water system must be reviewed to assure that there are no cross-connections that may result in backflow into the drinking water system. An on-going approved Cross-Connection Control program must be implemented. An approved program must consist of the following elements:

- (a) The conducting of surveys to identify locations where cross-connections are likely to occur.
- (b) The provisions of backflow protection devices.
- (c) The provision of at least one person trained in cross connection control to carry out the program.
- (d) The establishment of an annual testing program of backflow prevention devices.
- (e) The maintenance of records of locations, tests, and repairs of backflow protection devices.

Requirement (c) may be complied with by contracting with a specialist certified through the California-Nevada Section of the American Water Works Association. A list of certified specialists in your area may be obtained from our office.

Attachment M is a Cross-Connection Control Survey form. Please submit a completed Cross-Connection Survey form along with the permit application.

13. 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 N* for providing us this information.

14. Annual Operating Fees

Please be advised that all transient noncommunity water systems are required to pay an annual operating fee of \$800.00 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. **This annual fee of \$800.00 for fiscal year 13/14 must be paid at the time of making application for a domestic water supply permit. Please make payment separately from the permit application fee.**

The Department will charge at the current hourly billing rate (\$126.00 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 November 25, 2013. The Permit Application Fee of \$310 and Annual Operating Fee for FY 13/14 of \$800 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.

If you require any further information or copies of any regulations applicable to public water supply systems, 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

BSL/sp

Enclosures for addressee only

cc: Fresno County Division of Environmental Health (w/o attachments)
Fresno County Department of Public Works and Planning (w/o attachments)

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
 - A6 - Chlorination Data Sheet
 - A7 - Treatment Plant Data Sheet