



State Water Resources Control Board

Division of Drinking Water

December 22, 2020

System No. CA1510052

Gary Westmoreland
North Edwards Water District
13525 Fran Street
North Edwards, CA 93523

**COMPLIANCE ORDER NO. 03_19_20R_005
ADMINISTRATOR ORDER TO NORTH EDWARDS WATER DISTRICT AND
SELECTION OF CALIFORNIA RURAL WATER ASSOCIATION – SPECIALIZED
UTILITIES SERVICES PROGRAM AS THE FULL-SCOPE ADMINISTRATOR**

Enclosed is Compliance Order No. 03_19_20R_005 (hereinafter “Order”), issued to the North Edwards Water District (hereinafter “District”) public water system. Please note that there are legally enforceable directives associated with this Order.

The State Water Board appreciates the willingness of the District and California Rural Water Association – Specialized Utilities Services Program (hereinafter “CRWA–SUSP”) to work together over the past several months. As discussed in the Order, the District is ordered to accept CRWA–SUSP as a full-scope administrator and allow CRWA–SUSP to exercise full authority and control over the District. The State Water Board looks forward to continuing to work with both the District and CRWA–SUSP as they develop a sustainable long-term solution.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Karen Nishimoto of my staff at (818) 551-2049 or me at (916) 341-5045.

Sincerely,



Andrew Altevogt, P.E., Ph.D
for Darrin Polhemus, P.E.
Deputy Director, Division of Drinking Water
State Water Resources Control Board

Enclosures

Certified Mail No. 7019 2970 0001 5100 8932

cc:

Dan DeMoss, CRWA–SUSP – Executive Director
Leon Brunet, Law Offices of Leon A. Brunet, P.A. (via email)
Kern County Environmental Health Department (via email)
Zack Scrivner, Kern County Board of Supervisors (via email)
Blair Knox, Kern County LAFCo (via email)
Jennifer Pierce, US EPA (via email)
Emma Young, US EPA (via email)
Roberto Rodriguez, US EPA (via email)
Kurt Souza, SWRCB – Southern CA Branch (via email)
Tricia Wathen, SWRCB – Central CA Section (via email)
Jesse Dhaliwal, SWRCB – Tehachapi District (via email)
Andrew Altevogt, SWRCB – RAD Branch (via email)
Michelle Frederick, SWRCB – SAFER Section (via email)
Karen Nishimoto, SWRCB – SoCal Engagement Unit (via email)
Reyna Rodriguez, SWRCB – SoCal Engagement Unit (via email)

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: North Edwards Water District

Water System No: 1510052

Attention: Gary Westmoreland
13525 Fran Street
North Edwards, CA 93523

Issued: December 22, 2020

ORDER No. 03_19_20R_005

**ADMINISTRATOR ORDER TO NORTH EDWARDS WATER DISTRICT AND
SELECTION OF CALIFORNIA RURAL WATER ASSOCIATION – SPECIALIZED
UTILITIES SERVICES PROGRAM AS THE FULL-SCOPE ADMINISTRATOR
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116686**

The State Water Resources Control Board (“State Water Board”), acting by and through its Division of Drinking Water (“Division”) and the Deputy Director for the Division, hereby issues Order No. **03_19_20R_005** pursuant to Section 116686 of the California Health and Safety Code (“CHSC”) to North Edwards Water District (“District”) as set forth below.

APPLICABLE AUTHORITIES

1
2 In order to provide affordable, safe drinking water to disadvantaged communities and to
3 prevent fraud, waste, and abuse, Section 116686, subd. (a) of the CHSC¹ authorizes the
4 State Water Board to order a “designated water system to accept administrative,
5 technical, operational, legal, or managerial services, including full management and
6 control of all aspects of the designated water system, from an administrator selected by
7 the state board.”

- 8 • Section 116686, subd. (m) defines “designated water system” as a public water
9 system that, “serves a disadvantaged community, and that the state board finds
10 consistently fails to provide an adequate supply of affordable, safe drinking water.”
- 11 • Section 116681, subd. (f) defines a “disadvantaged community” as a
12 disadvantaged community, as defined in Section 79505.5 of the Water Code.
- 13 • Division 26.5, Section 79505.5, subd. (a) of the Water Code states,
14 “Disadvantaged Community” means a community with an annual median
15 household income that is less than 80 percent of the statewide annual median
16 household income.”
- 17 • Section 116681, subd. (a) defines “adequate supply” as “sufficient water to meet
18 residents' health and safety needs at all times.”
- 19 • Section 116681, subd. (c) defines “consistently fails” as “failure to provide an
20 adequate supply of safe drinking water.”
- 21 • Section 116681, subd. (l) defines “safe drinking water” as “water that meets all
22 primary and secondary drinking water standards.”

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

- 1 • Section 116275, subd. (c) defines “primary drinking water standards” as maximum
2 contaminant levels, treatment techniques adopted in lieu of maximum contaminant
3 levels, and monitoring and reporting requirements of maximum contaminant levels
4 as specified by regulation.
- 5 • Section 116686, subd. (f) states that, “A designated water system shall not be
6 responsible for any costs associated with an administrator that are higher than the
7 costs necessary to maintain the designated water system and provide an adequate
8 supply of affordable, safe drinking water.”

9
10 **STATEMENT OF FACTS**

11 North Edwards Water District is classified as a community water system, as defined by
12 Section 116275, subd. (i), located in southeast Kern County. The District serves domestic
13 water to approximately 944 individuals through approximately 217 metered service
14 connections, as reported in the District’s 2019 Annual Report. The District operates under
15 Domestic Water Supply Permit No. 03-88-008, issued by the California Department of
16 Public Health (“CDPH”), the State Water Board’s predecessor in the regulation of public
17 water systems, on April 5, 1988. The District utilizes two groundwater sources, “Well 01
18 – Primary” and “Well 02” to supply water to the distribution system. Well 01 – Primary
19 provides the majority of the system demand, while Well 02 is used for summer peaking
20 usage and a short time each month for flushing. The District provides precautionary
21 disinfection of the groundwater via sodium hypochlorite before distribution to customers
22 through polyvinyl chloride and asbestos-cement pipelines.

1 The District maintains two bolted-steel storage tanks with a total storage capacity of
2 105,000 gallons. Section 64554, Title 22, of the California Code of Regulations (“CCR”)
3 requires public water systems with less than 1,000 service connections to maintain
4 storage capacity equal to the system’s maximum day demand, unless they demonstrate
5 possession of an additional source of supply or emergency source connection that can
6 meet the maximum day demand. The maximum day demand of the District is
7 approximately 265,000 gallons per day, determined by water usage during the most
8 recent ten years of operation. The District does not maintain an additional source of
9 supply or emergency interconnections with adjacent public water systems and lacks the
10 storage capacity required to meet the maximum day demand pursuant to Section 64554.

11

12 The District is a disadvantaged community as defined by Section 116681, subd. (f),
13 CHSC. Section 116681, subd. (f) incorporates the definition of a disadvantaged
14 community provided in Water Code Section 79505.5. Section 79505.5 defines a
15 disadvantaged community as a community with an annual median household income that
16 is less than 80 percent of the statewide annual median household income. Pursuant to the
17 2014-2018 American Community Survey², 80 percent of the statewide median household
18 income is \$56,982. The 2014-2018 American Community Survey states the District is a
19 census designated place with a median household income of approximately \$56,500.
20 This income classifies North Edwards Water District as a disadvantaged community.

21

22 Section 116555, subd. (a)(1) requires all public water systems to comply with primary
23 drinking water standards as defined in Section 116275, subd. (c). Primary drinking water

² The State Water Board utilizes the American Community Survey (ACS) 5-Year Estimates to determine the MHI of a community. The ACS data for 2020 is based on the 5-year period from 2014-2018.

1 standards include maximum contaminants levels, defined as the maximum permissible
2 level of a contaminant in water pursuant to Section 116275, subd. (f), as specified in
3 regulations adopted by the State Water Board. Section 64431, Title 22, CCR, establishes
4 the arsenic maximum contaminant level (“MCL”) as 0.01 milligrams per liter (“mg/L”), or
5 10 micrograms per liter (“ug/L”). Section 64432 determines compliance with the arsenic
6 MCL by a running annual average of monitoring results during four consecutive quarters.
7 On January 23, 2009, CDPH issued Compliance Order No. 03-19-09O-038 to the District
8 for violation of the arsenic MCL. The District was ordered to comply with the primary
9 drinking water standards by March 31, 2010 or no later than “one year from the date that
10 a project to be funded by DWRSF [Drinking Water State Revolving Fund] / Prop 84
11 achieves final approval, whichever is later.”

12
13 On May 1, 2013, the Division of Financial Assistance issued a funding agreement to the
14 District for a Prop 84 construction project to drill a new groundwater source, install arsenic
15 removal treatment, construct a finished water storage tank, and consolidate two nearby
16 community water systems. In January 2014, the construction contract was awarded to a
17 construction contractor to begin the project. In November 2014, the District terminated
18 the contract with the project contractor and the construction project was not completed.
19 There were several years of litigation following the termination of the contractor. During
20 this time, the State Water Board attempted unsuccessfully to restart the construction
21 project.

22
23 The US EPA issued a Notice of Violation of the arsenic MCL to North Edwards on July
24 10, 2019. On September 1, 2020, the US EPA issued a Unilateral Administrative Order
25 to the District requiring the District to serve water compliant with the arsenic MCL by April

1 30, 2022 and meet the arsenic MCL based on the running annual average by April 30,
2 2023.

3

4 Results of arsenic quarterly monitoring samples for Well 01 - Primary and Well 02
5 between 2007 and the present are shown in Table 1 below.

6 **Table 1. Arsenic Monitoring Results**

Date	Well 01 – Primary	Well 02
07/09/2007	32 ug/L	32 ug/L
05/22/2008	34 ug/L	39 ug/L
09/08/2008	33 ug/L	38 ug/L
01/14/2009	32 ug/L	36 ug/L
03/16/2009	28 ug/L	38 ug/L
06/08/2009	32 ug/L	26 ug/L
12/14/2009	32 ug/L	28 ug/L
03/08/2010	30 ug/L	28 ug/L
05/25/2010	36 ug/L	-
06/07/2010	35 ug/L	36 ug/L
09/15/2010	32 ug/L	35 ug/L
12/08/2010	37 ug/L	29 ug/L
03/08/2011	29 ug/L	32 ug/L
06/13/2011	32 ug/L	31 ug/L
09/12/2011	32 ug/L	26 ug/L
12/13/2011	34 ug/L	49 ug/L
03/13/2012	33 ug/L	-
06/19/2012	34 ug/L	22 ug/L
09/12/2012	32 ug/L	33 ug/L
12/17/2012	33 ug/L	32 ug/L
03/13/2013	32 ug/L	26 ug/L
06/18/2013	33 ug/L	30 ug/L
09/16/2013	30 ug/L	28 ug/L
12/16/2013	32 ug/L	35 ug/L
03/24/2014	30 ug/L	24 ug/L
06/23/2014	32 ug/L	26 ug/L
09/22/2014	29 ug/L	-
10/27/2014	-	29 ug/L
12/19/2014	32 ug/L	31 ug/L
03/23/2015	30 ug/L	26 ug/L
06/22/2015	30 ug/L	57 ug/L

Date	Well 01 – Primary	Well 02
09/28/2015	30 ug/L	31 ug/L
12/15/2015	34 ug/L	31 ug/L
03/22/2016	32 ug/L	28 ug/L
06/27/2016	33 ug/L	26 ug/L
09/26/2016	32 ug/L	28 ug/L
12/20/2016	31 ug/L	31 ug/L
03/21/2017	36 ug/L	25 ug/L
06/20/2017	31 ug/L	27 ug/L
09/25/2017	33 ug/L	23 ug/L
11/14/2017	-	23 ug/L
12/28/2017	33 ug/L	29 ug/L
03/19/2018	34 ug/L	32 ug/L
06/25/2018	35 ug/L	33 ug/L
09/26/2018	28 ug/L	35 ug/L
12/17/2018	31 ug/L	-
03/25/2019	32 ug/L	38 ug/L
06/26/2019	33 ug/L	40 ug/L
08/05/2019	35 ug/L	29 ug/L
09/23/2019	33 ug/L	36 ug/L
12/10/2019	29 ug/L	32 ug/L
10/05/2020	36 ug/L	-
10/13/2020	-	55 ug/L

1

2 The District has consistently failed to meet primary drinking water standards pursuant to
3 Section 116655.

4

FINDINGS

5

1. The District is a disadvantaged community, as defined in Section 79505.5 of the
6 Water Code. Section 116681, CHSC states, “The following definitions shall apply
7 to this Section and Sections 116682, 116684, and 116686.” Section 116681, subd.
8 (f) states, ““Disadvantaged community” means a disadvantaged community, as
9 defined in Section 79505.5 of the Water Code.” The District’s calculated median
10 household income utilizing the 2014-2018 American Community Survey was
11 \$56,500, approximately 79 percent of the statewide MHI \$71,228.

12

- 1 2. Based on the above Statement of Facts, the District is a designated water system
2 pursuant to Section 116686, subd. (m)(2), CHSC in that it, “serves a
3 disadvantaged community and that the state board finds consistently fails to
4 provide an adequate supply of affordable, safe drinking water.”
5
- 6 3. On June 24, 2020, the State Water Board provided the District with notice and an
7 opportunity to show by July 1, 2020, that; (1) the District “has not consistently failed
8 to provide an adequate supply of affordable, safe drinking water.”; and/or (2) that
9 the District, “has taken steps to timely address its failure to provide an adequate
10 supply of affordable, safe drinking water.” The notice is shown in Attachment A.
11
- 12 4. On July 2, 2020, the State Water Board received a response from the District
13 requesting the appointment of an administrator or receiver to manage and operate
14 the water system (Attachment B). The District stated their inability to function with
15 three Board Members and their willingness to “allow managerial and physical
16 access to whoever the State appoints the Board of Directors will not intervene or
17 oppose the administrator or receiver.”
18
- 19 5. On October 9, 2020, the State Water Board notified by mail all ratepayers, renters,
20 and property owners in the District’s service area as well as representatives of the
21 District of a public meeting on November 9, 2020 to provide information on the
22 proposed administrator for the District and receive input on the potential
23 administrator appointment (Attachment C). This notice also included the name,
24 qualifications, proposed scope of the appointment and the services to be provided

1 by the administrator being considered, and disclosure of conflicts of interest, as
2 defined in Title 2, Division 6, Chapter 7 of the CCR.

3
4 6. On November 9, 2020, the State Water Board conducted a public meeting
5 pursuant to Section 116686, subd. (b)(2) for the affected ratepayers, renters, and
6 property owners in the District’s service area. Public comment and feedback were
7 solicited during the meeting.

8
9 7. The closing period for public comment on the administrator selection was
10 November 16, 2020. No comments expressed concern about the qualifications of
11 the proposed administrator.

12
13 8. On November 18, 2020, the State Water Board contacted California Rural Water
14 Association – Specialized Utilities Services Program (“CRWA–SUSP”) to confirm
15 their willingness to be an administrator (“Administrator”) for the District pursuant to
16 Section 116686 of the Health and Safety Code (Attachment D). CRWA–SUSP
17 confirmed their willingness to be an Administrator for the District on November 18,
18 2020 (Attachment D).

19
20 9. As set forth in California Environmental Quality Act (“CEQA”) Guidelines, Section
21 15061, this Order is exempt from the provisions of CEQA because it can be seen
22 with certainty that there is no possibility that the Order will have a significant effect
23 on the environment. The Order requires the District to accept administrative,
24 technical, operational, legal, and managerial services, including full management
25 and control of all aspects of the designated water system from an administrator

1 selected by the State Water Board. The Order does not propose or require the
2 District to undertake, any specific actions which will have a significant effect on the
3 environment.

4
5 **ORDER**

6 The State Water Board Hereby Orders as follows:

- 7
- 8 1. North Edwards Water District is ordered to unconditionally accept administrative,
9 technical, operational, legal, financial, and managerial services, including full
10 management and control of all aspects of the designated water system from
11 California Rural Water Association – Specialized Utilities Services Program.
12
 - 13 2. The State Water Board shall provide written notification regarding the date that the
14 Administrator shall commence providing services. On the date specified in this
15 written notice, the District’s Board and anyone employed by or acting on behalf of
16 the District, shall immediately allow the Administrator to exercise full authority and
17 control over the District including, but not limited to, all administrative, technical,
18 operational, legal, financial, and managerial aspects of the entire water system and
19 all assets thereof. Prior to this written notification, the State Water Board strongly
20 encourages the District to take steps to ensure a smooth and effective transition
21 to formal control of the system by CRWA-SUSP.
22
 - 23 3. This Order shall remain effective and in place until rescinded, terminated, or
24 otherwise modified by the State Water Board.
25

1 The Division reserves the right to make such modifications to this Order and/or to issue
2 such further order(s) as it may deem necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Order and shall be deemed effective
4 upon issuance.

5

6 Nothing in this Order relieves the District of its obligation to meet the requirements of the
7 California Safe Drinking Water Act, CHSC, Division 104, Part 12, Chapter 4 (hereinafter
8 "SDWA"), or any regulation, standard, permit or order issued thereunder.

9

10

PARTIES BOUND

11 This Order shall apply to and be binding upon North Edwards Water District, its officers,
12 directors, agents, employees, contractors, successors, and assignees.

13

14

SEVERABILITY

15 The requirements of this Order are severable, and North Edwards Water District shall
16 comply with each and every provision hereof notwithstanding the effectiveness of any
17 other provision.

18

19

FURTHER ENFORCEMENT ACTION

20 The California SDWA authorizes the Division to issue orders and citations with
21 assessment of administrative penalties to a public water system for violation or continued
22 violation of the requirements of the California SDWA or any regulation, permit or order
23 issued or adopted thereunder including, but not limited to, failure to correct a violation
24 identified in a citation or order. The California SDWA also authorizes the Division to take
25 action to suspend or revoke a permit that has been issued to a public water system if the

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

5
6 December 22, 2020



7 Date

8 Andrew Altevogt, P.E., Ph.D
9 for Darrin Polhemus, P.E.
10 Deputy Director, Division of Drinking Water
11 State Water Resources Control Board

12
13
14
15
16 **Attachments:**

- 17 A. Division of Drinking Water Correspondence
- 18 B. North Edwards Water District Correspondence
- 19 C. Public Meeting Notice
- 20 D. California Rural Water Association – Specialized Utilities Services Program
21 Correspondence