



State Water Resources Control Board Division of Drinking Water

January 6, 2023

System No. CA3400138

Cathy Chandler, President
Locke Water Works Co.
P.O. Box 984
Walnut Grove, CA 95690

**RE: NOTICE – 1st STEP OF ADMINISTRATOR PROCESS
Locke Water Works Co. (CA3400138)**

Dear Cathy,

On November 10, 2022, the State Water Resources Control Board (State Water Board) had a meeting with the Sacramento County Local Primacy Agency (LPA) to discuss a path forward for the Locke Water Works Co. (Locke) Intertie Project. After some discussion, both the State Water Board and Sacramento County LPA determined that due to Locke's lack of technical, managerial, and financial capacity to properly manage their water system, it would be best for the users of the system to have the State Water Board assign an administrator to the system.

The purpose of this letter is to inform you that the State Water Board is taking the first step to designate Locke as a public water system in need of an Administrator because it has not consistently provided an adequate supply of affordable, safe drinking water to its customers and is considered an "Failing" system according to SAFER's Risk Assessment. The State Water Board is taking this step now for two reasons: 1) a State funded administrator will be able to take on many of the tasks that will be required to assist the water system into coming into compliance with applicable drinking water laws and regulations sustainably into the future, and 2) it may take some time to go through the required steps to appoint an administrator. A summary of the designation process, responsibilities of a full-scope administrator, applicable regulatory sections, and policies are provided as attachments.

The legally required formal first step in this process is for the State Water Board to give Locke notice of its intended action and provide the water system an opportunity to show either of the following:

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

- a. It has not consistently failed to provide an adequate supply of affordable, safe drinking water, or
- b. It has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water.

If Locke has evidence and wishes to show that the violations listed below have been resolved, please provide that information by **February 10, 2023** via email to Sirichad Tara Ouitavon at Sirichad.Ouitavon@Waterboards.ca.gov.

List of Violations

Locke has failed to:

- Comply with CHSC, Article 7, Section 116555, Operational Requirements. Compliance Order No. WA0006138 was issued to Locke on December 31, 2015. Compliance Order No. WA0006138 was re-issued to Locke on August 7, 2019.
- Comply with CCR, Title 22, Section 64431, Maximum Contaminant Levels--Inorganic Chemicals. Compliance Order No. WA0006138 was issued to Locke on December 31, 2015. Compliance Order No. WA0006138 was re-issued to Locke on August 7, 2019.
- Comply with CCR, Title 22, Section 64432, Monitoring and Compliance--Inorganic Chemicals. Compliance Order No. WA0006138 was issued to Locke on December 31, 2015. Compliance Order No. WA0006138 was re-issued to Locke on August 7, 2019.
- Comply with CCR, Title 22, Section 64675, General Requirements for Tap Sampling for Lead and Copper. Compliance Order No. 2017-021 was issued to Locke on November 8, 2017.
- Comply with CCR, Title 22, Section 64561, Source Flow Meters. A Sanitary Survey was conducted to Locke on April 27, 2021.
- Comply with CCR, Title 22, Section 64463.4, Tier 2 Public Notice. A Sanitary Survey was conducted to Locke on April 27, 2021.

The State Water Board recognizes and supports that Locke has engaged in negotiations with Sacramento County Water Agency for the installment of an intertie and a water service agreement as a long-term solution. The State Water Board proposes that these positive efforts be continued in parallel as the State Water Board goes through the actions required to appoint an Administrator.

If you have any questions regarding this letter, please contact me via email at Sirichad.Ouitavon@Waterboards.ca.gov.

Sincerely,

Sirichad Tara Ouitavon, P.E.
Senior Water Resource Control Engineer, Northern Engagement Unit
State Water Resources Control Board, Division of Drinking Water

Attachment 1. Administrator Process Summary
Attachment 2. Responsibilities of a Full-Scope Administrator
Attachment 3. Section 116686 of the California Health and Safety Code
Attachment 4. Administrator Policy Handbook

cc: Carbon Copy
Locke Water Works Co.
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Attachment 1

Administrator Process

Section 116686 of the California Health and Safety Code and the Administrator Policy Handbook, adopted by the State Board in September 2019, requires that the State Board must find that the System's public water system is a "designated water system" and take other specific actions before it can issue an order to the System to accept a full-scope administrator. A "designated water system" is defined in section 116686(m)(2) as a public water system that serves a disadvantaged community, and that the State Water Board finds consistently fails to provide an adequate supply of affordable, safe drinking water. A copy of section 116686 and the Administrator Policy Handbook are provided in subsequent attachments. The actions required of the State Water Board are summarized below.

1. The State Board must give the water system notice of its actions and provide it with an opportunity to show either of the following:
 - a. It has not consistently failed to provide an adequate supply of affordable, safe drinking water, or
 - b. It has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water.
2. Conduct a public meeting in a location as close as feasible to the affected community.
 - a. Provide 30-day notice of the public meeting to affected ratepayers, renters, and property owners.
 - b. Provide an opportunity for representatives of the System, affected ratepayers, renters, property owners, and the public to present oral and written comments at the meeting.
 - c. Provide an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting
3. Make a reasonable effort to provide notice to all ratepayers, renters, and property owners who receive water service from the designated water system of the following:
 - a. The name and qualifications of the administrator being considered by the State Board
 - b. The scope of the appointment and the particular services to be provided by the administrator being considered by the State Board, and
 - c. Any conflict of interest
4. Issue an order to the System requiring it to accept a full-scope administrator to take complete management control of its public water system.

Attachment 2

Responsibilities of a Full-Scope Administrator

All actions taken by an administrator are required to be in the best interest of the community served by the water system and must be intended to develop the water system's capability to sustainably deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary. Section 116686 and the Administrator Policy Handbook requires the State Water Board to enter into a contract or grant agreement with an appointed administrator and fund the cost of the administrator to provide the agreed upon service to the System.

The Administrator is required to provide reports in order to keep the governing board or owner of the water system and the customers served informed about actions taken and status of the system. In addition, the Administrator Policy Handbook includes a process that allows any ratepayer, renter, or property owner who receives water from a designated water system to submit a petition to the State Water Board for the reversal or modification of an administrator decision or replacement of an administrator. A complete description of an administrator's obligations is contained in section 116686 of the Health and Safety Code and in the Administrator Policy Handbook.

The authority and scope of work of an administrator is established on a case-by-case basis in the contract/grant agreement executed between the State Water Board and the administrator and in the order issued to the public water system to accept the services of the administrator. **In the case of Locke, the full-scope administrator appointed to it will have authority to exercise complete managerial control over its public water system, including but not limited, to financial reviews, responding and representing Locke to regulatory agencies, entering into contracts, establishing operational budgets and rates, acceptance of water rate payments to pay water system expenses, system operation, and keeping customers informed of the status of the water system.**

Attachment 3

CA Health and Safety Code Section 116686:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=116686.

The State Water Board has not provided a paper copy of this section in the interest of decreasing environmental impacts. However, should you be unable to access this website for any reason, please do not hesitate to contact our office for a paper copy.

Attachment 4

Administrator Policy Handbook:

https://www.waterboards.ca.gov/board_info/agendas/2019/sept/091719_6_cs1_cleanversion.pdf

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