

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

Name of Public Water System: Sierra Vista Association

Water System No: 5400964

Attention: Sandra Blaylock
Sierra Vista Association
Rt. 2, Box 487
Delano, CA 93215

Issued: April 7, 2021

ORDER No. 03-24-21R-001

**ADMINISTRATOR ORDER FOR SIERRA VISTA ASSOCIATION 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”), hereby issues Order No. 03-24-21R-001, pursuant to California Health and Safety Code section 116686, to the Sierra Vista Association water system (“Water System”) as set forth below.

APPLICABLE AUTHORITIES

In order to provide affordable, safe drinking water to disadvantaged communities and to prevent fraud, waste, and abuse, California Health and Safety Code section 116686, subdivision (a)(1)(B)¹, authorizes the State Water Board to order a “designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board.”

- Section 116686, subdivision (m)(2), defines “designated water system” as a public water system that “serves a disadvantaged community, and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.”
- Section 116681, subdivision (f), defines a “disadvantaged community” as “a disadvantaged community, as defined in Section 79505.5 of the [California] Water Code.”
 - California Water Code section 79505.5, subdivision (a), defines “Disadvantaged Community” as “a community with an annual median household income that is less than 80 percent of the statewide annual median household income.”
- Section 116681, subdivision (a), defines “adequate supply” as “sufficient water to meet residents' health and safety needs at all times.”
- Section 116681, subdivision (c), defines “consistently fails” as “failure to provide an adequate supply of safe drinking water.”

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

- Section 116681, subdivision (l), defines “safe drinking water” as “water that meets all primary and secondary drinking water standards.”
- Section 116275, subdivision (c), defines “primary drinking water standards” as maximum contaminant levels, treatment techniques adopted in lieu of maximum contaminant levels, and monitoring and reporting requirements of maximum contaminant levels as specified by regulation.
- Section 116686, subdivision (f), states that a “designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking water.”

STATEMENT OF FACTS

The Water System is classified as a community water system serving approximately 44 people through 13 active service connections. The Sierra Vista Association is the legal owner of the Water System. The physical address of the Water System is County Line Road Delano, CA 93215. The Water System is located northeast of the City of Delano, California. The system has been determined to serve a disadvantaged community as defined in Section 116681. The 2014-2018 American Community Survey, the Water System’s service area has a calculated MHI of \$33,083, approximately 46 percent of the statewide MHI of \$71,228.

The Water System currently operates under Domestic Water Supply Permit No. 03-24-15P-049, issued by the Division on November 19, 2015. The Water System's sole source

of domestic water is provided by a single, eight-inch diameter well that was constructed in 1984 to a depth of 350 feet with a 50-foot sanitary seal. There is no storage provided. The distribution system consists of one 5,000-gallon hydropneumatics tank and galvanized and polyvinyl chloride pipe of unknown diameter. There are no customer water meters; customers are billed at a flat rate of approximately \$60.00 per month.

In January 2020, the Water System installed a flow meter and the Division issued revised Domestic Water Supply Permit No. 03-24-20P-002. The revised permit included a provision for recording production monthly.

In 2015, the Division issued Compliance Order No. 03-24-15R-022 for violation of the nitrate maximum contaminant level (MCL) in Well 01. The compliance order directed the Water System to return to compliance on or before December 1, 2018. No long-term compliance solution has been implemented and violations are ongoing.

Table 1: Nitrate Monitoring Results

Sample Date	Well 01	MCL
10/26/15	13 mg/L *	10 mg/L as N
01/21/16	14 mg/L *	10 mg/L as N
03/25/16	15 mg/L *	10 mg/L as N
04/06/16	13 mg/L *	10 mg/L as N
08/16/16	14 mg/L *	10 mg/L as N
11/07/16	16 mg/L *	10 mg/L as N
02/15/17	15 mg/L *	10 mg/L as N
04/10/17	15 mg/L *	10 mg/L as N
08/15/17	15 mg/L *	10 mg/L as N
12/18/17	14 mg/L *	10 mg/L as N

02/05/18	14 mg/L *	10 mg/L as N
06/11/18	13 mg/L *	10 mg/L as N
09/12/18	14 mg/L *	10 mg/L as N
11/14/18	13 mg/L *	10 mg/L as N
03/25/19	14 mg/L *	10 mg/L as N
06/13/19	14 mg/L *	10 mg/L as N
08/29/19	14 mg/L *	10 mg/L as N
12/02/19	16 mg/L *	10 mg/L as N
03/17/20	17 mg/L *	10 mg/L as N
05/28/20	15 mg/L *	10 mg/L as N
09/02/20	16 mg/L *	10 mg/L as N
12/02/20	16 mg/L *	10 mg/L as N
02/09/21	15 mg/L *	10 mg/L as N

* In the body of the table indicates a sampling result above the MCL.

In 2018, the Division issued Compliance Order No. 03-24-18R-009 for violation of the 1,2,3-Trichloropropane (TCP) MCL in Well 01. The compliance order directed the Water System to return to compliance on or before April 5, 2021. No long-term compliance solution has been implemented and violations are ongoing.

Table 2: 1,2,3-TCP Sampling Results

Sample Date	Well 01	MCL
03/25/16	0.071 UG/L *	0.005 UG/L
03/06/18	0.195 UG/L *	0.005 UG/L
06/11/18	0.036 UG/L *	0.005 UG/L
09/12/18	0.39 UG/L *	0.005 UG/L
12/11/18	0.38 UG/L *	0.005 UG/L
03/30/19	0.44 UG/L *	0.005 UG/L
06/13/19	0.35 UG/L *	0.005 UG/L
09/09/19	0.36 UG/L *	0.005 UG/L
12/11/19	0.28 UG/L *	0.005 UG/L
03/17/20	0.18 UG/L *	0.005 UG/L

06/24/20	0.423 UG/L *	0.005 UG/L
12/21/20	0.45 UG/L *	0.005 UG/L

* In the body of the table indicates a sampling result above the MCL.

The Water System lacks technical, managerial, and financial capacity to operate the water system in compliance for federal and state requirements. For example, the Water System lacks a formal board to make decisions on behalf of Sierra Vista Association. One resident communicates with the Division on a regular basis but does not hold legal authority over the Water System. The resident has expressed interest in stepping down from serving as the main contact.

The Water System experienced a water outage due to a well pump failure on July 1, 2020. An unsafe water alert was distributed to the customers advising them to not drink the water. Well 01 was out of service for over a week and customers had to rely on bottled water. The Water System did not have sufficient funds to cover the cost of the pump repair. The Water System secured emergency funding for pump repair and water replacement through Self Help Enterprise who was eventually reimbursed by the State Water Board. The total project amounted to \$13,300. The unsafe water alert was in place until September 17, 2020.

FINDINGS

1. The Water System serves a disadvantaged community, as defined in California Water Code section 79505.5². According to the 2014-2018 American Community Survey, the Water System's service area has a calculated MHI of \$33,083, approximately 46 percent of the statewide MHI of \$71,228.
2. Based on the above Statement of Facts, and pursuant to Section 116686, subdivision (m)(2), the Water System is a "designated water system" in that it serves a disadvantaged community and "the state board finds [it] consistently fails to provide an adequate supply of affordable, safe drinking water." The Water System has active compliance orders for violation of the nitrate and 1,2,3-TCP MCLs. The Water System has not implemented a long-term solution and sampling results consistently exceed the MCLs for nitrate and 1,2,3-TCP.
3. On August 27, 2020, the State Water Board provided the Water System with notice and an opportunity to show, by September 20, 2020, that: (1) the Water System "has not consistently failed to provide an adequate supply of affordable, safe drinking water"; and/or (2) that the Water System, "has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water." The notice is shown in Attachment A. The State Water Board did not

² California Health and Safety Code section 116681 states, "The following definitions shall apply to this Section and Sections 116682, 116684, and 116686." Section 116681, subdivision (f), defines "Disadvantaged Community" as "a disadvantaged community, as defined in Section 79505.5 of the Water Code."

receive a response from the Water System demonstrating that the Water System has consistently provided an adequate supply of affordable and safe drinking water.

4. On December 30, 2020, the State Water Board notified by mail all ratepayers, renters, and property owners in the Water System's service area, as well as representatives of the Water System, of a public meeting on February 4, 2021 to provide information on the proposed administrator for the Water System and receive input on the potential administrator appointment. This notice is shown in Attachment B. The notice also included the name, qualifications, proposed scope of the appointment and services to be provided by the administrator being considered, and disclosure of conflicts of interest, as defined in the California Code of Regulations (title 2, division 6, chapter 7, commencing with section 18700).
5. On February 4, 2021, the State Water Board conducted a public meeting, pursuant to Section 116686, subdivision (b)(2), for the affected ratepayers, renters, and property owners in the Water System's service area. Public comment and feedback were solicited during the meeting. General questions were addressed regarding funding, replacement water, and timeline of appointing an administrator.
6. The closing period for public comment on the administrator selection was February 11, 2021. No comments expressed concern about the qualifications of the

proposed administrator. No additional written comments were received by public comment closing period.

7. On March 17, 2021, the State Water Board contacted the California Rural Water Association – Specialized Utilities Services Program (“CRWA”) to confirm their willingness to be an administrator (“Administrator”) for the Water System, pursuant to Section 116686. CRWA confirmed their willingness to be an Administrator for the Water System on March 17, 2021. This confirmation is shown in Attachment C.

8. On April 7, 2021, the State Water Board issued California Rural Water Association a Preliminary Conditional Funding Approval letter, shown in Attachment D, from the Division of Financial Assistance. This letter conditionally approves \$216,960 in funding, for the term of the project from August 27, 2020 to April 30, 2023. CRWA may provide financial support for administrator functions as defined in the approved Scope of Work, which will be included in the executed funding agreement at a later date. The approved Scope of Work includes a Community Accountability and Engagement Plan, a Post-Administrator Drinking Water Service Plan, and tasks necessary to assist the Water System. Other costs related to the operations and maintenance of the Water System shall be paid from water rates. Infrastructure improvements shall be completed from water rates and/or application for funding grants, as applicable.

9. As set forth in the California Environmental Quality Act (“CEQA”) Guidelines (Cal. Code Regs., title 14, division 6, chapter 3, section 15061, subdivision (b)(3)) this Order is exempt from the provisions of CEQA because it can be seen with certainty that there is no possibility that the Order will have a significant effect on the environment. Pursuant to California Health and Safety Code section 116686, subdivision (a)(1)(B), this Order requires the Water System to accept administrative, technical, operational, legal, and managerial services, including full management and control of all aspects of the designated water system from an administrator selected by the State Water Board. The Order does not propose or require the Water System to undertake, any specific actions which will have a significant effect on the environment.

ORDER

The State Water Board Hereby Orders as follows:

1. Effective immediately, Sierra Vista Association is ordered to unconditionally accept administrative, technical, operational, legal, financial, and managerial services, including full management and control of all aspects of the designated water system from CRWA.
2. This Order shall remain effective and in place until rescinded, terminated, or otherwise modified by the State Water Board.

Pursuant to Section 116655, the Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (hereinafter "California SDWA," Health & Saf. Code, division 104, part 12, chapter 4, commencing with section 116270) or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon Sierra Vista Association, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and Sierra Vista Association shall comply with each and every provision hereof notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to issue orders and citations with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Division. The Division does not waive any further enforcement action by issuance of this order.

April 7, 2021



Date

Andrew Altevogt, P.E.
Assistant Deputy Director
Division of Drinking Water
State Water Resources Control Board

Attachments:

- A. Division of Drinking Water Notice
- B. Public Meeting Notice
- C. California Rural Water Association – Specialized Utilities Services Program Correspondence
- D. Preliminary Conditional Funding Approval