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## State Water Resources Control Board

Division of Drinking Water

February 2, 2024

System No. 1500344

Michael Salazar  
South Kern Mutual Water Company  
9600 Bean Avenue  
Bakersfield, CA 93311

**COMPLIANCE ORDER NO. 12\_E1\_23R\_003  
ADMINISTRATOR ORDER TO SOUTH KERN MUTUAL WATER COMPANY AND  
SELECTION OF PROVOST AND PRITCHARD CONSULTING GROUP AS THE FULL-  
SCOPE ADMINISTRATOR**

Enclosed is Compliance Order No. 12\_E1\_23R\_003 (“Order”), issued to the South Kern Mutual Water Company (MWC) public water system (“Water System”). Please note that there are legally enforceable directives associated with this Order.

The State Water Board appreciates the willingness of the South Kern MWC and Provost and Pritchard Consulting Group (“Provost and Pritchard”) to work together over the past several months. As discussed in the Order, the Water System is ordered to accept Provost and Pritchard as a full-scope administrator and allow Provost and Pritchard to exercise full authority and control over the Water System. The State Water Board looks forward to continuing to work with both the Water System and Provost and Pritchard 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

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

If you have any questions regarding this matter, please contact Caitlin Juarez of my staff at (559) 447-3300.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Altevogt". The signature is fluid and cursive, with the first name "Andrew" being larger and more prominent than the last name "Altevogt".

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

Enclosures

Certified Mail No. 7022 0410 0002 3469 6189

cc (via Email):

Stephen T. Spencer, Provost and Pritchard  
Kurt Souza, SWRCB – Southern CA Branch  
Adam Forbes, SWRCB – Visalia District  
Andrew Altevogt, SWRCB – RAD Branch  
Chad Fischer, SWRCB – SAFER Section  
Bryan Potter, SWRCB – Southern CA Engagement Unit

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3 STATE OF CALIFORNIA  
4 STATE WATER RESOURCES CONTROL BOARD  
5 DIVISION OF DRINKING WATER  
6

7 **Name of Public Water System:** South Kern Mutual Water Company

8 **Water System No:** 1500344  
9

10 **Attention:** Michael Salazar  
11 9600 Beam Avenue  
12 Bakersfield, CA 93311  
13

14 **Issued:** February 2, 2024  
15

16 COMPLIANCE ORDER NO. 12-E1-23R-003  
17 ADMINISTRATOR ORDER TO SOUTH KERN MUTUAL WATER COMPANY AND  
18 SELECTION OF PROVOST & PRITCHARD CONSULTING GROUP, INC. AS THE  
19 FULL-SCOPE ADMINISTRATOR  
20 CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116686  
21

22 The State Water Resources Control Board (“State Water Board”), acting by and  
23 through its Division of Drinking Water (“Division”), hereby issues Order No. 12-E1-  
24 23R-003 pursuant to Section 116686 of the California Health and Safety Code  
25 (“CHSC”) to South Kern Mutual Water Company (“South Kern MWC”) as set forth  
26 below.  
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## APPLICABLE AUTHORITIES

In order to provide affordable, safe drinking water to disadvantaged communities and to prevent fraud, waste, and abuse, Section 116686, subd. (a) of the CHSC<sup>1</sup> 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, subd. (r)(2)(B) defines “designated water system” as a public water system or state small 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, subd. (h) defines a “disadvantaged community” as a disadvantaged community, as defined in Section 79505.5 of the Water Code.
- Division 26.5, Section 79505.5, subd. (a) of the Water Code states, “Disadvantaged Community” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.”
- Section 116681, subd. (a) defines “adequate supply” as “sufficient water to meet residents' health and safety needs at all times.”
- Section 116681, subd. (e) defines “consistently fails” as “failure to provide an adequate supply of safe drinking water.”
- Section 116681, subd. (p) defines “safe drinking water” as “water that meets all primary and secondary drinking water standards.”
- Section 116275, subd. (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.”

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

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- Section 116686, subd. (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**

**Water System Information**

The South Kern MWC is classified as a community water system, as defined in Health and Safety Code section 116275, located in an unincorporated area of Kern County approximately one mile southwest of the City of Bakersfield’s water system. The South Kern MWC supplies water for domestic purposes to approximately 32 individuals through fifteen service connections. The South Kern MWC operates under Revised Domestic Water Supply Permit (Permit No. 03-12-15P-021), issued on August 25, 2015 by the Division. The South Kern MWC utilizes one groundwater well that was drilled in 1959 to supply water to the distribution system. The South Kern MWC lacks a redundant source and storage capacity.

**Disadvantaged Status**

South Kern MWC is a disadvantaged community. The definition of a disadvantaged community is a community with an annual median household income that is less than 80 percent of the statewide median household income. Pursuant to the 2017 – 2021 American Community Survey, 80 percent of the statewide median household income is \$67,278. The definition of a severely disadvantaged community is a community with an annual median income that is less than 60 percent of the statewide median

1 household income. Pursuant to the 2017 – 2021 American Community Survey<sup>2</sup>, 60  
2 percent of the statewide median household income is \$50,458. The Income Survey  
3 conducted by Self Help Enterprises from December 2018 to January 2019 states the  
4 South Kern MWC has a median household income of \$31,669. This income classifies  
5 South Kern MWC as a severely disadvantaged community<sup>3</sup>.

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7 **Water System Operation and Regulatory Compliance**

8 Section 116555 requires all public water systems to comply with primary drinking  
9 water standards as defined in Section 116275(c). Primary drinking water standards  
10 include maximum levels of contaminants, specific treatment standards, and  
11 monitoring and reporting requirements as specified in regulations adopted by the State  
12 Water Board. In October 2016, the Division issued the South Kern MWC a compliance  
13 order for failure to meet the uranium maximum contaminant level (MCL), set forth in  
14 California Code of Regulations (CCR), Title 22, Section 64442. South Kern MWC was  
15 directed to comply with the uranium MCL on or before December 31, 2019. In  
16 addition, South Kern MWC was issued another compliance order by the Division in  
17 July 2018 for failure to meet the 1,2,3-Trichloropropane (1,2,3-TCP) MCL, set forth in  
18 CCR, Title 22, Section 64442. This compliance order directed South Kern MWC to  
19 comply with the 1,2,3-TCP MCL on or before July 6, 2021. As indicated in Tables 1  
20 and 2 below, South Kern MWC has consistently failed to meet the the uranium and  
21 1,2,3-TCP MCLs. No samples have been collected in 2023 or 2024.

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<sup>2</sup> The State Water Board utilizes the American Community Survey (ACS) 5-Year Estimates to determine the MHI of a community.

<sup>3</sup> Furthermore, the Water System is also classified as a severely disadvantaged community as defined in Section 116760.20, subd. (o), as a community with an annual median household income that is less than 60 percent of the statewide median household income. According to the 2020 American Community Survey, 60 percent of the statewide median household income is \$47,203.

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Table 1. Uranium Monitoring Results

Sampling Date	Sampling Result (pCi/L)	MCL (pCi/L)
03/08/16	20	20
06/01/16	21	20
09/07/16	25	20
09/13/16	24	20
03/06/17	25	20
06/12/17	25	20
09/05/17	26	20
12/05/17	24	20
01/15/18	25	20
03/13/18	23	20
07/17/18	25	20
09/19/18	0	20
10/10/18	25	20
03/06/19	25	20
06/12/19	21	20
09/17/19	21	20
05/05/20	22	20
09/15/20	18	20
11/11/20	18	20
02/17/21	21	20
05/06/21	22	20
09/22/21	21	20
10/25/21	25	20
02/18/22	25	20
05/23/22	23	20
07/4/22	16	20

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Table 2. 1,2,3-TCP Monitoring Results

Sampling Date	Sampling Result (ug/L)	MCL (ug/L)
01/15/18	0.019	0.005
01/29/18	0.020	0.005
04/09/18	0.015	0.005
07/20/18	0	0.005
10/10/18	0.015	0.005
03/06/19	0.016	0.005

06/12/19	0.017	0.005
09/17/19	0.019	0.005
04/06/20	0.570	0.005
09/15/20	0.029	0.005
11/11/20	0.019	0.005
02/17/21	0.041	0.005
05/06/21	0.006	0.005
09/22/21	0	0.005
10/25/21	0	0.005
02/18/22	0	0.005
04/17/22	0	0.005
07/04/22	0	0.005

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**Administrative Process**

On September 9, 2020, the Division provided the South Kern MWC with notice and an opportunity to show by September 30, 2020, that; (1) the South Kern MWC “has not consistently failed to provide an adequate supply of affordable, safe drinking water.”; and/or (2) that the South Kern MWC, “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 received no communication from the South Kern MWC.

On September 21, 2021, the State Water Board conducted a public meeting pursuant to Section 116686, subd. (b)(2) for the affected ratepayers, renters, and property owners in the South Kern MWC’s service area. Public comment and feedback were solicited during the meeting. Kern County LAFCo’s executive officer, Blair Knox, voiced his support for the administrator appointment.

On August 20, 2021, the State Water Board notified by mail all ratepayers, renters, and property owners in the South Kern MWC’s service area as well as representatives of the South Kern MWC of a public meeting on September 21, 2021 to provide information on the proposed administrator for the South Kern MWC and receive input on the



1 potential administrator appointment (Attachment B). This notice also included the name,  
2 qualifications, proposed scope of the appointment and the services to be provided by  
3 the administrator being considered, and disclosure of conflicts of interest, as defined in  
4 Title 2, Division 6, Chapter 7 of the CCR.

5 The closing period for public comment on the administrator selection was September  
6 28, 2021. No comments expressed concern about the qualifications of the proposed  
7 administrator.

8  
9 On April 16, 2021, the Division issued a request for interest (ROI) to the Provost &  
10 Pritchard Consulting Group (“[Administrator]”) to solicit interest in serving as an  
11 administrator for the South Kern MWC. Provost & Pritchard Consulting Group  
12 responded to the Division on May 15, 2021 stating their interest and provided additional  
13 documentation requested in the ROI. (Attachment C). The Division notified Provost &  
14 Pritchard on July 7, 2021, that Provost & Pritchard was selected as the proposed  
15 administrator.

16  
17 **FINDINGS**

- 18 1. Based on the above Statement of Facts, and pursuant to Section 116686, subd.  
19 (R)(2)(B), South Kern MWC is a “designated water system” because it serves a  
20 disadvantaged community, and “the state board finds [it] consistently fails to  
21 provide an adequate supply of affordable, safe drinking water.” According to an  
22 income survey conducted by Self Help Enterprises in January 2019, South Kern  
23 MWC’s service area has a median household income of \$31,669, approximately  
24 38 percent of the statewide MHI. South Kern MWC has not implemented a long-  
25 term solution and sampling results consistently exceed the MCL for uranium and  
26 1,2,3-TCP.

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- 2. The Division has complied with the procedural requirement in Section 116686 and the Administrator Policy Handbook to appoint the Administrator to South Kern MWC. The Division considered all public comments, and none were serious enough to warrant changes to the proposed administrator.
  
- 3. As set forth in California Environmental Quality Act (“CEQA”) Guidelines, Section 15061, 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. The Order requires the South Kern MWC 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 South Kern MWC to undertake, any specific actions which will have a significant effect on the environment.
  
- 4. The Division of Financial Assistance has approved \$688,882 in initial funding for the approved Scope of Work, which will be included in the executed work plan. The approved Scope of Work includes a Community Accountability and Engagement Plan, a Post-Administrator Drinking Water Service Plan, and tasks necessary to assist South Kern MWC. The administrator is not legally liable for costs outside the approved Scope of Work. Other costs related to the operations and maintenance, or infrastructure improvements of the water system shall be paid from water rates, and/or grants, as applicable. Additional funding may be available to support the administrator appointment, as necessary.

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**ORDER**

The State Water Board hereby orders as follows:

- 1. Provost and Pritchard is appointed as the full-scope administrator for South Kern MWC. South Kern MWC must unconditionally accept administrative, technical, operational, legal, financial, and managerial services, including full management and control of the system, from Provost and Pritchard. Full management and control includes hiring, dismissal, and reassigning staff to support administrator and operational duties.
- 2. Effective immediately, South Kern MWC must work with Provost and Pritchard to effectuate the transition of full management and control of South Kern MWC. This includes but is not limited to, providing Provost and Pritchard access to all electronic and hard copies of operating records of the water system, customers’ accounts, water quality and quantity records, water system’s design and operation plans. South Kern MWC shall also provide access to water system facilities, and access to finances including restricted and unrestricted funds.
- 3. This Order shall remain effective and in place until rescinded, terminated, or otherwise modified by the State Water Board.

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.

1 Nothing in this Order relieves the South Kern MWC of its obligation to meet the  
2 requirements of the California Safe Drinking Water Act, CHSC, Division 104, Part 12,  
3 Chapter 4 (“SDWA”), or any regulation, standard, permit or order issued thereunder.

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5 **PARTIES BOUND**

6 This Order shall apply to and be binding upon South Kern MWC, its officers, directors,  
7 agents, employees, contractors, successors, and assignees.

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9 **SEVERABILITY**

10 The requirements of this Order are severable, and South Kern MWC shall comply with  
11 each and every provision hereof notwithstanding the effectiveness of any other  
12 provision.

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14 **FURTHER ENFORCEMENT ACTION**

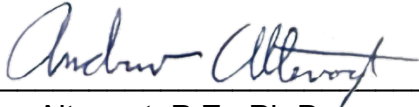
15 The California SDWA authorizes the Division to issue orders and citations with  
16 assessment of administrative penalties to a public water system for violation or  
17 continued violation of the requirements of the California SDWA or any regulation,  
18 permit or order issued or adopted thereunder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

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2/2/2024

Date



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

Attachments:

- A. Designated Water System Letter
- B. Public Meeting Notice
- C. Request for Interest



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## State Water Resources Control Board Division of Drinking Water

September 9, 2020

Mr. Michael Salazar  
South Kern Mutual Water Company  
9600 Beam Avenue  
Bakersfield, CA 93311

**RE: NOTICE – 1<sup>st</sup> STEP OF ADMINISTRATOR DESIGNATION PROCESS  
SOUTH KERN MUTUAL WATER COMPANY (PWS# 1500344)**

Dear Mr. Salazar:

The purpose of this letter is to inform you that the State Water Resources Control Board (State Water Board) is taking the first step to designate South Kern Mutual Water Company (Company) 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.

A State Water Board funded administrator would be able to take on many of the tasks that will be required to ensure the water system comes into compliance with applicable drinking water laws and regulations sustainably into the future. In addition to this first step of notification to you the water system owner, there are also other public outreach steps that are required to appoint an administrator. A summary of the designation process including public outreach, 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 the Company notice of its intended action and provide the water system 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.

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

If the Company wishes to present evidence to show that the violations listed below have been resolved, please provide that information before **September 30, 2020** via email to Karen Nishimoto at [Karen.Nishimoto@waterboards.ca.gov](mailto:Karen.Nishimoto@waterboards.ca.gov).

### List of Violations

- Treat the water produced by the South Kern Mutual Water Company's wells to achieve compliance with the uranium Maximum Contaminant Level (MCL) required by Section 64442 of the California Code of Regulations (CCR). Compliance order 03-12-16R-005 was issued for this violation on October 3, 2016.
- Treat the water produced by the South Kern Mutual Water Company's wells to achieve compliance with the 1,2,3-Trichloropropane Maximum Contaminant Level (MCL) required by Section 64444 of the California Code of Regulations (CCR). Compliance order 03-12-18R-031 was issued for this violation on July 6, 2018.

Additionally, the Company was issued a mandatory consolidation order on September 27, 2018 to consolidate with the City of Bakersfield. However, the Company does not have a full Board to support negotiation and consolidation efforts with the City of Bakersfield.

The State Water Board recognizes and supports efforts by the Company for consolidation with the City of Bakersfield as its long-term solution. The State Water Board encourages that these positive efforts continue in parallel as the State Water Board goes through the actions required to appoint an Administrator.

If you have any questions regarding this letter or the administrator process, please contact Karen Nishimoto at [Karen.Nishimoto@waterboards.ca.gov](mailto:Karen.Nishimoto@waterboards.ca.gov). Due to our current COVID response, email is the best correspondence method. We look forward to seeing a solution to this long-standing issue for the Company's community.

Sincerely,

 Digitally signed by Michelle Frederick  
Date: 2020.09.08 08:55:35 -07'00'

Michelle F. Frederick, P.E.  
Supervising Water Resource Control Engineer, SAFER Section  
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: Supervisor Zack Scrivner  
Kern County Board of Supervisors  
1115 Truxtun Avenue, 5<sup>th</sup> Floor  
Bakersfield, CA 93301

Blair Knox, Executive Officer  
Kern County LAFCo  
5300 Lennox Ave, Ste 303  
Bakersfield, CA 93309

Karen Nishimoto, P.E.  
Southern Engagement Senior  
Division of Drinking Water  
Karen.Nishimoto@waterboards.ca.gov

Chad Fischer, P.E.  
Visalia District Engineer  
Division of Drinking Water  
Chad.Fischer@waterboards.ca.gov

Tricia Wathen, P.E.  
Central CA Section Chief  
Division of Drinking Water  
Tricia.Wathen@waterboards.ca.gov



## 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 District's public water system is a "designated water system" and take other specific actions before it can issue an order to the District 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 District, 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 District 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 District.

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 South Kern Mutual Water Company, 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 the System to regulatory agencies, entering into contracts, establishing operational budgets and rates, acceptance of water rate payments to pay water system expenses, system operation, negotiating consolidation efforts, 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&sectionNum=116686](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=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](https://www.waterboards.ca.gov/board_info/agendas/2019/sept/091719_6_cs1_cleanversion.pdf)

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.



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## State Water Resources Control Board

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### **Video and Teleconference Meeting During COVID-19 Emergency**

This meeting will occur via remote presence only as a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing.

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## **Notice of Public Meeting**

### **Identification of a Potential Administrator for Old River Mutual Water Company and South Kern Mutual Water Company**

**September 21, 2021**

**6:00pm - 8:00pm**

**<https://bit.ly/OldRiverSKern> Administrator**

**Remote Participation Only**

#### **PURPOSE**

The State Water Resources Control Board (State Water Board) invites you to attend a meeting to learn about Provost & Pritchard Consulting Group and its teaming partners ("Administrator") as a potential administrator to the Old River Mutual Water Company (Old River MWC) and South Kern Mutual Water Company (South Kern MWC).

An administrator is a person or entity that is appointed and/or authorized to exercise total and complete managerial control over a designated water system in order to provide an adequate supply of safe and affordable drinking water.

This public meeting is a requirement of the administrator selection processes. The purpose of this meeting is to provide information on the following:

- Current status of drinking water in Old River MWC and South Kern MWC

- Purpose and role of an Administrator
- Administrator qualifications, conflicts of interest, and scope of work

The meeting will also include an opportunity for the public to ask questions and provide comments. The public can submit questions and comments through September 28, 2021.

**MEETING LOGISTICS:** If you wish to join the meeting by Zoom or phone:  
Zoom: [https://bit.ly/OldRiverSKern Administrator](https://bit.ly/OldRiverSKern_Administrator)  
Phone: +1-669-900-9128 Meeting ID: 923 5471 7606

### **LANGUAGE SERVICES**

To request language interpretation or sign language services, please submit your request at least 10 business days before the meeting by contacting Marina Perez at (916) 322-4265 or SAFER@waterboards.ca.gov.

### **ACCESSIBILITY**

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.

### **MEETING MATERIALS**

Meeting materials and details on remote participation are available at [bit.ly/DDW AdminWebsite](https://bit.ly/DDW_AdminWebsite). To receive meeting materials in advance, register at [https://bit.ly/OldRiverSKern Updates](https://bit.ly/OldRiverSKern_Updates). Meeting materials and details will be emailed to registered participants before the meeting.

### **HOW TO SUBMIT PUBLIC COMMENTS- DEADLINE SEPTEMBER 28, 2021**

Mail: Caitlin Juarez  
State Water Resources Control Board – Division of Drinking Water  
265 W. Bullard Avenue Suite #101  
Fresno, CA 93704

Email: DDW-Administrator@waterboards.ca.gov

### **BACKGROUND**

On September 9, 2020, the State Water Board took the first step in designating Old River MWC and South Kern MWC as water systems in need of an administrator because they have not consistently provided an adequate supply of affordable, safe drinking water to their customers. Old River MWC has active compliance order for a violation of the Maximum Contaminant Level for uranium. South Kern MWC has active compliance orders for violations of the Maximum Contaminant Level for uranium and 1,2,3-Trichloropropane.

The State Water Board proposes appointing an administrator for Old River MWC and South Kern MWC to manage the water systems. All actions taken by an administrator are required to be in the best interest of the community served by the water system and include the following:

- Developing access to an adequate supply of safe and affordable drinking water; and
- Holding public meetings at least every three months.

Any ratepayer, renter, or property owner who receives water from a designated water system can submit a petition to the State Water Board to reverse or modify an administrator decision or to replace an administrator. A description of this process and the administrator authority is contained in Health and Safety Code Section 116686 and in the State Water Board's Administrator Policy Handbook at [bit.ly/SAFER Administrator](http://bit.ly/SAFER_Administrator) (Sept. 2019).

### **Information on Proposed Administrator**

#### **NAME OF ADMINISTRATOR**

The Provost & Pritchard team has been identified as a viable candidate to be appointed as an administrator for Old River MWC and South Kern MWC. Their qualifications include:

- Managed all aspects of dozens of water systems and special districts, including all necessary technical, managerial, and administrative needs.
- Specialized public outreach capability to help facilitate stakeholder discussions.
- Certified Treatment and Distribution operators on staff ready to provide operational support.
- Team of engineers, planners, and technicians with extensive experience in water resource management, planning, and implementing solutions.

#### **SCOPE OF APPOINTMENT & SERVICES PROVIDED**

This administrator will be a Full-Scope Administrator as defined in the Administrator Policy Handbook available online at [bit.ly/SAFER Administrator](http://bit.ly/SAFER_Administrator)

#### **CONFLICT OF INTEREST**

To date, no conflict of interest has been found by the State Water Board or reported by the Provost & Pritchard team. If at any time a proposed action would create a conflict of interest, an administrator is required to provide written notice to the State Water Board in addition to all ratepayers, renters and property owners, who receive water service from the designated water system 30 days prior to taking the action.

#### **MORE INFORMATION**

Caitlin Juarez at (559) 447-3395; [Caitlin.juarez@waterboards.ca.gov](mailto:Caitlin.juarez@waterboards.ca.gov)  
 Karen Nishimoto at (818) 551-2049, [Karen.Nishimoto@waterboards.ca.gov](mailto:Karen.Nishimoto@waterboards.ca.gov)  
 Water Board website: [http://bit.ly/DDW AdminWebsite](http://bit.ly/DDW_AdminWebsite)



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## State Water Resources Control Board Division of Drinking Water

April 16, 2021

Stephen Spencer  
286 W. Cromwell Avenue  
Fresno, CA 93711

### **Applicant: Provost & Pritchard Consulting Group Request for Interest**

Dear Mr. Spencer,

The State Water Resources Control Board Division of Drinking Water (Division) has identified Provost & Pritchard Consulting Group as a Qualified Administrator based on the Statement of Qualifications (SOQ) submitted by Provost & Pritchard Consulting Group on December 23, 2020. Based on the successful SOQ, the Division invites Provost & Pritchard Consulting Group to review this Request for Interest.

The Division is looking for a Qualified Administrator for South Kern Mutual Water Company (MWC) and Old River MWC located in Kern County. The South Kern MWC and Old River MWC's service areas are within 75 feet of each other, although there are no emergency interconnections between the two MWCs. Therefore, the Division is looking for a Qualified Administrator that can address both South Kern MWC and Old River MWC. For additional information, water system boundaries may be found at the following website:

<https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=272351aa7db14435989647a86e6d3ad8>.

South Kern MWC and Old River MWC need a Qualified Administrator to:

- Accept full administrative and managerial control as a full scope Administrator.
- Comply with all requirements pursuant to the Administrator Policy Handbook, including preparing and implementing a Community Accountability and Engagement Plan and a Post-Administrator Drinking Water Service Plan. The plan should address community outreach and long-term sustainability issues.
- Identify and address any emergency needs.
- Facilitate consolidation efforts with the City of Bakersfield.

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



- Assist in securing funding to implement a long-term solution.
- Perform a comprehensive initial assessment of the technical, managerial, and financial needs, and submit an assessment report. The report should include a review of interim water rates necessary to ensure management of the water system until consolidation is completed.
- Ensure technical, managerial, and financial needs identified are addressed.
- Facilitate funding, distribution, and management of an interim solution, if necessary, for the community.
- Coordinate with the Division of Drinking Water and the Division of Financial Assistance to identify, evaluate, and implement solutions to both short-term and long-term needs.

If Provost & Pritchard Consulting Group is interested in being an Administrator for South Kern MWC and Old River MWC located in Kern County for the above listed items, please provide the Division with a response that documents interest in the Administrator appointment as well as identifies any potential conflicts of interest by **May 15, 2021**.

Additional documents being requested to evaluate the submittal also include the following; however, if you have previously responded to a Request for Information the Division only requests that any relevant updates are re-submitted.

- Financial statements of Provost & Pritchard Consulting Group for the past three years, including but not limited to balance sheets, income or profit and loss statements, and cash flow statements. Provide an explanation if any negative net income was reported for the past three years;
- An organizational chart highlighting which individuals would likely act as administrator or assist the administrator(s);
- A list of pre-selected contractors, if any, intended to be used to complete the items listed above; and
- Proof of sufficient insurance coverage in relation to the items listed above, including but not limited to general liability and professional liability (or equivalent coverage protecting against claims of negligence) for the personnel acting as administrator(s).

For additional information, please contact Karen Nishimoto at [DDW-Administrator@Waterboards.ca.gov](mailto:DDW-Administrator@Waterboards.ca.gov).

Sincerely,

Karen  
Nishimoto



Karen Nishimoto, P.E.  
Senior Water Resource Control Engineer, Southern Engagement Unit  
State Water Resources Control Board, Division of Drinking Water

cc (vial email):

Brian Kidwell, [Brian.Kidwell@waterboards.ca.gov](mailto:Brian.Kidwell@waterboards.ca.gov)  
Karen Nishimoto, [Karen.Nishimoto@waterboards.ca.gov](mailto:Karen.Nishimoto@waterboards.ca.gov)  
Jasmine Oaxaca, [Jasmine.Oaxaca@waterboards.ca.gov](mailto:Jasmine.Oaxaca@waterboards.ca.gov)  
James Garrett, [James.Garrett@waterboards.ca.gov](mailto:James.Garrett@waterboards.ca.gov)

Attachments:

- 1) South Kern 2019 Sanitary Survey
- 2) South Kern 2015 Drinking Water Permit
- 3) South Kern Enforcement Action
- 4) South Kern Administrator Designation Letter
- 5) Old River 2019 Sanitary Survey
- 6) Old River 2015 Drinking Water Permit
- 7) Old River Enforcement Action
- 8) Old River Administrator Designation Letter