



State Water Resources Control Board

Division of Drinking Water

September 10, 2020

Ms. Carmen Moreno, Board President
East Oroshi CSD
P.O. Box 213
Orosi, CA 93647

RE: NOTICE – 1st STEP OF ADMINISTRATOR PROCESS

Dear Ms. Moreno,

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 East Oroshi CSD (East Oroshi) as a public water system in need of an Administrator to manage the water system because it has not consistently provided an adequate supply of affordable, safe drinking water to its customers.

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 ensure the water system comes 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 East Oroshi 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 East Orosi has evidence to show that the violations listed below have been resolved, please provide that information by **September 30, 2020** via email to Karen Nishimoto at Karen.Nishimoto@waterboards.ca.gov.

List of Violations

East Orosi has failed to:

- Comply with compliance order 03_24_15R_001 issued to East Orosi CSD on November 9, 2015 for exceeding the nitrate MCL in Well 02. The compliance order directed East Orosi CSD to return to compliance by December 1, 2018.
- Conduct the required monitoring in California Code of Regulations Title 22. East Orosi has consistently failed to monitor for nitrates, lead and copper, total coliform, disinfection byproducts, and 1,2,3-TCP. Citation No. 03-24-18C-013 was issued on February 8, 2018 for lead and copper monitoring violation for 2017. Citation No. 03-24-18C-101 was issued on September 4, 2018 for lead and copper monitoring violation for 2018. Citation No. 03-24-18C-135 was issued on December 12, 2018 for failure to monitor for disinfection byproducts for 3rd quarter 2018. Citation No. 03-24-19C-013 was issued on February 15, 2019 for nitrate monitoring and reporting violation for the 4th quarter of 2018. Citation No. 03-24-19C-089 was issued on August 9, 2019 for lead and copper monitoring and reporting violation for 2019.
- Perform source monitoring required in California Code of Regulations, Title 22, Section 64213 for total coliform bacteria from November 2018 through January 2019. Citation No. 03-24-19C-002 was issued on January 24, 2019 for total coliform monitoring and reporting violation for November and December 2018. Citation No. 03-24-19C-010 was issued on February 13, 2019 for total coliform monitoring and reporting violation for January 2019.
- Submit a required bacteriological sample siting plan for its distribution system, as required by the State Water Board in April 2018 pursuant to California Code of Regulations, Title 22, Section 64422.

The State Water Board recognizes and supports that East Orosi has engaged in negotiations with Orosi Public Utilities District for consolidation 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 Karen Nishimoto. Due to our current COVID response, email is the best correspondence method. Karen Nishimoto can be contacted at Karen.Nishimoto@waterboards.ca.gov.

Sincerely,

[Original Signed by Michelle Frederick]

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:

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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. Website links 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 the system 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. California Health and Safety Code 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 California 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 East Oroshi CSD, 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, and keeping customers informed of the status of the water system.**

Attachment 3

CA Health and Safety Code Section 116686 is available at the following website:

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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