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## State Water Resources Control Board Division of Drinking Water

November 2, 2022

System No. CA4700513

Robert Puckett, President  
Hornbrook C.S.D.  
P.O. Box 29  
Hornbrook, CA 96044

**RE: NOTICE – 1<sup>st</sup> STEP OF ADMINISTRATOR PROCESS  
Hornbrook C.S.D. (CA4700513)**

Dear Robert,

On September 13, 2022, the State Water Resources Control Board (State Water Board) attended a Hornbrook C.S.D (Hornbrook) Board Meeting to deliver a presentation on the Administrator program. After some discussion, Hornbrook determined that due to their lack of technical, managerial, and financial capacity to properly manage their water system, that it would be best for the users of the system to have the State Water Board to assign an administrator to the system. To further assist in this matter, we request that the Hornbrook's Board provide a letter to the State Water Board that addresses the following:

- a. Requests that the State Water Board provide an administrator to manage and operate the water system.
- b. Provide a knowledgeable point of contact authorized to support transitional efforts.
- c. Allows managerial and physical access to the system property by a State Water Board appointed administrator to ensure public health.

Providing the letter will help facilitate the State Water Board to more quickly respond to any impending need to support the Hornbrook's customers and their neighbors.

The purpose of this letter is to inform you that the State Water Board is taking the first step to designate Hornbrook C.S.D. ("Hornbrook") 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 "At-Risk" 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

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

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 Hornbrook 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.

If Hornbrook has evidence and wishes to show that the violations listed on the following page have been resolved, please provide that information by **December 7, 2022** via email to Sirichad Tara Ouitavon at [Sirichad.Ouitavon@Waterboards.ca.gov](mailto:Sirichad.Ouitavon@Waterboards.ca.gov).

### **List of Violations**

Hornbrook has failed to:

- Comply with CCR, Title 22, Section 64585, Design and Constuction of Distribution Reserviors. Compliance Order No. 01\_01\_20(R)\_001 was issued to Hornbrook on May 11, 2020.
- Comply with CCR, Title 22, Section 7584, Responsibility and scope of program. Compliance Order No. 01\_01\_20C\_003 was issued to Hornbrook on January 15, 2020.
- Comply with CCR, Title 22, Section 7585, Evaluation of hazard. Compliance Order No. 01\_01\_20C\_003 was issued to Hornbrook on January 15, 2020.
- Comply with CCR, Title 22, Section 7605, Testing and maintenance of backflow preventers. Compliance Order No. 01\_01\_20C\_003 was issued to Hornbrook on January 15, 2020.

California Health and Safety Code Section 116530 authorizes the State Water Board to request financial capacity information. In order to help facilitate the State Water Board to more quickly respond to any impending need to support Hornbrook's customers, please provide three (3) years of financial statements, preferably audited financial statements if available, any accounting and financial policies, rate structures, and current capital improvement plan. The financial statements should include the current year (if available) and the two previous years, or three previous years if the current year has not yet been completed. Additionally, identification of any restricted funds and the reason for the restrictions could better facilitate assistance from the State Water Board. The State Water Board is requesting this information be submitted by **December 7, 2022**.

If you have any questions regarding this letter, please contact me. Due to our current COVID-19 response, email is the best correspondence method. I can be reached via email at [Sirichad.Ouitavon@Waterboards.ca.gov](mailto:Sirichad.Ouitavon@Waterboards.ca.gov).

Sincerely,

[Web-accessible version, original signed by Sirichad Tara Ouitavon]

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  
Hornbrook C.S.D.

[rdpucketsr@hotmail.com](mailto:rdpucketsr@hotmail.com)

Barry Sutter, Klamath District Engineer  
Division of Drinking Water  
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Kim Hanagan, Sacramento Section Chief  
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Chad Fischer, Senior Water Resource Control Engineer  
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Ray A. Haupt – District 5  
Siskiyou County Board of Supervisors  
[rhaupt@co.siskiyou.ca.us](mailto:rhaupt@co.siskiyou.ca.us)

## 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 Hornbrook, 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 Hornbrook 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&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)

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