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## State Water Resources Control Board Division of Drinking Water

July 9, 2020

Mr. Shawn Lewis  
Norcal Water Works  
14142 Norwich Circle  
Magalia, CA 95954

**VIA ELECTRONIC MAIL TO:**  
[seed4food@gmail.com](mailto:seed4food@gmail.com)

### **RE: NOTICE – 1st STEP OF ADMINISTRATOR PROCESS**

Dear Mr. Lewis,

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 Norcal Water Works (NorCal) 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 summary of the designation process, responsibilities of a full-scope administrator, applicable regulatory sections, and policies are provided as weblinks in the attachments, please inform us if you need printed copies.

The first step of this process requires that the State Water Board give NorCal 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 the NorCal has evidence and wishes to show that the violations listed on the following page have been resolved, please provide that information by **July 23, 2020** via email to Brian Kidwell at [brian.kidwell@waterboards.ca.gov](mailto:brian.kidwell@waterboards.ca.gov).

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

**List of Violations**

The System has failed to:

- Obtain a certified operator to make decisions and carry out operations and maintenance duties as described in Title 22, Section 63770, of the California Code of Regulations (CCR)
- Monitor for coliform bacteria in the distribution system in accordance with the System's Bacteriological Sample Siting Plan (CCR §64421 through §64427). The System's failure to perform bacteriological sampling led to the issuance of a Boil Water Order, since potential contamination creates health risks for the consumer
- Follow all monitoring requirements and frequencies for inorganic contaminants (CCR §64432), volatile organic contaminants (CCR§ 64444-§64445.1), synthetic organic contaminants (CCR §64444-§64445.1), nitrate and nitrite (CCR §64432.1), radiological contaminants (CCR §64442), and secondary contaminants (CCR §64449)

It is also understood that the System has failed to pay their electricity bills. This will likely affect the operation of the well pump and chlorination equipment when electrical utilities return to disconnecting service for non-payment in the post-COVID environment. Thereby resulting in an inadequate supply of safe and affordable water.

Based on conversations with Tehama County's Environmental Health staff, we recognize that you have personally been impacted by recent fire events and have expressed the desire for assistance. Therefore, should you wish to abandon this water system to facilitate a more rapid response, you may alternatively provide the State Water Board with a letter addressing the following:

- a. Your desire to abandon the water system and a request that the State Water Board provide an administrator and/or a receiver to manage and operate the water system.
- b. Provide a knowledgeable point of contact authorized to support transitional efforts and their contact information.
- c. Allow managerial and physical access to the water system property by a State appointed administrator or receiver to ensure public health.

Providing the aforementioned letter will help facilitate the State Water Board to more quickly respond to any impending need to support the System's customers.

If you have any questions regarding this letter, please contact Brian Kidwell. Due to our current COVID response, email is the best correspondence method. Brian Kidwell can be reached at [brian.kidwell@waterboards.ca.gov](mailto:brian.kidwell@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: Reese B. Crenshaw, P.E.  
Valley District Engineer  
Division of Drinking Water  
364 Knollcrest Drive, Suite 101  
Redding, CA 96002

Tia Branton  
Registered Environmental Health Specialist  
Tehama County Dept. of Environmental Health  
633 Washington Street Rm. 36  
Red Bluff, CA 96080

Bruce DeBerry  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

## 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 Norcal Water Works, 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 Company to regulatory agencies, entering into contracts, establishing operational budgets, 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).

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)