



State Water Resources Control Board Division of Drinking Water

June 24, 2020

Mr. Jessie Mangus, President
North Edwards Water District
13525 Fran Street
North Edwards, CA 93523

**RE: ACKNOWLEDGEMENT OF JUNE 2020 LETTER REQUESTING ASSISTANCE
NOTICE – 1st STEP OF ADMINISTRATOR DESIGNATION PROCESS**

Dear Mr. Mangus:

On June 16, 2020, the State Water Resources Control Board (State Water Board) received your letter indicating that the North Edwards Water District (District) was in need of State assistance because the District's Board is unable to secure insurance beyond July 1, 2020, which may result in the lack of staff or adequate board members to effectively manage and/or operate the water system. The State Water Board agrees with your comment that the most sustainable path to compliance is obtaining water sourced from Antelope Valley-East Kern Water Agency (AVEK). The State Water Board also believes that consolidation of Fountain Trailer Park and Sunset Apartments water systems with the District is important to ensure safe drinking water to the entire community. The State Water Board is amenable to working on behalf of these three communities to ensure sustainable and safe water service is available. To further assist in this matter, we request that the District's Board provide a letter to the State Water Board that addresses the following:

- a. Indicates that the District's water system is abandoned and requests 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.
- c. Allows managerial and physical access to the system property by a State appointed administrator or receiver to ensure public health.

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

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

The State Water Board also recognizes that District has been under the federal enforcement jurisdiction of the United States Environmental Protection Agency (U.S. EPA) since 2019. Therefore, the State Water Board, in collaboration with the U.S. EPA, through this correspondence is also taking the first step to designate the District 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 steps, the responsibilities of a full-scope administrator, applicable regulatory sections, and policies are provided as links in the attachments.

The first step of the administrator process requires that the State Water Board give the District notice of its intended action to designate the water system in need of an administrator 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 District has evidence to show that the violations listed below have been resolved and therefore the District should not be designated for an administrator, please provide that information before **July 1, 2020** via email to Karen Nishimoto at Karen.Nishimoto@waterboards.ca.gov. We are proposing this date based on your correspondence that reflects potential concerns of the District's Board due to loss of liability insurance as of July 1st and want to ensure uninterrupted water service for water customers, please contact us if you need additional time to respond.

List of Violations

- Treat the water produced by the North Edwards Water District wells to achieve compliance with the arsenic Maximum Contaminant Level (MCL) required by Section 64431 of the California Code of Regulations (CCR). Compliance order 03-19-090-038 was issued for this violation. A notice of violation was issued by the USEPA to the District for failure to comply with the arsenic MCL on July 10, 2019.

If you have any questions regarding this letter or the administrator process, please contact Karen Nishimoto at 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 North Edwards residents.

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: Supervisor Zack Scrivner
Kern County Board of Supervisors
1115 Truxtun Avenue, 5th Floor
Bakersfield, CA 93301

James Allen, Administrative Contact
North Edwards Water District
13525 Fran Street
North Edwards, CA 93523

Margie Allen, Office Secretary
North Edwards Water District
13525 Fran Street
North Edwards, CA 93523

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

Corine Li, P.E
U.S. EPA Region 9, Water Division
75 Hawthorne St.
San Francisco, CA 94105

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 North Edwards Water District, 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 District 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§ionNum=116686.

Attachment 4

Administrator Policy Handbook:

https://www.waterboards.ca.gov/board_info/agendas/2019/sept/091719_6_cs1_cleanversion.pdf