



State Water Resources Control Board

Division of Drinking Water

July 29, 2020

Ms. Connie Hallen
Valley Ford Water Association
P.O. Box 271
Valley Ford, CA 94972

RE: NOTICE – 1st STEP OF ADMINISTRATOR PROCESS

Dear Ms. Hallen,

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 the Valley Ford Water Association (Association) 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. A summary of the designation process, responsibilities of a full-scope administrator, applicable regulatory sections, and policies are provided as links to our website in the attachments.

The legally required formal first step in this process is for the State Water Board to give the Association 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 Association has evidence to show that the violations listed below have been resolved, please provide that information by **August 29, 2020** via email to Brian Kidwell at brian.kidwell@waterboards.ca.gov.

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

List of Violations

The Association has failed to:

- Comply with Section 116555(a) of the California Health and Safety Code and Sections 64431 and 64432.1 of Title 22 of the California Code of Regulations. Specifically, the Association has failed to continuously comply with the maximum contaminant level for nitrate.
- Monitor and maintain daily chlorine residual and ensure that 4-log virus inactivation is provided at all times due to the history of total coliform and *E.coli* presence in the source water. The Association failed to achieve 4-log inactivation of viruses through disinfection on August 20-21, 2019, resulting in a citation. Therefore, the Association also failed to comply with Section 64430 of Title 22 of the California Code of Regulations.

If you have any questions regarding this letter, please contact Brian Kidwell. Due to our current COVID response, email is the preferred method of correspondence. Brian can be contacted at 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: Supervisor Lynda Hopkins
Sonoma County Board of Supervisors 575
Administration Drive, Room 100A Santa
Rosa, CA 95403

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

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 Valley Ford Water Association, 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 Association 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§ionNum=116686.

Attachment 4

Administrator Policy Handbook:

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