



State Water Resources Control Board Division of Drinking Water

November 2, 2020

Water System No. 4900608

Sage Smith-Taylor, President
Six Acres Water Company
29370 River Road
Cloverdale, CA 95425

Dear Ms. Smith-Taylor,

This letter concerns the current and future operations of Six Acres Mutual Water Company (Six Acres). The State Water Resources Control Board's (State Water Board), Division of Drinking Water (Division) has serious concerns regarding Six Acres' current and historic deficiencies and the ongoing and future ability of Six Acres to provide a safe and affordable supply of drinking water to its customers.

As explained below, the Division is taking the first steps towards ordering consolidation of Six Acres with the City of Cloverdale (City). The first step in this process is to provide a six-month period for the parties to negotiate a voluntary consolidation, pursuant to Section 116682 of the California Health and Safety Code (CHSC). This letter serves as official notification that pursuant to CHSC Section 116682(b), Six Acres is to negotiate with the City.

Background

Six Acres is classified as a community public water system with a population of 66 residents, served through 22 service connections. Six Acres provides groundwater to its customers. As documented in the following findings, Six Acres consistently fails to provide an adequate supply of safe drinking water.

1. Six Acres is operating without a Domestic Water Supply Permit issued by the State Water Board. Six Acres did receive a water supply permit from Sonoma County in 1984, prior to the change in drinking water jurisdictional oversight.
2. Six Acres has not maintained its legal status with the California Secretary of State.
3. Six Acres' sole source of water is Well 02. Well 02 is located on the other side of Highway 101, a major freeway, rendering any major repairs and maintenance work costly and difficult.

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

Per Section 64554 (c) of the California Code of Regulations (CCR):

Community water systems using only groundwater shall have a minimum of two approved sources before being granted an initial permit. The system shall be capable of meeting maximum day demand with the highest-capacity source offline.

4. There is no Department of Water Resources (DWR) Well Completion Report on file for Well 02. The age and construction details of Well 02 are not known. Well 02 is reported to be between 30 to 36 feet deep. DWR's Well Standards Bulletin 74-90 specifies a minimum annular seal for a community water supply well to be 50 feet deep. The well is less than 500 linear feet from the City's wastewater treatment plant and less than 1,500 feet from the Russian River.
5. In an inspection letter dated December 23, 2015 (Appendix 1), the Division instructed Six Acres to begin an investigation, by January 31, 2016, to determine if the well was considered Groundwater Under the Direct Influence of Surface Water (GWUDI). Item 4 in the letter specifies "Due to the shallow well and the proximity to surface water, the System must conduct an investigation to determine if the well is groundwater under the direct influence of surface water. Handout 5A describing the testing and reporting requirements is enclosed."

Six Acres did not conduct the investigation as specified in the inspection letter. The State Water Board issued Compliance Order 02_18_16R_001 (Appendix 2) on March 30, 2016, which required Six Acres to install 4-log virus inactivation treatment for the water from Well 02 and begin monthly compliance monitoring by October 1, 2019.

6. Six Acres began monitoring for 4-log virus inactivation in January 2020, collecting daily grab samples for chlorine residual. In April 2020, seven of the thirty daily readings did not demonstrate a minimum 4-log virus inactivation. The Code of Federal Regulations, Title 40, Section 141.404(c) states that a ground water system that is required to maintain 4-log treatment of viruses is in violation of the treatment technique if it fails to maintain at least 4-log treatment of viruses and the failure is not corrected within four hours.

Six Acres did not reliably achieve at least 4-log treatment of viruses before the first customer in April 2020. The State Water Board determined that Six Acres failed to comply with primary drinking water standards pursuant to CHSC, Section 116555 and Compliance Order 02_18_16R_001.

7. Because there is no DWR Well Completion Report on file for Well 02; the well does not comply with DWR's Well Standards Bulletin 74-90; and Six Acres has failed to conduct monitoring of Well 02 to evaluate the potential that it is GWUDI, the Division has determined that Well 02 is GWUDI. Since the source of supply is GWUDI, and there is no surface water treatment in place, the State Water Board determined that Six Acres failed to comply with drinking water standards

pursuant to CCR, Title 22, §64650 through §64666 and issued Compliance Order 02_18_20R_005 (Appendix 3).

8. Six Acres has limited Technical, Managerial, and Financial (TMF) capacity resources. Due to this, Six Acres has had trouble paying their certified operator bill because of the cost of mandatory source chemical monitoring. Additionally, because of limited TMF, Six Acres is in danger of losing their certified operator, as funding from the ratepayer source is insufficient to cover operator costs.

Six Month Period for Voluntary Consolidation

Prior to issuing an order directing Six Acres to consolidate with the City, CHSC Section 116682, subd. (b)(1) requires the State Water Board to encourage voluntary consolidation. Section 116682, subd. (b)(7)(A) also requires the State Water Board to notify both Six Acres and the City and to establish a deadline of no less than six months, unless a shorter period is justified, to negotiate consolidation. **This letter serves as official notification that pursuant to CHSC Section 116682(b), Six Acres is to negotiate with the City regarding consolidation of Six Acres with the City. The deadline for completion of this negotiation is April 29, 2021.** The State Water Board requests that the parties report the outcome of such negotiations to no later than two weeks following the deadline. This reporting shall include the milestones agreed upon to accomplish consolidation and a timeline for completing them. Additionally, the reporting shall include a letter signed by the Six Acres Board stating that they intend to consolidate voluntarily in accordance with the agreed upon milestones and timelines. If a timely voluntary consolidation cannot be negotiated, the State Water Board will begin the public meeting process and may exercise its authority pursuant to CHSC Section 116682(a) to order consolidation.

The State Water Board acknowledges that consolidation is a complex process and stands ready to assist Six Acres and the City. Pursuant to CHSC Section 116682, subdivision (b)(7)(B), and in order to assist with the negotiation process, the State Water Board will provide technical assistance and work with both Six Acres and the City to develop a financing package that benefits both parties. This assistance will be provided by both the Division and the State Water Board's Division of Financial Assistance. Please contact Beti Girma (Beti.Girma@waterboards.ca.gov) with any questions you may have.

[Original signed by Michelle Frederick, web accessible version]

Michelle F. Frederick, P.E.
Supervising Water Resource Control Engineer
Safe and Affordable Drinking Water Section
State Water Resources Control Board, Division of Drinking Water

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Cloverdale, CA 95425

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Cloverdale, CA 95425

City Council Members
c/o Gus Wolter, Mayor
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SWRCB, Division of Drinking Water
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State Water Resources Control Board

Division of Drinking Water

November 2, 2020

Water System No. 4910002

Mr. David Kelley, City Manager
City of Cloverdale
124 N Cloverdale Boulevard
Cloverdale, CA 95425

Dear Mr. Kelley,

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As explained below, the Division is taking the first step towards mandatory consolidation of Six Acres with the City of Cloverdale (City). The first step in this process is to provide a six-month period for the parties to negotiate a voluntary consolidation, pursuant to Section 116682 of the California Health and Safety Code (CHSC). This letter serves as official notification that pursuant to CHSC Section 116682(b), the City is to negotiate with Six Acres regarding consolidation.

Background

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