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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 8, 2023

Water System No. 5410001

Dionicio Rodriguez, Superintendent
Cutler PUD
40526 Orosi Drive
Cutler, CA 93615

Dear Mr. Rodriguez,

This letter concerns the current and future operations of Cutler Public Utilities District (Cutler PUD). The State Water Resources Control Board's (State Water Board), Division of Drinking Water (Division) has concerns regarding Cutler PUD's current and historic deficiencies and the ongoing and future ability of Cutler PUD to provide a safe and affordable supply of drinking water to its customers.

As explained below, the Division is taking the first step towards considering ordering consolidation of Cutler PUD with the Orosi Public Utility District (Orosi PUD). 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), Cutler PUD is to negotiate consolidation or another means of providing an adequate source of safe drinking water with Orosi PUD.

Background

Cutler PUD is classified as a community public water system with a population of 6,200 residents, served through 1,217 service connections. Cutler PUD operates under permit amendment no. 03-12-09PA-006 and provides groundwater to its customers. As documented in the following findings, Cutler PUD is consistently failing to provide an adequate supply of safe drinking water.

1. Cutler PUD was issued Citation No. 03-24-19C-116 on October 21, 2019 for a total coliform maximum contaminant level violation for September 2019. CCR, Title 22, Section 64426.1, Total Coliform Maximum Contaminant Level (MCL), states that a public water system is in violation of the total coliform MCL if it collects fewer than 40 bacteriological samples per month and if more than one sample collected is total confirm positive. Cutler PUD took 22 bacteriological samples during September 2019. Two of the 22 samples were positive for total

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

coliform. One of the total coliform positive samples showed the presence of fecal coliform or Escherichia coli (E. coli) bacteria.

2. The State Water Board issued Order No. 03-24-22D-001 on August 15, 2022 requiring technical reporting in response to drought. The State Water Board identified Cutler PUD as facing a potential future water shortage at their groundwater source. California Health and Safety Code section 116530 authorizes the State Water Board to require a public water system to submit a technical report to the board, which may include without limitation: water quality information, physical descriptions of the existing water system, information related to drinking water accessibility, and information related to technical, managerial, and financial capacity and sustainability.
3. Cutler PUD has two active drinking water sources, Well 05 and Well 09. The Division issued compliance order no. 03-24-22R-007 for violation of the 1,2,3-trichloropropane (1,2,3-TCP) maximum contaminant level for Well 05. The compliance order directs Cutler PUD to return to compliance no later than August 29, 2025.

Six Month Period for Voluntary Consolidation

Prior to issuing an order directing Cutler PUD to consolidate with the Orosi PUD, CHSC Section 116682, subd. (b)(1) requires the State Water Board to encourage voluntary consolidation. Section 116682, subd. (b)(8)(A) also requires the State Water Board to notify both Cutler PUD and the Orosi PUD and to establish a deadline of no less than six months, unless a shorter period is justified, to negotiate consolidation or another means of providing an adequate supply of safe drinking water. **This letter serves as official notification that pursuant to CHSC Section 116682(b), Cutler PUD is to negotiate with the Orosi PUD regarding consolidation of Cutler PUD with the Orosi PUD. The deadline for completion of this negotiation or another means of providing an adequate supply of safe drinking water is November 8, 2023.** The State Water Board requests that the parties report the outcome of such negotiations to the State Water Board 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 Cutler PUD 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 Cutler PUD and Orosi PUD. 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 Cutler PUD and Orosi PUD to develop a financing package that benefits both parties. This assistance will be developed by both the Division and the State Water Board's Division of Financial

Assistance, if requested. Please contact Caitlin Juarez
Caitlin.Juarez@waterboards.ca.gov with any questions you may have.

Sincerely,

(original doc signed by Andrew Altevogt)

Andrew Altevogt, P.E.
Assistant Deputy Director
State Water Resources Control Board, Division of Drinking Water

cc:

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