

State Water Resources Control Board

Division of Drinking Water

February 9, 2023

System No. 1400036

Board Members
Keeler Community Service District
P.O. Box 107
Keeler, CA 93530

COMPLIANCE ORDER NO. 13-E1-23R-001

ADMINISTRATOR ORDER TO KEELER COMMUNITY SERVICE DISTRICT AND SELECTION OF PROVOST AND PRITCHARD CONSULTING GROUP, INC. AS THE FULL-SCOPE ADMINISTRATOR

Enclosed is Compliance Order No. 13-E1-23R-001 ("Order"), issued to the Keeler Community Service District ("Water System") public water system. Please note that there are legally enforceable directives associated with this Order.

The State Water Board appreciates the willingness of the Water System and Provost and Pritchard Consulting Group, Inc. ("Provost and Pritchard") to work together over the past several months. As discussed in the Order, the Water System is ordered to accept Provost and Pritchard as a full-scope administrator and allow Provost and Pritchard to exercise full authority and control over the Water System. The State Water Board looks forward to continuing to work with both the Water System and Provost and Pritchard as they develop a sustainable long-term solution.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the

citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Bryan Potter of my staff at (559) 447-3397 or me at (916) 341-6027.

Sincerely,



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

Enclosures

Certified Mail No. 7019 0140 0000 8436 6935

cc (via email):

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Keeler Community Service District

Water System No: 1400036

Attention: Board Members

Keeler Community Service District

P.O. Box 107

Keeler, CA 93530

Issued: February 9, 2023

COMPLIANCE ORDER NO. 13-E1-23R-001
ADMINISTRATOR ORDER TO KEELER COMMUNITY SERVICE DISTRICT AND
SELECTION OF PROVOST AND PRITCHARD CONSULTING GROUP, INC. AS
THE FULL-SCOPE ADMINISTRATOR
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116686

The State Water Resources Control Board ("State Water Board"), acting by and through its Division of Drinking Water ("Division"), hereby issues Order No. 13-E1-23R-001, pursuant to Section 116686 of the California Health and Safety Code¹ to the Keeler Community Service District water system ("Water System") as set forth below.

¹ Unless otherwise indicated, all statutory citations are to the California Health and Safety Code.

APPLICABLE AUTHORITIES

To provide affordable, safe drinking water to disadvantaged communities and to prevent fraud, waste, and abuse, Section 116686, subd. (a) authorizes the State Water Board to order a “designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board.”

- Section 116686, subd. (m) defines “designated water system” as a public water system that “serves a disadvantaged community, and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.”
- Section 116681, subd. (f) defines a “disadvantaged community” as a disadvantaged community, as defined in Section 79505.5 of the Water Code.
- Division 26.5, Section 79505.5, subd. (a) of the Water Code states, “Disadvantaged Community” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.”
- Section 116681, subd. (a) defines “adequate supply” as “sufficient water to meet residents' health and safety needs at all times.”
- Section 116681, subd. (c) defines “consistently fails” as “failure to provide an adequate supply of safe drinking water.”
- Section 116681, subd. (l) defines “safe drinking water” as “water that meets all primary and secondary drinking water standards.”
- Section 116275, subd. (c) defines “primary drinking water standards” as maximum contaminant levels, treatment techniques adopted in lieu of maximum contaminant levels, and monitoring and reporting requirements of maximum contaminant levels as specified by regulation.

- Section 116686, subd. (f) states that, “[a] designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking water.”
- Section 116686, subd. (g) requires that, “[b]efore ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedure” for certain specified topics related to the selection and oversight of an administrator. The State Water Board has adopted an Administrator Policy Handbook to comply with this requirement. A copy of the Administrator Policy Handbook can be found on the Safe and Affordable Funding for Equity and Resilience’s (SAFER) Website at https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/administrator.html

STATEMENT OF FACTS

a. Water System Characteristics

The Water System is classified as a community water system serving approximately 66 people through 84 active service connections. The Water System is governed by a 5-member board of directors who are elected to serve by the community. Board members serve 4-year terms. The physical address of the Water System is 165 Railroad Ave, Keeler, CA 93530.

The Water System's sole source of domestic water is provided by a single, ten-inch diameter well (Well 01) that was constructed in 1983 to a depth of 125 feet, which is perforated from 51 feet to 108 feet below ground surface. The static water level is approximately 41 feet below ground surface. The Water System has one 100,000-gallon steel storage tank, which was found to be in good condition based on an

inspection report prepared in 2011. The distribution mains are polyvinyl chloride (PVC) pipe of 4 or 8 inches in diameter. There are no customer water meters, and customers are billed at a flat rate of approximately \$35.00 per month.

b. The Water System Serves a Severely Disadvantaged Community

The Water System serves a severely disadvantaged community as defined by Section 116681, subd. (f). Section 116681, subd. (f) incorporates the definition of a disadvantaged community provided in Water Code Section 79505.5. Section 79505.5 defines a disadvantaged community as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. According to the 2020 American Community Survey², 80 percent of the statewide median household income is \$62,938. The definition of a severely disadvantaged community is a community with an annual median household income that is less than 60 percent of the statewide median household income. According to the 2020 American Community Survey, 60 percent of the statewide median household income is \$47,203.

Based on the 2016-2020 American Community Survey, the Water System's service area has a calculated MHI of \$45,223. This income classifies the Water System as a severely disadvantaged community.

c. The Water System Has Consistently Failed to Provide an Adequate Supply of Affordable, Safe Drinking Water

Section 116555 requires all public water systems to comply with primary drinking water standards as defined in Section 116275, subd. (c). Primary drinking water

² The State Water Board utilizes the American Community Survey (ACS) 5-Year Estimates to determine the MHI of a community.

standards include maximum contaminant levels, specific treatment standards, and monitoring and reporting requirements as specified in regulations.

The Water System has exceeded the primary maximum contaminant level (MCL) for arsenic and the secondary MCL for manganese in Well 01 since 2003. Table 1 provides a summary of sample results for these constituents since 2015. Arsenic concentrations range from 5 to almost 11 times the regulatory requirement.

In response to high concentrations of arsenic, the Water System installed Point of Use (or POU) treatment devices at many service connections in 2005 before adoption of the POU Emergency regulations of 2010. The POU devices are not third-party certified to the applicable American National Standards Institute (ANSI) Standard, aging and difficult for the Water System to maintain their treatment performance. Most of the residents currently relying on bottled water for their drinking water needs.

Table 1: Arsenic and Manganese Sampling Results for Well 01 (2015-Present)

Sample Date	Arsenic (ug/l)	Manganese (ug/l)
	MCL = 10 ug/l	MCL = 50 ug/l
2015-01-05	55	44.6
2015-04-01	72	57.4
2015-07-01	43	48.6
2015-10-04	80	84.5
2016-01-11	85	79.4
2016-04-03	51	52.6
2016-07-05	97	95
2016-08-03	97	100

2016-10-09	70	72.6
2017-01-08	72	82.9
2017-04-08	95	100
2017-05-08	83	90
2017-07-12	75	77.9
2017-10-05	77	77.3
2018-01-07	72	64.4
2018-06-28	90	88.4
2018-12-17	74	79.4
2019-01-02	78	89.2
2019-04-29	83	99.6
2019-09-27	101	106
2019-12-23	74	81.6
2020-02-24	85	81
2020-03-24	84	77.4
2020-06-24	107	82.7
2020-07-28	106	92
2020-09-22	100	106
2020-12-15	67	96.5
2021-03-18	77	86
2021-04-08	72	80
2021-06-17	75	81.5
2021-09-07	80	70.9
2021-11-29	83	80.9
2022-03-16	67	74.1
2022-06-03	82	96.9
2022-09-08	77	94.7

1
2 In March 2016, the Inyo County Local Primacy Agency (LPA) issued Compliance
3 Order No. 05-44-16R-001 for violation of the arsenic MCL in Well 01. The Compliance
4 Order directed the Water System to return to compliance on or before July 1, 2018.
5 The Water System failed to comply with the Compliance Order to implement a
6 solution; subsequently, Inyo County LPA issued another Compliance Order (No. 05-
7 44-19R-063) for violation of the arsenic MCL in Well 01. The compliance order
8 directed the Water System to comply with several interim Directives, and ultimately
9 return to compliance on or before December 1, 2021. The existing POU devices that
10 were installed at the residences were found to be unacceptable treatment devices
11 because they were unable to meet the POU regulations.

12
13 In response to Compliance Order No. 05-44-19R-063, the Water System failed to
14 comply with the Directives 3 and 4 of the order. Directives 3 and 4 required quarterly
15 distribution of public notices regarding the current arsenic levels and the associated
16 public health risks. In the first and second quarter of 2020, public notices were not
17 distributed. Therefore, Inyo County LPA issued Citation No. 05-44-20C-058 to the
18 Water System on August 31, 2020. No long-term compliance solution has been
19 implemented and violations are ongoing.

20
21 The Water System has also violated the secondary MCL for manganese since April
22 17, 2014. According to the State's records, the Inyo County LPA issued an
23 Enforcement Action for the manganese violation on April 30, 2016. The Water System
24 continues to fail to comply with the secondary MCL for manganese and no long-term
25 compliance solution has been implemented and violations are ongoing.

26
27 There are also concerns regarding the Water System's lack of technical, managerial,
28 and financial capacity to operate the water system in compliance with the federal and

1 state requirements. For example, the Water System's board members have changed
2 frequently, and for a long period of time the Water System was unable to achieve a
3 full board of 5 seats. The Water System has also failed to obtain and retain a certified
4 operator to operate and maintain the system.

5
6 **d. Administrator Appointment**

7 On January 13, 2021, the State Water Board provided the Water System with notice
8 and an opportunity to show, by February 15, 2021, that: (1) the Water System "has not
9 consistently failed to provide an adequate supply of affordable, safe drinking water";
10 and/or (2) that the Water System, "has taken steps to timely address its failure to provide
11 an adequate supply of affordable, safe drinking water." The notice is shown in
12 Attachment A. The State Water Board did not receive a response from the Water
13 System demonstrating that the Water System has consistently provided an adequate
14 supply of affordable and safe drinking water.

15
16 Pursuant to Section 116686, subd. (b)(2) and the Administrator Policy Handbook, on April
17 16, 2021, the State Water Board notified by mail all ratepayers, renters, and property
18 owners in the Water System's service area, as well as representatives of the Water
19 System, of a public meeting on May 18, 2021, to provide information on the proposed
20 administrator for the Water System and receive input on the potential administrator
21 appointment. This notice is shown in Attachment B. The notice also included the name,
22 qualifications, proposed scope of the appointment and services to be provided by the
23 administrator being considered, and disclosure of conflicts of interest, as defined in the
24 California Code of Regulations (title 2, division 6, chapter 7, commencing with section
25 18700).

26
27 On May 18, 2021, the State Water Board conducted a well attended web-based public
28 meeting, pursuant to Section 116686, subd. (b)(2), for the affected ratepayers, renters,

1 and property owners in the Water System's service area. The web-based meeting was
2 necessary to do COVID-19 restrictions at the time. Public comment and feedback were
3 solicited during the meeting. General questions were addressed regarding funding,
4 replacement water, and timeline of appointing an administrator.

5
6 The closing period for public comment on the administrator selection was May 25, 2021.
7 Several written comments were received by the end of public comment closing period.
8 One comment expressed concern about a potential conflict of interest with the Golden
9 State Water Company, a subcontractor of Provost and Pritchard. This comment was
10 reviewed and no legal basis for a change of administrator was required. The comments
11 were noted and considered for the final decision to proceed with this Order and appointing
12 the selected administrator.

13 14 FINDINGS

- 15
- 16 1. Based on the above Statement of Facts, and pursuant to Section 116686, subd.
17 (m)(2), the Water System is a "designated water system" because it serves a
18 disadvantaged community and "the state board finds [it] consistently fails to
19 provide an adequate supply of affordable, safe drinking water." According to the
20 2016-2020 American Community Survey, the Water System's service area has
21 a calculated MHI of \$45,223, approximately 57 percent of the statewide MHI of
22 \$78,672. The Water System has active compliance orders for violation of the
23 arsenic MCL. The Water System has not implemented a long-term solution and
24 sampling results consistently exceed the MCL for arsenic and the secondary
25 MCL for manganese.
 - 26
27 2. The Division has complied with the procedural requirements in Section 116686
28 and the Administrator Policy Handbook to appoint the Administrator to the Water

System. The Division considered all public comments and none were serious enough to warrant changes to the proposed administrator.

3. On June 3, 2021, the State Water Board contacted the Provost and Pritchard Consulting Group, Inc. ("Provost and Pritchard") to confirm their willingness to be an administrator for the Water System, pursuant to Section 116686. Provost and Pritchard confirmed their willingness to serve as the administrator for the Water System on June 4, 2021. This confirmation is shown in Attachment C.
4. As set forth in the California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., title 14, division 6, chapter 3, section 15061, subd. (b)(3)) this Order is exempt from the provisions of CEQA because it can be seen with certainty that there is no possibility that the Order will have a significant effect on the environment. Pursuant to California Health and Safety Code section 116686, subd. (a)(1)(B), this Order requires the Water System to accept administrative, technical, operational, legal, and managerial services, including full management and control of all aspects of the designated water system from an administrator selected by the State Water Board. The Order does not propose or require the Water System to undertake, any specific actions which will have a significant effect on the environment.
5. The Division of Financial Assistance approves \$1,036,463 in funding, for the term of the project from March 4, 2022 to February 5, 2025. Provost and Pritchard may provide financial support for administrator functions as defined in the approved Scope of Work, which will be included in the executed funding agreement. The approved Scope of Work includes a Community Accountability and Engagement Plan, a Post-Administrator Drinking Water Service Plan, and tasks necessary to assist the Water System. Provost and Pritchard is not legally liable for costs

outside the approved Scope of Work. Other costs related to the operations and maintenance of the Water System shall be paid from water rates, infrastructure improvements shall be completed from water rates and/or application for funding grants, as applicable.

ORDER

The State Water Board hereby orders as follows:

1. Provost and Pritchard is appointed as the full-scope administrator for the Water System. Effective March 13, 2023, the Water System must unconditionally accept administrative, technical, operational, legal, financial, and managerial services, including full management and control of the system, from Provost and Pritchard. Full management and control includes hiring, dismissal, and reassigning staff to support administrator and operational duties.
2. Effective immediately, the Water System must work with Provost and Pritchard to effectuate the transition of full management and control of the Water System. This includes but is not limited to, providing Provost and Pritchard access to all electronic and hard copies of operating records of the water system, customers' accounts, water quality and quantity records, water system's design and operation plans. The Water System shall also provide access to water system facilities, and access to finances including restricted and unrestricted funds.
3. This Order shall remain effective and in place until rescinded, terminated, or otherwise modified by the State Water Board.

Pursuant to Section 116655, the Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (hereinafter "California SDWA," Health and Safety Code, division 104, part 12, chapter 4, commencing with section 116270) or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon the Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the Water System shall comply with each and every provision hereof notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to issue orders and citations with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Division. The Division does not waive any further enforcement

1 action by issuance of this order. Pursuant to Section 116725(c), CHSC, "Any person
2 who violates [this] order...may be liable, as determined by the court, for a civil penalty
3 not to exceed five thousand dollars (\$5,000) for each separate violation or, for
4 continuing violations, for each day that violation occurs."

5
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10
11 February 9, 2023

12 Date



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

17 Attachments:

- 18
- 19 A. Division of Drinking Water Notice
 - 20 B. Public Meeting Notice
 - 21 C. Provost and Pritchard Correspondence
- 22



State Water Resources Control Board
Division of Drinking Water

January 13, 2021

Board Members
Keeler Community Service District
P.O. Box 107
Keeler CA 93530

**RE: NOTICE – 1st STEP OF ADMINISTRATOR PROCESS
KEELER COMMUNITY SERVICE DISTRICT (CA1400036)**

Dear Board Members,

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 Keeler Community Service District (Keeler CSD) 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. The State Water Board is taking this step now for two reasons: 1) a State funded administrator will be able to take on many of the tasks that will be required to assist the water system into coming into compliance with applicable drinking water laws and regulations sustainably into the future, and 2) it may take some time to go through the required steps to appoint an administrator. A summary of the designation process, responsibilities of a full-scope administrator, applicable regulatory sections, and policies are provided as attachments.

The legally required formal first step in this process is for the State Water Board to give Keeler CSD 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 Keeler CSD has evidence and wishes to show that the violations listed on the following page have been resolved, please provide that information by **February 15, 2021** via email to Karen Nishimoto at Karen.Nishimoto@waterboards.ca.gov.

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

List of Violations

Keeler CSD has failed to:

- Comply with CCR, Title 22, Section 64431, Maximum Contaminant Levels (MCL) for Inorganic Chemicals- arsenic. Compliance Order 05-44-19R-063 was issued to Keeler CSD on September 30, 2019.
- Comply with the Compliance Order 05-44-19R-063 by failing to distribute appropriate public notification and submit certification of completion of public notification in a timely manner for the first and second quarters of 2020. Citation no. 05-44-20C-058 was issued to Keeler CSD on August 31, 2020 for this failure.
- Comply with the Compliance Order's Directive to submit an acceptable corrective action plan (CAP) by November 15, 2019. Compliance Order 05-44-20R-073 was issued to Keeler CSD on December 30, 2020 because of failure to comply with public notice distribution requirements, and by not submitting an acceptable Corrective Action Plan with a time frame for remediation of the high levels of arsenic by December 31, 2021.

California Health and Safety Code Section 116530 authorizes the State Water Board to request financial capacity information. In order to help facilitate the State Water Board to more quickly respond to any impending need to support Keeler CSD' customers, please provide three (3) years of financial statements, preferably audited financial statements if available, any accounting and financial policies, rate structures, and current capital improvement plan. The financial statements should include the current year (if available) and the two previous years, or three previous years if the current year has not yet been completed. Additionally, identification of any restricted funds and the reason for the restrictions could better facilitate assistance from the State Water Board. The State Water Board is requesting this information be submitted by **February 15, 2021**.

If you have any questions regarding this letter, please contact me. Due to our current COVID response, email is the best correspondence method. I can be reached at Karen.Nishimoto@waterboards.ca.gov.

Sincerely,

Karen Nishimoto, P.E.
Senior Water Resource Control Engineer, Southern Engagement Unit
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

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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 Keeler CSD, 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 Keeler CSD 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.

The State Water Board has not provided a paper copy of this section in the interest of decreasing environmental impacts. However, should you be unable to access this website for any reason, please do not hesitate to contact our office for a paper copy.

Attachment 4

Administrator Policy Handbook:

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

The State Water Board has not provided a paper copy of this section in the interest of decreasing environmental impacts. However, should you be unable to access this website for any reason, please do not hesitate to contact our office for a paper copy.



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Video and Teleconference Meeting During COVID-19 Emergency

This meeting will occur via remote presence only as a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing.

Notice of Public Meeting

Identification of a Potential Administrator for Keeler Community Service District

May 18, 2021

6:00pm - 8:00pm

https://bit.ly/Keeler_Administrator

Remote Participation Only

PURPOSE

The State Water Resources Control Board (State Water Board) invites you to attend a meeting to learn about Provost & Pritchard Consulting Group and its teaming partners (the Provost & Pritchard team) as a potential administrator to the Keeler Community Service District (Keeler CSD).

An administrator is a person or entity that is appointed and/or authorized to exercise total and complete managerial control over a designated water system in order to provide an adequate supply of safe and affordable drinking water.

This public meeting is a requirement of the administrator selection process. The purpose of this meeting is to provide information on the following:

- Current status of drinking water in Keeler Community Services District
- Purpose and role of an Administrator
- Administrator qualifications, conflicts of interest, and scope of work

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

The meeting will also include an opportunity for the public to ask questions and provide comments. The public can submit questions and comments through **May 25, 2021**.

MEETING LOGISTICS: If you wish to join the meeting by Zoom or phone:

Zoom: https://bit.ly/Keeler_Administrator

Phone: +1-669-900-9128 Meeting ID: 998 7384 7226

LANGUAGE SERVICES

To request language interpretation or sign language services, please submit your request at least 10 business days before the meeting by contacting Marina Perez at (916) 322-4265 or SAFER@waterboards.ca.gov.

ACCESSIBILITY

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.

MEETING MATERIALS

Meeting materials and details on remote participation are available at bit.ly/DDW_AdminWebsite. To receive meeting materials in advance, register at http://bit.ly/Keeler_updates. Meeting materials and details will be emailed to registered participants before the meeting.

HOW TO SUBMIT PUBLIC COMMENTS – DEADLINE MAY 25, 2021

Mail: Omid Rabbani

State Water Resources Control Board – Division of Drinking Water
464 W 4th St, Room 437, San Bernardino, CA 92401

Email: DDW-Administrator@waterboards.ca.gov

BACKGROUND

On January 13, 2021, the State Water Board took the first step in designating Keeler CSD as a water system in need of an administrator because it has not consistently provided an adequate supply of affordable, safe drinking water to its customers. Keeler CSD has active compliance orders for violation of the Maximum Contaminant Level for arsenic. Keeler CSD has been providing bottled water to its customers until a long-term solution is in place.

The State Water Board proposes appointing an administrator for Keeler CSD to manage the water system. All actions taken by an administrator are required to be in the best interest of the community served by the water system and include the following:

- Developing access to an adequate supply of safe and affordable drinking water; and
- Holding public meetings at least every three months.

Any ratepayer, renter, or property owner who receives water from a

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

designated water system can submit a petition to the State Water Board to reverse or modify an administrator decision or to replace an administrator. A description of this process and the administrator authority is contained in Health and Safety Code Section 116686 and in the State Water Board's Administrator Policy Handbook (Sept. 2019) at https://bit.ly/SAFER_Administrator_Handbook.

Information on Proposed Administrator

NAME OF ADMINISTRATOR

The Provost & Pritchard team has been identified as a viable candidate to be appointed as an administrator for Keeler CSD. Their qualifications include:

- Managed all aspects of dozens of water systems and special districts, including all necessary technical, managerial, and administrative needs.
- Specialized public outreach capability to help facilitate stakeholder discussions.
- Certified Treatment and Distribution operators on staff ready to provide operational support.
- Team of engineers, planners, and technicians with extensive experience in water resource management, planning, and implementing solutions.

SCOPE OF APPOINTMENT & SERVICES PROVIDED

This administrator will be a Full-Scope Administrator as defined in the Administrator Policy Handbook available online at [**bit.ly/SAFER_Administrator**](https://bit.ly/SAFER_Administrator)

CONFLICT OF INTEREST

To date, no conflict of interest has been found by the State Water Board or reported by the Provost & Pritchard team. If at any time a proposed action would create a conflict of interest, an administrator is required to provide written notice to the State Water Board in addition to all ratepayers, renters and property owners, who receive water service from the designated water system 30 days prior to taking the action.

MORE INFORMATION

Omid Rabbani (909) 888-4985; Omid.Rabbani@waterboards.ca.gov
Karen Nishimoto at (818) 551-2049, Karen.Nishimoto@waterboards.ca.gov
Water Board website: [**bit.ly/DDW_AdminWebsite**](https://bit.ly/DDW_AdminWebsite)

Junta Estatal del Control de los Recursos del Agua

Reunión por video y teleconferencia durante la emergencia COVID-19

Esta reunión se realizará solamente a distancia debido a la emergencia COVID-19 y las Órdenes Ejecutivas del Gobernador, las cuales limitan las agrupaciones públicas y requieren el distanciamiento social a fin de proteger la salud pública.

Anuncio de Reunión Pública

Identificación de un Administrador probable para el Distrito de Servicios Comunitarios de Keeler

**18 de mayo de 2021
de 6:00pm a 8:00 pm**

https://bit.ly/Keeler_Administrator
Participación a distancia solamente

PROPÓSITO

La Junta Estatal del Control de los Recursos del Agua (Junta Estatal del Agua) invita al público a participar en una reunión informativa sobre la designación de Provost & Pritchard Consulting Group y sus asociados (el grupo Provost & Pritchard) como administrador probable del Distrito de Servicios Comunitarios de Keeler (Keeler CSD).

Un administrador es la persona u organización designada o autorizada para gestionar, de manera parcial o total, un sistema de agua determinado a fin de proporcionar el suministro adecuado de agua potable segura y económica.

Esta reunión pública es uno de los requisitos del proceso de selección de un administrador. El propósito de dicha reunión es informar sobre lo siguiente:

- El estado actual del agua potable en Keeler CSD;
- El propósito y la función de un administrador; y
- Las competencias del administrador y el marco de sus responsabilidades, así como la revelación de cualquier conflicto de interés.

Durante la reunión, se le brindará al público la oportunidad de presentar sus preguntas y comentarios. Asimismo, el público podrá enviar sus preguntas y comentarios hasta el **25 de mayo de 2021**.

LOGÍSTICA DE LA REUNIÓN: Si desea participar en la reunión por la plataforma Zoom o por teléfono:

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

- Por Zoom: https://bit.ly/Keeler_Administrator
- Por teléfono: +1-669-900-9128 Código de reunión: 998 7384 7226;

SERVICIO DE INTERPRETACIÓN DE IDIOMAS

Para solicitar el servicio de interpretación de idiomas o en el lenguaje de señas, comuníquese a más tardar el 3 de mayo con Marina Pérez al número telefónico (916) 322-4265.

ACCESIBILIDAD

Usuarios de los dispositivos de telecomunicaciones para sordos (TDD, *telecommunications device for the deaf*) pueden comunicarse con el servicio de retransmisión de California (*California Relay Service*) al número (800) 735-2929 o la línea de voz al (800) 735-2922.

MATERIALES PARA LA REUNIÓN

Los materiales de la reunión y los detalles para participar a distancia están a su disposición en: http://bit.ly/DDW_Administrator. Si desea recibir los materiales de la reunión antes del comienzo de la misma, por favor inscribese en: http://bit.ly/Keeler_updates. Antes de comenzar la reunión, los materiales se enviarán por correo electrónico a los participantes **inscritos**.

CÓMO ENVIAR SUS COMENTARIOS (A MÁS TARDAR EL 25 DE MAYO DE 2021)

Por correo postal: Omid Rabbani
State Water Resources Control Board –
Division of Drinking Water
464 W 4th St, Room 437, San Bernardino, CA 92401

Por correo electrónico: DDW-Administrator@waterboards.ca.gov

CONTEXTO

El 13 de enero de 2021, la Junta Estatal del Agua inició el proceso de designar a Keeler CSD como un sistema de agua necesitado de un administrador. Esto se debe a que dicho sistema de agua no ha podido proveer de manera continua un abastecimiento de agua potable segura y asequible para sus usuarios. A causa de su infracción por exceder los niveles máximos de contaminación de arsénico, Keeler CSD debe acatarse a las órdenes vigentes emitidas para su cumplimiento con las normas establecidas. En la actualidad, y hasta que se pueda implementar una solución duradera, Keeler CSD provee agua embotellada a sus usuarios.

La Junta Estatal del Agua propone designar un administrador para que gestione las operaciones del sistema de agua de Keeler CSD. Todas las medidas implementadas por un administrador deben beneficiar los intereses de la comunidad de usuarios del sistema de agua y deben incluir:

- Facilitar el acceso a un abastecimiento de agua potable segura y económica;
- y
- Celebrar reuniones públicas un mínimo de cada tres meses.

Todo usuario abonado, inquilino o propietario quien reciba agua de un sistema de agua determinado puede solicitar que la Junta Estatal del Agua revierta o modifique alguna decisión del administrador, así como solicitar su reemplazo. Las descripciones de dichos procesos y de la autoridad del administrador se encuentran en el Código de Salud e Seguridad, artículo 116686, y en el Manual de Políticas del Administrador emitido por la Junta Estatal del Agua (Sept. 2019) ubicado en: https://bit.ly/SAFER_Administrator_Handbook.

Información sobre el administrador propuesto

NOMBRE DEL ADMINISTRADOR

Se ha identificado al grupo Provost & Pritchard como candidato viable al nombramiento de administrador para Keeler CSD. Sus competencias incluyen:

- Gestión, en todas sus facetas, de decenas de sistemas de aguas y distritos especiales, incluyendo la totalidad de necesidades técnicas, directivas y administrativas;
- Aptitud especializada, con respecto a la extensión y participación pública, para facilitar el dialogo con partes interesadas;
- Operadores empleados acreditados en tratamiento y distribución disponibles para proveer apoyo operativo; y
- Equipo compuesto por ingenieros, planificadores y técnicos con experiencia extensiva en la dirección y planificación de recursos hídricos, así como con la implementación de soluciones.

MARCO DE RESPONSABILIDADES Y PRESTACIÓN DE SERVICIOS

Éste será un Administrador con Autoridad Total conforme a lo descrito en el Manual de Políticas del Administrador, disponible en http://bit.ly/SAFER_administrator_handbook.

CONFLICTOS DE INTERÉS

Hasta la fecha, la Junta Estatal del Agua no ha hallado, ni el grupo Provost & Pritchard ha reportado, ningún conflicto de interés. En caso de que en algún momento se propusiera una acción que pudiera crear un conflicto de interés, el administrador tendrá la obligación de notificar a la Junta Estatal del Agua de dicho conflicto, así como a todo usuario abonado, inquilino y propietario quien reciba servicios del sistema de agua designado. Dicha notificación deberá ser presentada por escrito y 30 días antes de proceder con la acción en cuestión.

INFORMACIÓN ADICIONAL

Omid Rabbani (909) 888-4985, Omid.Rabbani@waterboards.ca.gov

Karen Nishimoto (818) 551-2049, Karen.Nishimoto@waterboards.ca.gov

Sitio web de la Junta del Agua: http://bit.ly/DDW_AdminWebsite.

ATTACHMENT C

From: [Steve Spencer](#)
To: [Rabbani, Omid@Waterboards](#); [Sarah Lee](#)
Subject: RE: Administrator Interest for Keeler CSD
Date: Friday, June 4, 2021 2:31:59 PM

EXTERNAL:

Omid,
Yes, we are willing and ready to go. Thanks!

Stephen T. Spencer, PE
PROVOST & PRITCHARD CONSULTING GROUP
455 W. Fir Avenue
Clovis, California 93611
Phone: (559) 449-2700, Ext.111
Cell: (559) 676-6066
Fax: (559) 449-2715
e-mail: sspencer@ppeng.com
website: <https://provostandpritchard.com>

CONFIDENTIALITY NOTE

This communication and any accompanying attachment(s) are privileged and confidential. The information is intended for the use of the individual or entity so named. If you are not the intended recipient, then be aware that any disclosure, copying, distribution or use of this communication and any accompanying attachments (or the information contained in it) is prohibited. If you have received this communication in error, please immediately delete it and notify the sender at the return e-mail address or by telephone at (559) 449-2700.

From: Rabbani, Omid@Waterboards <Omid.Rabbani@Waterboards.ca.gov>
Sent: Thursday, June 3, 2021 5:05 PM
To: Steve Spencer <SSpencer@ppeng.com>; Sarah Lee <SLee@ppeng.com>
Subject: Administrator Interest for Keeler CSD

Hello Mr. Spencer:

I am reaching out to you to confirm Provost & Pritchard Consulting Group's willingness to be an administrator for Keeler Community Service District (CSD) pursuant to Section 116686 of the Health and Safety Code. Keeler CSD is a small severely disadvantaged community located at 165 Railroad Avenue, Keeler, CA 93530. Keeler CSD utilizes a single groundwater well to serve a population of 50 people through 67 service connections.

Thank you,

Omid Rabbani
Water Partnership Coordinator
Division of Drinking Water
464 W 4th St, Room 437, San Bernardino, CA 92401
O: 909-888-4985
C: 949-200-2296
F: 909-383-4745

