



---

## State Water Resources Control Board Division of Drinking Water

November 2, 2020

Brooke Mello  
Las Deltas Mutual Water System  
P.O. Box 1093  
Firebaugh, CA 93622

**RE: NOTICE – 1<sup>st</sup> STEP OF ADMINISTRATOR PROCESS  
LAS DELTAS MUTUAL WATER SYSTEM (CA1000054)**

Dear Mrs. Mello,

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 Las Deltas Mutual Water System (Las Deltas) 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 Las Deltas 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 Las Deltas has evidence and wishes to show that the violations listed on the following page have been resolved, please provide that information by **November 15, 2020** via email to Karen Nishimoto at [Karen.Nishimoto@waterboards.ca.gov](mailto:Karen.Nishimoto@waterboards.ca.gov).

---

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

**List of Violations**

Las Deltas has failed to:

- Comply with CCR, Title 22, Section 64602, Minimum Pressure requirements. Specifically, the Las Deltas Mutual Water System is unable to maintain an operating pressure of 20 pounds per square inch (psi) at the user's service connection at all times. Compliance order 03-23-12O-005 was issued to Las Deltas on April 6, 2012. Las Deltas has failed to submit a plan for improvements to correct the violation.
- Comply with Section 116655 of the California Health and Safety Code Section 116555(a)(1) and California Code of Regulations (CCR), Title 22, Section 64533(a), Maximum Contaminant Levels for Disinfection Byproducts. Compliance order 03-23-17R-003 was issued to Las Deltas on May 30, 2017.

The legal owner of the Las Deltas Mutual Water System is the Las Deltas Mutual Water Company, Inc. and is responsible for compliance with all statutory and regulatory drinking water requirements in domestic water supply permit 03-23-11P-045. On July 6, 2018 all five positions on the Las Deltas Mutual Water Company, Inc. board became vacant. In August 2018 a special shareholders meeting was held due to vacancies on the board. The board has not been filled to date.

According to the 2018 inspection report the distribution system is in poor condition, due primarily to its age. The initial system was installed in 1929, and the system is generally original, except where breaks or leaks could not be repaired and required replacement. Las Deltas Mutual Water System experienced a main break in 2018 leaving its customers out of water for an extended period of time.

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](mailto:Karen.Nishimoto@waterboards.ca.gov).

Sincerely,

[Original Signed by Karen Nishimoto, web accessible version]

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

cc: Brooke Mello  
620 Meadowlark Drive  
Turlock, CA 95382

Las Deltas Mutual Water Company  
4284 N San Diego  
Firebaugh, CA 93622

Jose Robledo, P.E.  
Fresno District Engineer  
Division of Drinking Water  
265 W. Bullard Ave Suite 101  
Fresno, CA 93704

Tricia Wathen, P.E.  
Central CA Section Chief  
Division of Drinking Water  
285 W. Bullard Avenue, Suite 101  
Fresno, CA 93704

David Fey, Executive Officer  
Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, CA 93721

Sue Ruiz  
Self Help Enterprises  
8445 W. Elwin Court  
P.O. Box 6520  
Visalia, CA. 93290

Supervisor Brian Pacheco  
Fresno County Board of Supervisors, District 1  
2281 Tulare, Room #301  
Fresno, CA 93721

## 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 Las Deltas Mutual Water System, 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 Las Deltas 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&sectionNum=116686](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=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](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.