



State Water Resources Control Board

Division of Drinking Water

August 23, 2021

Water System No. 5400567

Reuben Salazar, President
Tooleville Mutual Non-Profit Water Association
2313 E. Morgan
Exeter, CA 93221

Dear Mr. Salazar,

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

As explained below, the Division is taking the first step towards ordering consolidation of Tooleville with the City of Exeter (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), Tooleville is to negotiate with the City.

Background

Tooleville is classified as a community public water system with a population of 340 residents, served through 77 service connections. Tooleville provides groundwater to its customers. Tooleville has had historic detections of hexavalent chromium and nitrate. As documented in the following findings, Tooleville consistently fails to provide an adequate supply of safe drinking water.

1. Tooleville has two active sources, Well 01 and Well 02. The Division of Drinking Water issued a Boil Water Notice due to a water outage on July 21, 2021. During the water outage Tooleville relied on bottled water as there are no on-site tanks to deliver hauled water. Water service was returned on July 22, 2021.
2. The State Water Board issued Order No. 03-24-21D-002 on July 7, 2021 requiring technical reporting in response to drought. The State Water Board identified Tooleville as facing a potential future water shortage at their groundwater source. California Health and Safety Code section 116530

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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. Tooleville has not consistently maintained adequate pressure throughout its distribution system. Water pressure drops from 50 pounds per square inch (psi) in the mornings to 20 psi by the late afternoon, as measured at the well sites. The pressure is likely lower in the distribution system; however, to date this has not been documented.
4. Tooleville was issued Citation No. 03-24-21C-028 for violation of CHSC 116650(a) and permit provision 8 of Domestic Water Supply Permit No. 03-24-18P-041. Pursuant to CHSC, Section 116650(a) if the State Water Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Water Board may issue a citation to the public water system. Title 22 of the California Code of Regulations (CCR), Section 64561, requires that each water system install a flow meter at a location between each water source and the entry point to the distribution system and meter the quantity of water flow from each source, and record the total monthly production each month.

Pursuant to Domestic Water Supply Permit No. 03-24-18P-041, Provision 8, the Water System shall record production monthly from the active sources and report it annually to the Division via the Electronic Annual Report (EAR). The State Water Board has determined that the Water System failed to install source flow meters based on the information reported to the Division in the 2019 EAR.

5. Tooleville has limited Technical, Managerial, and Financial (TMF) capacity resources and is not sustainable. Tooleville lacks financial capacity and has failed to adequately maintain or replace water system infrastructure as demonstrated by multiple funding requests for needs such as distribution system replacement, pump replacement, bottled water, etc. that have not resulted in long-term sustainability for Tooleville, despite receiving state-funding.

Six Month Period for Voluntary Consolidation

Prior to issuing an order directing Tooleville 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 Tooleville 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), Tooleville is to negotiate with the City regarding consolidation of Tooleville with the City. The deadline for completion of this negotiation is February 23, 2022.** 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 Tooleville 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 Tooleville 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 Tooleville and the City 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.

[Original letter signed by Michelle F. Frederick]

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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