



County of Santa Cruz
Water Advisory Commission
701 Ocean Street, Room 312 ❖ Santa Cruz, CA 95060
(831) 454-2022 ❖ Fax (831) 454-3128
<https://www.scceh.org/>

AGENDA
SANTA CRUZ COUNTY WATER ADVISORY COMMISSION
Wednesday April 5, 2023, 4pm

This meeting will be held in hybrid format. Commissioners are expected to attend in person.
In-Person: 701 Ocean Street; Third Floor Training Room (directly above the stairs)
Remote: [Click here to join the meeting](#) Meeting ID: 253 176 573 514 Passcode: X22MpW

A. OPENING

1. Call to Order
2. Roll Call
3. Election of Officers
4. Administration of Oaths of Office for existing members of the Water Advisory Commission

B. APPROVAL OF MINUTES: February 1, 2023

C. PUBLIC COMMUNICATIONS

Opportunity for the public to comment on items under the purview of the Water Advisory Commission but not on today's agenda.

D. COMMISSIONERS' REPORTS

E. STAFF REPORTS AND ANNOUNCEMENTS

[Drought Resilience Interagency and Partnership Collaborative](#)

F. NEW BUSINESS

1. Streamwood Program and Storm Response
Presentation by Kristen Kittleson, Fisheries Resource Planner.
2. Well Ordinance Update Process
Discussion to kick off to the process of updating County Code Chapter 7.70: Water Wells

attachment: Staff Report

attachment: Technical Memorandum

attachment: Well Ordinance Update Process

3. Brown Act Compliance Changes

Discussion about the end of the COVID emergency and the new Brown Act alternative, AB 2449.

G. UNFINISHED BUSINESS and UPDATES

1. Drought Response Update

Discussion of the status of the DROP implementation

attachment: Staff Report

attachment: Implementation Timeline

2. Groundwater Sustainability Agencies Update

Oral reports outlining updates from the three GSAs in the County.

H. CORRESPONDENCE

1. Packet of communications from customers of Big Basin Water Company.

I. BOARD OF SUPERVISORS ACTION ON ITEMS AFFECTING WATER:

J. ITEMS OF INTEREST

1. FAQ Document about Big Basin Water Company regulatory oversight (attached)
2. Letter from State Water Resources Control Board initiating receivership process for drinking water system violations (attached).
3. Public Notice and Resolution from the Regional Water Quality Control Board initiating receivership process for wastewater system violations (attached).
4. Lookout Santa Cruz, February 8, 2023. Preparing for 'weather whiplash' focus of county's latest water resources status report
5. Lookout Santa Cruz, February 9, 2023. I'm in charge of water for 98,000 people in Santa Cruz. Here is what I'd like you to know. <https://lookout.co/santacruz/community-voices/opinion-from-community-voices/story/2023-02-09/santa-cruz-water-drought-rosemary-menard-im-in-charge-of-water-for-98-000-people-in-santa-cruz-here-is->

[what-id-like-you-to-know](#)

6. Santa Cruz Sentinel, February 9, 2023. Watsonville College Lake project to begin construction this spring. <https://www.santacruzsentinel.com/2023/02/09/watsonville-college-lake-project-to-begin-construction-this-spring/>
7. Santa Cruz Sentinel, February 27, 2023. Going with flow: How the Santa Cruz water treatment plant took on January's storms. <https://www.santacruzsentinel.com/2023/02/27/going-with-flow-how-the-santa-cruz-water-treatment-plant-took-on-januarys-storms/>
8. Santa Cruz Sentinel, March 4, 2023, *Mayor's message: Even in wet year, water remains top of mind.* <https://www.santacruzsentinel.com/2023/03/04/mayors-message-even-in-wet-year-water-remains-top-of-mind/>
9. Santa Cruz Sentinel, March 3, 2023. San Lorenzo Valley Water District Oks contracts to fix aging water system. <https://www.santacruzsentinel.com/2023/03/03/san-lorenzo-valley-water-district-oks-contracts-to-fix-aging-water-system/>
10. Lookout Santa Cruz, March 10, 2023. Storm-fueled collapse on North Main street cuts off hundreds in Soquel. <https://lookout.co/santacruz/capitola-and-soquel/story/2023-03-10/storm-soquel-main-street-collapse-cuts-off-hundreds>
11. Santa Cruz Sentinel, March 11, 2023. *Pajaro River floods Monterey County community after levee breaches overnight.* <https://www.santacruzsentinel.com/2023/03/11/pajaro-river-floods-monterey-county-community-after-levee-breaches-overnight/>
12. Santa Cruz Sentinel, March 15, 2023. Santa Cruz announces emergency repairs to Newell Creek Pipeline. <https://www.santacruzsentinel.com/2023/03/15/santa-cruz-announces-emergency-repairs-to-newel-creek-pipeline/>

K. AGENDA ITEMS FOR FUTURE MEETINGS

1. City of Santa Cruz Water Department Sanitary Survey (June 2023)

L. ADJOURNMENT



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Minutes

SANTA CRUZ COUNTY WATER ADVISORY COMMISSION

Wednesday February 1, 2023, 4pm

A. OPENING

1. Call to Order 4:02
2. In attendance

Chris Berry, Frank Cheap, Bryan Largay, Paul Lego, Ray Pereyra, Linda Wilson, Brian Lockwood
Staff: Sierra Ryan, Erin McCarthy, Sean Abbey
Speakers: Sacha Lozano, Dan Hermstad, Marcus Mendiola, Lisa Lurie
Public: Mark Strudley, Tim Carson, Rob Swartz, Nate Gillespie

3. AB 361 Compliance, authorizing teleconference meeting
Moved by Lego, seconded by Berry. Unanimous

B. APPROVAL OF MINUTES: **December 7, 2022**

Moved by Berry. Seconded by Lego. Unanimous

C. PUBLIC COMMUNICATIONS

Sierra read comments made by Becky Steinbruner into the record

D. COMMISSIONERS' REPORTS

Paul Lego – wanted to let us know that their small water company had a number of issues related to the storms including a tree on a fire hydrant and loss of 100,000 gallons.

Chris Berry – As the representative for public water systems, here is a summary of what is happening around the County:

- Soquel Creek put out a great video of what they've done over the last year. Their water production was at 1971 levels.
- SLVWD is working on pipeline repairs for the fire and of course storm response. Power outages and pipeline issues. They are also trying to keep Big Basin Water Company in water. Santa Cruz is working with SLVWD on a joint Sanitary Survey.
- Dave McNair is the new Director of SVWD, and Nate Gillespie coming on at SVWD is also good.
- PV Water has also done a lot of good stuff including bidding out work.
- In Santa Cruz it's been about storms lately. They've been working on HCP environmental review and the Graham Hill Treatment Plant update which will allow them to use more winter water. The take-home message is that City staff did a great job on the storm response. No major upsets. Had a pipeline repair on pipeline road working 24/7 for two weeks. Lots of nice wood where it should be and where it shouldn't as well. A lot of wood got mobilized with all the wind and the drought stress.

Loch Lomond up 14 feet between Dec 30th and Jan 15th.

- Fish and Wildlife commission is working on grants, significant tree ordinance, and invasive species.
- Chris Berry is leaving the commission. Should assign a coordination person.

Bryan Largay – Sorry to hear that Chris is leaving the Commission. Wanted to echo comments on creeks looking really good. Core observation is that despite extraordinary circumstances, the area weathered the storm surprisingly well. Few surprises. The fatality at Lighthouse Field was an unfortunate outcome. A lot of action and past events of that magnitude seemed to cause more damage than this one. Want to echo comments about wood in the creek. A lot of creeks have been downcutting but some log jams have been beneficial in trapping sediment to keep them from downcutting. Beneficial from reducing landslides and bank erosion. Question regarding how those not threatening log jams are kept in place. SLVWD did suffer from the storms, hoping CalOES and FEMA can help with the cost.

Brian Lockwood – PV Water Board voted to award \$80 million worth of contracts to do the College Lake work. Will take about 2 years to build, hopeful it will be operational for 2025 season. Bridge over the Pajaro was closed. In thinking about Ms. Steinbruner's comments, we should consider getting the water status report as an actionable item to the Board.

E. STAFF REPORTS AND ANNOUNCEMENTS

- Chris Berry came on the Commission around 2004, we should ask the Board for acknowledgement of his service.
- Lab is now fully staffed!
- Upcoming work includes lab consolidation, well ordinance update, and LAMP implementation.

F. NEW BUSINESS

1. Agricultural Water Conservation Panel

County along with partners in the Resource Conservation District (RCD) and PV Water put together a panel about the work that has been done. Erin McCarthy provided an overview of the County role in Ag water Conservation, the PV Water will present about their conservation program which started in 2014. Sacha Lozano and Dan Herman will present on the work of the RCD to promote and assist with water conservation for growers.

See presentation in packet for notes

Frank Cheap – amazing work. Do any of these systems present data in real time?

Dan responds that autonomous with real time watering that can respond to atmospheric conditions spontaneously are not available yet. However, some of the ranches have systems where valves can be turned on and off via phones. You can use crop manage to generate an irrigation recommendation before watering. It will use the real data from the CIMIS station and pull essentially real time data to make the recommendations. Marcus adds that there is a lot of potential future implementation that can potentially save another 20-30%. Cheap agrees that part of the challenge is to get a larger proportion of growers to participate. Dan confirms that they work with a number of growers from different companies. Probably technology will advance before the social piece catches up but more staff would help get more adoption of these services. Sacha says they are working with 35 operations, so more resources translates to more water saving. There are 30-40 different vegetable crops, not all of which are even in Crop Manage, which leads to more opportunities. to target.

Paul Lego – Great presentation. What does it take at a macro level so that we recharge enough so we are not continuing to deplete the basin. Are our current efforts 10% or what we need to do? 40%?

Brian Lockwood said that there was a shortfall in their water budget of 12,000 AFY. They decided to try to address 5,000 through efficiency. PV Water has updated the model for the 2022 groundwater update. They plan to re-run the model based on where the Basin is now and improvements they have made.

Bryan Largay – Three comments he wants to make because water is in the news all the time. It's easy for people to paint California agriculture with a broad brush. Our situation is distinct. 1) Our agriculture is so important in the Pajaro Valley. Enough fruit to provide 3 million people all their vitamin C and a million people all of their vegetables. 2) We use a quarter of the water per acre that some other locations use. Our crops are worth 10 times per acre what the alfalfa and other crops like that are. The PV ag has more value than Florida oranges. 3) The amazing thing is how the problem solving done in our area is done collaboratively. The RCD, PVWMA, growers have been working together in an amazing collaborative way for 20 years, choosing to solve our own problems with our own water and our own people. This is celebrated in Sacramento, used as a model for how they wish other parts of the state could tackle these problems.

Chris Berry – wants to reflect on the fact that we were agonizing about whether to ask to Board to declare a groundwater emergency in the PV Basin. The challenges haven't gone away but the way the community has risen gives hope for the future.

Brian Lockwood – all proud of the program, we've made great progress and need to continue to get support. It takes many years to gain real momentum on these things. PV Water has gone to the Farm Bureau offering free money and still haven't always gotten takers.

Lisa Lurie – Wants to thank the Commission for the invitation to present. A shoutout of recognition to the depth of partnership to make this all possible.

G. UNFINISHED BUSINESS and UPDATES

2. Response to survey sent by Rita Sanchez from the County CAO's office on updates to the 2023 Operational Plan and A Santa Cruz County Like Me project.

Discuss response to survey posted here: <https://forms.office.com/g/1hmgPkswxU>
Opportunity to discuss any of these items.

Chris Berry – To be on a Commission, you need to be informed and have free time, which is a social barrier to reaching some demographics. In his response, commissioner Berry listed some ideas to reach youth. It is a quite heavy lift to get a demographic without doing the much heavier lift to build it up. Logistical issues like education and traffic can limit having a diverse constituency.

Ray Pereyra – they are asking for silver bullets. I did research on what other Commissions do, the State assembly put in term limits and it means that new blood comes into the assembly. Tampa and Tennessee have County commissions with term limits. how do we make this commission and other commissions look like Santa Cruz? How do we get more women? How do we get people who can embrace challenges and are there institutional barriers. Term limits allow for more turnover.

3. Response to letter from NOAA National Marine Fisheries Services

Informational item

Brian Lockwood – thought the letter was well written and appreciated the language about using a phone call when there is a relationship.

Chris Berry – likewise, thanks you for the transparency for which you dealt with this. It seems unlike NMFS to send a letter like that, and I appreciate the public response.

4. Storm Response

Sierra: The focus on the drought response today will be oriented to the storm response, as it all falls within the bigger picture of the County's response to climate change.

Drinking water:

The network that we developed as part of the DROP, and the work we did discussing the challenges water systems had with FEMA helped staff be in a better position to know where to send agencies. Staff sent notices to potentially impacted systems during the storms and requested information after regarding damage. They directed systems to FEMA if they were potentially eligible. We are currently developing the DROP website and the emergency response section has been informed by what we have learned.

Big Basin Water Company was badly damaged. Boil water notice starting 1/6/2023 which just ended today. Nine households are being served through a series of hoses and a pump plugged into a residential outlet. SLVWD will no longer be seeking consolidation with the system or providing O&M support.

Streamwood Program:

Water Resources operates the Streamwood Program which has been in place since 2009. When Public Works gets reports of log jams, they call Kristen Kittleson. She and now Erin will visit the sites, often with an engineer, to determine whether the wood can be retained in the stream for fisheries, erosion control, and bank stabilization purposes. Sometimes they modify the wood to allow some of it to stay while reducing the risk of building up a large log jam. Sites where wood is retained are checked occasionally to ensure that they are not becoming a risk to adjacent properties. During the storms, significant quantities of wood were introduced to and transported through our waterways. We have been working to alter and remove some sites.

5. Groundwater Sustainability Agencies Update

Sierra reported updates from the Santa Margarita and Santa Cruz Mid-County Groundwater Agencies. Brian Lockwood reported updates from PV Water.

6. CORRESPONDENCE

No discussion

7. BOARD OF SUPERVISORS ACTION ON ITEMS AFFECTING WATER:

No discussion

8. ITEMS OF INTEREST

No discussion

9. AGENDA ITEMS FOR FUTURE MEETINGS

- a. City of Santa Cruz Water Department Sanitary Survey (June 2023)
- b. Stream wood program update (April)
- c. Recharge Net Metering (August)
- d. Liaison for COE and FWAC

10. ADJOURNMENT 6:03



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Subject: April 5, 2023 Water Advisory Commission Agenda Item F2

Title: Well Ordinance Update Process

Recommended Action:

Informational only

Background

As with all sections of the County Code, the Water Well Chapter 7.70 must be updated occasionally to remain up to date with State policy and local conditions. Historically these updates have taken place frequently (see Table 1 below). The last update included major changes and took six years to complete, with final approval by the Coastal Commission in 2009.

Year	Update
1971	County well Ordinance first adopted as Chapter 6.20, Water Well Control
1973	Chapter 6.20 amended to add cathodic protection wells
1974	amended technical standards to require 50 ft property line setback
1980	Chapter 11.90, Relating to Well Construction. Amended to add provisions regarding discharge of drilling fluids and water from pump testing.
1981	Restrictions on new wells in Soquel Creek Water District Service area and Purisima formation.
1982	Requirement for e-logs and specially designed seals in areas with problems of groundwater quality
Pre-1986	A number of provisions added, chapter changed to 7.70, including groundwater emergencies
1987	Chapter 7.70, Water Wells, amended to regulate monitoring wells and make other miscellaneous changes. Required approval by Coastal Commission as LCP implementation amendment. (Followed from adoption of AB 3127, requiring adoption of well ordinances by all counties and cities. All cities except Capitola already have ordinances; County is administering authority in Watsonville and Scotts valley.)
1989	Chapter 7.70 and 13.10 amended to exclude requirement of coastal permit for wells to serve a new single family dwelling and to charge double fees for work without a permit.

1997	Review and update of policies regarding wells in flood plains and riparian corridors, and CEQA review.
2000	Minor miscellaneous amendments
2001	added geothermal heat exchange wells, required C-57 Contractor, and other minor changes.
2009	Modifications of <u>Well Ordinance</u> making most well applications ministerial, adding water conservation measures, requiring water quality testing, evaluation of proximity to contaminated sites, requirement for legal lots of record, requirement for e-logs and single zone completion within the PVWMA boundaries, and clarification of requirements for declaration of groundwater emergency.

Since the last update, policy changes at the State including the Sustainable Groundwater Management Act and Senate Bill 552 have gone into effect. Case law has added a greater emphasis on protection of public trust values. Locally, the County has adopted the Climate Action and Adaptation Plan, the Drought Response and Outreach Plan, and concerns were raised by the National Marine Fisheries Service about interconnected surface waters in the County.

Staff is now kicking off the process to evaluate Chapter 7.70 of the County Code and determine appropriate amendments. Materials for this item include technical memo outlining considerations for the update, and a document outlining the proposed process.



By: _____

Sierra Ryan
Water Resources Manager

Technical Memorandum: Items for Consideration During Upcoming Well Ordinance Update.

Introduction

This document provides a summary of the topics that must be considered to bring the current Santa Cruz County Water Well chapter of the County Code (7.70) into alignment with various changes at the state and local levels. The purpose of this document is to outline the areas that should be evaluated and explain the important factors that need to be taken into account.

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Current Well Permitting Process

The current well permitting process in Santa Cruz County is largely ministerial (limited review as long as standards are met), though it requires proposed wells to meet specific conditions to protect shallow groundwater and surface water. Discretionary review is currently required in the Coastal Zone and when the well serves a public water system or is associated with a

project requiring discretionary review. These requirements include minimum standards for the annular seal depth, review of potential impacts to sensitive habitat by environmental resource planners, and review of water use efficiency.

Santa Cruz County Code mandates a minimum seal depth of 50 feet below ground, except when the only available water is within that range. Even in such a situation, the seal depth may not be less than 20 feet below ground. However, based on our experience, this is a rare occurrence.

During the review process, County staff consults resource maps, and if there is a potential concern for sensitive habitat they refer the well applications to environmental resource planners. Sensitive habitat includes the riparian corridor and Sandhills habitat as well as known or potential habitat for listed species such as coho salmon and steelhead trout, Santa Cruz Long-Toed Salamander, California Red-Legged Frog t, among others.

Wells that serve more than four residential parcels or are expected to use more than two acre-feet of water per year must demonstrate efficient use of indoor and outdoor water. Applicants must report conservation measures that are currently in place or will be implemented once the well is constructed. The County also has the authority to conduct water use efficiency audits and require reasonable conservation measures to be implemented, as per SCCC 7.70.110(D).

Most of the wells permitted by the County are for rural residential properties and are considered de minimis users, pumping less than 2 acre-feet per year (AFY) from the perspective of groundwater management. The majority of non-de minimis applications received are for replacement wells and do not reflect new use of water.

Public Trust Protections

Recent Case Law

In recent years, there have been several significant California case law decisions that have addressed the application of the public trust doctrine to groundwater resources. The public trust doctrine is a common law principle that requires the state to protect certain natural resources for the benefit of the public, including navigable waters, beaches, and other coastal areas. In California, the public trust doctrine is enshrined in the state Constitution and applies to all waters of the state.

One case that has impacted county well permitting requirements is the 2017 California Court of Appeals decision in Environmental Law Foundation v. State Water Resources Control Board. The court held that the state's system of groundwater management was inadequate to protect the public trust values of groundwater resources. The court found that the state has a duty to consider the public trust values of groundwater in its management and regulation of the resource and that the state's current system of groundwater management did not meet

that duty. This decision may have implications for county well permitting requirements by requiring more rigorous evaluation of the impacts of well pumping on groundwater resources and public trust values.

Protecting Our Water and Environmental Resources v. County of Stanislaus is a California Court of Appeals decision issued in 2018 that addressed the application of the California Environmental Quality Act (CEQA) to well permitting decisions by counties. CEQA is a state law that requires environmental review of certain projects, including those undertaken or approved by public agencies, to identify and mitigate potential environmental impacts.

In the Protecting Our Water case, the court held that county well permitting decisions are subject to CEQA review if they have the potential to cause significant environmental impacts. Specifically, the court held that well permits that authorize new or increased pumping of groundwater may be subject to CEQA review if they could potentially cause significant impacts to the environment or public health.

The implications of the Protecting Our Water decision for county well permitting requirements are that counties may need to conduct more extensive environmental review of well permit applications to ensure compliance with CEQA. Moreover, the Protecting Our Water decision may also require counties to consider the cumulative impacts of multiple well permits or other related projects on groundwater resources and public trust values. This means that counties may need to adopt a more holistic approach to well permitting that takes into account the overall impacts of well pumping on the local hydrology, ecosystems, and communities.

It's worth noting that the application of the public trust doctrine to groundwater resources is still evolving, and there may be further case law developments that impact county well permitting requirements in the future.

Specific Public Trust Values

The primary considerations when describing public trust values are summarized in the following categories:

1. Surface water and aquatic ecosystems: In some parts of the county, groundwater resources are known to be interconnected with surface water resources such as rivers, lakes, and wetlands, and provide essential base flows to these systems. The County should consider the potential impacts of well pumping on surface water flows.
2. Water quality: Well pumping can alter water quality by changing the rate and direction of groundwater flow, resulting in contamination or depletion of aquifers and other groundwater resources, or causing seawater intrusion. The county should consider the potential impacts of well pumping on water quality, including its impacts on groundwater recharge, water availability, and contamination risks.

3. Climate change adaptation and resiliency: Groundwater pumping challenges are expected to be further exacerbated by climate change, increasing drought and wildfire risks, and changing hydrological patterns. The county must consider climate change adaptation and resiliency in the ordinance development, including its impacts on water supply reliability, ecosystem services, and social vulnerability.

To ensure that its well ordinance provides adequate protection to the public trust, Santa Cruz County will consult with relevant stakeholders, such as groundwater users, environmental groups, and climate scientists.

Fisheries Protection

On November 3, 2022, the NOAA National Marine Fishers Service sent a letter to the Santa Cruz County Board of Supervisors stating that:

South-Central California Coast steelhead, and Central California Coast coho salmon, listed as threatened and endangered (respectively) under the ESA, inhabit many of the navigable waterways (e.g., San Lorenzo River, Soquel Creek, Aptos Creek, Pajaro River) overlying the County, and should clearly be considered a public trust resource. We reiterate our view that groundwater development/extraction is likely currently impacting salmon and steelhead migration, rearing, and spawning habitat, and thus harming public trust resources. We urge the County to enact a discretionary permitting process for well construction and groundwater extraction within Santa Cruz County that appropriately considers and minimizes these impacts.

Although the County disputed some of the evidence for established interconnection of groundwater and surface water presented in the letter, it acknowledges that where interconnection is known or may exist, the updated Chapter 7.70 of the County Code should be sufficiently protective of fisheries resources.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) was passed in California in 2014 to address the overuse of groundwater and ensure its sustainable management. Local Groundwater Sustainability Agencies (GSAs) are required to develop groundwater sustainability plans (GSPs) under the Act to achieve sustainable groundwater management.

In response to the passage of SGMA, Santa Cruz County should update its water well ordinance to align with the requirements of the Act. These updates should aim to ensure that new groundwater wells do not compromise the sustainability of the local groundwater basin and that they are consistent with the groundwater sustainability plans developed under SGMA.

Some possible considerations are discussed below:

GSA Review of Well Permit Applications

In 2022, Executive Order N-7-22 Paragraph 9 went into effect, requiring Counties to ensure that non-de minimis wells not serving a water system will not impact existing surrounding wells before permits can be issued. Additionally, the Order requires GSAs confirm, when applicable, that the proposed new wells would not be inconsistent with the GSP. It is important to note that although the Executive Order is temporary, it remains in effect until it is rescinded by the Governor. and there is proposed state legislation that may make this requirement a permanent one. During the well ordinance update the County should consider whether GSA review should be a requirement after the Executive Order is rescinded.

GSP Project and Management Actions

Ensuring that groundwater basins are not harmed by wells through over pumping or contaminant introduction is a crucial aspect of sustainable groundwater management. Equally important is the alignment of the well ordinance with GSP-supported Projects and Management Actions (PMAs). For instance, exclusion zones are required around injection sites for recycled water projects, and allowing a well to be permitted within an exclusion zone could jeopardize the project's success.

While specific PMAs could be listed in the ordinance update, it is more practical to include language that is general, rather than mention specific projects. Since GSPs are updated every five years and PMAs are likely evolve, incorporating such language in the well ordinance would ensure continued compliance with evolving state requirements.

Groundwater Emergency Declaration

Section 7.70.130 states:

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the safe yield in order to prevent further depletion and degradation of water resources where such degradation threatens the public health, safety and welfare of the community and where the Board of Supervisors finds that adequate measures are not already being taken to alleviate the overdraft situation.

The above section was written before the passing of SGMA and requires reevaluation in light of the authorities now granted to the GSAs to manage groundwater. One consideration is to add the GSAs to the text as an entity that can recommend a groundwater emergency and serve as the likely source of the reports. Alternatively, the section could potentially be removed entirely, as the GSAs may make the County's role in groundwater management redundant. During the Drought Response Working Group meetings, it was recommended to clarify the "triggers" for a groundwater emergency, although this recommendation was not formally adopted.

Soquel Creek Water District Well Moratorium

The current text of section 7.70.120 prohibits the development of new wells within 200 feet of a main line operated by the Soquel Creek Water District (SqCWD). This measure was put into place to address the issue of seawater intrusion. However, the section provides exemptions for agricultural water use, which has led to the installation of new wells that appear to be primarily used for domestic purposes. During the update of the well ordinance, it is important to consider better defining and possibly tracking agricultural water use to address this issue. However, if the GSAs are given authority to review all new agricultural wells, then this consideration may not be necessary. The GSAs may determine that the water use is inconsistent with the GSP, and therefore the County would not be able to issue the permit.

Drought Response and SB 552

Senate Bill (SB) 552 mandated that Counties develop a plan to address their role in drought mitigation for private wells and state small water systems. To comply with this, Santa Cruz County engaged a diverse Drought Response Working Group in a year-long stakeholder-driven process to develop the Santa Cruz County Drought Response and Outreach Plan (DROP). While the primary focus of the DROP was on outreach to inform residents relying on private wells and state small water systems about available services, some longer-term outcomes were identified with relevance to the well ordinance update.

As a part of the DROP development, staff conducted several mapping exercises, including identification of “problem areas” in terms of water quality and water supply. The Working Group raised the question of what measures the County would take, if any, to prevent new wells from being placed in these “problem areas.” The rationale behind this is that areas with known water supply challenges, where individual water users have faced the need for drilling new wells, should not be allowed to be impacted by new users. The current well ordinance does not have any provisions for denying well permits based on these terms, except within the Soquel Creek Water District boundary.

Cultural Sites and Tribal Review

The current well ordinance lacks provisions for tribal review or assessment of culturally sensitive sites. However, Chapter 16.40 of the County Code recognizes the importance of protecting areas of significance for Native Americans and preserving their historic, cultural, educational, and scientific value. This chapter establishes regulations for the protection, enhancement, and perpetuation of Native American cultural sites to promote the public welfare and implement the policies of the County’s General Plan and the Land Use Plan of the Local Coastal Program.

During a recent well permit application, a disconnect between the Environmental Health well permit review process and the recognition of cultural sites was brought to light. The update to the well ordinance should be consistent with Chapter 16.40. If necessary, language should be

added to the well ordinance to prevent new production wells from ministerial approval if they are within 500 feet of a mapped archaeological sensitive area or require review by the Environmental Coordinator.

It is important to engage with the Native American tribal representatives within the County to ensure that their interests and concerns are taken into account in the update to the well ordinance.

Well Specification Updates

Confirm that the language in the Well Ordinance sufficiently allows for the incorporation of updates to well specifications that the state develops.

Borehole Drilling and Destruction Inclusion

The current language in Well Ordinance 7.70 does not align with the standards set forth in Bulletins 74-81 and 74-90, which require permitting and agency oversight of soil boring construction and destruction. California State Water Code Section 13801 mandates that all well permitting agencies align with these Bulletins.

Regulatory oversight of borehole drilling and destruction is crucial to protect public health and groundwater. Improperly destroyed soil borings can create preferential pathways for contamination, which are routes of least resistance for fluid flow or more permeable features than surrounding materials. Disturbed sediments, unless properly compacted, are more porous and permeable than naturally deposited ones, making man-made preferential pathways a potential risk for groundwater contamination.

To address this issue, the Santa Cruz County Environmental Health Division is establishing a soil boring destruction program based on the Regional Water Quality Control Board (RWQCB) model ordinance, which was adopted in California State Water Code Section 13801. The model ordinance requires soil borings that intersect groundwater to be properly destroyed per the requirements in Bulletin 74-81 and supplemental Bulletin 74-90. However, depth to water is highly variable in Santa Cruz County, and not providing a soil boring depth requirement for permitting can create confusion for the regulated community.

Moreover, the model ordinance does not provide a regulatory standard for borings advanced at a site with known or suspected contamination. To address this, adopting boring permitting standards in the Well Ordinance will enable the agency to enforce state minimum standards while adopting additional standards to protect local conditions. Bulletins 74-81 and 74-90 Limitations of Standards state that "Local enforcing agencies may need to adopt more stringent standards for local conditions to ensure groundwater quality protection."

In summary, updating the Well Ordinance to align with Bulletins 74-81 and 74-90 and establishing regulatory oversight of borehole drilling and destruction will ensure the protection of groundwater quality and public health.

Agriculture and Disadvantaged Communities

Updates to the Well Ordinance should remain consistent with policies and regulations that aim to preserve agricultural lands, cultural heritage and economic diversity in Santa Cruz County. Agriculture is a major industry in the County and residents and workers that rely on agriculture for their income and livelihood represent diverse communities. When developing approaches to meet new requirements of local, state and federal agencies, consideration should be given to accessibility and feasibility of groundwater pumping for all County residents and workers.

Santa Cruz County agriculture has a gross market value of roughly \$600 million (Santa Cruz County Agricultural Commissioner Crop Report, 2021). Roughly 20% of the land is zoned for agricultural uses, with the majority being commercially irrigated crops.

Santa Cruz County plans and policies preserve agricultural land as an essential and irreplaceable resource for future generations. The Santa Cruz County Strategic Plan (2021-2023) includes a goal to protect and restore natural resources, including water, air, forests, coastline and agricultural lands. Chapter 5 of the Santa Cruz County Sustainability Update (adopted by the Board of Supervisors in 2022) includes policies and implementation strategies to preserve agricultural lands, limit conversion of these lands, and support the viability of small local farms. The preservation of agricultural land and support for the local agricultural economy is addressed comprehensively through the Zoning Ordinance and the Agricultural Land Preservation and Protection Ordinance.

While the average farm size in the County is about 100 acres, most farms are relatively small and many are family-based and/or owned by beginning farmers. Eighty percent of farms are less than 50 acres in size, and the median farm size is about 10 acres (USDA National Agriculture Statistics Service, 2017). Among the challenges that farmers navigate are increasing regulatory compliance, shortage of labor, shortage of available land, and market pressures. This has led to consolidation and centralization of many farming operations and further challenges the viability of small farms.

Santa Cruz County residents and workers that rely on agriculture for their income and livelihood represent diverse communities. Most farms and farmworkers are located in south Santa Cruz County, where residents largely represent economically disadvantaged communities and historically underserved populations (disadvantaged is defined by California Water Code as a community with an annual median household income that is less than 80% of the Statewide annual median household income). Many farmers lease their land. It is not known how/if responsibility for navigating the well application process, incurring costs

of the application process, and costs of drilling the well, are assumed by the landowner or by the lessee. Current fee for a well construction permit is \$2,038 and costs of drilling a well are in the range of \$150-\$200 per foot.

Well Ordinance Update Process

3-28-2023

1. Data Collection and Process Review (staff)
 - a. Share Technical Memorandum explaining considerations for update.
 - b. Research policies from other counties, consult experts
 - i. Cross reference DWR and other mandates
 - c. Review County data/metrics
 - i. Staff time requirements
 - ii. Current County requirements in other ordinances which need to be
 - iii. Statistics about well permit frequency and type
 - d. Meet with CDI Planning staff
2. Prepare draft Well Ordinance Update Recommendations Table (staff):
 - a. Existing Ordinance language
 - b. Updated/recommended language (as feasible)
 - c. Create questions for TAC
 - d. Collect and review reference materials
3. Engage WAC for review and approval (WAC and staff)
 - a. Review and improve proposed process
 - b. Review and improve draft Recommendations Table and TAC Questions
 - c. Review and advise on TAC membership
4. Engage TAC (list below)
 - a. Multiple meetings to finalize recommendations
 - b. May address the Well Ordinance and additional process/paperwork items as well
5. Engage key partners for review and revisions
 - a. Updated draft Recommendations
6. Provide conceptual/draft updated Well Ordinance to BOS for review and approval
7. Complete CEQA/environmental review
 - a. Work with Planning
8. Engage Planning Commission for review and approval
 - a. Coordinate with Planning
9. Provide updated Recommendations to BOS for review and approval
10. Provide updated Recommendations to Coastal Commission for review and approval
11. Distribute to GSAs, cities, local jurisdictions and develop formal agreements if needed

Well Update Technical Advisory Committee Representatives

Community Development and Infrastructure - Planning
Department of Water Resources
Santa Cruz Farm Bureau
Environmental Health Land Use
Environmental Health Site Mitigation
Well Driller
Water Advisory Commission
Groundwater Sustainability Agencies
Biotic resources -NMFS
Biotic resources -CDFW
Hydrogeologist
Working lands/Agriculture

BROWN ACT TELECONFERENCES AND REMOTE MEETINGS

Source: Santa Margarita Groundwater Agency

Government Code Sections 54953(b) and (f)

	PRE-PANDEMIC TELECONFERENCE RULES	AB 2449 (effective January 1, 2023)
1) Teleconference Methods Allowed	Audio, or video, or both	At least one of the following are required: (i) A two-way audiovisual platform. (ii) A two-way telephonic service and a live webcasting of the meeting.
2) Quorum and Location of Board Members	At least a quorum of the board must participate from teleconferencing locations within the jurisdiction of the local agency. There is no limit on the numbers of board members who may fully participate in a meeting by teleconferencing.	At least a quorum of the members of the legislative body shall participate in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction
3) Notice and Agenda Requirements	Each teleconference location must be identified in the notice and agenda of the meeting. Although the law is not specific as to what “identification” is required in the notice, local agencies should give the teleconferencing location, the street address, any suite or office number, and could even provide a link to a map of the location.	The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 --via a call-in option, --via an internet-based service option, --and at the in-person location of the meeting.
4) Posting Of Agendas	Agendas must be posted at each teleconference location. Where practical, the agendas should probably be posted both outside the main facility of a teleconference location at a main entrance (e.g., outside an office building) and outside the specific teleconference location (e.g., outside the particular room or office door)	No need to post Agendas at each remote location.

	PRE-PANDEMIC TELECONFERENCE RULES	AB 2449 (effective 2023)
5) Accessible to the Public	<p>Each audio/teleconference location must be made accessible to the public.</p> <p>Not all locations are accessible, such as car telephones or offices not accessible to the public. More difficult issues arise in accommodating board members confronted with hospital confinement, immunocompromising diseases, or treatments that limit public exposure.</p>	<p>No need to make the teleconference location accessible to the public.</p>
6) Opportunity for Public To Participate	<p>The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.</p> <p>All audio and video hookups must ensure that all members of the board can hear and respond to public comments from all locations.</p> <p>The public is entitled to hear all board deliberations.</p>	<p>The public is not allowed to participate at the remote locations.</p> <p>In the event of a disruption in the “call in” option or the internet based service option, of if the public cannot participate, then the legislative body shall take no further action.</p> <p>Local agencies cannot require public comments to be submitted in advance.</p>
7) Rollcall Vote	All votes must be by rollcall	All votes must be by rollcall.
8) <u>Additional Requirements for AB 2449: Just Cause and Emergency Circumstances, Definitions</u>		<p>“Just Cause” and “Emergency Circumstances”</p> <p>(1) “Just cause” means any of the following: (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. (B) A contagious illness that prevents a member from attending in person. (C) A need related to a physical or mental disability as defined in GC Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g). (D) Travel while on official business of the legislative body or another state or local agency.</p> <p>(2) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.</p>

		AB 2449 (effective 2023)
		<p><u>Just Cause:</u> (i) The member <u>notifies the legislative body at the earliest opportunity possible</u>, including at the start of a regular meeting, of their need to participate remotely <u>for just cause, including a general description of the circumstances relating to their need to appear remotely</u> at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than <u>two meetings per calendar year</u>.</p>
<p>9) <u>Additional Requirements for AB 2449: Just Cause Initiated by Member Notice</u></p>		<p><u>Emergency Circumstances:</u> (ii) The member <u>requests</u> the legislative body to allow them to participate in the meeting remotely <u>due to emergency circumstances</u> and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act. For the purposes of this clause, the following requirements apply:</p> <p>(I) A member shall make a <u>request</u> to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a <u>separate request</u> for each meeting in which they seek to participate remotely.</p> <p>(II) The legislative body <u>may take action</u> on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body <u>may take action</u> at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2, which provides:</p> <p>The legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.</p> <p>...(4) To consider action on a request from a member to participate in a meeting remotely due to <u>emergency circumstances</u>, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a <u>majority vote</u> of the legislative body.</p>
<p>10) <u>Additional Requirements for AB 2449: Emergency Circumstances Initiated by Member Request and Board Action Required</u></p>		

		AB 2449 (effective 2023)
11) <u>Additional Requirements</u> for AB 2449: Disclosure of Persons Present at Remote Location		The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.
12) <u>Additional Requirements</u> for AB 2449: Both Audio and Visual Technology Participation Required		The member shall participate through both audio and visual technology.
13) <u>Additional Limitations</u> for AB 2449:		No member can participate in a remote meeting for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.
14) <u>AB 2449</u>: What’s the difference between “just cause and emergency circumstances”?		Comment: In practice, the similarities between "just cause" and "emergency circumstances" makes it difficult to determine when each category should be used and which facts lead to one or the other.
15) <u>Effective Dates of AB 2449</u>.		AB 2449's rules remain in effect through 2025. After January 1, 2026, unless further legislation is adopted, only the pre-pandemic, traditional Brown Act rules will remain in effect.



County of Santa Cruz
Health Services Agency ♦ Environmental Health



Water Advisory Commission

701 Ocean Street, Room 312, Santa Cruz, CA 95060

(831) 454-3154 TDD/TTY -Call 711 www.scceh.com

EnvironmentalHealth@santacruzcounty.us

Subject: April 5, 2023 Water Advisory Commission (WAC) Agenda Item

Title: DROP Implementation Update

Recommended Action: Informational only


At the December 1, 2021 meeting, the WAC voted to take responsibility for implementing Senate Bill (SB) 552. SB 552 required the County to write a plan that includes potential water shortage risk analysis and proposed interim and long-term solutions for State Small Water Systems (SSWS) and domestic wells. This plan is now referred to as the Santa Cruz County Drought Response and Outreach Plan (DROP). Sean Abbey, Water Quality Specialist in the Water Resources Division, has taken the lead on the implementation of the DROP.

Since the Board of Supervisors approved the DROP in December of 2022, staff has created a draft web portal for both domestic wells and SSWSs that utilize the information gathered in creating the DROP. These pages are intended to act as a single repository for both informational and direct support resources. Currently, these pages are not public, but we intend to make them accessible in May once the support resources below are ready.

The County is finalizing the grant agreement with the State Water Resources Control Board that will pay for staff time, outreach, lab equipment to test heavy metals, water hauling, bottled water, and treatment devices for qualifying residents. The County is also eligible to apply for a further \$125,000 non-competitive grant to continue this work and potentially expand testing to every well owner, not just those who are income limited. As contractors are signed to provide these services, the applications will be added to the webpages to allow individuals to request the service.

To raise awareness of the resources above, we will be creating and distributing mailers to all parcels served by a domestic well and holding at least two in person events that will help to spread the word about these programs. We will also host a Small Water Systems Forum meeting on the topic. These events will happen in late summer and early fall, by which time the contractor for both water hauling and treatment installation should be in place.

The full implementation plan is summarized in the attached document.

By: 

Sean Abbey

DRAFT DROP IMPLEMENTATION TIMELINE

2023

○ **MARCH**

- Outline RFP for Treatment Device installers
- Create draft applications for Water Hauling and Treatment Device
- Confirm ELAP cert requirements with grant manager
- Clarify what we will be testing for.
- Audrey to talk to Kennedy about the data management – structure of WQ database is the best.

○ **APRIL**

- Finalize Water Hauling application, add to website
- Make needed changes to website
- Provide Draft RFP for Treatment Installers to County GSD
- Set up a call with RCAC and CWC. Ask about targeted areas and feedback on outreach materials.

○ **MAY**

- Website goes live
- Website link sent to SSWS contacts and Private wells in the sounding program
- Determine process with Water Quality to sample wells for treatment.
- Plan for application to new DWR non-competitive grant

○ **JUNE-AUGUST**

- Sean on part time for Pat Leave
- Gauge reactions, gather feedback, incorporate as appropriate
- RFP Approved by BOS and distributed to installers, contract signed
- Put Treatment application on webpage
- Create mailing list for all private wells
 - Divide mailing list into a North County and South County?
- Create mailers for Private wells, translate into Spanish
- Distribute mailers, Press Release, Schedule in person events
 - Use MGA brochure as a starting point
 - Include information about services as well as tips

○ **SEPTEMBER**

- Create presentation materials for events
- Present to BoS as part of the kickoff.
- Hold in person events at Felton Library and Watsonville Library
 - Depending on interest, schedule additional event. Spanish translation for both
- **OCTOBER**
 - In person events held.
- **NOVEMBER**
- **DECEMBER**

Water Advisory Commission,

Please find the following letters from concerned customers of Big Basin Water Company included. The current situation deserves prompt attention and action.

Please see the attached bill analysis of possible California Public Utilities Commission actions.

We appreciate your time and consideration.

SENATE ENERGY, UTILITIES AND COMMUNICATIONS COMMITTEE
ALEX PADILLA, CHAIR

SB 489 - Fuller
April 16, 2013
As Amended:

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April 2, 2013

Hearing Date:
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DESCRIPTION

Current law authorizes the California Public Utilities Commission (CPUC) to regulate public utilities, including water corporations, and to require a water corporation to provide adequate and reliable water service to its customers at just and reasonable rates.

Current law authorizes the CPUC to petition a local superior court to appoint a receiver to assume possession and operate a water corporation system if the CPUC determines, after notice and hearing, that the water corporation is unable or unwilling to adequately serve its ratepayers, has been actually or effectively abandoned by its owners, or is unresponsive to CPUC rules or orders.

Current law authorizes a superior court to appoint a receiver for a water corporation upon petition of the CPUC and to require the receiver to post a bond and comply with the orders of the court and protection of all property rights involved; and requires the court to provide for the disposition of the water facilities and system in like manner as any other receivership proceeding in this state.

This bill authorizes the CPUC, as an alternative to petitioning a superior court to appoint a receiver, to enter into an agreement with another water corporation or qualified entity to serve as an interim operator of the water system, provides that this interim operator shall have the powers of a receiver, and authorizes the CPUC to approve the sale of the water corporation to a new owner without any court involvement.

Current law, Section 1759 of the Public Utilities Code, provides that jurisdiction to review, reverse, correct, or annul any CPUC order or decision is with the state court appeal and California Supreme Court, with no interim review by any state superior court.

This bill adds to the current law authorizing the CPUC to petition a superior court to appoint a receiver a declaration that, pursuant to Section 1759, this court has no authority to modify any CPUC determination of the ability of an owner or operator to continue to operate a water or sewer system and provide safe and reliable service.

BACKGROUND

CPUC Regulates Privately Owned Water Utilities - About 120 investor-owned water corporation utilities subject to CPUC jurisdiction provide roughly 20 percent of the residential water used in California. The CPUC classifies these water utilities by their number of service connections, including 10 Class A companies with more than 10,000 service connections; 6 Class B companies with more than 2,000 service connections, 22 Class C companies having more than 500 service connections, and 83 Class D companies with less than 500 service connections. The CPUC sets rates for these water utilities and requires that they provide adequate and reliable water that meets all applicable state and federal water quality standards.

Each of these water corporations subject to CPUC jurisdiction, although heavily regulated and obligated to serve any customer in its service territory, is privately owned. In contrast, about 80 percent of the state receives water service through a public water utility owned and operated by a city, county, water

agency, or other governmental unit, each with its own regulatory body.

Constitutional Protection of Private Property - The U.S. Constitution, through the Fifth and Fourteenth Amendments, provides that no person shall be deprived of property without due process, generally held to be notice and hearing at a minimum.

CPUC Authority to Seek New Owner - If the CPUC determines that a water utility is abandoned by its owner or becomes insolvent or is otherwise unresponsive to CPUC rules and orders, the CPUC is authorized by statute to seek the appointment of a receiver to take over the operation of the water company and sell its assets to a potential buyer. The petition for receivership must be filed in superior court in the county in which the utility is located. Over the past 12 years, the CPUC has petitioned a superior court to appoint a receiver for seven different small sewer and water companies, all of which are small Class D water company utilities having 500 or fewer service connections. The disposition of each petition is as follows:

Company Filed	Outcome	Court Where Petition
Mineral City Water Co.	receiver	Tehama County
Ponderosa Sky Ranch Water Co.	receiver appointed	Tehama County
Conlin-Strawberry Water Co.	County resolved w/o receiver	Tuolumne
Golden Hills Sanitation Co.	appointed	Kern County
Arrowhead Manor Water Co. County	receiver appointed	San Bernardino
Yermo Water Co. County	receiver appointed	San Bernardino
Live Oaks Springs Water Co. County	pending	San Diego

Receiverships Protect Property Interests - The appointment of a receiver is a way to protect assets and property interests pending the outcome of litigation or other legal dispute. California Code of Civil Procedure Section 564 authorizes court appointment of a receiver in a variety of actions, including

upon petition of the CPUC for a water or sewer corporation that the CPUC has determined is unable or unwilling to provide adequately service, has abandoned service, or is unresponsive to CPUC rules or orders.

California Rule of Court 3.1179 states that, "The receiver is an agent of the court, not of any party to the litigation, and as such: (1) is neutral; (2) acts for the benefit of all who may have an interest in the receivership property; and (3) holds assets for the court, not the plaintiff nor the defendant." Unless the parties file a written consent, a receiver may not be a party, an attorney of a party, a person interested in the action, or a person related to any judge of the court by consanguinity or affinity within the third degree (Code of Civil Procedure Section 566).

Legal experts generally observe that appointment of a receivership is a drastic remedy in that it amounts to wresting control of property from the owner's hands. Thus, "ordinarily if there is any other remedy, less severe in its results, which will adequately protect the rights of the parties, the court should not take property out of the hands of its owners." Alhambra-Shumway Mines Inc. v. Alhambra Gold Mine Corp., 116 Cal.App.2d 869 (1953). "California rigidly adheres to the

principle that the power to appoint a receiver is a delicate one which is to be exercised sparingly and with caution." Morand v. Superior Court, 38 Cal.App.3d 347 (1974).

Powers of a Receiver - A receiver's powers are those specified in any applicable statute and orders of the appointing court. The receiver acts under the court's control and continuous supervision. Section 568 of the Code of Civil Procedure provides the following: "The receiver has, under the control of the Court, power to bring and defend actions in his own name, as receiver; to take and keep possession of the property, to receive rents, collect debts, to compound for and compromise the same, to make transfers, and generally to do such acts respecting the property as the Court may authorize."

The Public Utilities Code Section 855 provides more specifically that a receiver may be appointed for a water or sewer corporation "to assume possession of its property and to operate

its system upon such terms and conditions as the court shall prescribe" and authorizes the court to require the receiver to post a bond and comply with the orders of the court and protection of all property rights involved; and requires the court to provide for the disposition of the water facilities and system in like manner as any other receivership proceeding in this state.

Court Review of CPUC Decisions - The California Constitution establishes the CPUC to regulate public utilities "subject to control of the Legislature" and grants the Legislature plenary power to, among other things, establish the manner and scope of court review of commission action. The Legislature, through Section 1759 of the Public Utilities Code, provides that jurisdiction to review, reverse, correct, or annul any CPUC order or decision is with the state court of appeal and California Supreme Court, with no interim review by any state superior court.

COMMENTS

1. Author's Purpose . According to the author, "this bill would make it easier for the CPUC to remove recalcitrant, incompetent, and absentee owners of water utilities who have refused to cooperate with the CPUC's regulatory oversight. Instead of a cumbersome two-step process to have a receiver appointed to take over operations of these companies, the revised statute would allow the CPUC itself to find and appoint an interim operator who would have the powers of a receiver. The CPUC would be in a position to directly monitor the activities of the interim operator and the operator would not have to seek the Superior Court's approval (in addition to the CPUC's) to make major decisions about the management of the water utility."

2. Safe and Adequate Water Service . The goal of this bill to remove a "recalcitrant, incompetent, and absentee" owner of a water utility as quickly as possible is generally consistent with the CPUC's obligation to ensure that water utilities provide customers adequate and safe water service. The seven cases in the past decade where the CPUC petitioned a court to appoint a receiver included instances

of utility owners using untreated creek water with excessive levels of lead after a tank began leaking, customers left with no water during a week of 100 degree days, and threat of intent to cease all sewer service in two weeks. In each case, the CPUC made a determination that the current owner was unwilling or unable to comply with CPUC requirements to provide safe and adequate water.

3. "Drastic Remedy" of Receivership Takes Time . The CPUC's primary reason for wanting to eliminate the requirement to go to court to appoint a receiver and find a new owner for a water utility is that the court process takes too much time and is too expensive. The CPUC claims the requirement

to go to court is burdensome because it requires CPUC attorneys based in San Francisco to travel to distant local courts, file detailed notice and other trial court litigation documents with which they are not familiar, and educate local judges about CPUC regulation. The CPUC also claims that docket congestion and state budget cuts to the court system have exacerbated the delay in getting action on receivership petitions.

In addition, the CPUC claims that a water corporation owner's due process rights are adequately protected because the owner can participate and be represented in the CPUC investigation and hearing on whether that owner is providing adequate water service. Any additional due process afforded by a court proceeding is duplicative of CPUC protections, the CPUC claims.

It is significant, however, that the ultimate remedy the CPUC seeks to unilaterally impose - without court involvement if this bill is enacted - is to deprive a water corporation owner of private property. This is a more drastic remedy than an agency imposing fines or penalties for violating its rules. Moreover, even if the CPUC's proceedings afford some due process to the water corporation, other parties who may have a property interest in the water corporation assets have an opportunity to protect them in the local court where the utility is located and public notice of the receiver petition is made. Indeed, the CPUC gives examples in its recent receiver cases where other parties asserted property interests

through the local court - a community property interest of a former spouse and an easement interest.

4. Expedited Court Action is Possible . According to the CPUC, in March 2012, it was successful in getting a Kern County court to appoint a receiver to take over the Golden Hills Sanitation Company within only 29 days after filing an application for expedited action. In that case, the utility notified customers that it intended to cease providing sewer service in two weeks, which would have made customer homes inhabitable. This case demonstrates that expedited action is possible without removing the long-standing requirement of going to court to deprive a utility of private property in order to protect all affected property interests. Thus, the author and committee may wish to consider amending the bill to strike the provision authorizing the CPUC's alternative procedure that gives an interim operator powers of a receiver and instead require the CPUC, as part of filing a petition to appoint a receiver, to take all reasonable steps to seek expedited court action on appointment of a receiver when necessary to protect utility customers from inadequate service that poses an imminent threat to public health and safety.

5. Appellate Review Provision Not Applicable . The CPUC states that superior court action on a CPUC receivership petition is purely ministerial and administrative because Section 1759 of the Public Utilities Code deprives a superior court from making any change to the CPUC's decision that the owner is unfit to provide utility service. However, Section 1759 relates to appellate jurisdiction, specifies generally that court review of CPUC decisions is with the court of appeal and California Supreme Court (rather than trial courts first), and says nothing about the superior court receivership process authorized in separate statutes. Moreover, the CPUC could not identify any court ruling citing Section 1759 as a limitation on a court's authority to act on a CPUC petition to appoint a receiver. Thus, the author and committee may wish to consider amending the bill to strike the following language in subdivision (a) of Section 855:

The court shall presume that any finding,

conclusion, or determination in a final decision or order of the commission pursuant to this section is true and correct. Pursuant to

subdivision (a) of Section 1759, the superior court does not have authority to modify any action or determination by the commission as to the ability of the owner or operator to continue to operate the water or sewer system and provide safe and reliable service.

6. Double Referral . Should this bill be approved by the committee, it will be re-referred to the Senate Committee on Judiciary for its consideration.

POSITIONS

Sponsor:

California Public Utilities Commission

Support:

California Water Association
Division of Ratepayer Advocates
The Greenlining Institute
The Utility Reform Network

Oppose:

None on file

Jacqueline Kinney
SB 489 Analysis
Hearing Date: April 16, 2013

March 5, 2023

To Whom it May Concern,

I am writing to you as a resident in Santa Cruz County and a customer of Big Basin Water Co regarding the ongoing and future water service challenges faced by our community. Big Basin Water is the sole water utility provider for 500-600 customers in a rural area of Santa Cruz County near Boulder Creek. While I do believe that Big Basin Water Company tries their best, they are in over their heads. We are in a crisis situation which has already gone over a cliff and is in freefall approaching a devastating crash at the end. We are in desperate need of assistance.

Water service outages of varying duration are an unfortunately common occurrence. Many outages are caused by failing infrastructure which has not been adequately maintained or updated; others by inadequate supply and missing infrastructure. To be blunt, the system is falling apart and the company lacks sufficient manpower and funds to maintain it. While the current situation presents ongoing difficulties to the community, something I expand on further below, it is the future risk of widespread failure of indefinite duration which poses the gravest concern.

Multiple examples illustrate the real and very high risk of widespread water service loss of indefinite duration. For example, the atmospheric storms of Dec 2022 and Jan 2023 caused infrastructure damage resulting in the loss of water service to both the Branson Ranch neighborhood (destroyed water pump) and part of China Grade Rd (destruction of water main). In the aftermath of the storms, residents were dismayed to be told by Big Basin Water that the company did not have the funds to restore service. No alternative plans or hope of restoration in a reasonable timeframe were provided. Residents of China Grade Rd offered to pay for the cost of supplies themselves, and while that offer was not turned down, there was no action to move forward. After local TV news coverage, neighboring water company SLV Water stepped in to provide supplies, equipment, and manpower to restore water service to these two areas. This unique circumstance came about because SLV Water was evaluating the potential to absorb Big Basin Water Company area into their service district. These two instances were not the first time that SLV Water interceded to effect system repairs. However, as of February 2023, SLV Water suspended consideration of a merger with Big Basin Water and furthermore, gave notice terminating any future assistance to Big Basin Water Company. This leaves the community with grave concern – what happens the next time there is a serious failure? The most likely outcome is that service simply will not be restored and sections of the Big Basin Water service area will drop off the service grid, leaving neighborhoods without water for indefinite periods of time. Homes will become uninhabitable long term and residents fear they may be faced with their homes being red-tagged by the county.

Water supply for fighting wildfires is another very important topic. Firefighters rely on local water supply from both fire hydrants and water storage tanks to help battle wildfires. Homeowners can and do shoulder some of this responsibility by installing private water tanks on their property when they have the ability to do so, but it is unrealistic to place the entire burden of firefighting water supply on residents. The water company has the obligation to contribute with reliable, stable water of sufficient pressure and volume, along with company water tanks (which perform dual duty of providing resident

supply and firefighting water source). Over 900 homes were lost in Santa Cruz County during the CZU fire – how many will it be next time if firefighters don't have the necessary resources to defend homes?

As mentioned earlier, while the future risk of catastrophic failure looms with the highest concern, there are also current hardships imposed by the situation. Water outages of varying duration and geographical scope are a common occurrence. The system is old, the infrastructure is failing, and Big Basin Water Company does not have the funds or manpower to address the situation. Timely communication from the company to customers regarding both outage updates and boil water notices has been inconsistent. In addition to outages caused by leaks, some more localized and quite frequent outages are caused by an inadequate water supply and a lack of key infrastructure. Homes at higher elevations experience water loss overnight several times a week, ranging from very low pressure to complete outage. Previous water tanks located at higher elevation, which would both help mitigate the supply limitation and serve as water supply during a fire, were removed. Rate increases were implemented with promises that such tanks would be replaced, yet this infrastructure remains missing a few years later. Almost daily outages to the impacted homes continue, and the firefighting resource is not in place.

It is the responsibility of both the water provider and of the State to ensure that drinking water is safe and healthy for the population to consume. However, failures from both of these entities have seriously eroded community confidence in this regard. Water providers in California are required to perform regularly scheduled testing of water quality, but Big Basin Water has failed to do so for prolonged periods. Testing was not performed during the period of Aug 2020 – Oct 2021. While it is certainly understandable that it was missed during the CZU complex fire (Aug-Sept 2020), testing was even more vital than normal as the system was brought back online in the aftermath of the fire¹. Big Basin Water told customers in Nov 2021 that "... In 2021 we were still dealing with the fire damage and didn't realize the State had sent reminders. All our test dates burned." As a water provider for decades the company should inherently know the testing requirements without needing files or reminders. If their performance is so dependent on paperwork and state oversight, then this brings into question their competence as water providers. This also highlights a glaring failure of the State. When a water company consistently misses required test result submission and doesn't respond to reminders, further action should be taken FAR earlier than was apparently done here.

Investigations by customers of Big Basin Water have discovered that the State has known of the problems with Big Basin Water for years. Citations were imposed, but beyond that there appear to have been no concrete actions taken to address this ongoing crisis until recently. Responsibility for this crisis is shared between the water company and those who had a duty to regulate it. This failure of the State and regulatory agencies highlights a broader problem beyond just Big Basin Water Company. The State needs to examine the fundamental flaws in their system which allow situations like this to perpetuate, and make concrete changes to ensure these failures cannot continue in the future.

Customers recently learned via independent channels that Big Basin Water Company has requested a 55% fee increase for the next two years. Customers were not informed as required. Speaking for myself, I would support a cost increase if and only if it would enable a resolution to the service and infrastructure problems. However, after repetitive failures and broken promises, many in the

community have no confidence that such a resolution will happen. If the company continues, there needs to be true accountability. There needs to be serious and concrete oversight, with real consequences and corrective actions taken in a timely fashion.

The community serviced by Big Basin Water Company desperately needs our elected officials and government agencies to step in and be active partners to achieve a resolution to this situation. I have heard talk of receivership and of the need of a public partner to qualify for federal infrastructure funds. I do not know myself what form a resolution should take; my specialties and education lay elsewhere. I am relying on my elected officials and other agencies, who do have the necessary knowledge, expertise, and authority, to fulfill their responsibilities and duty to us. We are reaching out to you. We are desperate, and we are counting on you.

Sincerely,

Dr. Alison Breeze
China Grade Rd
Boulder Creek, Ca

¹Water contamination by carcinogenic chemicals after fire damage poses a serious threat to health, a fact that was well documented and widely known following the 2017 Tubbs Fire (Santa Rosa, Ca) and 2018 Camp Fire (Paradise, Ca).

Hillhouse Farm

18070 China Grade Rd.

Boulder Creek, Ca 95006

March 5, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

There have been discussions and negotiations to merge BBW with the adjacent public company San Lorenzo Water District, however at the board meeting held on February 16, 2023, the board voted to terminate any further negotiations with Big Basin Water company. Many of the affected have tried to contact Bruce McPherson (our district supervisor) regarding this issue with no response.

We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been fulfilling their obligation to provide our community with a safe, reliable, and consistent water source. In addition, there are growing concerns the BBW system is not adequate for firefighting needs.

We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Joel Wickersham *Shandra Hunt*

Hillhouse Farm

Katherine and Mark Hayes

149 E Hilton Dr.

Boulder Creek, Ca 95006

March 5, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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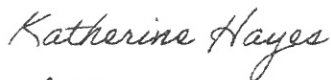
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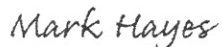
We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Katherine Hayes



Mark Hayes



Laurie Biggers
194 East Hilton Dr.

Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Laurie Biggers

Laurie Biggers

Melinda Boland
17300 Big Basin Way
Boulder Creek, CA 95006
831-440-6604

To whom it may concern,

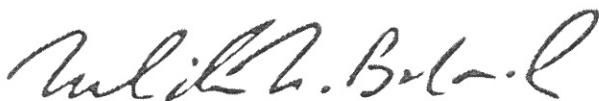
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There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.



Melinda N. Boland

Daniela Apostol

245 W. Hilton Dr.

Boulder Creek, Ca 95006

March 5, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been fulfilling their obligation to provide our community with a safe, reliable, and consistent water source. In addition, there are growing concerns the BBW system is not adequate for firefighting needs.

We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Daniela Apostol

Daniela Apostol

Frank Calabray
Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been fulfilling their obligation to provide our community with a safe, reliable, and consistent water source. In addition, there are growing concerns the BBW system is not adequate for firefighting needs.

We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Frank Calabray

Dennis Caracapa
330 Hill House Rd.

Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Dennis Caracapa

Dennis Caracapa

122 Cypress Tree Lane
Boulder Creek
CA 95006

February 13th 2023,

TO WHOM IT MAY CONCERN

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 600 families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code.

It has come to light that these issues existed prior to the fire and have been long standing. There is documentation that the California Public Utilities Commission has been aware BBW has operated for 10 years without a license and has not maintained the system up to code for much longer. The CPUP has not acted.

These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

There have been discussions and negotiations to merge BBW with the public company San Lorenzo Water District, but the community consensus is there hasn't been any progress. Many of the affected have tried to contact Bruce McPherson (our district supervisor) regarding this issue with no response.

We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been living up to their end of the bargain. We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Carrell".

LISA CARRELL

Mrs. Lisa Carrell
122 Cypress Tree Lane
Boulder Creek CA 95006

February 13th 2023,

TO WHOM IT MAY CONCERN

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been fulfilling their obligation to provide our community with a safe, reliable, and consistent water source. In addition, there are growing concerns the BBW system is not adequate for fire fighting needs.

We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



LISA CARRELL

February 20,2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

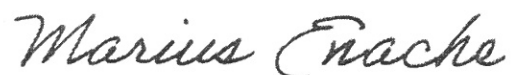
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

A handwritten signature in black ink that reads "Marius Enache". The signature is written in a cursive, flowing style.

Marius Enache

Erin Foley
185 Moon Dr.
Boulder Creek, CA 95006

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

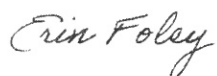
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Erin Foley

James Garden
676 Allan A Dale Rd

Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

James Garden

James Garden

Ben Gersick
420 Midway Ranch Rd.

Boulder Creek, CA 95006

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Ben Gersick

Ben Gersick

Janet Graul
865 W. Hilton Dr.
Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Janet Graul

Janet Graul

Larry Greene

lgreene71@gmail.com

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been fulfilling their obligation to provide our community with a safe, reliable, and consistent water source. In addition, there are growing concerns the BBW system is not adequate for firefighting needs.

We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Larry Greene

Gary and Janet Griffin

254 W. Hilton Dr. Boulder Creek, CA 95006

February 25, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Gary Griffin

Sincerely, Gary Griffin

Janet Griffin *Janet Griffin*

James and Marjorie Hawkins

131 Crows Nest Dr.
Boulder Creek, CA 95006

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

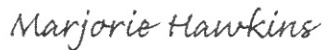
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely, James Hawkins



Marjorie Hawkins

William Hicok
650 Locksley Rd.

Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

William Hicok

William Hicok

Mary Hicok
650 Locksley Rd.

Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Mary Hicok

Yvonne Hopkins
187 E. Hilton
Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.


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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Yvonne Hopkins

Michael Hughes
676 Allan A Dale Rd

Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Michael Hughes

Michael Hughes

Dan Hughes

153 E Hilton Dr,

Boulder Creek, CA 95006

February 18, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Dan Hughes

Dan Hughes

Bruce Johnson
15999 Big Basin Way Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Bruce Johnson

Bruce Johnson

Jeannie Kendrick
549 Memory Lane

Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Jeannine Kendrick

Misty Kluesner
221 W. Hilton Dr.

Boulder Creek, CA 95006

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Misty Kluesner

Misty Kluesner

Jeannette Larson
140 Coffeeberry
Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Jeannette Larson

Jeannette Larson

Julie Lucia
112 Cypress Tree Ln.

Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Julia Lucia

Julie Lucia

Chris Lucia
112 Cypress Tree Ln.

Boulder Creek, CA 95006

March 4, 2023

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I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

chris lucia

Chris Lucia

Coco McAuliffe
18285 China Grade Rd. Spc 17

Boulder Creek, CA 95006

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Coco McAuliffe

Lisa Mongetta
340 Lake Dr.
Boulder Creek, CA 95006

February 27, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Lisa Mongetta

Lisa Mongetta

Janis Nelson
16641 Big Basin Way B

Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

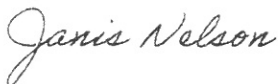
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Janis Nelson

Marthann Noce
273 W. Hilton Dr.
Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

There have been many discussions with the owners, and we have been given many excuses as to why they can't provide us with consistent and safe water. The owners of BBW blame their incompetence predominantly on the fire damage and the fact that they're a private small business who hasn't been able to pass a rate increase to cover the costs of keeping their system up to code. They state this is also the reason why they aren't eligible for assistance. It has come to light that these issues existed prior to the fire, have been long standing, and have been documented by the CPUC and the State Water Board. These are not acceptable excuses for why their customers are still struggling to have reliable and safe water service.

There have been discussions and negotiations to merge BBW with the adjacent public company San Lorenzo Water District, however at the board meeting held on February 16, 2023, the board voted to terminate any further negotiations with Big Basin Water company. Many of the affected have tried to contact Bruce McPherson (our district supervisor) regarding this issue with no response.

We deserve clean, drinkable water. We pay our bills. We pay our taxes. Our elected officials and BBW have not been fulfilling their obligation to provide our community with a safe, reliable, and consistent water source. In addition, there are growing concerns the BBW system is not adequate for firefighting needs.

We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Marthann Noce

Marthann Noce

Diana and Richard Rohrbough

18285 China Grade Rd. Spc 5

Boulder Creek, CA 95006

February 28, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Diana Rohrbough

Diana Rohrbough

Richard Rohrbough

Richard Rohrbough

Devin Runneals
113 Culligan Ct.
Boulder Creek, CA 95006

February 27, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Devin Runneals

Devin Runneals

Sue Seeger, Realtor
CalBRE #01716913
David Lyng Real Estate

Feb. 18, 2023

To whom it may concern,


I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Sue Seeger

Kris Taylor
101 Culligan Court Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Kris Taylor

Kris Taylor

Beverly Thompson

187 E Hilton Dr

Boulder Creek, CA 95006

March 3, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

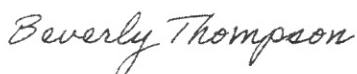
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Beverly Thompson

Ann Thryft
15520 Big Basin Way

Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

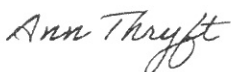
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Ann Thryft

Sue Welsh
Boulder Creek, CA 95006

March 4, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,



Sue Welsh

Adam and Sarah Widmer

640 Allan a Dale Rd

Boulder Creek, CA 95006

February 20, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Adam Widmer

Adam Widmer

Sarah Widmer

Sarah Widmer

Erin Wilkie
16517 Big Basin Way #21

Boulder Creek, CA 95006

February 25, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Erin Wilkie

Erin Wilkie

Maria Liebold

17775 Melissa Ln.

Boulder Creek, Ca 95006

March 5, 2023

To whom it may concern,

I am contacting you regarding an ongoing serious health issue affecting our community. We reside in the CZU fire zone in the 5th district of Santa Cruz County. The CZU fire damaged the water system which serves approximately 400 + families in our area. The system is privately owned by Big Basin Water Company. For the last 2 ½ years our community has endured countless water outages and unsafe water conditions which have required boiling before use among other struggles. This was exacerbated by the recent major flooding disaster.

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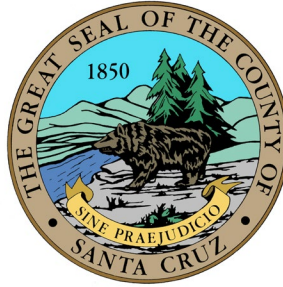
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We need you to recognize the importance of this issue and do whatever you can to help us find a solution.

Sincerely,

Maria Liebold

Maria Liebold



March 23, 2023

Background

State and local agencies are working together diligently to resolve ongoing issues with Big Basin Water Company in Santa Cruz County. The purpose of this document is to answer questions you may have, provide you with resources, and clarify the roles and responsibilities of the state and local agencies that are involved.

Drinking Water

1. What is the role of the State Water Board's Division of Drinking Water?

The State Water Resources Control Board, Division of Drinking Water enforces federal and state drinking water rules. These rules cover drinking water quality and quantity, drinking water operations and management, and drinking water infrastructure.

Big Basin Water Company is a drinking water system and must follow these rules. Failure to follow drinking water rules can result in the Division of Drinking Water issuing fines and other penalties.

2. Can the Division of Drinking Water remove the current management and operate the Big Basin Water Company water system?

No. The Division of Drinking Water *cannot remove the current management or operate* the Big Basin Water Company drinking water system. The Division of Drinking Water encourages the consolidation of Big Basin Water Company with neighboring utilities. However, because the Big Basin Water Company customer base is above the economic threshold required by state law, the Division of Drinking Water does not have the authority to force consolidation.

The Division is considering a legal process called receivership to transfer operations of the water system to a temporary entity; however, the owner will maintain ownership.

3. Has the Division of Drinking Water issued enforcement actions against the Big Basin Water Company?

Yes. The Division of Drinking Water issued 10 enforcement actions and fines against Big Basin Water Company between February 2019 and January 2023. Some of the enforcement actions include:

- Violations for not having enough water
- Not performing required water quality sampling
- Unplanned water outages
- Not correcting infrastructure-related issues identified by the Division of Drinking Water during inspections
- Not administering a cross connection control program that prevents backflow during water outages

Big Basin Water Company has not completed the required actions in some of these enforcement actions, resulting in fines and penalties. Big Basin Water Company is not allowed to use rate payer revenue to pay fines.

4. Is my drinking water safe to drink?

Water supplied by Big Basin Water Company currently complies with all California and Federal water quality rules. However, Big Basin Water Company has a history of water outages due to:

- Substandard and damaged infrastructure,
- A lack of source capacity,
- Limited staffing and reported financial resources.

As a result, the Division of Drinking Water has issued fines and other penalties against Big Basin Water Company. Big Basin Water Company is required to notify customers annually of its water quality in a document called the Consumer Confidence Report. The current Consumer Confidence Report was sent in mid-2022 and is posted online at [2021 Consumer Confidence Report](#).

Big Basin Water Company will issue boil water notices or other unsafe water notifications when a contamination risk is present.

If you are concerned about your health or the health of a family member, contact your health care provider.

5. I have heard discussion regarding a receiver for Big Basin Water Company. What is a receiver?

A receiver is a person appointed by a judge to take charge of and manage a company on a temporary basis. During receivership, the owners of the company continue to own the company, and the judge appoints a receiver to run all or a part of the company's business under the judge's supervision until Big Basin Water Company is brought back into compliance with water quality rules.

6. How does a receiver get appointed?

There are laws that permit, under specific circumstances, a party to file a lawsuit asking the judge to appoint a receiver for a company. The State Water Board can file a lawsuit asking a judge to appoint a receiver to operate Big Basin Water Company's drinking water system. If the lawsuit is successful, the receiver can only take charge of the drinking water system side of Big Basin Water Company's business. The outcome would not apply to the wastewater side of Big Basin Water Company's business.

7. What is the timeline and process for obtaining a receiver of the drinking water system?

The State Water Board's Division of Drinking Water has recommended moving forward with the legal process for the appointment of a receiver to manage Big Basin Water Company's drinking water system, which it has discussed with the water company. The Division of Drinking Water is working on the steps it needs to complete before filing a lawsuit. Once the lawsuit is filed, the process of asking the judge to appoint a receiver will still take time. The judge will consider arguments for and against the appointment of a receiver. If the judge agrees that a receiver is needed, one will be appointed on terms decided by the judge. Only then will the receiver take charge of Big Basin Water Company's drinking water system. This process would take many months.

8. What is the role of the County of Santa Cruz, and can they remove the current management and operate the Big Basin Water Company water system?

No. The County of Santa Cruz *cannot remove the current management or operate* the Big Basin Water Company drinking water system. The county does not regulate Big Basin Water Company. However, the county is working collaboratively with the State and the community on resolving customer challenges.

Wastewater**9. What is wastewater?**

Also called sewage, wastewater is the leftover, "used water" that comes from activities like bathing, washing dishes, and flushing toilets. Wastewater must be cleaned before it can be released back into the environment. This cleaning, also called treatment, happens at more than 900 wastewater treatment plants throughout the state.

10. What is the role of the Central Coast Regional Water Quality Control Board (Central Coast Water Board)?

The Central Coast Water Board regulates Big Basin Water Company's wastewater treatment plant. The Board issues permits to wastewater treatment and disposal facilities to make sure they are operating in compliance with wastewater regulation rules. According to data provided by Santa Cruz County, Big Basin Water Company's wastewater treatment plant could service up to 30 residential properties and 1 fire station in the Big Basin Woods subdivision located near Boulder Creek. According to Santa Cruz County, 4 parcels (3 residences and the fire station) are sending wastewater to the treatment plant with many of the other parcels either vacant or under construction.

11. Is the wastewater treatment plant operating correctly now?

No. The wastewater treatment plant has not operated correctly since the 2020 CZU Lightning Complex fire and cannot treat the wastewater coming from the 4 parcels. Since the fire, the wastewater treatment plant has not had electrical power, and components needed to operate the plant were likely damaged. Last August, the Central Coast Water Board learned that raw sewage was overflowing the wastewater basins and spilling onto the ground.

12. What is being done to make sure Big Basin Water Company is operating the plant correctly?

Until the wastewater treatment plant becomes fully operational, the Central Coast Water Board has required Big Basin Water Company to implement measures to prevent spills of raw sewage and prevent conditions that could lead to pollution of groundwater and nearby creeks. There continues to be times when the Big Basin Water Company has not complied with Central Coast Water Board requirements and sewage has spilled onto the ground.

13. Can the Central Coast Water Board take over the wastewater treatment plant?

No. The Central Coast Water Board oversees the operation of wastewater treatment plants and cannot take over its operation.

14. Does the Central Coast Water Board have the authority to seek an appointed receiver for the wastewater treatment plant?

Yes, but the Central Coast Water Board's authority is separate and different from the authority granted to the State Water Board's Division of Drinking Water. Before the Central Coast Water Board can file a lawsuit seeking the appointment of a receiver for the wastewater side of Big Basin Water Company's business, the Central Coast Water Board must provide notice and hold a public meeting.

The Central Coast Water Board enforcement staff are currently evaluating the most efficient and direct path forward to bring Big Basin Water Company back into compliance with the laws that govern wastewater treatment plants, including whether to recommend seeking the appointment of a receiver.

Rates and Billing

15. What is the role of the California Public Utilities Commission (CPUC)?

The CPUC regulates investor-owned water, electric, natural gas, and other utility companies. Big Basin Water Company is an investor-owned, for-profit water utility company and is therefore regulated by the CPUC.

The Water Division of the CPUC:

- Establishes water rates
- Enforces compliance with CPUC orders and the California Public Utilities Code through enforcement actions including monetary penalties

The Consumer Affairs Branch of the CPUC:

- Assists consumers with billing and service-related matters
- Resolves informal complaints filed against CPUC regulated utilities

16. Who do I contact if I have a billing complaint?

For billing complaints, contact Big Basin Water Company at (831) 818-4477 or (831) 332-6236 or sjm16595@gmail.com.

- If you are not satisfied with the response from Big Basin Water Company, contact the Consumer Affairs Branch of the California Public Utilities Commission by filing an informal complaint [online](#) or by phone at (800) 649-7570.

17. Who should I contact with a water outage or water quality complaint?

For water outage or water quality issues, contact Big Basin Water Company at (831) 818-4477 or (831) 332-6236 or sjm16595@gmail.com.

18. Who should I contact with questions?

Contact the following agencies regarding drinking water, wastewater, rates and billing, and storm or other disaster related issues:

Drinking Water

State Water Resources Control Board, Division of Drinking Water, Monterey District office: (831) 655-6939 or dwpdist05@waterboards.ca.gov.

Wastewater

Central Coast Regional Water Quality Control Board:
RB3-WDR@Waterboards.ca.gov or (805) 549-3147.

Rates and Billing (other financial related questions/complaints)

[California Public Utilities Commission](#), Consumer Affairs Branch:
File an informal complaint [online](#) or by calling (800) 649-7570.

Storm Related or Disaster Response

Santa Cruz County Emergency Operations Center, contact:
rpc@santacruzcounty.us or (831) 454-2285.



State Water Resources Control Board

February 28, 2023

(Via email and Certified Mail)

CERTIFIED MAIL
NO. 7022 0410 0001 5229 6096

Thomas James Moore, Owner
Shirley Moore, Owner
Big Basin Water Company
PO Box 197
Boulder Creek, CA 95006
sjm16595@gmail.com

SUBJECT: BIG BASIN WATER COMPANY (SYSTEM 4410001)

Dear Mr. and Mrs. Moore:

The State Water Resources Control Board (State Water Board) Division of Drinking Water (Division) has engaged the Office of Enforcement regarding Big Basin Water Company's (BBWC) continued violations of the California Safe Drinking Water Act and its implementing regulations, as well as multiple Citations and a Compliance Order issued to BBWC by the Division. Despite the Division's repeated enforcement efforts, there has been no improvement in the condition of BBWC's water system.

Ownership and operation of a public water system constitutes a significant public responsibility. As you know, BBWC must ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of its consumers. BBWC is not currently satisfying that obligation as it does not have the technical, managerial, and financial capacity to operate a public water system, and it is unresponsive to the rules and orders of the Division. We summarize these issues below to provide context for our proposed solution and ask that you agree to attend a meeting with us on March 14, 2023, to discuss an immediate and long-term solution to BBWC's continued violations.

Lack of Technical Capacity: BBWC's Source Capacity Deficiency and Persistent Water Outages and Boil Water Notices

Although there is a history of regulatory compliance issues at BBWC, we confine our discussion to events that began with the Division's issuance of 2018 Sanitary Survey Report for BBWC, which identified deficiencies in the water system and made recommendations for corrective action. Among other deficiencies, the Division identified BBWC's noncompliance with source capacity regulations. At that time, BBWC's primary water source was surface water from Corvin Creek and Jamison Springs as well as a horizontal well. Surface water was treated at BBWC's surface water treatment plant (SWTP). BBWC's second water source was groundwater from Well 4, which supply is limited and was used only as a backup source.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

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

On March 3, 2019, BBWC provided its written response to the 2018 Sanitary Survey Report, setting forth corrective actions for each deficiency identified by the Division. In total, BBWC estimated that its planned corrective actions would cost **\$2,877,900.00**. Included within that estimate were costs to address BBWC's source capacity deficiency.

Nearly four years later, BBWC has not taken action to increase its source capacity and the problem has grown much worse. Without adequate source capacity, BBWC cannot consistently supply safe drinking water to its customers and public health is endangered. Other deficiencies in BBWC's system amplify this danger, including BBWC's failure to secure adequate backup power for its system and its failure to repair and replace storage and distribution facilities. The threat to public health became a reality in October 2019, when Pacific Gas & Electric instituted a public safety power shutoff due to high fire danger. Despite ample notice of the planned power outage, BBWC was unable to adequately respond and experienced a water outage on October 28 and 29, 2019, which required BBWC to issue a boil water notice to affected customers. BBWC thereafter did not comply with the Division's repeated requests that BBWC provide a power outage response plan to eliminate the recurrence of the problem.

In February 2020, the Division issued another report documenting deficiencies at BBWC's SWTP. The report was rendered moot when the CZU Lightning Complex Fire destroyed the SWTP and damaged other parts of BBWC's system in August 2020. As a result, BBWC was left with only one water source – Well 4 – and its source capacity deficiency became even more dire. Well 4, alone, cannot satisfy BBWC's source capacity requirement under any scenario. Moreover, reliance on a single water source is rarely acceptable because there is no backup in the event of a failure, such as a problem with Well 4's operation. Following the fire, BBWC's system deficiencies and fire-related water quality impacts resulted in BBWC's customers being under a do not drink / do not boil notice from August 2020 through January 2021. Because BBWC failed to take any steps to address the source capacity deficiency, the Division issued Compliance Order 02_05_21R_001 on April 9, 2021. The Compliance Order directed BBWC to obtain a second water source or establish a permanent interconnection to a nearby water system in the event Well 4 fails or is out of service for any reason. In response, BBWC first suggested it would install a temporary surface water treatment plant at the site of the former SWTP and then later proposed it would drill another well. In 2021, after the Division spent significant time reviewing the temporary surface water treatment plant proposal, BBWC notified the Division the project was not moving forward. To date, no progress has been made on constructing these or any other long-term solution.

The deleterious impact on BBWC's customers from BBWC's failures has been continuous. On June 27, 2021, BBWC experienced another water outage, leading to issuance of a boil water notice and the Division's issuance of Citation 02_05_21C_021. The Division directed BBWC to take specific actions to reliably provide water without outages, including by replacing pumps and appurtenances. BBWC did not comply. In October 2021, BBWC experienced more water outages, leading to another boil water notice and the Division's issuance of Citation 02_05_21C_021. In the cover letter

enclosing that citation, the Division informed BBWC that it was considering additional enforcement options, including seeking the appointment of a receiver. BBWC then agreed in writing to pursue consolidation with San Lorenzo Valley Water District (SLVWD) as a permanent long-term solution. However, BBWC did not enter into an interim management or other agreement with SLVWD, leaving BBWC responsible for continued operations of its system. In July 2022, BBWC customers notified the Division they were experiencing frequent water outages, leading to another boil water notice on July 26, 2022. BBWC reported to the Division that the outages were caused by the absence of any backup power for Well 4, which nearly two years after the CZU Lightning Complex Fire had still not been addressed by BBWC. In September 2022, BBWC customers again complained to the Division about a water outage. The Division's repeated inquiries to BBWC regarding securing a back-up power generator were met with delay and no action, leading the Division to issue Citation 02_05_22C_060 on September 22, 2022. Only then did BBWC take limited action—it obtained the necessary generator, which it did not purchase or lease but instead received as a loan from SLVWD.

BBWC did not take any other action to address its technical deficiencies, and the danger to public health continued to grow. Over the New Year holiday and throughout the month of January and into February 2023, BBWC's system was plagued with problems and water outages, necessitating multiple boil water notifications. While the precipitating event was a series of storms that struck California, the duration and seriousness of BBWC's water outages went far beyond what would be experienced by a functioning water system and was exacerbated by BBWC's inaction in response to the Division's prior enforcement efforts. BBWC's failures required issuance of a system-wide boil water notice. Many customers suffered water outages that lasted two weeks or more. SLVWD and BBWC reported to the Division that the motor starter in Well 4 failed, demonstrating why reliance on a single water source is dangerous and requires corrective action. This issue was resolved because of mutual aid provided by SLVWD.

The seriousness and extent of the system failures BBWC experienced would not have occurred if it had complied with the Division's past enforcement actions, including directives that BBWC (1) comply with source capacity requirements of the California Code of Regulations, title 22, section 64554(a)(2);¹ (2) maintain and follow a Water System Operations and Maintenance (O&M) Plan pursuant to the California Code of Regulations, title 22, section 64600, including a plan and procedure for responding to water supply emergencies caused by a power outage and having a power outage response plan that provides for a backup power supply;² (3) secure backup water supply in the event of an outage or failure of Well 4;³ and (4) address the corrective actions identified in the 2018 Sanitary Survey Report, including correct or replace existing storage tank, booster station, and distribution system deficiencies.⁴ Of equal

¹ See Compliance Order 02_05_21R_001; Citation 02_05_21C_030.

² See Compliance Order 02_05_21R_001; Citation 02_05_21C_030; Citation 02_05_22C_060.

³ See Compliance Order 02_05_21R_001; Citation 02_05_21C_030.

⁴ See Compliance Order 02_05_21R_001; Citation 02_05_21C_021; Citation 02_05_21C_030.

concern is that BBWC's multiple water outages and system failures would not have been fixed but for the technical knowledge and volunteer work performed by SLVWD.

BBWC's failure to comply with California's Safe Drinking Water Act and the Division's orders have led to a system on brink of collapse. BBWC's consolidation with SLVWD—the only viable long-term solution offered to date by BBWC—is now off the table, as SLVWD's Board of Directors has suspended efforts to pursue a consolidation with BBWC and terminated negotiations, as decided at SLVWD's Board of Directors meeting held February 16, 2023. Even if BBWC were to finally take on the work that is needed to correct all technical deficiencies, including obtaining the massive capital investment that is required to fund necessary improvements, BBWC's corrective actions will take years. BBWC's crumbling water system does not have years of operation left in it, and relying solely on SLVWD's continued voluntary aid is not only questionable given SLVWD Board of Director's recent decision but it is also not a viable long term technical plan. In the view of the Division and the Office of Enforcement, necessary change begins with resolving the managerial and resource challenges that BBWC has faced for some time.

Lack of Managerial Capacity: BBWC's O&M Failures and Its Inability to Adequately Staff Operations

Managerial capacity includes developing and implementing the appropriate planning and written policies for ordinary operations as well as emergency and disaster situations. Some of BBWC's managerial failings with respect to required O&M plans and implementation are summarized above, as is BBWC's current reliance on free aid from SLVWD to maintain operations. With only the two of you, as well as your son performing any work on behalf of the company, BBWC is plainly understaffed, both as to ordinary and emergency operations, as well as with respect to providing the customer service required of a public water system.

In recent years, BBWC has been crippled by poor communication with customers and with the Division. Although it is BBWC's obligation to inform the Division of water outages as they occur, it has become common that the Division first learns of BBWC water outages through complaints it receives from BBWC's customers. Those customers also often complain that BBWC does not respond at all to their customer inquiries. Not only is BBWC unwilling to communicate with its customers, but it also lacks the capacity to do so when required, as demonstrated in January 2023, when BBWC was unable to deliver boil water notices in accordance with the California Code of Regulations, title 22, section 64463.1, because BBWC does not maintain a list of customer contact information. BBWC's solution was to post the boil water notices on its website, which is not an authorized method of public notification under section 64463.1 and is particularly inappropriate because BBWC's website is not regularly maintained and often includes outdated information. BBWC's methods of communication, including its failures to communicate, create confusion and present a danger to public health.

Maintaining managerial capacity also includes the ability to follow through on consolidation, sale, or other long-term solutions to critical operations problems. There is a history of BBWC having a proposed plan for a large-scale improvement project, a consolidation, or a sale of the company that never comes to fruition. BBWC has also demonstrated that it does not have the managerial capacity to follow through on the Division's orders and directives. While the Moore family no doubt believes it is doing its best under challenging circumstances, it is not nearly enough. Additional resources, including managerial expertise, are needed to get a long-term plan over the finish line and bring BBWC's system back into compliance.

Lack of Financial Capacity: BBWC's Failure to Fund and Invest the Monies Needed to Operate a Public Water System

BBWC is a privately held, for-profit corporation operating a drinking water utility. It is charged with knowing and observing all applicable statutory and regulatory requirements not only to ensure that it provides safe drinking water but also to ensure it accurately budgets for current and future O&M costs and secures the funds necessary for regulatory compliance. Standard financial management would include seeking timely and appropriate rate increases from the California Public Utilities Commission (CPUC), applying for assistance from federal, state, and industry programs as assistance becomes available, raising capital through debt and/or equity financing, obtaining insurance, selling, leasing, or encumbering corporate assets, such as the hundreds of acres of watershed land owned by BBWC, and otherwise maximizing corporate assets.

Instead of adopting these practices, BBWC has operated for years without making necessary repairs, without replacing outdated infrastructure, without resolving known and serious source capacity issues, and without making any capital investments in the system or financial contributions to the corporation. The necessary costs to continue to operate BBWC are substantial—BBWC estimated those costs at \$2,877,900.00 in 2019, which amount has likely increased substantially given the 2020 CZU Lightning Fire and continuing problems with the system. BBWC's consistent response to the Division's enforcement actions, as well as compliance related inquiries prior to 2018, has been to claim that BBWC's current rate structure does not allow for the work needed to bring the water system back into compliance. That response ignores that BBWC's suppressed rate structure, which is far lower than any comparable water system, is a function of BBWC's managerial decisions as to how the corporation has been operated for decades. For too long BBWC has failed to seek appropriate rate increases from the CPUC, access programs available to assist public utilities, or pursue other ways to raise necessary capital. BBWC's failure to maintain the financial capacity to operate its water system does not exempt BBWC from regulatory requirements, as BBWC seems to suggest. It is BBWC's obligation to operate its water system in a manner that ensures all financial requirements can be and are met, including costs that must be incurred to stay in compliance with California's Safe Drinking Water Act and implementing regulations.

BBWC's Water System Must Return to Compliance

The Division and the Office of Enforcement recognize that for decades BBWC and the Moore family have been important members of the Boulder Creek community and provided drinking water that met the primary drinking water standards. However, BBWC has demonstrated it can no longer operate its water system in compliance with California's Safe Drinking Water Act and all regulatory requirements. The Division's next enforcement step could be issuance of a new citation with administrative penalties for BBWC's continued non-compliance with the existing Compliance Order and Citations. By statute, those penalties could total more than \$2,900,000.00.⁵ That amount does not include new violations occurring in January 2023.

We nevertheless recognize that penalties alone will not fix the problems with BBWC's water system. We ask that you agree to work with us in formulating a plan for BBWC's water system and the approximately 1,120 Californians that it serves. In our view, a receiver should be appointed to assume possession and operate BBWC's drinking water system for the purpose of bringing BBWC back into compliance and ensure the public has reliable access to safe drinking water. That would include a receiver heading any effort by BBWC to sell the water system to an available buyer. If you are willing to work with our offices, we can jointly implement that solution. Alternatively, the Division and Office of Enforcement will recommend that the State Water Board file an action in the superior court seeking appointment of a receiver. If you have a different proposal that would immediately achieve the same goal, we want to hear and consider it.

We ask that you agree to a meeting at **11:00 a.m. on March 14, 2023**, at the Santa Cruz Board of Supervisor's Meeting Room located at **701 Ocean Street, Room 500, Santa Cruz** to discuss these matters. I will attend that meeting along with Division representatives Jonathan Weininger and Stefan Cajina. Please call me at 916-341-5891 or email me at Laura.Mooney@waterboards.ca.gov to confirm your agreement to a meeting. If I do not hear from you by **March 8, 2023**, we will proceed with the next enforcement steps. I look forward to hearing from you.

Sincerely,

Laura M. Mooney
Attorney
Office of Enforcement

cc: See next page.

⁵ Pursuant to Health & Safety Code section 116650, BBWC is subject to a penalty of \$1,000.00 a day for each continuing violation, including 423 days of non-compliance of Directives 1, 2, and 5 in Citation 02_05_21C_030, 392 days of non-compliance of Directive 4 in Citation 02_05_21C_030, and 1,246 days of non-compliance of Directive 5 in Citation 02_05_19C_012.

Thomas James Moore
Shirley Moore

- 7 -

February 28, 2023

cc: *(via email only)*

Stefan Cajina
Supervising Sanitary Engineer
Division of Drinking Water
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Central Coast Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

concerning

**REFERRAL TO THE OFFICE OF ATTORNEY GENERAL
FOR
JUDICIAL ENFORCEMENT AGAINST
BIG BASIN WATER COMPANY AND THOMAS JAMES MOORE
FOR VIOLATIONS ASSOCIATED WITH
THE BIG BASIN WOODS SUBDIVISION WASTEWATER TREATMENT PLANT**

NOTICE IS HEREBY GIVEN

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) hereby provides notice that the Central Coast Water Board will consider adoption of the attached proposed Resolution No. R3-2023-0030 authorizing a referral to the Office of the Attorney General of the State of California to pursue judicial enforcement against Big Basin Water Company, Inc. and Thomas James Moore for violations associated with the Big Basin Woods Subdivision wastewater treatment plant at an upcoming hearing.

The Central Coast Water Board will consider the proposed resolution at a public hearing on

April 20, 2023
at the
Watsonville City Council Chambers
275 Main Street - 4th Floor
Watsonville

The public hearing will begin at 9:00 a.m. Additional information about the public hearing, opportunities for remote participation, and agenda with links to documents associated with this item will be posted 10 days prior to the hearing (April 10, 2023 at the latest) at the following web address:

https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2023/2023_agendas.html

The agenda will indicate the anticipated order of all agenda items and will include a staff report and other available supplemental information related to the recommendation for the Central Coast Water Board's consideration of the proposed resolution.

Note that this hearing is limited to the issues at the Big Basin Woods Subdivision wastewater treatment plant and will not address any issues associated with Big Basin Water Company's drinking water system.

Anyone may submit written comments specific to the proposed Resolution No. R3-2023-0030 for the Big Basin Woods Subdivision wastewater treatment plant for the Central Coast Water Board's consideration. Please send your written comments to Tamara Anderson at Tamara.Anderson@waterboards.ca.gov, by **12:00 noon, Monday April 17, 2023**.

Comment letters received after that deadline will not be accepted and will not be included in the administrative record absent a ruling by the Central Coast Water Board Chair. Any person requesting to submit late comments must demonstrate good cause for the late submission and the Chair must find that accepting the late submission will not prejudice the Central Coast Water Board, Big Basin Water Company, Inc., or Thomas James Moore.

Persons wishing to provide public comment during the hearing are requested to complete an electronic comment card by 9:00 a.m., Thursday, April 20, 2023. However, comment cards will also be accepted prior to the start of individual items. In addition to the electronic comment cards, hard copy comment request cards will also be available at the physical meeting location. The comment card and instructions are available at the following website along with additional information about participating telephonically or via the remote video option:

https://www.waterboards.ca.gov/centralcoast/board_info/remote_meeting/

Public comment is typically limited to three minutes unless otherwise approved by the Board Chair, and the Board Chair may need to adjust the amount of time each speaker has to ensure everyone has an opportunity to provide public comment. Requests for extra time to provide public comment, an interpreter, or accessibility must be sent to the Clerk to the Board at

RB3-CommentLetters@waterboards.ca.gov
by **12:00 noon, Monday, April 17, 2023**.

If you have any questions regarding this matter, please contact Tamara Anderson at 805-549-3334 or Tamara.Anderson@Waterboards.ca.gov, or Jennifer Epp at (805) 594-6181, Jennifer.Epp@Waterboards.ca.gov.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

PROPOSED RESOLUTION NO. R3-2023-0030

**AUTHORIZING REFERRAL TO
THE OFFICE OF THE ATTORNEY GENERAL
FOR JUDICIAL CIVIL ENFORCEMENT OF ALLEGED VIOLATIONS OF
WASTE DISCHARGE REQUIREMENTS ORDER NO. 97-26,
CLEANUP AND ABATEMENT ORDER NO. R3-2022-0077,
WATER CODE SECTION 13260 DIRECTIVE, AND
WATER CODE SECTION 13267 REPORTING REQUIREMENTS**

- A. WHEREAS, Big Basin Water Company, Inc. (Big Basin Water Company) and Thomas James Moore (Mr. Moore) (collectively, Dischargers) are the owner and operator of the Big Basin Woods Subdivision wastewater treatment plant (WWTP) located at Highway 236 and Fallen Leaf Drive, Boulder Creek, Santa Cruz County, California, Assessor's Parcel Number 083-293-01 (Site).
- B. WHEREAS, the WWTP collects and treats wastewater from the Big Basin Woods Subdivision and the nearby fire station, located approximately 2.5 miles north of Boulder Creek on Big Basin Way (Highway 236) in Santa Cruz County. According to data provided by Santa Cruz County, the WWTP could service up to 30 residential properties and the fire station.
- C. WHEREAS, the waste discharges from the WWTP is regulated by Central Coast Regional Water Quality Control Board (Central Coast Water Board) Order No. 97-26, *Waste Discharge Requirements for Big Basin Water Company, Inc., Big Basin Woods Subdivision, Santa Cruz County* (Permit), as amended by Resolution No. R3-2013-0052 (Resolution) and Revised Standard Provisions and Reporting Requirements (Revised Standard Provisions) adopted therein. The WWTP system consists of an activated sludge treatment plant and a leachfield disposal system. The treated wastewater is pumped to the leachfield for disposal approximately one-half mile south and uphill of the WWTP.
- D. WHEREAS, a significant portion of the residential homes served by the WWTP and portions of the WWTP were damaged or destroyed in the CZU lightning complex wildfire in August 2020 (2020 wildfire). The WWTP suffered a long-term loss of power, and several vital pieces of process and transmission equipment were destroyed. After the 2020 wildfire, Mr. Moore informed Central Coast Water Board staff that the WWTP was without power and could not operate. Mr. Moore stated that collected wastewater would be pumped from the WWTP and properly disposed of while the electrical system was being repaired.
- E. WHEREAS, the WWTP has and continues to receive wastewater from surviving and/or rebuilt homes in the community and a nearby fire station since the 2020 wildfire.

- F. WHEREAS, the Central Coast Water Board issued a [directive](#)¹ pursuant to California Water Code (Water Code) section 13260 requiring Big Basin Water Company to submit a report of waste discharge by June 20, 2022, to enroll in the *State Water Resources Control Board General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems*, Order WQ 2014-0153-DWQ, and update the WWTP's regulatory coverage. Central Coast Water Board staff documented Big Basin Water Company's failure to submit the report of waste discharge in a [January 19, 2023 notice of violation](#) (NOV)². To date, Big Basin Water Company has not submitted the report of waste discharge.
- G. WHEREAS, Santa Cruz County Mosquito and Vector Control Division inspected the WWTP on August 30, 2022, and observed dense breeding of mosquitos in the basins at the WWTP.
- H. WHEREAS, Central Coast Water Board staff inspected the WWTP on September 22, 2022, and observed that the WWTP was inoperable and that the WWTP basins were full of raw sewage. Central Coast Water Board staff documented Permit violations in a [November 10, 2022 NOV](#)³ issued to Big Basin Water Company, including but not limited to, unauthorized discharges of waste to areas not designated by the Permit, creation of a nuisance, failure to prevent the formation of habitat for carriers of pathogenic microorganisms, failure to properly operate and maintain the WWTP, failure to have a stand-by generator at the Site, failure to submit required reports, failure to have necessary safeguards in place, and failure to have an appropriately certified operator operating the WWTP.
- I. WHEREAS, Central Coast Water Board staff coordinated and met with Santa Cruz County Department of Public Works (DPW) staff on October 24, 2022, to discuss the condition of the WWTP. On the day of the October 24, 2022 meeting, Central Coast Water Board staff learned that Santa Cruz County DPW had visited the WWTP on September 15, 2021, and at that time Santa Cruz County DPW staff had observed raw sewage overflowing onto the ground from one of the WWTP basins.
- J. WHEREAS, the Dischargers have generally been unresponsive to Central Coast Water Board staff's requests for documentation and the Dischargers continue to be out of compliance with Central Coast Water Board directives.

¹ The May 20, 2022 directive to submit a report of waste discharge can be found here: [https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9857831656/Big Basin Woods Subdivision 13260.pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9857831656/Big%20Basin%20Woods%20Subdivision%2013260.pdf)

² The January 19, 2023 notice of violation for failure to submit a report of waste discharge can be found here: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3129529654/Big%20Basin%2013260%20NOV.pdf

³ The November 10, 2022 notice of violation for permit violations can be found here: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2583234488/11_10_2022_WDR_Big_Basin_Woods_Nov.pdf

- K. WHEREAS, Big Basin Water Company has failed to submit all self-monitoring reports required by the Permit pursuant to Water Code section 13267 since a quarterly self-monitoring report was submitted on October 20, 2019. Central Coast Water Board staff documented Big Basin Water Company's failure to submit quarterly self-monitoring reports in NOVs issued to Big Basin Water Company on [May 31, 2022](#)⁴, and [November 10, 2022](#)⁵.
- L. WHEREAS, Mr. Moore is operating the WWTP without certification from the State Water Board Office of Operator Certification. Since 2013, Mr. Moore has operated the WWTP under an expired grade II operator certification. A grade III certified operator must operate the WWTP as of October 2022.
- M. WHEREAS, the State Water Board Office of Enforcement issued a [January 9, 2023 NOV](#)⁶ to the Dischargers determining that Big Basin Water Company is in violation of Wastewater Operator Certification Regulations by failing to maintain a Chief Plant Operator at the correct grade level, employing operators without a valid certificate, and willfully or negligently violating waste discharge requirements.
- N. WHEREAS, the Central Coast Water Board is a state agency whose primary authority under the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.) is regulating, enforcing, and ensuring the quality of the waters of the state.
- O. WHEREAS, groundwater underlying and near the WWTP are waters of the state. An unnamed ephemeral watercourse is located approximately 70 feet south of the WWTP basins. The unnamed ephemeral watercourse is a tributary to Boulder Creek, located approximately 170 feet east and across Highway 236 from the WWTP basins. The ephemeral watercourse and Boulder Creek are waters of the state. Boulder Creek is also a water of the United States.
- P. WHEREAS, raw sewage contains pollutants that could cause or contribute to exceedances of water quality standards when introduced to receiving waters.
- Q. WHEREAS, by receiving wastewater into a nonfunctioning wastewater treatment system and allowing raw sewage to overflow the WWTP basins onto the ground,

⁴ The May 31, 2022 notice of violation for failure to submit reports can be found here: [https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2393857657/Big Basin Water Non-Reporting NOV Letter.pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2393857657/Big_Basin_Water_Non-Reporting_NOV_Letter.pdf)

⁵ The November 10, 2022 notice of violation for permit violations including failure to submit reports can be found here: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2583234488/11_10_2022_WDR_Big_Basin_Woods_Nov.pdf

⁶ The January 9, 2023 notice of violation of Wastewater Operator Certification Regulations can be found here: [https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8545377433/3_Enclosure\(1\).pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8545377433/3_Enclosure(1).pdf)

the Dischargers are causing or threatening to create a condition of pollution because the overflowing raw sewage is altering or may alter the water quality to a degree that unreasonably affects the beneficial uses of the groundwater underlying and near the WWTP, the unnamed ephemeral watercourse, and Boulder Creek. The Dischargers are causing, or threatening to cause, a condition of nuisance by allowing the stagnant WWTP basins to become a mosquito breeding habitat, which poses an imminent threat to public health.

- R. WHEREAS, the Central Coast Water Board's Executive Officer issued [Cleanup and Abatement Order No. R3-2022-0077](#)⁷ (CAO) pursuant to California Water Code (Water Code) section 13304 to the Dischargers on November 21, 2022, requiring the Dischargers to: (1) immediately reduce wastewater levels in all the WWTP basins so that at all times there is a minimum of two feet of freeboard and more if necessary to prevent basin overflow(s) and to not create a condition of pollution or nuisance; (2) not accept any additional wastewater from properties other than the properties currently sending wastewater to the WWTP as of November 21, 2022, until the WWTP is in compliance with Permit conditions or an alternative plan for the treatment and/or disposal of wastewater from the subdivision has been approved by the Central Coast Water Board; (3) abate any and all conditions that enable mosquito breeding; and (4) pursuant to Water Code section 13267, submit weekly technical reports starting on Friday, November 25, 2022, and every Friday thereafter, on the status of cleanup and abatement, including, at a minimum: (a) daily influent flow to the WWTP, (b) photo documents of wastewater levels in all WWTP basins, (c) freeboard measures from all WWTP basins, (d) pumping records from the pumping service provider, (e) actions taken to prevent mosquito breeding habitat, (f) weekly rain totals received and predicted for the following week, and (g) photos and freeboard measurements before, during, and after rain events.
- S. WHEREAS, to date, the Dischargers have failed to comply with the CAO. Based on information provided by the Dischargers and other public agencies, the Dischargers have violated CAO Requirement 1. Due to the Dischargers failure to comply with CAO Requirement 1, raw sewage has overflowed the WWTP basins on numerous occasions. The Dischargers have also violated CAO Requirement 4, by failing to submit complete and timely weekly technical reports as required pursuant to Water Code section 13267.⁸ Central Coast Water Board staff

⁷ Cleanup and Abatement Order No. R3-2022-0077 can be found here: [https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2813908219/Big Basin Water Company Inc CAO final.pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2813908219/Big%20Basin%20Water%20Company%20Inc%20CAO%20final.pdf)

⁸ Mr. Moore has submitted three incomplete and late reports for the November 25, 2022; March 3, 2023; and March 17, 2023 weekly report submittal requirements.

documented CAO violations in NOVs issued to the Dischargers on [November 29, 2022](#)⁹, and [January 19, 2023](#)¹⁰.

- T. WHEREAS, Water Code section 13261 specifies potential consequences for the failure to furnish a report or pay a fee required under Water Code section 13260.
- U. WHEREAS, Water Code section 13262 allows the Central Coast Water Board to request that the Office of the Attorney General (Attorney General) petition the superior court for the issuance of a temporary restraining order, temporary injunction, or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with Water Code section 13260 to comply therewith.
- V. WHEREAS, Water Code section 13268 specifies potential consequences for the failure to submit technical reports as required by Water Code section 13267, subdivision (b).
- W. WHEREAS, Water Code section 13304, subdivision (a), allows the Central Coast Water Board to request that the Attorney General petition the superior court to issue an injunction to compel dischargers to comply with an order issued pursuant to Water Code section 13304.
- X. WHEREAS, Water Code section 13350, subdivision (d), allows the court to impose civil liability up to fifteen thousand dollars (\$15,000) for each day the violation of a cleanup and abatement order issued pursuant to Water Code section 13304 occurs. Water Code section 13350 also allows the Central Coast Water Board to request that the Attorney General petition the superior court to impose, assess, and recover administrative civil liability for violations of cleanup and abatement orders issued pursuant to Water Code section 13304.
- Y. WHEREAS, Water Code section 13361 requires the Attorney General, at the request of the Central Coast Water Board, to bring every civil action brought under the provisions of Water Code Division 7 in the name of the people of the State of California and any of those actions relating to the same discharge may be joined or consolidated.
- Z. WHEREAS, all enforcement options other than referral to the Attorney General and any resulting judicial relief have been considered. Given the failing condition of the WWTP and the Dischargers history of noncompliance with numerous administrative enforcement actions and regulatory requirements issued by the

⁹ The November 29, 2022 notice of violations of the cleanup and abatement order can be found here: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2921613395/4_Enclosure.pdf

¹⁰ The January 19, 2023 notice of violation for violations of the CAO can be found here: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4099210441/BigBasin_CAO_NOV_2.pdf

State Water Board and Central Coast Water Board, judicial enforcement of the Water Code is the most appropriate and efficient option. Judicial enforcement of the Water Code allows for the assessment of higher maximum civil liabilities, if appropriate, as well as injunctive relief, the appointment of a receiver, and the issuance of a consent judgment that can contain broader and more specific requirements than an administrative enforcement action and/or settlement. The ability to pursue injunctive relief, receivership, and/or a consent judgment would allow the Central Coast Water Board, through the Attorney General, to place the Dischargers under a judicially enforceable timeline to comply with the CAO, the Water Code section 13260 Directive, and Permit requirements. Judicial enforcement will also allow the Central Coast Water Board, through the Attorney General, to coordinate with the State Water Board if and/or when the State Water Board files its own lawsuit for violations associated with Big Basin Water Company's public drinking water system.

AA. WHEREAS, Water Code section 13350, subdivision (g), requires the Central Coast Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under Water Code section 13350. On March 28, 2023, notice was given to the Dischargers regarding this hearing and were given a chance to comment on the proposed Resolution in writing in advance of the hearing. On April 20, 2023, the Central Coast Water Board held such a hearing in compliance with Water Code section 13350, subdivision (g).

NOW THEREFORE BE IT RESOLVED THAT:

1. The Central Coast Water Board hereby authorizes the Executive Officer to request that the Office of the Attorney General seek civil liabilities and costs under the Water Code, including, but not limited to, Water Code sections 13261, 13268, 13304, and 13350, bring other applicable causes of action, and/or seek other relief including an injunction under Water Code sections 13304 or appointment of a receiver pursuant to Code of Civil Procedure section 564, as may be appropriate against Big Basin Water Company and/or Thomas J. Moore.
2. The Central Coast Water Board hereby authorizes the Executive Officer, Assistant Executive Officer and Central Coast Water Board staff and its attorneys to participate in any settlement discussions regarding the resolution of the violations at issue. The Central Coast Water Board retains its authority to approve any proposed settlement of the alleged violations.

I, Matthew T. Keeling, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, at its regular meeting on April 20-21, 2023.

Matthew T. Keeling
Executive Officer