

Order 24-E1-26R-001

CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF DRINKING WATER

Issued: February 27, 2026

ORDER NO. 24-E1-26R-001

FOR MANDATORY CONSOLIDATION

The State Water Resources Control Board (State Water Board), acting by and through its Division of Drinking Water (Division), hereby orders the consolidation of the public water systems operated by Orosi Public Utility District (Orosi PUD) and East Orosi Community Service District (East Orosi CSD). The Division further orders Orosi PUD and East Orosi CSD to take the actions set forth below to effect consolidation.

This Order is the fourth order the State Water Board has issued mandating the consolidation of East Orosi CSD and Orosi PUD. This Order supersedes the three previous State Water Board mandatory consolidation orders issued to East Orosi CSD and Orosi PUD; specifically, State Water Board Order No. 24-E1-22R-004, Order No. 03_24_20R_002 and Order No. 03_24_20R_011. Order No. 24-E1-22R-001 appointing an Administrator for East Orosi CSD remains in effect. This Order is necessitated by multiple delays and inactions during the consolidation process to date, prompting a corresponding need to update and impose timelines and directives, and to specify rights and duties of the receiving system and the subsumed system to ensure delays and inactions do not continue. The State Water Board's

1 priority is to protect public health by ensuring reliable access to safe, affordable drinking water
2 and sanitation. Further delay and inaction related to the consolidation of Orosi PUD and East
3 Orosi CSD is inconsistent with this objective.

4 5 **APPLICABLE AUTHORITIES**

6 Health and Safety Code¹ section 116682, subdivision (a)(1), authorizes the State Water Board
7 to order the consolidation of a public water system with another public water system or a state
8 small water system that serves a disadvantaged community and “consistently fails to provide
9 an adequate supply of safe drinking water or is an at-risk water system[.]” Section 116681,
10 subdivision (g), defines “consolidation” as the “joining [of] two or more public water systems,
11 state small systems, or affected residences into a single public water system.” Section
12 116681, subdivision (h), incorporates the definition of “disadvantaged community” provided in
13 Water Code section 79505.5 as a “community with an annual median household income that
14 is less than 80 percent of the statewide annual median household income.” Section 116681,
15 subdivision (e), defines “consistently fails” as “failure to provide an adequate supply of safe
16 drinking water.” Section 116681, subdivision (p), defines “safe drinking water” as “water that
17 meets all primary and secondary drinking water standards.” Section 116275, subdivision (c),
18 defines primary drinking water standards as maximum contaminant levels (MCLs) or
19 treatment techniques and monitoring and reporting requirements for MCLs.

20
21 Section 116682, subdivision (b), requires the State Water Board, before ordering
22 consolidation, to provide the affected water systems an opportunity to negotiate voluntary
23 consolidation and to engage the affected water systems, local government, and the public. If
24 the State Water Board orders consolidation, section 116882, subdivision (d), requires the

¹ Unless otherwise noted, all statutory references are to the Health and Safety Code.

1 board to make seven findings, which are set forth in this order below. Section 116682,
2 subdivision (e)(1), requires the State Water Board, as necessary and appropriate, to
3 “compensate the receiving water system for any capacity lost as a result of the consolidation”
4 and to “provide appropriate financial assistance for the water infrastructure needed for the
5 consolidation.” Section 116682, subdivision (a)(1), authorizes the State Water Board to “set
6 timelines and performance measures to facilitate completion of consolidation.”
7

8 **STATEMENT OF FACTS**

9 **a. Community Demographics**

10 Orosi PUD and East Orosi CSD are community water systems as defined by section 116275,
11 subdivision (i). As self-reported by the systems, Orosi PUD supplies domestic water to 8,300
12 people through 1,601 service connections and East Orosi CSD supplies water to 423 people
13 through 103 service connections. East Orosi CSD is located in an unincorporated area of
14 Tulare County approximately a mile from Orosi PUD. East Orosi CSD is a disadvantaged
15 community. At the time the State Water Board issued the original mandatory consolidation
16 order in October 2020, the 2014-2018 American Community Survey stated that 80 percent of
17 the statewide median household income was \$56,982, and East Orosi CSD was a census
18 designated place with a median household income of \$35,163. According to the 2022
19 American Community Survey, 80 percent of the statewide median household income is
20 \$73,524 and the median household income in East Orosi is \$19,511.
21

22 **b. Water Sources**

23 At the time the State Water Board issued the original mandatory consolidation order in
24 October 2020, Orosi PUD operated under Domestic Water Supply Permit No. 03-12-12P-008
25 issued by the California Department of Public Health, the State Water Board’s predecessor in
26 the regulation of public water systems. Orosi PUD currently operates under Domestic Water

1 Supply Permit No. 03-24-21P-002, issued on October 26, 2021, by the Division. Under both
2 permits, five active groundwater wells supply water to Orosi PUD's distribution system.

3
4 East Orosi CSD operates under Domestic Water Supply Permit No. 03-24-19PA-023, issued
5 December 31, 2019, by the Division. Two groundwater wells supply water to East Orosi PUD's
6 distribution system. Well 01 was drilled in 1983 and Well 02 was drilled in 1984. Well 01 serves
7 as the primary source of East Orosi CSD's water supply, due to nitrate contamination of Well
8 02. However, East Orosi CSD lacks water storage or access to other sources. Therefore, Well
9 02 provides additional supply during high-demand summer months. Furthermore, Well 01 was
10 offline from 2014 through most of 2017, during which time Well 02 served as the sole water
11 source for East Orosi CSD's customers. Problems with Well 01 continue. For example, on
12 July 12, 2022, the pump at Well 01 failed, causing a water outage and issuance of a Do Not
13 Drink notice.²

14
15 **c. Nitrate MCL Violations**

16 East Orosi CSD has a history of exceeding the nitrate MCL in both wells, dating to at least
17 2005. The frequency of exceedances in both wells began increasing in 2010. Between April
18 2014 and April 2017, while Well 01 was out of service and Well 02 served as East Orosi CSD's
19 sole water source, Well 02 exceeded the nitrate MCL in 13 of the 14 results reported to the
20 State Water Board. With one exception, Well 02 exceeded the MCL continuously between
21 April 2014 and July 2019. Both wells continue to exceed the nitrate MCL: Well 01 exceeded
22 the MCL in April 2021 and January 2022, and Well 02 exceeded the MCL in all three results
23 reported for 2022. Full nitrate monitoring results since 2011 are included as Attachment A.

24

² The local groundwater basin is unadjudicated. The State Water Board is not aware of any concerns regarding water rights and water contracts of the two public water systems.

1 **d. Monitoring and Reporting Violations**

2 In addition to repeatedly exceeding the nitrate MCL, East Orosi CSD has violated primary
3 drinking water standards by failing to monitor for nitrate and other contaminants. East Orosi
4 CSD was cited for failure to submit a nitrate sample for Well 02 for the fourth quarter of 2018.
5 It was cited for failure to monitor for lead and copper in the second half of 2017 and all of
6 2018; it finally submitted samples in September 2019. It failed to perform monthly source
7 monitoring for total coliform bacteria from November 2018 through January 2019. It has not
8 submitted a required bacteriological sample siting plan for its distribution system, despite the
9 Division in April 2018 directing it to submit a plan by June 2018. Monitoring and reporting
10 violations are a continuing issue. For example, citations were issued for failure to comply with
11 compliance order directives during the third and fourth quarter of 2021 and the second quarter
12 or 2022. These citations included failure to submit a copy of the distributed public notice, proof
13 of notification, and quarterly progress reports. East Orosi CSD has also received citations for
14 failing to monitor for disinfection byproducts and 1,2,3-Trichloropropane (“1,2,3-TCP”).

15
16 **e. Lack of Technical, Managerial, and Financial Capacity**

17 The State Water Board’s 2018 sanitary survey of East Orosi CSD found the following:

18 East Orosi CSD lacks [technical, managerial, and financial]
19 capacity to manage and operate a reliable and sustainable water
20 system. . . . The lack of . . . capacity appears to be a product of the
21 lack of willing and engaged Board members, a lack of volunteer or
22 hired management and the economic reality of a small rate base
23 and aging infrastructure.

24 The State Water Board’s 2019 sanitary survey found, “East Orosi’s failure to complete . . .
25 required water quality monitoring is a result of poor management practices and/or a lack of
26 financial capacity.” The State Water Board’s 2022 sanitary survey found, “East Orosi CSD

1 lacks managerial capacity to comply with regulatory requirements.”

2
3 Prior to and after issuance of the original mandatory consolidation order in October 2020, East
4 Orosi CSD consistently failed to provide an adequate supply of affordable, safe drinking water.

5 To address East Orosi CSD’s nitrate MCL violations and ongoing lack of technical, managerial
6 and financial capacity to operate a public water system, the State Water Board appointed an
7 Administrator for the system on October 22, 2022, which is addressed in subparagraph (k),
8 below.

9
10 **f. Nitrate MCL Enforcement Actions and Technical Assistance**

11 On April 15, 2010, the Tulare County Environmental Department³ issued East Orosi CSD a
12 compliance order for exceeding the nitrate MCL in Well 01 and Well 02. The order directed
13 East Orosi CSD to submit a corrective action plan that considered installation of nitrate
14 treatment, drilling of a new well, and consolidation with another public water system.

15
16 East Orosi CSD entered into a planning funding agreement with the California Department of
17 Public Health in 2012 to evaluate options to mitigate nitrate contamination. The planning
18 project included completion of a preliminary engineering report (PER) to evaluate a new well,
19 required storage, existing distribution system, and meters. Self Help Enterprises (“Self Help”)
20 assisted with the PER through a technical assistance work plan.

21
22 On November 9, 2015, the Division issued Compliance Order 03_24_15R_001 to East Orosi
23 CSD for exceeding the nitrate MCL in Well 02. The order directed East Orosi CSD to return
24 to compliance by December 1, 2018.

³ The Tulare County Environmental Health Department later ceded regulatory jurisdiction over East Orosi CSD to the Division.

1 The PER was completed in 2017. It concluded that the only site for a new well that could
2 feasibly connect to East Orosi CSD lay southwest of East Orosi CSD and south of Orosi PUD.
3 A test well confirmed that the site could produce an adequate supply of uncontaminated
4 drinking water. The PER analyzed two alternative routes to connect the well site to East Orosi.
5 Because of the site's location relative to Orosi PUD, both alternatives skirted Orosi PUD.
6 Therefore, the PER considered options for interconnecting systems. Two options, C-1(a) and
7 C-1(b), were considered for the first route. Option C-1(a) would entail no interconnection and
8 would require East Orosi CSD to construct a storage tank. Option C-1(b) would entail
9 interconnection with Orosi PUD along part of the route and a service agreement for Orosi PUD
10 to provide operations and maintenance to East Orosi CSD; however, East Orosi CSD would
11 still need to construct a storage tank. Two options, C-2(a) and C-2(b), were considered for the
12 second route. Option C-2(a) would entail the same services agreement considered under
13 Option C-1(b) and provide a backup water source for East Orosi CSD, eliminating the need
14 to construct a storage tank. Option C-2(b) would entail full consolidation of the two systems.
15 The PER concluded that the total construction costs for either route, including storage tank
16 construction under Option C-1, would be about the same (approximately \$4,630,000 for
17 Options C-1 and approximately \$4,320,000 for Option C-2). The PER noted that East Orosi
18 CSD did not have the financial resources or customer base to cover the costs, stating, "There
19 is no possibility of local financing; the District's residents cannot fund the needed facilities."
20 All options being about equal in terms of cost, the PER concluded that Option C-2 would
21 "provide . . . operations and maintenance stability" and a backup water source for East Orosi
22 CSD. The PER further concluded that Option C-2(b), entailing full consolidation, "offers the
23 additional long-term reliability afforded by a continuing legal responsibility to [Orosi PUD]."⁴
24 Following completion of the PER, the technical assistance work plan with Self Help was

⁴ A supplemental Preliminary Engineering Report was prepared in 2023 and is attached as Attachment O.

1 amended to provide additional funding for Self Help to review East Orosi CSD's policies and
2 prepare documents necessary for construction of the consolidation project, including the
3 following: development of a consolidation agreement, application to the Tulare County Local
4 Agency Formation Commission ("LAFCo") for annexation of East Orosi CSD by Orosi PUD,
5 revision of the PER, environmental review, preparation of plans and specifications, and
6 preparation of a construction funding application. Approximately \$583,000 was made
7 available under the technical assistance work plan to assist in consolidation.

8
9 **g. Voluntary Consolidation Efforts**

10 On July 13, 2018, the State Water Board sent letters to East Orosi CSD and Orosi PUD
11 providing the six-month notice required by section 116682, subdivision (b)(8)(A), prior to
12 ordering consolidation and strongly encouraging them to negotiate voluntary consolidation.

13
14 On October 22, 2018, the State Water Board held a noticed public meeting at Orosi High
15 School pursuant to section 116682, subdivision (b)(10), to present the recommendations of
16 the PER and to receive public comments on consolidation as a solution to East Orosi CSD's
17 nitrate contamination.

18
19 The six-month voluntary consolidation period required by section 116682, subdivision
20 (b)(8)(A), expired on January 13, 2019. On January 9, 2019, East Orosi CSD requested a six-
21 month extension to the voluntary-consolidation period. On February 11, 2019, the State Water
22 Board sent a reply letter denying the request due to East Orosi CSD's continued exceedance
23 of the nitrate MCL. The letter, however, encouraged East Orosi CSD and Orosi PUD to
24 continue efforts to negotiate voluntary consolidation. Ultimately, the two systems were allowed

1 an extended opportunity to reach a voluntary consolidation agreement.⁵

2
3 On April 10, 2019, the State Water Board held a noticed public meeting at Orosi High School
4 pursuant to section 116682, subdivision (c)(2), to present the proposal for mandatory
5 consolidation and to take public comment.

6
7 Concurrent with the public process described above, the State Water Board engaged with
8 Orosi PUD, East Orosi CSD, and other stakeholders to facilitate voluntary consolidation. On
9 September 13, 2018, State Water Board staff held a meeting with Tulare County Supervisors
10 Steve Worthley and Eddie Valero and Tulare County Water Resources Program Director
11 Denise England.

12
13 East Orosi CSD did not have a quorum of board members until January 2019. On February
14 28, 2019, State Water Board staff attended an East Orosi CSD Board meeting. On June 26,
15 2019, State Water Board staff attended a special joint meeting of the boards of Orosi PUD
16 and East Orosi CSD to discuss issues raised in the April 10, 2019, public meeting and
17 comment period. Staff from both the Division and the State Water Board's Division of Financial
18 Assistance attended. Representatives from Self Help and Tulare County LAFCo also
19 attended. East Orosi CSD was unable to achieve a quorum at the joint board meeting.

20
21 On September 30, 2019, State Water Board staff participated in a conference call with Orosi
22 PUD, East Orosi CSD, Tulare County, and Cutler-Orosi Joint Unified School District.

23
24 On October 16, 2019, State Water Board staff held a meeting with Orosi PUD, Tulare County

⁵ The State Water Board did not order the original mandatory consolidation until October 27, 2020, more than a year and eight months later.

1 LAFCo, and Self Help. Representatives from East Orosi CSD were invited to participate but
2 did not attend.

3
4 In March 2020, the State Water Board began holding monthly stakeholder meetings to further
5 facilitate voluntary consolidation. Initially, attendees included East Orosi CSD, Self Help, and
6 Community Water Center. Orosi PUD and Tulare County began participating in the monthly
7 meetings beginning in August and September 2020, respectively.

8
9 At a September 10, 2020, stakeholder meeting, Orosi PUD and East Orosi CSD agreed to
10 submit by October 2020 draft benchmarks for achieving voluntary consolidation. On
11 September 16, 2020, the State Water Board asked Orosi PUD and East Orosi CSD to submit
12 a consolidation plan and provide assurances from their boards that they intended to
13 consolidate. The State Water Board provided an example of a consolidation plan, including
14 tasks and schedules. On October 16, 2020, East Orosi CSD submitted a letter of intent to
15 consolidate voluntarily and an incomplete consolidation plan. On October 16, 2020, Orosi
16 PUD submitted an incomplete plan; it did not submit a letter of intent.

17
18 On February 11, 2020, the Tulare County Board of Supervisors sent the State Water Board a
19 letter “urging [it] to issue a consolidation order without delay.” On September 15, 2020, the
20 Board of Supervisors sent a letter to the State Water Board asking it to “continue to pursue a
21 consolidation under the authority given by the Legislature.”

22
23 On May 11, 2020, Tulare County LAFCo informed the State Water Board that there was no
24 pending LAFCo process that would resolve East Orosi CSD’s nitrate contamination problem.

25 On September 3, 2020, the Chair of Tulare County LAFCo sent a letter to the State Water
26 Board asking it to “continue to pursue a consolidation under the authority given by the

1 Legislature” and expressing dismay that “the consolidation process has experienced
2 significant delay.”

3
4 On October 27, 2020, the State Water Board ordered the mandatory consolidation of East
5 Orosi CSD and Orosi PUD by issuing two separate but substantively identical orders—Order
6 No. 03_24_20R_002 to Orosi PUD, and Order No. 03_24_20R_011 to East Orosi CSD
7 (collectively, 2020 Order). The 2020 Order mandated the consolidation of the Orosi PUD and
8 East Orosi CSD public water systems into a single water system and directed that the
9 consolidation be completed no later than December 31, 2024.

10
11 On February 11, 2021, the State Water Board issued Notice of Violations No. 03-24-21N-001
12 to East Orosi CSD and No. 03-24-21N-002 to Orosi PUD for failing to comply with the 2020
13 Order.

14
15 Following Orosi PUD’s legal challenge to the 2020 Order, discussed in the section
16 immediately below, the State Water Board issued Order No. 24-E1-22R-004 on October 19,
17 2022 (2022 Order), which superseded the 2020 Order. The 2022 Order imposed a December
18 31, 2024, deadline for completing the consolidation of the two systems into a single system.

19
20 **h. Orosi PUD’s Legal Challenge to the 2020 Order**

21 On November 30, 2020, Orosi PUD submitted to the State Water Board a petition for
22 reconsideration of the 2020 Order pursuant to section 116701. Section 116701 requires
23 administrative review of certain State Water Board actions, including consolidation orders,
24 before a party may seek judicial review. The petition included a request that the State Water
25 Board stay the 2020 Order pending its decision on the petition. On January 11, 2021, the
26 State Water Board denied the stay request.

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On February 4, 2021, while the petition for reconsideration remained pending, Orosi PUD filed a petition and complaint challenging the 2020 Order in Fresno County Superior Court. The complaint stated the following six claims and requests for relief: (1) the stay was improperly denied, and the court should mandate the State Water Board to grant the stay pending its decision on the petition for reconsideration; (2) the State Water Board unreasonably delayed its decision on the petition, and the court should mandate the State Water Board to promptly issue a decision; (3) the State Water Board violated its duties under section 116682, including its duty under subdivision (e)(1) to provide compensation for lost capacity, and the court should vacate the 2020 Order; (4) the 2020 Order effected a taking of Orosi PUD's capacity, and the court should award Orosi PUD just compensation; (5) employees of the State Water Board deprived Orosi PUD of its federal constitutional rights under 42 U.S.C. § 1983, and the court should enjoin enforcement of the 2020 Order; and (6) the 2020 Order exceeded the State Water Board's statutory authority and violated statutory and constitutional provisions, including by forcing Orosi PUD to use revenues from customer fees to comply with the 2020 Order violating Proposition 218, and the court should grant declaratory judgment on the State Water Board's alleged violations.

On April 14, 2021, the State Water Board filed a general demurrer, which the court granted as to Orosi PUD's first, second, and fifth claims.

On August 27, 2021, the State Water Board dismissed Orosi PUD's petition for reconsideration.

On September 24, 2021, Orosi PUD filed a separate petition in Fresno Superior Court, raising substantially identical claims as the first petition and complaint and requesting an order

1 vacating the 2020 Order. The cases were consolidated by the Fresno County Superior Court
2 and they proceeded under Fresno County Superior Court Action No. 21CECG00344.

3
4 The State Water Board moved for summary adjudication of Orosi PUD's fourth claim. On June
5 16, 2022, the court granted the State Water Board's motion.

6
7 On June 1, 2022, the court issued its statement of decision on Orosi PUD's remaining claims.
8 The court ruled that the State Water Board had not violated or acted in excess of its statutory
9 authority in issuing the 2020 Order and the order contained all requisite findings supported by
10 the weight of the evidence:

11 [T]he court finds as follows: (1) the Board has the authority pursuant
12 to Health and Safety Code § 11682 to order consolidation of water
13 systems, and the Order properly mandates the consolidation of two
14 water systems; (2) there is substantial evidence in the
15 administrative record establishing the nitrate contamination of East
16 Orosi's water system, and (3) the Board's requisite findings under
17 the Health and Safety Code are supported by the weight of the
18 evidence.”

19 (See Attachment M: Statement of Decision, p. 2:11-18.) The court expressed concern,
20 however, about Orosi PUD's ability to prepare the necessary applications to obtain state
21 funding for construction of the consolidation project without violating Proposition 218,
22 indicating that it would remand the matter for the State Water Board to explain how it planned
23 to reimburse these costs. Orosi PUD had argued in its brief that the 2020 Order violated
24 Proposition 218 by forcing Orosi PUD to charge fees to its customers to cover the costs of
25 compliance, including preparation of plans and funding applications, pending later
26 reimbursement from the Water Board, thus running afoul of article XIID section 6, which

1 prohibits local agencies from extending, imposing, or increasing fees if the revenues from the
2 fees “exceed the funds required to provide the property related service” and if the revenues
3 will be used “for any purpose other than that for which the fee or charge was imposed.” The
4 court wrote the following in its statement of decision:

5 At oral argument neither party was [able] to provide the court with
6 an avenue of direct funding . . . which would fund Orosi in the up-
7 front costs, or a cost reimbursement mechanism, of preparing the
8 engineering plans and specifications necessary to complete the
9 application for technical assistance grants and other monies that
10 would facilitate the consolidation of the two water systems.

11 (Statement of Decision, p. 10:14-20.) On June 27, 2022, the court issued a judgment and
12 peremptory writ of mandate directing the State Water Board to set aside the Order No.
13 03_24_20R_002 issued to Orosi PUD, and reconsider it in light of the statement of decision.
14 The writ stated that the order “compel[ed] [Orosi PUD] to expend customer revenues in
15 violation of Proposition 218.”

16
17 **i. State Water Board Compliance with the Court’s Statement of Decision and Writ of**
18 **Mandate**
19

20 On August 15, 2022, the State Water Board sent letters to Orosi PUD and East Orosi CSD
21 setting aside Order No. 03_24_20R_002.

22
23 On October 7, 2022, the State Water Board executed an amendment to the Technical
24 Assistance (TA) Work Plan and grant agreement between Self-Help Enterprises and the State
25 Water Board, Agreement Number D1917012. The amendment authorized reimbursement to
26 Orosi PUD for costs it incurs to perform the following: review of project plans and
27 specifications; review of the preliminary engineering report; participation in project stakeholder

1 meetings; preparation of the technical, managerial, and financial portions of the Drinking
2 Water State Revolving Fund construction funding application; review of the application to
3 Tulare County LAFCo for annexation; and preparation and review of a consolidation
4 agreement. The amendment authorized up to \$40,000 for reimbursement of these costs.
5 Orosi PUD must have incurred the costs on or after October 27, 2020—the effective date of
6 the 2020 Order—for the costs to be eligible for reimbursement.

7
8 The State Water Board informed Orosi PUD of this funding source and provided direction on
9 how to seek reimbursement. For example, on September 21, 2022, the State Water Board
10 sent a letter to Orosi PUD’s board of directors explaining the process for applying for
11 reimbursement. The State Water Board directed Orosi PUD to submit documentation of
12 eligible costs to Self Help, who would then seek reimbursement from the State Water Board
13 on behalf of Orosi PUD. The State Water Board also explained that it would provide
14 appropriate financial assistance needed for the consolidation in the construction funding
15 agreement to reimburse Orosi PUD, including for the following costs: voluntary planning costs
16 incurred before October 27, 2020; planning costs incurred on or after October 27, 2020,
17 beyond the \$40,000 budgeted through the amendment to the technical assistance grant to
18 Self Help; and construction phase costs.

19
20 **j. Consolidation Implementation**

21 Since issuing the 2020 Order, the State Water Board has held regular stakeholder meetings
22 to facilitate implementation of its mandatory order to consolidate Orosi PUD and East Orosi
23 CSD into a single water system. The State Water Board has been represented by the Division
24 of Drinking Water and the Division of Financial Assistance staff. Other participants include
25 Orosi PUD, East Orosi CSD, Tulare County, Self Help, and the Community Water Center.

26

1 Self Help performed planning tasks covered by the technical assistance work plan. Self Help's
2 engineer, in consultation with Oroshi PUD's District Engineer Dennis Keller and Keller &
3 Wegley Engineering revised the PER, conducted the environmental review pursuant to the
4 California Environmental Quality Act, and drafted plans and specifications for construction.
5 Self Help compiled the information necessary to submit a construction funding application to
6 the State Water Board, including an audit of East Oroshi CSD's finances.

7
8 In June 2024, the State Water Board and East Oroshi CSD executed a funding agreement for
9 the consolidation of East Oroshi CSD and Oroshi PUD, a copy of which is attached to this Order
10 as Attachment F. The State Water Board has waived in writing certain terms in the funding
11 agreement, which written waiver is attached to this Order as Attachment G. The funding
12 agreement and the terms of any written waiver executed by the State Water Board is
13 hereinafter referred to as the "SWB Consolidation Funding Agreement". Funding under the
14 SWB Consolidation Funding Agreement is to be used to consolidate the East Oroshi CSD and
15 Oroshi PUD water systems, comply with the State Water Board's mandatory consolidation
16 order and resolve East Oroshi CSD's nitrate compliance violations, lack of water storage, aging
17 infrastructure, and lack of technical, managerial, and financial capacity. The SWB
18 Consolidation Funding Agreement provides \$13,521,607.00 in State Water Board grant
19 funding to fund the consolidation of East Oroshi CSD and Oroshi PUD. The SWB Consolidation
20 Funding Agreement provides appropriate financial assistance needed for consolidation,
21 including costs incurred by Oroshi PUD to complete consolidation.

22
23 The SWB Consolidation Funding Agreement funds the construction of a new well. On October
24 22, 2024, Tulare County executed a Memorandum of Understanding (MOU-Well Property
25 Agreement) with Cutler Oroshi Joint Unified School District to secure real property for the new
26 well on the condition that safe drinking water be supplied to Cutler Oroshi Joint Unified School

1 District's Family Education Center, which is a school located adjacent to the real property
2 where the new well will be constructed. The Family Education Center is currently permitted
3 by the Division to serve 30 persons from an aging well with water quality issues. A copy of the
4 MOU-Well Property Agreement is attached to this Order as Attachment O.

5
6 On October 9, 2024, Tulare LAFCo took action to amend the Orosi PUD sphere of influence
7 (SOI). The action includes the expansion of Orosi PUD's SOI to include the same area
8 covered by East Orosi CSD's service area. The SOI amendment allows Orosi PUD to provide
9 domestic water service to East Orosi CSD.

10
11 On November 6, 2024, Tulare County LAFCo took action to annex the area encompassed by
12 East Orosi CSD into Orosi PUD and divest East Orosi CSD of the power to provide domestic
13 water service. The County of Tulare submitted a request to LAFCo for an annexation of the
14 East Orosi CSD area of 57.52 acres for water service into Orosi PUD. Under the LAFCo
15 action, East Orosi CSD will remain for the provision of only sewer service. Tulare County
16 LAFCo approved annexation of East Orosi CSD into Orosi PUD.

17
18 **k. Appointment of Administrator for East Orosi CSD**

19 Related to but independent of the State Water Board ordering the mandatory consolidation of
20 East Orosi CSD and Orosi PUD, the State Water Board designated East Orosi CSD eligible
21 for appointment of an administrator to assume full control of the operations and management
22 of its public water system, pending completion of consolidation. Tulare County agreed to serve
23 as administrator in order to effectuate the consolidation between Orosi PUD and East Orosi
24 CSD. Accordingly, on October 22, 2022, the State Water Board issued Order No. 24-E1-22R-
25 001 (Administrator Order) appointing Tulare County Resource Management Agency as the
26 full-scope administrator for East Orosi CSD. The State Water Board executed an

1 Administrator Grant Agreement on November 2, 2022, to provide \$585,923 in grant funding
2 to Tulare County to serve as the full scope Administrator for East Orosi CSD. The
3 Administrator Grant Agreement was amended on May 7, 2025, to provide total grant funding
4 of \$994,544 with a work completion date of February 28, 2027. The Administrator Order
5 remains in effect.

6 7 **STATUTORY FINDINGS**

8
9 At the time the State Water Board issued the original mandatory consolidation orders, it made
10 the following statutory findings pursuant to section 116682, subdivision (d). The findings
11 supporting the issuance of the State Water Board's original mandatory consolidation orders
12 have not changed and remain the basis for this Order.

13
14 Pursuant to section 116682, subdivision (d), the State Water Board makes the following
15 findings:

- 16
17 1. East Orosi CSD has consistently failed to provide an adequate supply of safe drinking
18 water.

19 Discussion:

20 For purposes of consolidation, "safe drinking water" means "water that meets all primary and
21 secondary drinking water standards." Primary drinking water standards include MCLs,
22 treatment techniques, and monitoring and reporting requirements for MCLs.

23
24 East Orosi CSD has consistently violated primary drinking water standards by regularly
25 exceeding the nitrate MCL in Well 01 and Well 02 for more than a decade, and by failing to

1 monitor for nitrates, lead and copper, total coliform, disinfection byproducts, and 1,2,3-TCP.⁶

2
3 2. Reasonable efforts to negotiate consolidation of East Orosi CSD's water system with Orosi
4 PUD's water system were made by the State Water Board.

5 Discussion:

6 The Division held multiple meetings with East Orosi CSD, Orosi PUD, and other stakeholders
7 regarding consolidation during the two years and three months between giving notice of the
8 possibility of mandatory consolidation and issuance of the 2020 Order.⁷ The State Water
9 Board also covered many of the costs of a voluntary consolidation through its technical
10 assistance work plan with Self Help.⁸

11
12 3. Consolidation of Orosi PUD's water system and East Orosi CSD's water system is
13 appropriate and technically and economically feasible.

14
15 Discussion:

16 East Orosi CSD has consistently failed to provide an adequate supply of safe drinking water.⁹

17 It is not only appropriate, but necessary, that East Orosi CSD find an alternative water

⁶ See *supra*, pp. 4:15-5:15 and pp. 6:10-24; nitrate monitoring results (Attachment A); 2017 Preliminary Engineering Report (Attachment B); December 2019 Sanitary Survey Report. See also County of Tulare EHSD Compliance Order No. 2010-001 issued April 15, 2010; Compliance Order No. 03-24-15R-001 issued November 9, 2015; Citation No. 03-24-18C013 issued February 8, 2018; Citation No. 03-24-18C-101 issued September 4, 2018; Citation 03-24-18C-105 issued October 1, 2018; Citation No. 03-24-18C-135 issued December 12, 2018; Citation No. 03-24-19C-002 issued January 24, 2019; Citation No. 03-2419C-00 issued February 13, 2019; Citation No. 03-24-19C-013 issued February 15, 2019; Notice of Violation No. 03-24-19N-001 issued February 15, 2019; Citation No. 03-24-19C-089 issued August 9, 2019 (hereinafter, collectively, "Formal Enforcement Orders").

⁷ See *supra*, pp. 8:9-11:2; Attachment I (State Water Board Correspondence); Attachment J (Orosi PUD Correspondence); Attachment K (East Orosi CSD Correspondence); Attachment L (Tulare County Correspondence).

⁸ See *supra*, p. 7:26-8:7.

⁹ See *supra*, pp. 4:15-5:14 and pp. 6:10-24; nitrate monitoring results (Attachment A); 2017 Preliminary Engineering Report (Attachment B); December 2019 Sanitary Survey Report; Formal Enforcement Orders.

1 supply.¹⁰ The PER concluded that the only site for a new well that could feasibly connect to
2 East Orosi CSD lay southwest of East Orosi CSD and south of Orosi PUD. A test well
3 confirmed that the site could produce an adequate supply of uncontaminated drinking water.
4 The PER identified two routes to connect the well to East Orosi CSD, both of which, because
5 of the well site's location, skirted Orosi PUD. Therefore, three of the options considered by
6 the PER involved interconnecting the two systems. The PER found that all options would cost
7 about the same amount but concluded that full consolidation was the most preferable option
8 because of the long-term stability that would result from consolidation.¹¹

9
10 The consolidation is both technically and economically feasible. The 2017 PER exhaustively
11 reviewed various project options and determined that consolidation between Orosi PUD and
12 East Orosi CSD was technically feasible.¹² With respect to economic feasibility, the State
13 Water Board provided funding to Self Help to serve as a technical advisor and perform major
14 tasks in connection with the consolidation. The State Water Board also provided \$40,000
15 under the grant to Self Help, as well as additional grant funding under the SWB Consolidation
16 Funding Agreement, to reimburse Orosi PUD for its costs associated with consolidation.¹³ The
17 infrastructure needed for the consolidation is being constructed with grant funding provided
18 by the State Water Board under the SWB Consolidation Funding Agreement.¹⁴

19
20 Section 116682, subdivision (e)(1), requires the State Water Board to compensate receiving
21 public water systems, as necessary and appropriate, for any capacity lost as a result of
22 consolidation. Orosi PUD has requested, through litigation and communications with the State

¹⁰ See Formal Enforcement Orders; 2017 Preliminary Engineering Report (Attachment B); December 2019 Sanitary Survey Report.

¹¹ See *supra*, pp. 7:1-24; 2017 Preliminary Engineering Report (Attachment B).

¹² See *supra*, p. 7:1-24; 2017 Preliminary Engineering Report (Attachment B).

¹³ See *supra*, pp. 7:26-8:7, 14:23-15:18, 16:1-21.

¹⁴ See *supra*, pp. 15:8-13; 16:8-21; SWB Consolidation Funding Agreement (Attachment G).

1 Water Board, that compensation be provided immediately for lost capacity. The State Water
2 Board declines to compensate Orosi PUD for lost capacity at this time, since no capacity has
3 been lost as a result of consolidation. The amount of capacity that Orosi PUD will have to
4 dedicate to serving East Orosi CSD's customers cannot be determined until production of the
5 new well planned for as part of the consolidation is determined. The State Water Board will
6 comply with its statutory duty to compensate Orosi PUD for any lost capacity once such a
7 determination can be made.

8
9 4. There is no pending local agency formation commission process that is likely to resolve
10 the problem in a reasonable amount of time.

11 Discussion:

12 Prior to the State Water Board ordering mandatory consolidation, Tulare County LAFCo
13 confirmed that there is no LAFCo process that would resolve East Orosi CSD's nitrate
14 contamination problem and encouraged the State Water Board to order consolidation.¹⁵ The
15 action taken beginning in October 2024 by Tulare County LAFCo, described in the Statement
16 of Facts, subsection (j) above, standing alone, could not resolve East Orosi CSD's nitrate
17 contamination problem, including because funding for the improvements necessary to resolve
18 the violations must be obtained. That funding has been obtained as a result of the State Water
19 Board exercising its authority to order the mandatory consolidation of Orosi PUD and East
20 Orosi CSD and funding the consolidation of the systems.

21
22 5. Concerns regarding water rights and water contracts of the subsumed and receiving water
23 systems have been adequately addressed.

24 Discussion:

¹⁵ See *supra*, pp. 10:23-11:2.

1 The current source of water supply for East Orosi CSD water system and Orosi PUD's water
2 system is groundwater. The new, uncontaminated water source that will serve East Orosi
3 CSD's customers under consolidation is a groundwater well. The local groundwater basin is
4 unadjudicated; the State Water Board is not aware of any concerns regarding water rights and
5 water contracts of the two public water systems.¹⁶ The 2017 PER included the development
6 of a new well located on the property owned by the Cutler-Orosi Joint Unified School District.
7 The funding that has been obtained as a result of the State Water Board exercising its
8 authority to order the mandatory consolidation of Orosi PUD and East Orosi CSD will fund the
9 development and construction of the well proposed in the 2017 PER.¹⁷

10
11 6. Consolidation or extension of service is an effective and cost-effective means to provide
12 an adequate supply of safe drinking water.

13 Discussion:

14 As described in Finding No. 3 above, consolidation of East Orosi CSD with Orosi PUD's public
15 water systems is an appropriate and economically feasible means to provide an adequate
16 supply of safe drinking water to East Orosi CSD. Additionally, as discussed above, the 2017
17 PER determined that all four options for addressing East Orosi CSD's nitrate issues require
18 about the same amount of investment and that consolidation between the two systems offers
19 the added benefit of long-term stability for East Orosi CSD's customers.¹⁸

20
21 East Orosi CSD lacks the financial ability to independently remedy its nitrate contamination.
22 The State Water Board's 2017 and 2019 sanitary surveys found that East Orosi CSD lacked
23 financial capacity, due in part to "the reality of a small rate base." East Orosi's CSD's

¹⁶ See *supra*, pp. 3:22-4:13 and p. 4 fn 2.

¹⁷ See *supra*, p. 7:1-24; 2017 Preliminary Engineer Report (Attachment B), pp. 13-15.

¹⁸ See *id.*; 2017 Preliminary Engineer Report (Attachment B).

1 approximately 103 ratepayers cannot financially support the infrastructure for an independent
2 solution to nitrate contamination.¹⁹ Consolidation, financially supported by the State Water
3 Board, is therefore not only a cost-effective solution, but perhaps the only financially feasible
4 option. Furthermore, consolidation, by increasing the rate base, will help spread costs of
5 service among Orosi PUD and East Orosi CSD's customers.²⁰

6
7 7. The capacity of the proposed interconnection needed to accomplish the consolidation is
8 limited to serving the current customers of the subsumed water system.

9 Discussion:

10 The capacity of the proposed interconnection that will be installed between Orosi PUD's water
11 system and East Orosi CSD's water system to accomplish consolidation is limited to serving
12 the current customers of East Orosi CSD.²¹

13
14 **ADDITIONAL FINDINGS**

15 The State Water Board makes the following findings pursuant to Fresno County Superior
16 Court's June 1, 2022, statement of decision and its June 27, 2022, writ of mandate:

17
18 1. The State Water Board has made funds available to reimburse Orosi PUD for costs
19 associated with preparation of applications to obtain construction funding and has
20 explained to Orosi PUD how to obtain reimbursement.

21 Discussion:

22 The State Water Board has complied with the court's direction to explain how it plans to
23 reimburse Orosi PUD's costs associated with preparation of the necessary applications to

¹⁹ See *supra*, p. 3:8-20, pp. 5:16-6:20; p. 7:1-24; Sanitary Survey Report issued December 19, 2019.

²⁰ See *supra*, pp. 3:8-20, pp. 5:16-6:20, 7:18-8:7, 17:18-18:7; 2017 Preliminary Engineer Report (Attachment B).

²¹ See *supra*, p. 7:1-24; 2017 Preliminary Engineer Report (Attachment B).

1 obtain state funding for construction of the consolidation project by executing an amendment
2 to the technical assistance work plan with Self Help authorizing up to \$40,000 in
3 reimbursement. This funding is available for the following: review of project plans and
4 specifications; review of the preliminary engineering report; participation in project stakeholder
5 meetings; preparation of the technical, managerial, and financial portions of the Drinking
6 Water State Revolving Fund construction funding application; application to Tulare County
7 LAFCo for a change in organization, and preparation and review of the consolidation
8 agreement. Costs must have been incurred on or after October 27, 2020—the effective date
9 of the 2020 Order—to be eligible for reimbursement.²²

10
11 To expedite the process of reimbursing Orosi PUD, the State Water Board provided
12 reimbursement of recoverable costs through an existing technical assistance grant to Self
13 Help. This requires Orosi PUD to apply for reimbursement by submitting adequate
14 documentation of eligible costs to Self Help, which will then seek reimbursement from the
15 State Water Board on behalf of Orosi PUD.²³ In addition, the State Water Board has made
16 funding available to reimburse Orosi PUD's other consolidation costs under the SWB
17 Consolidation Funding Agreement.²⁴

18
19 Based on the information available to the State Water Board, it finds that the \$40,000 made
20 available under the technical assistance grant to Self Help as well as the additional funding
21 provided in the SWB Consolidation Funding Agreement will fully cover Orosi PUD's costs

²² See *supra*, pp. 14:23-15:18, 16:8-21; Attachment I (State Water Board Correspondence); Technical Assistance (TA) Work Plan and grant agreement between Self-Help Enterprises and the State Water Board, Agreement Number D1917012.

²³ See *supra*, pp. 14:23-15:18, 16:8-21; Attachment I (State Water Board Correspondence); Technical Assistance (TA) Work Plan and grant agreement between Self-Help Enterprises and the State Water Board, Agreement Number D1917012.

²⁴ See *supra*, p. 16:8-21; Attachment G (Funding Agreement).

1 associated with the preparation of applications to obtain state funding for construction of the
2 consolidation project and to complete consolidation.

3

4 2. The State Water Board has addressed the Proposition 218 issue identified by the Fresno
5 County Superior Court.

6 Discussion

7 The court expressed concern in its statement of decision about Orosi PUD's ability to prepare
8 the necessary applications to obtain state funding for construction of the consolidation project
9 without violating Proposition 218. The State Water Board has addressed that concern by
10 making funding available, as described above.²⁵

11

12 **ORDER**

13

14 The State Water Board **HEREBY ORDERS** the consolidation of East Orosi CSD and Orosi
15 PUD. Hereinafter, the term "Consolidated System" means the single public water system
16 mandated by this Order that results from the consolidation of Orosi PUD and East Orosi CSD.
17 When the word "days" is used below, it means business days.

18

19 The State Water Board sets the following timelines and performance measures to facilitate
20 the completion of the consolidation, and **HEREBY ORDERS** Orosi PUD and East Orosi CSD
21 to take the following actions:

22

23 **DIRECTIVES**

24 1. On or before December 31, 2023, East Orosi CSD shall submit a completed construction

²⁵ See Attachment M (Statement of Decision issued June 1, 2022 (Attachment M)); *supra*, at pp. 13:7-15:18.

1 funding application to the State Water Board. See Footnote 25.²⁶

2
3 2. Within 45 days of receiving a construction funding agreement, East Orosi CSD shall
4 submit to the State Water Board a signed funding agreement. See Footnote 26.²⁷

5
6 3. East Orosi CSD shall meet the milestones and timelines set forth in the SWB
7 Consolidation Funding Agreement, including any amendments thereto, and shall comply
8 with all terms, provisions, conditions and commitments of the SWB Consolidation Funding
9 Agreement, including all incorporated documents. Hereinafter, the term "Project" shall
10 have the same meaning as the term "Project" is defined and used in the SWB
11 Consolidation Funding Agreement.

12
13 4. Orosi PUD shall facilitate and cooperate with East Orosi CSD and the State Water Board
14 in the construction of the Project and in meeting the milestones and timelines in the SWB
15 Consolidation Funding Agreement, including any amendments thereto. East Orosi CSD
16 and/or the State Water Board may consult with Orosi PUD on carrying out the terms of the
17 SWB Consolidation Funding Agreement. In doing so, each party shall act in good faith
18 and for the purpose of completing the Project and consolidating the two systems into a
19 single system.

20
21 5. East Orosi CSD shall do all of the following, as funded by the SWB Consolidation Funding
22 Agreement:

23 a. Construct and develop a new groundwater well, capable of producing
24 approximately 1,200 gallons per minute.
25

²⁶ As of the date of this Order, East Orosi CSD has complied with this Directive.

²⁷ As of the date of this Order, East Orosi CSD has complied with this Directive.

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- b. Install a water supply connection (meter and lateral) to Family Education Center, Water System Number CA5403126.

- c. Construct approximately 9,450 feet of waterline distribution system.

- d. Construct a new 360,000-gallon storage tank.

- e. Install water supply connections (meters and laterals) for approximately 101 existing residential connections and approximately 2 commercial service connections.

- f. Decommission and properly abandon existing Well 1 (East) and Well 2 (West).

- g. Construct approximately 6,700 feet of waterline to convey water from what is currently (as of the date of this Order) Orosi PUD's public water system to what is currently (as of the date of this Order) East Orosi CSD's water system.

- h. Construct approximately 5,050 feet of pipeline connecting the well site to what is currently (as of the date of this Order) Orosi PUD's public water system.

- i. Complete the bid solicitation in accordance with the SWB Consolidation Funding Agreement, Exhibit A.2, paragraph 5.

- j. Comply with the construction and implementation terms and conditions set forth in the SWB Consolidation Funding Agreement, Exhibit A.2, paragraph 6.

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k. Consolidate East Orosi CSD’s water system into Orosi PUD, including the ownership transfer of all existing water system facilities, infrastructure, and customers.

6. Orosi PUD shall do all of the following, as funded by the SWB Consolidation Funding Agreement:

a. Facilitate and cooperate in the construction of approximately 6,700 feet of waterline to convey water from what is currently (as of the date of this Order) Orosi PUD’s public water system to what is currently (as of the date of this Order) East Orosi CSD’s water system in accordance with the timetable and terms required by SWB Consolidation Funding Agreement.

b. Facilitate and cooperate in the construction of approximately 5,050 feet of pipeline connecting the new well site to what is currently (as of the date of this Order) Orosi PUD’s public water system in accordance with the timetable and terms required by SWB Consolidation Funding Agreement.

c. Consolidate East Orosi CSD’s water system into Orosi PUD, including the ownership transfer of all existing water system facilities, infrastructure, and customers.

7. By September 1, 2026, East Orosi CSD shall complete submission to the State Water Board of all right of entry agreements for the installation of lateral lines on private residential properties within the East Orosi CSD service area.

- 1
- 2 8. By December 31, 2026, Orosi PUD shall submit to the State Water Board a report detailing
- 3 the proposed rate structure for the Consolidated System. The proposed rate structure shall
- 4 comply with Health and Safety Code section 116682, subdivision (g) and provide a
- 5 comprehensive plan, which includes milestones and deadlines, for adopting and
- 6 implementing a rate structure for the Consolidated System. Any public notice provided by
- 7 Orosi PUD and/or East Orosi CSD in connection with adopting a new or increased rate for
- 8 the Consolidated System shall be provided to the State Water Board.
- 9
- 10 9. By December 31, 2027, Orosi PUD shall comply with Health and Safety Code section
- 11 116525 by obtaining or amending a permit to operate the Consolidated System.
- 12
- 13 10. On the date of Project Completion, Orosi PUD shall operate the Consolidated System and
- 14 serve all customers of the Consolidated System. "Project Completion" shall have the same
- 15 meaning as that term is defined in the SWB Consolidation Funding Agreement, Exhibit C,
- 16 page 17.²⁸ The term "operate the Consolidated System" means the continuous
- 17 management of all the infrastructure and processes needed to deliver safe water to all
- 18 users of the Consolidated System, including collecting, treating, storing, and distributing
- 19 water, maintaining the system's integrity, and complying with all applicable laws and
- 20 regulations related to a public water system including the Safe Drinking Water Act.
- 21
- 22 11. On or before the date of Project Completion, Orosi PUD shall implement a rate structure
- 23 for the Consolidated System that complies with all applicable laws.
- 24
- 25 12. Orosi PUD shall submit to the State Water Board audited financial statements no later

²⁸ 'Project Completion' means, as determined by the Division, that the Project is complete to the reasonable satisfaction of the Division. (See Attachment G (SWB Consolidation Funding Agreement, Exhibit C, page 17.))

1 than 90 days after the close of each fiscal year, *i.e.*, by September 30 of the fiscal year
2 end. This Directive remains in effect until the Project is completed and Orosi PUD is
3 operating the Consolidated System, as those terms are used in Directive 10.

4
5 13. On or before the date of Project Completion, Orosi PUD shall obtain all government or
6 other necessary approvals for the Consolidated System.

7
8 14. On or before the date of Project Completion, Orosi PUD shall obtain and comply with all
9 LAFCo approvals and consents regarding the consolidation of the systems.

10
11 15. East Orosi CSD shall negotiate and execute all documents and agreements that are
12 reasonably necessary to complete the Project and/or to consolidate the systems.

13
14 16. Orosi PUD shall negotiate and execute all documents and agreements that are reasonably
15 necessary to complete the Project and/or to consolidate the systems.

16
17 17. East Orosi CSD and Orosi PUD shall execute, acknowledge, and/or deliver such other
18 agreements, instruments, documents, or assurances, and shall take all such other actions
19 as may be reasonably required, to serve water to the Family Education Center.

20
21 18. East Orosi CSD and Orosi PUD shall execute and deliver all transfer agreements or other
22 instruments of conveyance reasonably necessary to complete the Project and/or to
23 consolidate the systems.

24
25 19. East Orosi CSD and Orosi PUD shall cooperate in good faith to complete the Project and
26 to consolidate the systems. East Orosi CSD and Orosi PUD shall not hinder or delay
27 construction of the Project or completion of the consolidation, such as by (1) failing to
28 provide workable solutions to engineering, design or other issues during construction of

1 the Project and/or completion of the consolidation while rejecting workable solutions
2 provided by the other consolidating system or the State Water Board; (2) failing to timely
3 respond to communications or requests for access, information and/or input; and (3) failing
4 to plan for and manage the labor and/or financial resources needed to complete the
5 Project and consolidation.

6
7 20. East Orosi CSD and Orosi PUD shall issue any public notices, convene public meetings
8 and consider and adopt board consents, resolutions and/or ordinances that are
9 reasonably necessary to complete the Project and/or to consolidate the systems.

10
11 21. East Orosi CSD and Orosi PUD shall provide access to property and information as may
12 be reasonably required to complete the Project and/or to consolidate the systems.

13
14 22. Orosi PUD and East Orosi CSD shall respond to the State Water Board's request for
15 access to property and/or for documents, data or other information within fifteen (15) days
16 unless a different deadline is provided, including pursuant to Directive 26, below.

17
18 23. Decisions made by the State Water Board in connection with this Order regarding safe
19 drinking water standards, waterworks standards, permits, and compliance with the Safe
20 Drinking Water Act may be challenged only as authorized under the Safe Drinking Water
21 Act or other applicable legal authority. If East Orosi CSD and/or Orosi PUD intend to
22 challenge a decision or order issued by the State Water Board, they shall do so only by
23 exercising their legal right to contest the decision or order and shall not otherwise hinder,
24 delay or prevent work or completion of the Project or the consolidation of the systems.

25
26 24. East Orosi CSD and Orosi PUD shall provide a copy of this Order to all Board members,
27 administrators, agents and representatives. This Order shall apply to and be binding upon
28 Orosi PUD and East Orosi CSD, including all Board members, administrators, agents and

1 representatives. East Orosi CSD and Orosi PUD, including all Board members, agents
2 and representatives, shall comply with this Order and with all actions taken by the State
3 Water Board to implement and enforce this Order, including without limitation all actions
4 taken pursuant to Health and Safety Code, Article 8 (Health and Safety Code section
5 116625), Article 9 (Health and Safety Code sections 116650 – 116687), Article 10 (Health
6 and Safety Code section 116700 – 116701), Article 11 (Health and Safety Code sections
7 116725 – 116751), technical reporting orders issued pursuant to Health and Safety Code
8 section 116530, and permit actions taken pursuant to Article 7 (Health and Safety Code
9 sections 116525 – 116595).

10
11 25. East Orosi CSD and Orosi PUD shall notify the State Water Board in writing and submit a
12 proposed alternative deadline for State Water Board approval no later than fifteen (15)
13 days prior to any deadline that the party anticipates it will not timely meet.

14
15 26. East Orosi CSD and Orosi PUD may submit a written request to the State Water Board
16 for a modification to any deadline and, along with such request, shall include the basis for
17 the modification and a proposed new deadline. The approval or denial of any such request
18 shall be made in the sole discretion of the State Water Board, or its delegee.

19
20 **NOTICE AND MODIFICATIONS**

21 All submittals required by this Order shall be addressed and submitted electronically via email
22 to:

23 SAFER-Southern Engagement Unit
24 ddw-socalengagement@waterboards.ca.gov
25

1 The timelines and performance measures set forth in this Order are based on the best
2 available information at the time of its issuance and assume cooperation by East Orosi CSD
3 and Orosi PUD. The Division reserves the right to make modifications to this Order and/or to
4 issue such further order(s) as it may deem necessary to protect public health and safety or to
5 achieve the consolidation required by this Order. Such modifications may be issued as
6 amendments to this Order and shall be deemed effective upon issuance.

7
8 Nothing in this Order relieves Orosi PUD or East Orosi CSD of their obligation to meet the
9 requirements of the California Safe Drinking Water Act (Health & Saf. Code, § 116270 et seq.)
10 (SDWA), or any regulation, standard, permit or order issued thereunder.

11 12 **PARTIES BOUND**

13 This Order shall apply to and be binding upon Orosi PUD and East Orosi CSD, their officers,
14 directors, administrators, agents, employees, contractors, successors, and assignees.

15 16 **SEVERABILITY**

17 The requirements of this Order are severable, and Orosi PUD and East Orosi CSD shall
18 comply with each and every provision hereof notwithstanding the effectiveness of any other
19 provision. If any provision of this Order is held invalid or the application of that provision to
20 any circumstance is held invalid, that invalidity shall not affect other provisions or applications
21 of the Order that can be given effect without the invalid provision or application, and to this
22 end the provisions of this Order are severable.

23 24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Division to issue orders and citations with assessment
26 of administrative penalties to any person who is in violation of the requirements of the

1 California SDWA or any regulation, permit or order issued or adopted thereunder including,
2 but not limited to, failure to correct a violation identified in a citation or order. The California
3 SDWA also authorizes the Division to take action to suspend or revoke a permit that has been
4 issued to a public water system if the system has violated applicable law or regulations or has
5 failed to comply with an order of the Division; and to petition the superior court to take various
6 enforcement measures against a public water system that has failed to comply with an order
7 of the Division. The Division does not waive any further enforcement action by issuance of
8 this order.

9 

10 Andrew Altevogt, P.E.

11 SAFER Branch Chief

12 SWRCB - Division of Drinking Water

13
14 East Orosi Community Service District

15 Certified Mail No.: 9589 - 0710 - 5270 - 2160 - 6680 - 66

16 Orosi Public Utility District

17 Certified Mail No.: 9589 - 0710 - 5270 - 2160 - 6680 - 73
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1 Attachments:

2 Attachment A: East Oroshi CSD Nitrate Monitoring Results

3 Attachment B: 2017 Preliminary Engineering Report

4 Attachment C: Six-Month Consolidation Letters

5 Attachment D: 2020 Mandatory Consolidation Order (without attachments)

6 Attachment E: 2022 Mandatory Consolidation Order (without attachments)

7 Attachment F: Administrator Order

8 Attachment G: Funding Agreement

9 Attachment H: SWB Waiver Letter (Funding Agreement)

10 Attachment I: State Water Board Correspondence

11 Attachment J: Oroshi PUD Correspondence

12 Attachment K: East Oroshi CSD Correspondence

13 Attachment L: Tulare County Correspondence

14 Attachment M: Statement of Decision issued by Fresno County Superior Court

15 Attachment N: MOU-Well Property Agreement

16 Attachment O: 2023 Supplemental Preliminary Engineering Report

17