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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. XXXX-XXXX-EXEC [Instruction: Clerk will insert resolution number]

IDENTIFYING THE EAST OROSI COMMUNITY SERVICES DISTRICT AS A DESIGNATED SEWER SYSTEM IN NEED OF AN ADMINISTRATOR

WHEREAS:

1. On September 24, 2024, Assembly Bill (AB) No. 805 (2024-2025 Reg. Sess.) was signed into law, authorizing the State Water Resources Control Board (State Water Board) to identify designated sewer systems and appoint an administrator to ensure disadvantaged communities receive adequate sewer service. (See Wat. Code, §§ 13288, 13289.5, 13442.)
2. Water Code section 13289.5, subdivision (c), specifies the steps that the State Water Board must take before determining that a sewer service provider is a designated sewer system and appointing an administrator.
3. On January 22, 2025, the State Water Board adopted Resolution No. 2025-0004, approving and adopting updates to the Administrator Policy Handbook to establish standards, terms and procedures for designation of a sewer service provider and appointment of an administrator as outlined in Water Code section 13289.5, fulfilling one of the steps the State Water Board must take before appointing an administrator.
4. The East Oroshi Community Services District (East Oroshi CSD) is responsible for the East Oroshi sewage collection system and lift station, which serves the unincorporated community of East Oroshi, Tulare County, California. The East Oroshi CSD sewage collection system is comprised of approximately 100 septic tank connections that collect sewage and the system conveys septic tank effluent to a lift station within the community. The lift station is in the southwest corner of the community, near the intersection of Fruitvale Road and Avenue 416. The East Oroshi CSD lift station collects sewage from the East Oroshi community, which is ultimately pumped to the Cutler-Oroshi Joint Powers Wastewater Authority (JPWA) Wastewater Treatment Plant (WWTP).
5. As specified in Water Code section 13289.5, subdivision (c), on February 21, 2025, the State Water Board provided East Oroshi CSD with written notice and an opportunity to respond to show that it has taken steps to timely address identified failures to be an adequate sewer system provider and/or has taken steps to timely address identified failures to maintain technical, managerial and financial capacity to operate as an adequate sewer system.

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6. The February 21, 2025 Notice also included draft findings pursuant to Water Code section 13289.5, a summary of the Administrator Policy Handbook updated January 22, 2025, links to applicable and relevant law, and a May 2, 2024 memorandum from Dennis Keller, Consulting Civil Engineer, Inc., to Self-Help Enterprises and Community Water Center identifying an initial list of concerns with the Sanitary Sewer Collection and Export System operated by East Orosi CSD and funding priorities.
7. The unincorporated community of East Orosi has a total population of 423 according to the 2020 U.S. Census and is considered a disadvantaged community. A disadvantaged community is classified as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. According to the 2020 American Community Survey, 80 percent of the statewide median household income is \$62,938. Based on the 2016-2020 American Community Survey, the East Orosi CSD sewer system service area has a calculated MHI of \$25,972. This income classifies the area as a disadvantaged community.¹
8. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) received reported complaints documenting the lack of technical, managerial, and financial capacity of East Orosi CSD to prevent waste, fraud, and/ or abuse, as described in California Water Code 13289.5, subdivision (a)(2), and as outlined in the Administrator Policy Handbook.² According to these documents:
 - a. East Orosi CSD was \$68, 552 in arrears to the Cutler-Orosi JPWA, according to the May 2, 2024, memorandum regarding the East Orosi CSD Sanitary Sewer Collection and Export System. Arrearages demonstrate financial capacity failure for East Orosi CSD. The proposed administrator, Tulare County Resource Management Agency (Tulare County RMA), has since paid these arrearages for the East Orosi CSD using a grant awarded through the American Rescue Plan Act (ARPA).
 - b. East Orosi does not maintain an established governance as evidenced by lack of a quorum and/or lack of a legally responsible official necessary to maintain compliance with regulatory requirements. East Orosi CSD remains out of compliance with a Notice of Violation from the Central Valley Water Board for failure to complete enrollment in the

¹ Furthermore, the East Orosi CSD service area is also classified as a severely disadvantaged community as defined in Section 116760.20, subd. (o), as a community with an annual median household income that is less than 60 percent of the statewide median household income. According to the 2020 American Community Survey, 60 percent of the statewide median household income is \$47,203.

² The Administrator Policy Handbook outlines the standards, terms, procedures for designating sewer systems and appointing a sewer system Administrator.

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Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems.

9. East Orosi CSD has recorded instances of exposed sewage and effluent at residences from unauthorized discharges or backflows due to an underserviced system. These issues have caused secondary and potentially significant public and environmental health impacts and issues of nuisance and contamination. Surfacing effluent from septic tank connections is recorded as resident complaints in the Central Valley Water Board Facilities Inspection Report, conducted on April 9, 2024, and the 2019 Tulare County OWTS Policy Annual Report, as well as instances of residents paying for septic tank cleaning (pump-out) services.³ East Orosi CSD has an inherently maintenance-intensive system design, requiring regular pumping of connected septic tanks as part of collection maintenance. System failures occur due to deferred maintenance, age, and design of the system.
10. The February 21, 2025 Notice included the following documentation detailing East Orosi CSD's failures to provide adequate sewer service:
 - a. Summary of the East Orosi CSD Collection System Compliance Evaluation Inspection Report dated November 26, 2024, prepared by the State Water Board's Office of Enforcement;
 - b. Summary of Facilities Inspection Report for an inspection performed by the Central Valley Water Board on April 9, 2024; and,
 - c. Notice of Violation dated May 28, 2024, issued by the Central Valley Water Board.
11. The February 21, 2025 Notice specified that any response from East Orosi CSD must be provided no later than March 18, 2025. The State Water Board has not received a response, or a request for more time to respond, from East Orosi CSD.

³ Tulare County implements the State Water Board Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). OWTS, such as septic tanks, are overseen by Tulare County through a Local Agency Management Program approved in 2018 by the Central Valley Water Board as outlined in the OWTS Policy. Tulare County is required to submit annual reports recording complaints, including system failures, and new or replacement permits issued.

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12. As required by Water Code section 13289.5 and the Administrator Policy Handbook, on March 17, 2025, the State Water Board provided public notice of a public meeting held on April 17, 2025, in the community of East Oroshi. The public notice also:
 - a. Provided an opportunity to submit written comments through May 7, 2025; and
 - b. Identified Tulare County RMA as the proposed Administrator, specifying that Tulare County RMA would be a full-scope administrator, as defined in the Administrator Policy Handbook, and that no conflicts of interest with appointment of Tulare County RMA as an Administrator are presently known.
13. At the April 17, 2025, public meeting in the community of East Oroshi, representatives of the State Water Board's Divisions of Water Quality and Financial Assistance explained the process for determining that a sewer service provider is inadequate, identifying it as a designated sewer system, and proposing an Administrator for appointment. State Water Board staff received public comments and answered questions about the process.
14. At the April 17, 2025, public meeting, community members, non-profit representatives, and representatives of the East Oroshi CSD Board of Directors orally expressed support for the State Water Board's proposed appointment of an administrator for East Oroshi CSD. No commenter expressed opposition to the proposed identification of East Oroshi CSD as a designated sewer system in need of an administrator or requested an extension of the public comment period. Several commenters requested that appointment of an administrator take place as soon as possible.
15. Three comment letters were received by the State Water Board during its 30-day comment period, which ended May 7, 2025. Two letters in support of the sewer system administrator process were received from the Community Water Center and East Oroshi community members. One letter from the Central Valley Clean Water Association included comments and questions that were addressed in a subsequent meeting by State Water Board staff.
16. The State Water Board has considered the above documentation and comments supporting the identification of East Oroshi CSD as a "designated sewer system" in need of an administrator. The above information documents:

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- a. Failures to meet regulatory standards as documented in reports and observed results of unauthorized discharges from sewer systems;
- b. As of the May 2, 2024 memorandum, East Orosi CSD was \$68,552 in arrears to the Cutler-Orosi Joint Powers Authority and is unable to pay the application fee for enrollment in the appropriate regulatory order;
- c. Infrastructure failures, as evidenced by unauthorized sewage discharges and backflows, causing issues of nuisance or contamination;
- d. Failure to comply with the Central Valley Water Board's February 23, 2024 Water Code section 13260 directive to enroll under State Water Board Order WQ 2022-0103-DWQ, the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems General Order (SSS General Order); and
- e. Failure to resolve findings identified in the East Orosi CSD Collection System Compliance Evaluation Inspection Report dated November 26, 2024.

The above-described failures have not been resolved and East Orosi CSD has not responded to dispute the above-described failures.

17. As directed by the State Water Board in [Resolution No. 2016-0010](#), the proposed action to determine that East Orosi CSD is a designated sewer system and to appoint an administrator will continue to support the human right to water for sanitary purposes by appointing an administrator to assist a sewer service provider and the State of California providing administrative and technical assistance to improve access to, and the quality of, drinking water in disadvantaged communities.

18. In the updates to the Administrator Policy Handbook on January 22, 2025, the State Water Board delegated authority to its Executive Director to adopt a resolution setting forth findings to identify a sewer service provider as a designated sewer system and to act to appoint an Administrator to ensure adequate sewer service for a disadvantaged community is restored.

19. Following the sewer system administrator appointment, the administrator will be responsible for the following actions, in accordance with the Administrator Policy Handbook:

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- a. Develop a Community Accountability and Engagement Plan and a Post-Administrator Sewer Service Plan
 - b. Within 120 days of appointment, the administrator shall develop and submit a Community Accountability and Engagement Plan for approval by the State Water Board and shall meet to review expectations, following appointment;
 - c. At least one public meeting shall be held within 90 days of the appointment; and
 - d. The Administrator Policy Handbook outlines minimum public meeting requirements by the administrator.
20. Tulare County RMA is currently the full-scope drinking water administrator for East Orosi. The State Water Board does not require these minimum meeting requirements to be separate from existing meetings. However, the Community Accountability and Engagement Plan shall be tailored to the specific services the Administrator is appointed to provide as the sewer system administrator.

THEREFORE BE IT RESOLVED THAT:

1. Based on the above documentation and unresolved deficiencies and pursuant to Water Code sections 13288 and 13289.5, and consistent with the Administrator Policy Handbook:
 - A. East Orosi CSD sewer system serves a disadvantaged community.
 - B. East Orosi CSD is considered an inadequate sewer service because it has a demonstrated history of failures to meet regulatory standards for wastewater collection, treatment, and disposal.
2. East Orosi CSD is an inadequate sewer service, as defined in Water Code section 13288 and it is in the best interests of the customers of the sewer service provider and the State of California that an administrator be appointed to assist East Orosi CSD to make improvements necessary to develop and maintain an adequate sewer system.

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3. East Orosi CSD is a designated sewer system, pursuant to Water Code section 13289.5, subdivision (a).

As the Executive Director of the State Water Board, I hereby adopt this resolution pursuant to lawfully delegated authority.

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Eric Oppenheimer
Executive Director
State Water Resources Control Board

Date