

***DRINKING WATER FOR SCHOOLS
GRANT PROGRAM***

GUIDELINES

DRAFT

Adopted



I. BACKGROUND

Senate Bill 828 (Stats. 2016, ch. 29) (SB 828) added [Section 116276 to the Health and Safety Code](#) to require the State Water Resources Control Board (State Water Board) to establish a grant program for the purpose of improving access to, and the quality of, drinking water in public schools consistent with the intent that school facilities be maintained in “good repair,” as defined in paragraph (1) of subdivision (d) of [Section 17002 of the Education Code](#).

The purpose of these Guidelines is to establish the process and criteria the State Water Board Division of Financial Assistance (Division) will use to solicit applications, prioritize and evaluate project proposals, and award grants for the Drinking Water For Schools Grant Program. SB 828 appropriated the sum of \$9,500,000 from the General Fund to the State Water Board to be allocated under the grant program. Senate Bill 826 (Stats. 2016, ch. 23) made funding in the amount of \$500,000 available for Technical Assistance to applicants.

II. ELIGIBILITY REQUIREMENTS

Eligibility is based on applicant entity type, a demonstrated lack of access to safe drinking water, project type, minimum and maximum grant amounts, and alternative funding source considerations.

A. ELIGIBLE ENTITIES

Eligible entities are Local Educational Agencies (LEAs) serving kindergarten or any of grades 1-12, inclusive, and preschools and child day care facilities as defined in [Health and Safety Code Section 1596.750](#) located on public school property. Additionally, **all projects must be located at schools within, or serving, a disadvantaged community (DAC) as defined.**

B. LACK OF ACCESS TO SAFE DRINKING WATER

To be eligible for funding, applicants must provide documentation of impaired drinking water quality, impaired access to drinking water, or a combination of both. Water quality impairments are documented violations of drinking water standards with the potential to directly impact human health. The inability to provide access to free, fresh drinking water during meal times in the food service areas, or having drinking water facilities that are not in “good repair” are examples of impaired access.

C. ELIGIBLE PROJECT TYPES

Eligible projects include but are not limited to:

- Installation or replacement of water bottle filling stations or drinking water fountains with or without treatment devices capable of removing contaminants present in the school’s water supply;
- Installation of point-of-entry (POE), or point-of-use (POU) treatment devices for water bottle filling stations, drinking fountains, and other fixtures that provide water for human consumption, including up to three years of: replacement filters, operation and maintenance (O&M), and monitoring of POE or POU devices;
- Installation, replacement, or repairs of drinking water fixtures and plumbing appurtenances, but excluding major repairs or replacement of the plumbing system itself, that are necessary to address lead contamination identified by a school’s public water system pursuant to the Lead Sampling of Drinking Water in California Schools program and that requires a corrective action; and

- Provision of interim alternative water supplies, including purchases of temporary transfer water, hauled water, and bottled water if a permanent compliance solution is being implemented.

Costs directly related to planning, design, and construction that achieves an acceptable result are eligible for reimbursement. Installed equipment may be purchased, rented, or leased.

D. INELIGIBLE PROJECT TYPES

Ineligible project types include but are not limited to:

- Replacement, repairs, or rehabilitation of wells;
- Establishing connection(s) to an adjacent public water system;
- Projects that are solely demonstration or pilot studies; and
- Projects that are solely education and outreach.

E. MINIMUM AND MAXIMUM GRANT AMOUNTS

Due to the significant need throughout the State, the maximum grant amount will be \$100,000 per individual school, and \$1,000,000 per eligible applicant with no individual affiliated school receiving more than \$100,000. The minimum grant amount will be \$25,000 (see Table 1). County Offices of Education are encouraged to apply on behalf of multiple small Districts within their jurisdiction.

TABLE 1	GRANT AMOUNT	
	Minimum	Maximum
Single School	\$25,000	\$100,000
Eligible Entities	\$25,000	\$1,000,000

F. ALTERNATIVE FUNDING SOURCES

The funding available through this program is limited and not intended to address major improvements to drinking water systems. The State Water Board may direct owners or operators of public water systems to apply for other funding that may be available for drinking water projects. The State Water Board may elect to partially fund a proposed project with Drinking Water for Schools grant funding, and require the eligible recipient to apply for other funds to complete the project. The Division will assist applicants with this process.

III. FUNDING PRIORITIZATION

A. SMALL DISADVANTAGED COMMUNITIES

SB 828 requires the State Water Board to give priority to projects for schools within, or serving pupils from, a small disadvantaged community (small DAC). Due to the high anticipated need in these communities, funding awarded during the first nine (9) months after the Proposal Solicitation has been posted will be limited to projects for schools within, or serving pupils from a small DAC as defined. All proposals received within the first 9 months will have higher priority than those received subsequently. At least fifty percent (50%) of funds will be provided for projects that benefit schools in municipalities with a population that meets the definition of a small DAC.

Applicants are encouraged to determine in advance whether the included schools serve communities that meet the definition of a DAC, or small DAC, and seek guidance from the Division, if necessary. Guidance for making a determination is available online at:
([update webpage, add link to guidance](#))

B. PROJECT EFFECTIVENESS

SB 828 requires the State Water Board to give priority to projects that have high effectiveness in increasing access to safe drinking water at schools. Subject to the availability of funding, the Division will give priority for funding to projects that have the highest effectiveness, regardless of when the request for funding is received by the Division. Furthermore, the Division reserves the authority to modify projects if such modification is deemed to result in higher effectiveness, or equal effectiveness at a reduced cost. General guidance for selecting a treatment approach is available online at:
([coming soon](#))

C. PRIORITIZATION

If funding requests exceed available funding, projects will be prioritized as follows: projects at schools benefitting small DACs will be given higher priority; projects addressing drinking water contamination will be prioritized according to the risk of adverse health impacts; projects addressing impaired access to drinking water will be prioritized according to severity and number of students experiencing impaired access. However, applicants who have documented impaired access in a public disclosure such as the School Accountability Report Card (SARC) or a resolution adopted by the school's governing body will be deemed to have demonstrated a severe impairment.

IV. TECHNICAL ASSISTANCE

As funding allows, qualified applicants may be provided technical assistance (TA) both during the application process, after a grant award, and through project implementation. Assistance may include completing funding applications, overseeing and inspecting project installations, monitoring, and conducting O&M. Division staff will assist applicants, and coordinate technical input from Division of Drinking Water. In addition, eligible entities seeking to improve water quality should seek any assistance that may be available from their water system. Information regarding the availability, and the process of receiving, technical assistance will be made available online at:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/schools/

V. REQUESTS FOR FUNDING

Drinking Water for Schools grants will be awarded on a continuous basis, until funding is no longer available. The solicitation, review, and selection process are described herein.

A. PROPOSAL SOLICITATION

The Proposal Solicitation notice will be posted online on the program webpage at:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/schools/

The Proposal Solicitation notice will also be emailed to all interested parties on the Drinking Water for Schools electronic mailing list. Interested parties may sign up for the electronic mailing list online at:
http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml
Interested parties should enter an email address, full name, and select FINANCIAL ASSISTANCE (GRANTS & LOANS) then check the Drinking Water for Schools box.

At the end of the initial nine-month solicitation period, the Division will award grants for all eligible projects on a priority basis as long as funding is available. The Division will determine the amount, if any, of additional funding still available, and open the Solicitation to eligible applicants with projects benefitting

any size DAC. The Solicitation schedule and related notifications will be available online on the program webpage.

Eligible applicants serving small DACs are urged to submit their applications as soon as possible.

B. PROPOSAL APPLICATION

The Proposal Application will consist of an online questionnaire and required attachments submitted using the State Water Board's Financial Assistance Application Submittal Tool (FAAST) system. The Funding Application form can be accessed online at:

[\(Link to Application\)](#)

The FAAST application will be available following issuance of the Proposal Solicitation notice, at the following secure online link:

<https://faast.waterboards.ca.gov/>

C. PROPOSAL REVIEW PROCESS

Factors which, at a minimum, will be considered by the State Water Board in determining whether to provide funding include the following:

1. Applicant eligibility and priority;
2. The severity of documented project need;
3. Project effectiveness, i.e., whether the project effectively addresses the need;
4. Cost-effectiveness, i.e., whether the project provides an acceptable result at a reasonable cost when considering the cost per benefitted student, when considering feasible alternatives; and
5. Whether there are other more appropriate State Water Board funding sources.

D. FUNDING RECOMMENDATION PROCESS

Requests for funding received by the Division will be reviewed to determine eligibility for funding, and the priority of the request. The Deputy Director of the Division will make a final award determination.

E. APPLICANT NOTIFICATION

The State Water Board official delegated authority to approve or reject projects will provide the recipient with a funding determination via email, and Division staff will post the approved proposals online on the program webpage.

F. GRANT AGREEMENT

Following a funding award, the State Water Board will execute a Grant Agreement with the grant recipient. Grant Agreements are not executed until signed by authorized representatives of the grant recipient and the State Water Board.

It is highly recommended that applicants review the Grant Agreement Template prior to submission of their proposal. If applicants are not able to abide by the terms and conditions contained therein, applicants should not submit an application. In addition, the project proposed by the applicant must be completed and all invoices submitted by the appropriation end date of June 30, 2021. A Grant Agreement Template can be found online at:

[\(coming soon\)](#)

Non-responsiveness to State Water Board inquiries and requests for information has been an issue with a handful of past applicants and grant recipients. Such non-responsiveness slows down the funding process, resulting in grant funds being left unused for a substantial and unwarranted amount of time. Due to the critical and potentially immediate need for this program's funding, lack of responsiveness

during the negotiation of a Grant Agreement may result in withdrawal of the grant award, and lack of responsiveness subsequent to execution may result in termination of the Grant Agreement.

The State Water Board reserves the right to modify these Guidelines, or make specific exceptions for specific projects, and may consult with appropriate stakeholder groups, as necessary to effectively implement funding subject to these Guidelines and SB 828. Division staff may make clarifying or editorial revisions to the Funding Application form following adoption of these Guidelines.

VI. DOCUMENTATION OF NEED

Applicants must document impaired access to safe drinking water by demonstrating impaired water quality, impaired access, or both. Division staff will assist applicants in providing this documentation.

A. IMPAIRED WATER QUALITY

Drinking water is considered unsafe if there are contaminants present in the water supply at concentrations that violate a Maximum Contaminant Level (MCL) or exceed an action level. If a school is served by a public water system that has had a recent violation or a history of such violations, there is potential for human exposure to the contaminant, and the drinking water is impaired. Although there are many drinking water standards that may be violated, only violations stemming from contamination level exceedances represent this potential exposure. Many violations stem from bacterial contamination, but this type of water quality issue is typically temporary, and addressed by the PWS. Therefore the grant program priorities will be to address exceedances of an MCL other than bacterial contamination, or exceedance of an action level for lead.

Lead rarely occurs naturally in California's drinking water sources, but may become present when water passes through older plumbing fixtures or solder containing lead that connects plumbing fixtures. As a result of a permit action by the Division of Drinking Water, school administrators may request in writing that their public water system collect and analyze up to five water samples at each K-12 school served by the water system and provide technical assistance if an elevated lead sample site is found.

Information on the Lead Sampling of Drinking Water in California Schools is available at:
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/leadsamplinginschools.shtml

Any documentation of water quality impairment will be considered by Division staff. At least one of the violations must have occurred within three years from the application date. Additionally, applicants should confirm that the issue has not been remedied, nor will be remedied imminently, and should include this confirmation with the application. MCL violations for previous years are compiled and published by the Division of Drinking Water in its Annual Compliance Report, available at:
http://www.swrcb.ca.gov/drinking_water/certlic/drinkingwater/Publications.shtml

More recent violations should be disclosed on Consumer Confidence Reports issued by each public water system. Additionally, drinking water regulations require written public notification under certain circumstances. These documents or other methods may be used to demonstrate impaired water quality, and should be submitted by applicants, along with any correspondence with or from their public water system. Schools that have been working with their public water system to sample for lead on campus may submit the associated documentation.

B. IMPAIRED ACCESS

[Section 17002 of the Education Code](#) defines “Good Repair” as meaning that a facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to a school facility inspection and approved evaluation instrument. The Office of Public School Construction (OPSC) developed the Facility Inspection Tool to serve as this evaluation instrument. The Facility Inspection Tool is used by schools to complete the School Accountability Report Card (SARC). Applicants with

schools who submit a SARC that indicates the Repair Status of drinking fountains as ‘poor’ or ‘fair’ in a previous year will be deemed to have demonstrated impaired access to drinking water.

[Section 38086 of the Education Code](#) requires that school districts provide access to free, fresh drinking water during meal times in the food service areas of the schools under the school districts’ jurisdiction. The governing board of a school district may adopt a resolution stating that it is unable to comply with the requirements of this section and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns. Applicants who are unable to comply with this measure and submit their adopted resolution will be deemed to have demonstrated impaired access to drinking water.

The California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) requirement for the number of drinking fountains in schools is 1 fixture per 150 persons. Failure to meet this requirement represents impaired access to drinking water.

The State Water Board recognizes the difficulty of increasing students’ consumption of water, and the many varying impediments to meeting this goal. The State Water Board also recognizes that there may be circumstances where meeting the minimum requirement for the number of drinking fountains may not provide adequate access, e.g., due to the facility locations, or an inefficient distribution across a school’s campus. Similarly, there may be circumstances where replacement of drinking fountains with water bottle filling stations may increase access to, and consumption of drinking water by students. Therefore, the Division will evaluate concerns of impaired access on a case by case for situations unrelated to the lack of compliance. Applicants may support concerns regarding impaired access with a brief narrative description and photo-documentation.

VII. DEFINITIONS

Acceptable Result – means a project, that when completed, effectively provides for the reliable supply of drinking water in a school facility by improving water quality or access to safe drinking water.

Action Level – means the concentration of lead or copper in water that is used to determine the requirements of the Lead and Copper Rule (California Code of Regulations, Title 22, Division 4, Chapter 17.5) that a water system shall meet. (California Code of Regulations, Title 22, Section 64671.05.)

Child Day Care Facility – means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes. (Health & Safety Code Section 1596.750)

Disadvantaged Community (DAC) – means a community with an annual median household income that is less than 80 percent of the statewide annual median household income ([Water Code Section 79505.5](#)). If median household income information is not readily available within a school boundary, DAC status may be based upon the percentage of students eligible for the California Department of Education’s Free or Reduced Price Meals program using the most current data available. Schools with ninety percent (90%) or more students who are eligible, will be deemed to serve a DAC. Data is available on the California Department of Education’s website: <http://www.cde.ca.gov/ds/sd/sd/filespp.asp>.

Good Repair – means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to a school facility inspection and evaluation instrument developed by the Office of Public School Construction and approved by the board or a local evaluation instrument that meets the same criteria. (Education Code Section 17002, Subdivision (d).)

Impaired Water Quality – means any contamination of water to a degree which, in the judgment of the State Water Board, may have an adverse effect on the health of persons. Impairment may be caused by any physical, chemical, biological, or radiological substance or matter in water.

Local Educational Entity (LEA) – means a public board of education or other public authority legally constituted for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision, or for a combination of school districts or counties that is recognized as an administrative agency for its public elementary schools or secondary schools.

Maximum Contaminant Level (MCL) – means a state or federal maximum permissible level of a contaminant in drinking water. (42 United States Code Section 300f(3); Health & Safety Code Section 116275, Subdivision (f).)

Point-of-Entry (POE) Treatment Device – means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building. For a public water system, POE treatment is governed under regulations adopted by the State Water Board, and contained in [Title 22, California Code of Regulations](#).

Point-of-Use (POU) Treatment Device – means a treatment device applied to a single tap for the purpose of reducing contaminant in drinking water at that tap. For a public water system, POU treatment is governed under regulations adopted by the State Water Board, and contained in [Title 22, California Code of Regulations](#).

Public Water System – means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. (Health & Safety Code Section 116275, Subdivision (h).)

Small Disadvantaged Community (small DAC) – means a municipality with a population of 20,000 persons or less, or a reasonably isolated and divisible segment of a larger municipality encompassing 20,000 persons or less, with an annual median household income that is less than 80 percent of the statewide annual median household income ([Water Code Section 13193.9](#)). A municipality means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law. A divisible segment of a larger municipality includes a school district or individual school boundary.

VIII. GENERAL PROGRAM REQUIREMENTS

A. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Grant recipients are responsible for complying with all applicable laws and regulations for their projects, including CEQA. State Water Board selection of a project for a grant does not indicate that the consideration of alternatives or mitigation measures that would reduce or eliminate adverse environmental effects of that project is adequate. No work may proceed until the State Water Board completes its own CEQA findings.

B. DIVISION OF STATE ARCHITECT (DSA)

The Department of General Services' Division of the State Architect (DSA) provides design and construction oversight for K–12 schools, community colleges, and various other state-owned and leased facilities. DSA also develops accessibility, structural safety, and historical building codes and standards utilized in various public and private buildings throughout the state of California. Grant recipients are responsible for complying with all applicable laws and regulations for their projects, including DSA review, approval, and oversight, if required.

C. REPORTING

Grant recipients may be required to submit progress reports that detail activities that have occurred during the applicable reporting period. At the conclusion of the project, grant recipients must submit a Final Project Summary.

D. OPERATIONS & MAINTENANCE

Grant recipients with projects that include treatment devices will be required to adopt a program for inspecting and maintaining the devices during the grant term subject to requirements set by the State Water Board.

E. CONFLICT OF INTEREST

All grant program participants are subject to state and federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent Grant Agreement being declared void.

F. WATER CONSERVATION

Grant recipients will be required to comply with the State Water Board's Drought Emergency Water Conservation regulations (California Code of Regulations Title 23, Article 22.5) to the extent feasible.

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