



April 16, 2014

The Honorable Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Via electronic mail to California State Water Resources Control Board and Staff

Re: Support: Proposed Use of Interim Emergency Drinking Water Resources

Dear Chair Felicia Marcus, State Water Board Members and Staff,

On behalf of Community Water Center (CWC), we appreciate this opportunity to provide comments and propose recommendations on the use of interim emergency drinking water resources for disadvantaged communities impacted by contaminated water supplies. Thousand of communities on private and public water systems throughout California could benefit from this funding. It would provide much needed temporary relief, as they work towards permanent, long-term drinking water solutions. We support the item before the Board and offer the following comments, recommendations and list of potential projects to help in Board Staff's efforts to develop, implement and maintain an effective interim emergency program that starts addressing critical health and drought related community needs as soon as possible.

The Human Right to Water bill (AB 685), enacted January 1, 2013, statutorily recognizes that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purpose" and also directs the Board "to consider the human right to water when revising, adopting, or establishing policies, regulations, and grant criteria." The duty to consider is an on-going obligation of the Board, which is not possible to discharge through a single action and as such, it should proceed with a range of policies, programs or regulations. We believe this proposed action presents a perfect opportunity to advance the human right to water.

For the following comments and recommendations, we draw on our experience working directly with communities to implement interim-funding projects, both directly with communities and also as part of the efforts of interim emergency funding program administered by the California Department of Public Health (CDPH). We believe previous efforts by state agencies to provide interim, emergency resources have fallen short for many reasons; although it is possible to address these shortcomings moving forward by steering clear of ineffective programmatic barriers, many of which we have outlined in this letter.

Expanding Eligibility on Source of Contamination

We support Staff's recommendation to expand eligibility to communities that are affected by other types of contamination. This is important given that nitrate is not the only contaminant impacting community water supplies. For instance, the report AB 2222 *Communities that Rely on a Contaminated Groundwater Sources for Drinking Water* identified ten top contaminants impacting communities relying on groundwater.

Expanding Eligibility to Disadvantaged Communities Without a PWS

We believe funding should be expanded to include eligibility to communities with, or without a public water system, which have contaminated drinking water supplies, or are exacerbated by the drought conditions. Under CDPH's current interim funding program, eligible recipients are limited to only public water systems serving severely disadvantaged communities (SDACs) who have submitted a pre-application for funding for a project to address the public health emergency and that the project is ranked on the Project Priority List (PPL). SDACs that rely on state smalls (fewer than 15 connections) or communities served by contaminated private wells and are working on long term community-wide solutions, do not qualify for this funding.

Many residents within DAC communities who are relying on private wells have lost their water supply due to the drought. Resources available for these individuals to drill a new well, connect to neighboring systems, or to make necessary upgrades necessary to access water, have been limited and in many cases the only program available is through United States Department of Agriculture Rural Development. The Board has an opportunity with this proposed program to address critical funding gaps. We need funding accessible to all communities including communities of private well owners and state small systems (2-15 connections) and recommend adding individual well owners and state smalls as eligible funding applicants.

We understand providing resources to private wells owners and state small systems (smalls) would require extensive administrative resources to manage and provide oversight. Still, this funding provides the best opportunity to address the needs of the state's most vulnerable population. As such, we recommend Staff work with local partners, NGOs, City, County and other like third party providers to fund private well owners and smalls drinking water projects. Previous local efforts to help these communities allotted public funding to third party providers, such as Self Help Enterprises, specifically to help all communities, including private well owners and smalls.

Examples of communities that would benefit from this change include the communities of Monson in Tulare County, Springfield Terrace community in Monterey County, Orange Center community in Fresno County and a growing number of private well owners currently without running water throughout the San Joaquin Valley.

- Monson, which relies on private wells and received a State Revolving Loan Funding (SRF), Planning grant funding to conduct a feasibility study, and is researching the option to consolidate with a neighboring system, does not qualify for any other funding while they wait for a long-term solution.
- Springfield Terrace is served by a number of different types of water providers, e.g. a public water system, local small systems (2-4 connections), and individual private wells, is yet another example. While the entire community is included as part of a Pre-planning and Legal Entity Formation Program application, only sections of the community (those served by the eligible public water systems) were able to access funds for interim drinking water; others remain without assistance.
- Orange Center, which relies on private wells and has the potential to pursue a consolidation with the City of Fresno's Public Water system and is awaiting funding from the Pre-planning and Legal Entity Formation Program to being efforts to make the community eligible for traditional planning and construction funding sources to address their drinking water challenges. It also

does not qualify for any other assistance. This despite the significant water quality challenges in the region and wells going dry.

- There is also a growing number of low income private well owners, who have lost their only supply of water and are now relying on either hauled water, or water pumped from above ground hoses from neighboring households. These communities do not qualify for funding available through United States Department of Agriculture Rural Development.

Expanding Eligible Applicants

We support Staff's recommendation to expand eligible applicants to entities such as public agencies, not-for-profit water districts, other not-for-profit organizations, and tribal governments, so that eligible communities can access the interim funding in an expedient manner. The program that is currently administered by CDPH limits applicants to public water systems, local Health Officers, or local Directors of Environmental Health. In our experience, eligible public water systems may not have the capacity, or interest in accessing these funds on behalf of the community, despite meeting all eligibility criteria. In scenarios like these, local Health Officers or Directors of Environmental Health may be hesitant to go in to address these challenges, while non-profit organizations such as CWC are willing to and in some cases more suited, to addressing these concerns and ensuring community needs are met.

Increase Funding Cap to \$150,000

We support Staff's recommendation to increase the maximum funding cap to \$150,000 for each project. Under CDPH's interim funding program, the maximum funding cap of \$50,000 per system has proven to be inadequate in (1) providing sufficient amounts of safe water for certain communities and (2) limiting the range of options communities can pursue, especially for those that have larger numbers of connections or need the solution for the entire period of the grant period allotment (three years). As a result, many communities have chosen to pursue very short-term projects that only provide relief between one to two years, or pursue water allotments that do not cover their basic drinking needs. In our experience, the \$50,000 funding amount has not been enough to adequately cover all costs associated with implementing Point of Use (POU) treatment for households, or centralized located vending machines.

Removal of Existing Monthly Funding Cap for Bottled Water

Under CDPH's interim funding program, the monthly maximum amount of \$30 per household for bottled water has proven to be inadequate for many households. Households receive an arbitrary allocation based on the funding cap rather than receiving an adequate and sufficient source of drinking water. For example, the maximum amount of bottled water communities in the Salinas Valley receive is approximately 20 gallons every two weeks, which is not even half of what is needed. Delivered bottled water typically has a much higher per unit cost, because the transport and distribution expenses incurred by the service provider are incorporated into the unit cost of bottled water.

We propose that any interim water project meet the objectives and intent of the program by providing an interim source of safe water consistent with the actual needs of the community. The Federal Emergency Management Agency recommends an average daily usage of one gallon of water per person for both cooking and drinking, and according to available US Census 2010 data, the average household size in these SDACs is 4.5 people. In our experience, on average, these general guidelines are consistent with providing an adequate supply of interim safe drinking water. However, actual need will vary among households. We recommend that communities have the flexibility to determine what their water needs are, factoring in the size of the community and water consumption rate, instead of relying on water system connections alone. This proposed program should be void of a monthly funding cap for bottled water.

Prioritize SDACS applying for Funding

Severely Disadvantaged Communities (SDACs) should be prioritized. DACs are those communities with a median household income (MHI) less than 80 percent of State's average and an SDAC are those

communities with an MHI less than 60 percent of the State's MHI. In areas like the San Joaquin Valley, virtually all communities are mapped as DACs, making it hard for more SDACs to make the case for prioritization and inclusion of their needs and projects. For example, Department of Water Resources (DWR) maps the entire City of Fresno and other large and medium sized-cities in the region as a DAC. SDACs should be prioritized.

Fund Operations and Maintenance (O&M) Costs

Covering direct costs of O&M is critical. It has been challenging for communities to cover O&M costs in the program administered by the CDPH funding program, due in part to the labor compliance rules on the Proposition 84 funding (i.e. O&M costs are only eligible through a lease agreement). The lack of clarity around the eligibility of O&M costs in CDPH's program has negatively impacted the range of potential options for interim solutions that communities have and/or has also created unnecessary delays in executing funding agreements.

For example, last year the community of Seville in Tulare County applied to implement a centralized vending machine as a cost-effective solution and source of safe water versus the next available option of bottled water. The application was determined ineligible because O&M expenses could not be covered outside of a lease agreement. As a result, this barrier negatively impacted the community's ability to secure interim safe water by incurring delays to revise the funding application and secure a willing leaser. For these reasons, this proposed program should prioritize the flexibility of covering O&M costs in order to enable more communities to access these funds without additional hurdles.

Communities

We are working with a number of communities to secure interim drinking water and have attached a list of potential projects (**Attachment A**) to this letter in order to provide the Board and Staff a snapshot of the types of communities that are currently in need. This list was developed with the assistance of partners from the California Rural Legal Assistance located in the Salinas Valley, will help the proposed program move forward expeditiously in identifying and funding projects.

Conclusion

It is urgent we move fast so that communities in need are able to access funding for a much needed interim source of safe drinking water. We thank you for your leadership and initiative to address current restrictions of the CDPH funding program and also for your interest and consideration of additional recommendations and suggestions. We look forward to working together to ensure access to safe and affordable drinking water in disadvantaged communities.

Sincerely,

Shen Huang
Technical Analyst
Community Water Center

Omar Carrillo
Policy Analyst
Community Water Center

cc: Jim Maughan, State Water Resources Control Board, Assistant Deputy Director
Conny Mitterhoffer, State Water Resources Control Board, Senior Engineer

Enclosed: Attachment A

ATTACHMENT A

System Type	County	Community	System #	System Name	MHI	# of Connections	Population Served	Contaminant	Out of Compliance Since	Proposed interim solution	Interim Drinking Water Amount	What are the Long Term Prospects?
	Kern	Arvin	1510001	Arvin Communities Services District	48% of State MHI - \$29,740 (ACS 06-10)	3644	18000	Arsenic	2001	POU filters for all schools	TBD	P84, SRF, EPA Superfund funding to drill new wells to replace high arsenic wells. If good test wells can't be identified, build 2 treatment plants.
	Kern	Arvin mobile home park	1500588	Sonshine Properties	TBD - Dolores Huerta Foundation has conducted a population/income study of the mobile home park	106	500	Nitrates, DBCP	?	POU filters for residences in the mobile home park	TBD	P84 funding to consolidate with Arvin CSD
	Kern	Lamont	1510012	Lamont Public Utilities District	42% of State MHI - \$25578 (Census CDP)	3205	15120	Arsenic	?	POU filters for all schools	TBD	SRF to replace well with high arsenic and do blending
	Tulare	Seville	5400550	Seville Water Company	23% of State MHI - \$14,000 (CSU Fresno income study)	77	400	Nitrates	2007	Central vending machine for community and school use	TBD	P84 and SRF to consolidate with Yettem and be part of Northern Tulare County Regional Project
	Tulare	Dinuba mobile home park	5400523	El Monte Village Mobile Home Park	MHI study needed	49	100	Nitrates	?	TBD	TBD	SRF app for replacement well/well rehab/consolidation with Dinuba (app is incomplete)

	Tulare	Hardwick	1600507	Hardwick Water Group	MHI done by Self Help?	16	40	Uranium	?	Currently only residents on Hardwick Water Company system receives bottled water through P84. Community also has about 20 private well owners.	\$15,427	P84 for a new well, possibly treatment
	Monterey	Camp 21	2701068	Iverson & Jacks Apartments	24499	30	150	Nitrates	1979	Already receiving (10 gallons/week) bottled water through P84 - need more	\$25,200 for 3 years; to supply full need TBD	ID'd new well site through feasibility study; preparing construction app
Public Water System	Monterey	Alpine Court Labor Camp	2701063	River Rd. #25	24000	19	60	Nitrates	early 2000s	Each household already receiving (10 gallons/week) bottled water through P84 - need more	current contract is for \$20,393; cost to supply each household 25 gallons/week is roughly \$47,192.50	Nilsen & Associate is developing App for IRWM (drinking water & wastewater); trying to negotiate consolidation with City of Gonzales
Public Water System & Local Small systems	Monterey	Springfield Terrace	2700771	Springfield MWC, Springfield #1, Springfield #2, Springfield #4	Springfield MWC - \$35,000; Springfield 1,2,4 - within census tract 1.01 which is \$39,570	41	~250	Nitrates	Springfield MWC - 1986	Currently only Springfield MWC receives water (15 gallons/biweekly) - proposal is to expand to 25 gallons/week and include Springfield local small connections (~7 connections)	Current contract is for \$37,613; cost to supply each household 25 gallons/week is roughly \$140,822.12	Pajaro/Sunny Mesa owns and operates system - PSM wants to consolidate with inland school well. We've advised them against this since well is vulnerable to seawater intrusion. Pursuing planning grant for feasibility study.

Public Water System	Monterey	Rocha Labor Camp	2701063	Apple Ave #3	? CDPH defines as DAC	20	60	Nitrates	?	TBD	TBD	CDPH planning grant Feasibility study looking at consolidation with Greenfield
State Small System	Monterey	San Vicente Rd. #1	2700774	San Vicente Rd.#1	TBD-CRLA doing income survey	10	~40	Nitrates	early 2000s	TBD - household have POU's but not in use, need funding for O&M, some being supplied bottled water; currently evaluating best option	TBD	Want to consolidate with City of Soledad but City is not interested; currently listed as State small; doing paperwork to list as Public Water System; looking for planning funding for treatment, new well, or consolidation
Non-transient Non-community System	Monterey	Bradley Union School	2700963	Bradley Union School	?	1	60	Nitrates	2012	TBD	TBD	Looking into purchasing neighboring well; may be able to use emergency funding for this (?)
	Monterey	Washington Union School	2701221	Washington Union School	?	1	250	Arsenic	?	TBD	TBD	SRF app for treatment systems

4/16/14