



# **SAFER DRINKING WATER**



SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RESILIENCE

## **2025 SAFER Advisory Group Member Handbook**



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## SAFER ADVISORY GROUP HANDBOOK

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**Tab 1**

**SAFER ADVISORY  
GROUP MATERIALS**

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# **Charter for the Safe and Affordable Fund for Equity and Resiliency (SAFER) Drinking Water Advisory Group**

## **I. Purpose**

This document provides the protocols and guidelines for the administration of the Safe and Affordable Fund for Equity and Resiliency (SAFER) Drinking Water Advisory Group (Group).

## **II. Background**

The Safe and Affordable Drinking Water Fund (Fund) was created in 2019 to fund projects to help water systems provide an adequate and affordable supply of safe drinking water (see Health and Safety Code section 116766). The Fund is administered by the State Water Resources Control Board (Board). The Board is required to develop and adopt a Fund Expenditure Plan (Plan) each year. The Board is required to consult with the Group to aid in meeting the purposes of the Plan. The Group must be composed of representatives from public water systems; technical assistance providers; local agencies; nongovernmental organizations; residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells; and the public. Board Resolution No. 2019-0060 authorized the Executive Director of the Board, or her designee, to perform all acts necessary or convenient to form the Group, including, but not limited to, the creation of a charter and the appointment of Group members (Members).

## **III. Relationship of the Group to the Board**

The Group is a consultative body that advises the Board on the development of the Plan, and other key analyses and policies as needed. The Group is not authorized to approve any of these documents or make policy decisions respecting them. The Group will not evaluate individual applications for funding. It is the role and sole prerogative of the Board to approve and adopt the Plan each year.

## **IV. Membership**

a. Composition: The Group consists of up to 19 Members. Members are appointed by the Executive Director, or her designee. Membership distribution is as follows:

- (A) Public water systems, four seats
- (B) Technical assistance providers, two seats
- (C) Local agencies, two seats
- (D) Nongovernmental organizations, two seats
- (E) Residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells, seven seats
- (F) The public, three seats

To the extent possible, the Executive Director, or her designee, will ensure that appointments provide geographic balance throughout the State.

To the extent possible the Executive Director, or her designee, will ensure that a representative from a California Native American tribe is appointed to the Group.

## **Charter for the Safe and Affordable Fund for Equity and Resiliency (SAFER) Drinking Water Advisory Group**

- b. Appointment and Term: Members are appointed by the Executive Director of the Board or her designee. Members serve staggered two-year terms, except in the first year of the Group when half of the initial Members are appointed to serve one-year terms. A person will not continue as a Member if that person ceases to qualify for the category to which they were appointed. In that event, the person shall notify the Executive Director, or her designee, and the person's membership in the Group shall automatically terminate.
- c. Compensation and Expenses: Members who are not currently receiving any type of compensation from the Board, such as grants or contracts, are eligible for reimbursement of travel expenses to attend meetings. A Member seeking reimbursement of travel expenses must provide their social security number to Board staff. The Member's name and the amount of the reimbursement will be listed on a public website. Any reimbursement for necessary travel and per diem shall be at rates not to exceed those set by the California Department of Human Resources at <http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx> as of the date costs are incurred by the Member.
- d. Member Responsibilities:
  - (A) Members are expected to attend all Group meetings and are encouraged to contact the Board staff lead if an absence is expected. Member alternates and proxies are not allowed.
  - (B) Members who can no longer actively participate in group activities must inform the Executive Director, or her designee, and their membership in the group will be terminated.
  - (C) Members may resign at any time by submitting a written notification to the Executive Director or her designee.
  - (D) Members shall maintain compliance with applicable ethics and conflicts laws, including AB 1013.
  - (E) Members shall be terminated from the Group due to excessive absences, considered more than two absences from Group meetings in a calendar year. Exceptions may be made on a case-by-case basis due to serious illness or other circumstances as deemed acceptable by the Executive Director or her designee. Terminations under this section are at the discretion of the Executive Director or her designee.

### **V. Procedural Rules**

- a. Meetings: The Group meets up to four times per year at locations around the state. All meetings of the Group are subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The Board staff will publicly notice each meeting of the Group in accordance with the Bagley-Keene Open Meeting Act. Members must abide by the provisions of the Bagley-Keene Open Meeting Act,

## **Charter for the Safe and Affordable Fund for Equity and Resiliency (SAFER) Drinking Water Advisory Group**

including refraining from meeting to discuss any matter within the Group's advisory role outside of the Group's scheduled and publicly noticed meetings.

- b. Meeting Materials: Board staff prepare meeting agendas and associated meeting materials.
- c. Meeting Locations: Group meetings are held at locations around the state, which are accessible to the public and have Americans with Disabilities Act accommodations. Meeting locations and times will be determined in consultation with the Group.
- d. Facilitation: Board staff facilitate Group meetings.
- e. Quorum: A quorum consists of a simple majority of Members. Absent a quorum, the Group cannot conduct business.

### **VI. Meeting Protocol**

- a. Meeting Guidelines: The following meeting guidelines encourage productive deliberation:
  - (A) Listen actively and do not interrupt.
  - (B) Speak briefly and allow everyone to participate.
  - (C) Respect each other and disagree without being disagreeable.
  - (D) Prepare for each meeting.
  - (E) Attend each meeting and get up to speed if unable to attend.
  - (F) Honor the agenda and support meeting start and end times.

Members will do their best to follow the guidelines and give Board staff the authority to enforce the guidelines; act in good faith in all aspects of Group deliberations; and conduct themselves in a manner that promotes joint problem-solving, collaboration, and consideration of the input and viewpoints of other participants.

- b. Group Comments: Members provide constructive advice and feedback on the Plan, and other key analyses and policies as determined by the State Water Board. The Group does not develop consensus recommendations or majority opinions. Board staff gather and review all comments from Members and the public and document areas of agreement and disagreement in the meeting minutes. Group comments are advisory to the Board for implementation at the Board's discretion.
- c. Public Comment: Meetings include opportunities for public comment on agenda items.
- d. Minutes: Minutes of each meeting are kept by Board staff. Copies are electronically mailed to Board members and Group membership and posted to the Board's public website generally within three weeks after a meeting.

# SAFER DRINKING WATER

SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RESILIENCE



## Expectations For The Safe And Affordable Funding For Equity And Resilience (SAFER) Advisory Group

The SAFER Advisory Group is a consultative body that provides the State Water Board with constructive advice and feedback on the Safe and Affordable Drinking Water Fund Expenditure Plan and other related policies and analyses. The Advisory Group does not vote or make decisions. All members are expected to adhere to the following expectations:

### Maintain regular communication with State Water Board staff.

- Promptly respond to emails, mails, phone calls, voicemails.
- Confirm receipt of email communications and inquiries.
- Promptly communicate absences, technology, and travel needs in advance of meetings.
- Communicate with SAFER staff at [safer@waterboards.ca.gov](mailto:safer@waterboards.ca.gov) or call (916) 445-5615.

**Attend all meetings.** Advisory Group members must attend all Advisory Group meetings. If unable to attend, members should notify Water Boards staff in advance. More than 2 unexcused absences may lead to dismissal from the appointment.

- **Be on time.** We will start and end the meeting according to the agenda. If you arrive late, please do not interrupt the call and instead try to catch up as best as you can.
- **Be prepared.** Come with a positive attitude, review the meeting agenda and materials before the meeting, and be prepared to discuss issues and offer solutions.
- **Participate actively throughout the entire meeting.** Show respect for everyone's time by avoiding multi-tasking, silencing your phone, closing email.

**Create and support an inclusive environment.** In alignment with our commitment to racial equity and the human right to water, members should conduct themselves in a way that creates an inclusive environment for their fellow Advisory Group members.

- **Be open to hearing differing opinions and perspectives.** The Advisory Group aims to bring together diverse perspectives and members are encouraged to share honest feedback. The Advisory Group does not need to come to consensus on any topics discussed.
- **Be respectful.** Respect other members, staff, and meeting guests. Disagree with ideas without being disagreeable.
- **Share space, make space.** Listen actively and allow others to share their opinions.
- **Take care of yourself.** Take breaks as you need them and refrain from judging others when they are taking care of themselves.

**Follow virtual meeting best practices.** The Advisory Group will be meeting virtually. To have the most productive meeting, please familiarize yourself with the Zoom platform and the following guidelines:

- **Turn on your camera.** If your internet bandwidth allows, please keep your camera on for the duration of the meeting to allow for stronger communication and collaboration.
- **Do not use a speakerphone.** Speakerphones interfere with audio quality. It is recommended you use a headset for the best quality.
- **Identify yourself before speaking.** Before sharing your thoughts, please state your name and affiliation. Not everyone will be using video.
- **Speak slowly and clearly.** Avoid talking over other speakers. If multiple participants speak at the same time, conversations can be difficult to understand, and accurate interpretation cannot be completed.
- **Mute yourself when not speaking.** Use mute button to avoid background noise and when you are not speaking. Please choose a quiet location if possible (away from pets, children, tv, music, etc.).
- **Stick to the meeting topics.** Provide concise feedback on the meeting topics being covered. Please ask questions for topics unrelated to the agenda at a later time.
- **Ask for clarification.** If you do not understand an issue or solution, please share your question either verbally or via the Zoom chat feature.
- **Participate in meeting polls.** Please provide your feedback to improve future meetings.

**Provide feedback to further California’s Human Right to Water law.** The law declares that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” The Advisory Group has a unique role in providing feedback to improve the SAFER drinking water program. Feedback from Advisory Group members should work to advance the principle of ensuring all Californians receive safe and affordable drinking water as quickly as possible.

**Provide feedback to further the Water Boards’ commitment to racial equity.** The Water Boards are working toward a future where race no longer predicts a person’s access to water or the quality of water resources they receive, where race does not predict professional outcomes for our employees, and where we consistently consider racial equity impacts before we make decisions. Advisory Group feedback should align with this commitment.

**Follow Bagley-Keene Open Meeting Act rules.** Advisory Group members can meet with other Advisory Group members one-on-one or in small groups but cannot meet in a quorum of 10 or more members. Emails and phone calls with more than 10 Advisory Group members is also not allowed.

**Follow best practices for interacting with the media.** Refrain from discussing SAFER topics with media before Advisory Group meetings. If approached for an interview regarding the SAFER program, promptly inform Water Boards staff of about the interview.

*(This document was last updated on January 24, 2024)*

[safer@waterboards.ca.gov](mailto:safer@waterboards.ca.gov)


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### GOVERNMENT CODE - GOV

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]** (*Title 2 enacted by Stats. 1943, Ch. 134.*)

**DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15986]** (*Division 3 added by Stats. 1945, Ch. 111.*)

**PART 1. STATE DEPARTMENTS AND AGENCIES [11000 - 11898]** (*Part 1 added by Stats. 1945, Ch. 111.*)

**CHAPTER 1. State Agencies [11000 - 11148.5]** (*Chapter 1 added by Stats. 1945, Ch. 111.*)

**ARTICLE 9. Meetings [11120 - 11132]** (*Article 9 added by Stats. 1967, Ch. 1656.*)

**11120.** It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

(*Amended by Stats. 1981, Ch. 968, Sec. 4.*)

## **Tab 2**

### **CONTACTS**

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### **CONTACTOS**

## Key Water Board Staff Contacts

Key Offices	SAFER Roles /Responsibilities	Key Staff
<p><b>DDW</b> Division of Drinking Water</p>	<ul style="list-style-type: none"> <li>• Needs Assessment</li> <li>• Pilot projects</li> <li>• Administrator appointments</li> <li>• Water System consolidations and partnerships</li> </ul>	<p style="text-align: center;"><b>Darrin Polhemus</b> Deputy Director <a href="mailto:Darrin.Polhemus@waterboards.ca.gov">Darrin.Polhemus@waterboards.ca.gov</a> 916-341-5045</p> <p style="text-align: center;"><b>Andrew Altevogt</b> Assistant Deputy Director <a href="mailto:Andrew.Altevogt@waterboards.ca.gov">Andrew.Altevogt@waterboards.ca.gov</a> 916-341-6027</p> <p style="text-align: center;"><b>Chad Fischer</b> Section Chief <a href="mailto:Chad.Fischer@waterboards.ca.gov">Chad.Fischer@waterboards.ca.gov</a> 559-447-3307</p>
<p><b>DFA</b> Division of Financial Assistance</p>	<ul style="list-style-type: none"> <li>• Fund Expenditure Policy</li> <li>• Annual Fund Expenditure Plan</li> <li>• Grant and loan administration</li> <li>• Technical assistance provider contracts</li> </ul>	<p style="text-align: center;"><b>Joe Karkoski</b> Deputy Director <a href="mailto:Joe.Karkoski@waterboards.ca.gov">Joe.Karkoski@waterboards.ca.gov</a> 916-341-5618</p> <p style="text-align: center;"><b>Kristyn Abhold</b> Assistant Deputy Director <a href="mailto:Kristyn.Abhold@waterboards.ca.gov">Kristyn.Abhold@waterboards.ca.gov</a> 916-327-5593</p> <p style="text-align: center;"><b>Jasmine Oaxaca</b> Section Chief <a href="mailto:Jamine.Oaxaca@waterboards.ca.gov">Jamine.Oaxaca@waterboards.ca.gov</a> 916-449-5630</p>

## Key Water Board Staff Contacts Cont.

Key Offices	SAFER Roles/ Responsibilities	Key Staff
<p><b>OPEETA</b> Office of Public Engagement, Equity, and Tribal Affairs</p>	<ul style="list-style-type: none"> <li>• Advisory Group Member support</li> <li>• Advisory Group, public, and community meeting facilitation</li> <li>• Pilot projects</li> <li>• Communication and outreach</li> </ul>	<p style="text-align: center;"><b>Adriana Renteria</b> Director <a href="mailto:Adriana.Renteria@waterboards.ca.gov">Adriana.Renteria@waterboards.ca.gov</a> 916-341-5501</p> <p style="text-align: center;"><b>Amelia Nishimura</b> Program Manager <a href="mailto:Amelia.Nishimura@waterboards.ca.gov">Amelia.Nishimura@waterboards.ca.gov</a> 916-327-2038</p> <p style="text-align: center;"><b>Rachel Wittenberg</b> Program Manager <a href="mailto:Rachel.Wittenberg@waterboards.ca.gov">Rachel.Wittenberg@waterboards.ca.gov</a> 916-327-0434</p>
<p><b>COMMS</b> Communications Office</p>	<ul style="list-style-type: none"> <li>• Media and public affairs support</li> </ul>	<p style="text-align: center;"><b>Jackie Carpenter</b> Director <a href="mailto:Jackie.Carpenter@waterboards.ca.gov">Jackie.Carpenter@waterboards.ca.gov</a> 916-341-5253</p> <p style="text-align: center;"><b>Dimitri Stanich</b> Communications Officer <a href="mailto:Dimitri.Stanich@waterboards.ca.gov">Dimitri.Stanich@waterboards.ca.gov</a> 916-322-8419</p>

# 2025 SAFER Advisory Group

Name	Affiliation	Service Category	Term Ends
<b>Norma I. Amezcua</b> <a href="mailto:norma@amezcuacamp.com">norma@amezcuacamp.com</a> ; (760) 397-6467	Indio, CA	Resident	Dec 2026
<b>Juan Cano</b> <a href="mailto:juanc@selfhelpenterprises.org">juanc@selfhelpenterprises.org</a> ; (559) 802-1674	Self-Help Enterprises	Technical Assistance Advisor	Dec 2026
<b>Irene Cacho</b> <a href="mailto:irenecacho95@yahoo.com">irenecacho95@yahoo.com</a> (559) 770-4242	LeGrand, CA	Resident	Dec 2026
<b>Kristen Dobbin</b> <a href="mailto:kbdobbin@berkeley.edu">kbdobbin@berkeley.edu</a> (801) 230-5537	UC Berkeley	Public	Dec 2026
<b>Tequita Jefferson</b> <a href="mailto:quita_jeffery@yahoo.com">quita_jeffery@yahoo.com</a> (559) 789-3880	Pixley, CA	Resident	Dec 2026
<b>Angela Islas</b> <a href="mailto:angela.islas@ccejn.org">angela.islas@ccejn.org</a> (559) 774-8491	Central CA Environmental Network	NGO	Dec 2026
<b>Parry Klassen</b> <a href="mailto:klassenparry@gmail.com">klassenparry@gmail.com</a> (559) 288 –8125	Valley Water Collaborative	Local Agencies	Dec 2026
<b>Michael Knight</b> <a href="mailto:mknight@ci.porterville.ca.us">mknight@ci.porterville.ca.us</a> (559) 359-0681	Porterville, CA	Public Water System	Dec 2026
<b>Erick Orellana</b> <a href="mailto:erick.orellana@communitywatercenter.org">erick.orellana@communitywatercenter.org</a> (661) 374-7286	Community Water System	NGO	Dec 2026
<b>Adam J. Rausch</b> <a href="mailto:adam.rausch@ghd.com">adam.rausch@ghd.com</a> (707) 303-4851	GHD Engineering	Technical Assistance Advisor	Dec 2026

<b>Edwin Alonzo</b> <a href="mailto:ealonzo85@yahoo.com">ealonzo85@yahoo.com</a> (760) 888-7967	Victorville, CA	Resident	Dec 2025
<b>Stephanie Anagnoson</b> <a href="mailto:Stephanie.Anagnoson@maderacounty.com">Stephanie.Anagnoson@maderacounty.com</a> (559) 598-0362	Madera County Groundwater Sustainability Agency	Local Agencies	Dec 2025
<b>Don James</b> <a href="mailto:don.james@tolowa.com">don.james@tolowa.com</a> (707) 218-0127	Tolowa Dee-ni' Nation	Tribal Representative	Dec 2025
<b>Rami Kahlon</b> <a href="mailto:rkahlon@calwater.com">rkahlon@calwater.com</a> (408) 857-8825	California Water Service	Public Water Systems	Dec 2025
<b>Shannon Murphy</b> <a href="mailto:72mrf72@gmail.com">72mrf72@gmail.com</a> (951) 587-5287	Water Quality Association	Technical Assistance Provider	Dec 2025
<b>Soren Nelson</b> <a href="mailto:sorenn@acwa.com">sorenn@acwa.com</a> (530) 921-1956	Association of California Water Agencies	NGO's	Dec 2025
<b>Silverio Perez</b> <a href="mailto:perez.silverio59@gmail.com">perez.silverio59@gmail.com</a> (831) 750-9305	Royal Oaks, CA	Resident	Dec 2025
<b>Isabel Solorio</b> <a href="mailto:isabelsolorio001@gmail.com">isabelsolorio001@gmail.com</a> (559) 801-6705	Lanare, CA	Resident	Dec 2025
<b>James Sullivan</b> <a href="mailto:westclaybodie@gmail.com">westclaybodie@gmail.com</a> (317) 319-5659	Domestic Well Owner- Mendocino	Resident	Dec 2025

## **Tab 3**

### **GENERAL SAFER MATERIALS**

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### **MATERIALES DE PROGRAMA SAFER GENERALES**



# Frequently Asked Questions

## The Safe and Affordable Funding for Equity and Resilience (SAFER) drinking water program

### What is the SAFER Program?

The [Safe and Affordable Funding for Equity and Resilience \(SAFER\)](#) drinking water program is a set of tools, funding sources, and regulatory authorities used by [the State Water Resources Control Board](#) to help secure safe and affordable drinking water for all Californians, especially those in disadvantaged communities. (A [disadvantaged community is defined](#) as a region where the median household income (MHI) is less than 80% of the statewide MHI.) These communities often endure disproportionate environmental burdens caused by [climate](#), hydrology, and [historical disenfranchisement](#).

With the signing of [SB 200](#) in 2019, which created the [Safe and Affordable Drinking Water Fund](#), the governor and Legislature sought to ensure that Californians who lack access to safe and affordable drinking water receive it as quickly as possible, in line with [California's Human Right to Water](#). Thereafter the State Water Board launched the SAFER program to administer the drinking water fund and assist water systems and the communities they serve develop short- and long-term solutions to their drinking water problems. Ultimately, the program strives to assist water systems meet state and federal drinking water standards, become resilient to climate change, and provide drinking water at rates affordable to their customers.

SAFER actions are coordinated through the following offices and divisions of the board:

- The [Division of Drinking Water](#), which is responsible for enforcing federal and state drinking water statutes and regulating over 7,400 public water systems.
- The [Division of Financial Assistance](#), which awards state and federal grants and loans for drinking water projects that draw on funds from the [Safe and Affordable Drinking Water Fund](#), the [Drinking Water State Revolving Fund](#), and the [Clean Water State Revolving Fund](#)
- The [Office of Public Participation](#), which engages community members to assist and support effective involvement in the board's decisions and actions.

Through the use and sharing of [data](#) and the [SAFER Needs Assessment](#), SAFER staff proactively identify water systems at-risk of failing, prioritize and reach out to communities to assist them to develop short- and long-term solutions while collaborating through the SAFER funding application process.

Then, through funding, engagement support and technical expertise, SAFER staff help water systems and community members implement short- and long-term drinking water



solutions; assist them to upgrade water systems to more efficient modes of operation; provide operational and maintenance support until long-term sustainable solutions are in place; and, when necessary, provide long-term operation and maintenance support.

Driven by the effort of multiple partners with collective responsibility—water systems, non-profit organizations, counties and local authorities, community advisory boards, and others—the SAFER program strives to develop and implement voluntary solutions collaboratively. The board’s intention is to issue mandatory orders as a backstop to voluntary efforts when compliance standards are not being met.

### **What are the SAFER Program goals?**

The overarching goal of the SAFER Program is to help struggling water systems establish short- and long-term solutions so that Californians who lack safe, adequate, and affordable drinking water receive it as quickly as possible.

- Short-term goals:
  - Provide safe drinking water to as many communities and people, as quickly and efficiently as possible. This may be through replacement water, appointing administrators to assess the status and needs of failing systems and identifying opportunities to increase efficiency and accelerating implementation of capital projects.
  - Promote consolidation and extension of service.
- Long-term goals:
  - Support water system improvements, such as system upgrades and building technical, managerial, and financial capacity to make systems safe, efficient, and sustainable.
  - Facilitate reduction of greenhouse gas emissions and/or improve climate change adaptation and resiliency of disadvantaged communities, low-income households, or low-income communities.

### **Why is the SAFER Program necessary?**

Many disadvantaged communities are unable to deliver clean water for various reasons. Among these are human caused and naturally occurring [contaminants](#), [wells going dry](#), [lack of water system operators and managers](#), [shortage of revenue streams to pay for system maintenance and operation](#), or [governance and historical issues](#). Although state funding is generally available for drinking water infrastructure, state funds have not been routinely available for upgrades and operation and maintenance costs.

In the past, the lack of economic or technical resources alone prevented many communities from being able to complete the application process to access available funding. The SAFER program helps resolve this by engaging with failing water systems to address hurdles that prevent the provision of safe and affordable drinking water.

## Who needs the most help?

According to the annual [SAFER Needs Assessment](#), those water systems identified to be failing or at risk of failing are most likely to be small systems in rural areas serving disadvantaged communities. Specifically:

- More than 882,000 Californians are served by water systems that do not meet drinking water standards for contaminants such as [arsenic](#), [nitrates](#), and [1,2,3,-Trichloropropane](#). While the water currently served by these systems may be used for washing or other daily use, ingestion can increase health risks to children and adults. Several of these communities receive either bottled or hauled water through the SAFER program; the remainder must rely on more expensive alternative sources for their drinking water.
- More than 500 rural and small water systems with less than 100 connections face the greatest risk—these systems are unable to afford necessary upgrades or [consolidating](#) with another nearby more robust water system.

By contrast, more than 400 of California's largest systems (each providing for a population 10,000 people or more and serving more than 90 percent of the state's 40 million residents) have reliably delivered safe drinking water to customers for decades.

## What types of solutions are available?

The SAFER program focuses on both short-term and long-term solutions. Short-term solutions address immediate drinking water- and public health- needs while long-term- solutions are developed. Short-term solutions include temporarily connecting to safe drinking water sources, installing under-sink or whole house treatment systems ([point-of-use or point-of-entry](#)), and providing water directly to communities (e.g., [bottled water or hauled water](#)).

Ultimately, the goal of the SAFER program is for all of California's water systems to provide safe and affordable drinking water on a long-term basis. For many small water systems that are failing, long-term solutions will often require [consolidation](#) with larger systems, sometimes through regionalization projects, as well as the [training and development of locally based technical and managerial staff to run water systems](#).

## What are Operation and Maintenance costs?

Operation and maintenance costs are typically incurred by the following:

- Staff costs (management, administrative, operations, etc.)
- Financial services (bookkeeping, billing, accounting, auditing and financial reporting)
- Professional services (certified operator, engineer, attorney)
- Insurance and energy costs

- Fees incurred for water quality monitoring, permits, annual equipment and infrastructure repair and replacement, wholesale water purchases, chemical or other water quality treatment materials, and any residual disposal.

### **How does the State Water Board prioritize communities or projects?**

The board focuses on and distributes available funds to address water systems that are at risk or failing to achieve drinking water standards, and domestic well users in high-risk areas.

#### **Public Water Systems**

Priority is given to consolidation or regionalization projects that can achieve long-term resiliency and sustainability for communities and schools unable to meet [Safe Drinking Water Act standards](#). The [guidance and prioritization policy](#) adopted as a part of the [Drinking Water State Revolving Fund](#) will be used as a basis for these projects. Construction projects are required to include plans to achieve long-term resiliency and sustainability within five years.

#### **Communities on domestic wells or state small water systems**

In areas with high population density but without centralized infrastructure, priority will be given to consolidation or regionalization projects that connect disadvantaged communities without public water systems to larger public water systems, especially where there is high risk of contamination or water shortage.

#### **Remote or isolated homes or state small water systems**

Well rehabilitation or [point-of-use \(POU\) and point-of-entry \(POE\) treatment options](#) will likely be the best long-term solutions for [households in remote or isolated areas](#) (where consolidation is not feasible) with known or high risk of contamination or water shortage.

### **What has the SAFER program achieved so far?**

Since its launch in 2019, the SAFER program has:

- Removed 204 water systems from the [Human Right to Water failing list](#), benefiting over 2 million Californians (as of November 2023).
- Completed 118 drinking water system consolidations, benefiting over 90,000 Californians, with another 255 consolidation projects currently in the funding or construction process.
- Provided \$620 million in drinking water grants to small and disadvantaged communities throughout the state.
- Distributed \$34 million for emergency repairs and bottled and hauled water deliveries.
- Funded 700 construction, planning, technical assistance, and operation and maintenance projects in approximately 450 communities.
- Provided \$50 million for technical assistance.

- Appointed eight administrators to guide systems' development of interim and long-term solutions, with nine more in the process of being appointed.

### **What is the Division of Drinking Water?**

The [Division of Drinking Water](#) regulates the state's 7,400 public water systems, oversees water recycling projects, permits water treatment devices, supports and promotes water system security, and works closely with the Division of Financial Assistance on funding for water systems. The Division of Drinking Water also reviews drinking water quality data, performs triennial reviews of public water systems as part of its regulatory oversight responsibilities, and directs small systems struggling to deliver potable water to technical and financial assistance programs.

### **What is the Division of Financial Assistance?**

The [Division of Financial Assistance](#) implements the State Water Board's financial assistance programs using a variety of funding resources. These resources include loan and grant funding for drinking water projects and upgrades, municipal sewage and water recycling facilities, remediation for underground storage tank releases, watershed protection projects, nonpoint source pollution control projects, and more.

### **What is the Office of Public Participation?**

The [Office of Public Participation](#) works to strengthen Water Boards efforts at engaging all Californians in decision-making processes by assisting with the design and implementation of effective stakeholder engagement activities. The Office of Public Participation most often assists with projects involving Environmental Justice and Native American Tribal consultation.

### **Additional Resources**

More information on this Project can be found at [waterboards.ca.gov/safer](https://waterboards.ca.gov/safer).

*(This FAQ was last updated on November 29, 2023)*

## **Safe and Affordable Funding for Equity and Resilience (SAFER) Advisory Group**

### **Frequently Asked Questions**

The Safe and Affordable Funding for Equity and Resilience (SAFER) drinking water program is a set of tools, funding sources, and regulatory authorities designed to meet the goals of safe, accessible, and affordable drinking water for all Californians. The SAFER program includes the Safe and Affordable Drinking Water Fund, which is intended to help water systems provide safe drinking water to communities. The Fund is particularly focused on addressing drinking water needs in disadvantaged and historically disenfranchised communities, and California Native American Tribes.

For additional information on the SAFER program and its Advisory Group, please visit [waterboards.ca.gov/safer](http://waterboards.ca.gov/safer), email [SAFER@waterboards.ca.gov](mailto:SAFER@waterboards.ca.gov), or call 916-445-5615.

#### **How does the SAFER Program relate to me and my community?**

In 2016, the State Water Resources Control Board identified the Human Right to Water as a top priority and core value. The Human Right to Water resolution declares that every person in the state has the right to clean, safe, and affordable drinking water. The SAFER program is designed to ensure that all Californians who currently lack safe drinking water receive it as quickly as possible. The SAFER program also aims to support the state's drinking water systems in achieving sustainable and resilient operations. Supporting sustainable resilience is critical for achieving the goals of safe, reliable, and affordable water for all Californians, including California Native American Tribes.

#### **What is the SAFER Advisory Group?**

The SAFER Advisory Group consists of 20 members that represent public water systems, technical assistance providers, local agencies, Tribal water systems, nongovernmental organizations (NGOs), the public and residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells. The Advisory Group advises the State Water Board on the Safe and Affordable Drinking Water Fund Expenditure Plan and other related SAFER policies.

Advisory Group members are appointed by the Board's Executive Director. Advisory Group members serve two-year rotating terms. This means half of the Advisory Group membership is replaced or reappointed each year. Current Advisory Group members are listed on the SAFER program website.

#### **Who can be a SAFER Advisory Group Member?**

The Advisory Group is open to members of the public; residents served by a community water system in a disadvantaged community, a state small water system, or a domestic well; or representatives from public water systems, technical assistance providers, local agencies, non-governmental agencies, or California Native American Tribes.

## What would my role or responsibility be as a SAFER Advisory Group Member?

Advisory Group Members provide input on (1) the development and implementation of the Fund Expenditure Plan and (2) the assessment of how community needs are addressed by SAFER program efforts. This involves reviewing materials between meetings, participation in all Advisory Group meetings, and working with Board staff to provide feedback on strategies used to meet the goals of the SAFER Drinking Water Program.

## Who is an effective SAFER Advisory Group Member?

An effective Advisory Group Member is someone who: (1) wants to share their own experiences in bringing drinking water solutions to their community, (2) is dedicated to advancing the Human Right to Water and working with people from different backgrounds and perspectives, (3) wants to share their expertise to support efforts for clean, sustainable drinking water solutions statewide, and (4) has ideas about how to achieve funding equity and environmental justice for all Californians.

## What if I don't have technical knowledge related to water or Water Board programs?

The purpose of the Advisory Group is to bring together people with different experiences and expertise to advise the State Water Board on how to spend SAFER funds. Board staff will provide all necessary information and background documents, answer any questions, translate documents, arrange interpretation services for Advisory Group meetings, and advise on any technical questions that arise.

## Do I need to speak English?

No. The SAFER drinking water program is dedicated to offering language services in both English, Spanish, and other languages for Advisory Group meetings. Written translation of all written materials are provided and oral interpretation services are available for both in-person and virtual meetings.

Please see [Advisory Group Charter](#) for a comprehensive overview of all responsibilities.

## What is the expected time commitment for Advisory Group members?

Advisory Group Members serve two-year terms and meet at least four times annually. Presently, meetings are held virtually due to budgetary constraints and travel restrictions. Members are expected to attend all virtual and in-person meetings. Meeting times can range from four to seven hours (plus travel time if applicable).

Members should plan for at least four hours for pre-meeting material review and dedicate one to two hours monthly for additional SAFER coordination. Beyond Advisory Group meetings, State Water Board staff hold public workshops and webinars providing detailed information on program elements such as the annual Needs Assessment or the SAFER funding process. While optional, they offer crucial background to enhance discussions during Advisory Group meetings.

## Do Advisory Group Members need internet and video capability?

Yes. Advisory Group meetings take place on the Zoom platform which requires access to a laptop, tablet, or a smartphone. If Advisory Group members need Wi-Fi hotspots or borrow a tablet, SAFER program staff will work directly with members to explore options and offer technical assistance.

## How do I apply to be a SAFER Advisory Group Member?

The application process opens annually in July. Review the membership application package and instructions available on the SAFER webpage linked above. Submit the online application or complete the printable form and email or mail the form to the address listed in the instructions. Applications must be submitted or postmarked by the deadline provided. Appointees will be selected and notified by December of each year.

(This fact sheet was last updated on January 22, 2024)


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**SB-200 Drinking water.** (2019-2020)

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Date Published: 07/24/2019 09:00 PM

**Senate Bill No. 200**

CHAPTER 120

An act to add Section 53082.6 to the Government Code, to amend Sections 39719, 100827, 116275, 116385, 116530, 116540, and 116686 of, and to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of, the Health and Safety Code, and to add Chapter 7 (commencing with Section 8390) to Division 4.1 of the Public Utilities Code, relating to drinking water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor July 24, 2019. Filed with Secretary of State July 24, 2019. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 200, Monning. Drinking water.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. The bill would authorize the state board to provide for the deposit into the fund of certain moneys and would continuously appropriate the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. The bill would require the state board, in consultation with the Department of Finance, to adopt a fund expenditure plan with specified contents and would require, on and after July 1, 2020, expenditures of the fund to be consistent with the plan. The bill would require, by January 1, 2021, the state board, in consultation with local health officers and other relevant stakeholders, to make publicly available, as specified, a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants that exceed safe drinking water standards. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the state board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program.

The act provides for the operation of public water systems and authorizes the state board to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. The act defines an administrator as a person whom the state board has determined is competent to perform the administrative, technical, operational, or managerial services required, as specified, and authorizes a privately owned public utility to serve as an administrator.

This bill would, among other things, authorize an administrator to additionally provide legal services pursuant to those provisions and to act, where the administrator is authorized to act on behalf of a designated public water system, on behalf of a voluntary participant, as defined. The bill would recast the authorization for a local agency or a privately owned public utility to serve as an administrator for these purposes.

The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act authorizes the state board, if the state board determines that it is feasible for the service area of the public water system addressed by the application to be served by one or more currently permitted public water systems, to deny the permit of a proposed new public water system if it determines that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future, as prescribed.

This bill would eliminate the requirement that the state board determine that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future in order to deny the permit of a proposed new public water system.

The act defines a disadvantaged community for its purposes as an area, as specified, in which the median household income is less than 80% of the statewide average.

This bill would revise that definition to apply to specified areas with a median household income of less than 80% of the statewide annual median household income level.

The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified.

This bill would require a public water system to submit the report in the form and format and at intervals specified by the state board.

(2) Existing law requires a laboratory that performs analyses for regulatory purposes of drinking water, wastewater, hazardous waste, and contaminated soils or sediments to obtain certification or accreditation, as specified. Existing law requires, when a person or entity submits material to the laboratory for testing, the laboratory to report the results of all detected contaminants and pollutants to that person or entity.

This bill would require a laboratory accredited by the State Water Resources Control Board to also report the results of each drinking water analysis to the state board in the form or format and at intervals specified by the state board.

(3) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project.

This bill, beginning in the 2020–21 fiscal year, would require 5% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to the sum of \$130,000,000, to be deposited into the Safe and Affordable Drinking Water Fund for the purposes of the Safe and Affordable Drinking Water Fund, subject to specified restrictions. The bill would require the Director of Finance, beginning in the 2023–24 fiscal year and until June 30, 2030, to calculate the sum to be transferred by the Controller from the General Fund to the Safe and Affordable Drinking Water Fund if the annual transfer from the annual proceeds of the Greenhouse Gas Reduction Fund is less than \$130,000,000 to equal a total transfer into the Safe and Affordable Drinking Water Fund of \$130,000,000, as specified.

(4) The Budget Act of 2019 appropriates \$100,000,000 from the Greenhouse Gas Reduction Fund and \$30,000,000 from the General Fund to the State Water Resources Control Board for support or local assistance to fund grants, loans, contracts, or services to help water systems provide safe and affordable drinking water.

This bill would require these moneys to be available for the purposes of the Safe and Affordable Drinking Water Fund, subject to specified restrictions.

(5) This bill would provide that its provisions are severable.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 53082.6 is added to the Government Code, to read:

**53082.6.** A local agency may serve as an administrator for the purposes of Section 116686 of the Health and Safety Code.

**SEC. 2.** Section 39719 of the Health and Safety Code is amended to read:

**39719.** (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), the annual proceeds of the fund are continuously appropriated for the following:

(1) Beginning in the 2015–16 fiscal year, and notwithstanding Section 13340 of the Government Code, 35 percent of the annual proceeds of the fund are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as follows:

(A) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Five percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Moneys shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds of the fund shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(3) (A) Beginning in the 2020–21 fiscal year, and until June 30, 2030, 5 percent of the annual proceeds of the fund, up to the sum of one hundred thirty million dollars (\$130,000,000), is hereby annually transferred to the Safe and Affordable Drinking Water Fund established pursuant to Section 116766 for the purposes of Chapter 4.6 (commencing with Section 116765) of Part 12 of Division 104.

(B) Moneys transferred under this paragraph shall be used for the purpose of facilitating the achievement of reductions of greenhouse gas emissions in this state in accordance with the requirements of Section 39712 or to improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities, consistent with Division 25.5 (commencing with Section 38500). For purposes of the moneys transferred under this paragraph, a state agency may also comply with the requirements of paragraphs (2) and (3) of subdivision (a) of Section 16428.9 of the Government Code by describing how each proposed expenditure will improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities.

(c) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

**SEC. 3.** Section 100827 of the Health and Safety Code is amended to read:

**100827.** (a) A laboratory accredited by the state board shall report, in a timely fashion and in accordance with the request for analysis, the full and complete results of all detected contaminants and pollutants to the person or entity that submitted the material for testing. The state board may adopt regulations to establish reporting requirements for this section.

(b) A laboratory accredited by the state board shall report the results of each drinking water analysis the laboratory conducts to the state board in the form or format and at intervals specified by the state board.

**SEC. 4.** Section 116275 of the Health and Safety Code is amended to read:

**116275.** As used in this chapter:

(a) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(b) "Department" means the state board.

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

(d) "Secondary drinking water standards" means standards that specify maximum contaminant levels that, in the judgment of the state board, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to ensure a supply of pure, wholesome, and potable water.

(e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.

(f) "Maximum contaminant level" means the maximum permissible level of a contaminant in water.

(g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

(h) "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. A public water system includes the following:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

(2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

(i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

(j) "Noncommunity water system" means a public water system that is not a community water system.

(k) "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

(l) "Local health officer" means a local health officer appointed pursuant to Section 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 to carry out the drinking water program.

(m) "Significant rise in the bacterial count of water" means a rise in the bacterial count of water that the state board determines, by regulation, represents an immediate danger to the health of water users.

(n) "State small water system" means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

(p) "User" means a person using water for domestic purposes. User does not include a person processing, selling, or serving water or operating a public water system.

(q) "Waterworks standards" means regulations adopted by the state board entitled "California Waterworks Standards" (Chapter 16 (commencing with Section 64551) of Division 4 of Title 22 of the California Code of Regulations).

(r) "Local primacy agency" means a local health officer that has applied for and received primacy delegation pursuant to Section 116330.

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking, or other similar uses.

(2) The state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.

(3) The state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

(t) "Resident" means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.

(u) "Water treatment operator" means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) "Water distribution operator" means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

(w) "Water treatment plant" means a group or assemblage of structures, equipment, and processes that treats, blends, or conditions the water supply of a public water system.

(x) "Water distribution system" means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

(y) "Public health goal" means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

(z) "Small community water system" means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(aa) "Disadvantaged community" means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide annual median household income level.

(ab) "State board" means the State Water Resources Control Board.

(ac) "Deputy director" means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

**SEC. 5.** Section 116385 of the Health and Safety Code is amended to read:

**116385.** Any person operating a public water system shall obtain and provide at that person's expense an analysis of the water to the state board, in the form, covering those matters, and at intervals as the state board by regulation may prescribe. The analysis shall be performed by a laboratory duly certified by the state board.

**SEC. 6.** Section 116530 of the Health and Safety Code is amended to read:

**116530.** (a) A public water system shall submit a technical report to the state board as part of the permit application or when otherwise required by the state board. This report may include, but not be limited to, detailed plans and specifications, water quality information, physical descriptions of the existing or proposed system, information related to technical, managerial, and financial capacity and sustainability, and information related to achieving the goals of Section 106.3 of the Water Code, including affordability and accessibility.

(b) A public water system shall submit the report in the form and format and at intervals specified by the state board.

**SEC. 7.** Section 116540 of the Health and Safety Code is amended to read:

**116540.** (a) Following completion of the investigation and satisfaction of the requirements of paragraphs (1) and (2), the state board shall issue or deny the permit. The state board may impose permit conditions, requirements for system improvements, technical, financial, or managerial requirements, and time schedules as it deems necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.

(1) A public water system that was not in existence on January 1, 1998, shall not be granted a permit unless the public water system demonstrates to the state board that the water supplier possesses adequate financial, managerial, and technical capability to ensure the delivery of pure, wholesome, and potable drinking water. This section shall also apply to any change of ownership of a public water system.

(2) A permit under this chapter shall not be issued to an association organized under Title 3 (commencing with Section 18000) of the Corporations Code. This section shall not apply to unincorporated associations that, as of December 31, 1990, are holders of a permit issued under this chapter.

(b) Notwithstanding Section 116330, a local primacy agency shall not issue a permit under this article without the concurrence of the state board.

(c) In considering whether to approve a proposed new public water system, the state board shall consider the sustainability of the proposed new public water system and its water supply in the reasonably foreseeable future, in view of global climate change, potential migration of groundwater contamination and other potential treatment needs, and other factors that can significantly erode a system's capacity.

(d) If the state board determines that it is feasible for the service area of the public water system addressed by an application under this article to be served by one or more permitted public water systems identified pursuant

to paragraph (1) of subdivision (c) of Section 116527, the state board may deny the permit of a proposed new public water system.

(e) An applicant may petition the state board for reconsideration of a decision of action of the deputy director taken pursuant to this section.

**SEC. 8.** Section 116686 of the Health and Safety Code is amended to read:

**116686.** (a) (1) To provide an adequate supply of affordable, safe drinking water to disadvantaged communities, voluntary participants, and public water systems that have demonstrated difficulty in maintaining technical, managerial, and financial capacity and to prevent fraud, waste, and abuse, the state board may do any of the following, if sufficient funding is available:

(A) (i) Contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist the designated water system with the provision of an adequate supply of affordable, safe drinking water, which may include steps necessary to enable consolidation.

(ii) To fulfill the requirements of this section, the state board may contract with more than one administrator, but only one administrator may be assigned to provide services to a given designated water system.

(iii) An administrator may provide services to more than one designated water system.

(B) Order the designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board.

(C) Order the designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to a consolidation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated water system.

(2) In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g).

(b) Unless the state board has already held a public meeting pursuant to subdivision (b) of Section 116682, the state board shall do all of the following to determine that a public water system or state small water system is a designated water system:

(1) Provide the public water system or state small water system with notice and an opportunity to show either of the following:

(A) That the public water system or state small water system has not consistently failed to provide an adequate supply of affordable, safe drinking water.

(B) That the public water system or state small water system has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water.

(2) (A) Conduct a public meeting in a location as close as feasible to the affected community.

(B) The state board shall make reasonable efforts to provide a 30-day notice of the meeting to affected ratepayers, renters, and property owners.

(C) Representatives of the public water system or state small water system, affected ratepayers, renters, and property owners shall be provided an opportunity to present oral and written comments at the meeting.

(D) The meeting shall provide an opportunity for public comment.

(3) Provide an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2).

(4) If the public water system is operated by a local educational agency, obtain the local educational agency's agreement, in writing, to the appointment of an administrator.

(c) The state board shall make financial assistance available to an administrator for a designated water system, as appropriate and to the extent that funding is available.

(d) The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but shall not be limited to, the authority to do all of the following:

(1) Expend available moneys for capital infrastructure improvements that the designated water system needs to provide an adequate supply of affordable, safe drinking water or to execute a consolidation ordered pursuant to Section 116682.

(2) Set and collect user water rates and fees, subject to approval by the state board. The state board shall consider affordability when approving water rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution.

(3) Expend available moneys for operation and maintenance costs of the designated water system.

(4) Expend available moneys necessary to achieve consolidation, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.

(e) The state board shall work with the administrator of a designated water system and the communities served by that designated water system to develop, within the shortest practicable timeframe, adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary.

(f) A designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking water.

(g) Before ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures in a handbook adopted consistent with the process provided for in subdivision (a) of Section 116760.43 for all of the following:

(1) Ensuring compliance with subdivision (f).

(2) Providing opportunity for public comment on selection of an administrator and the services to be provided.

(3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator.

(4) Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.

(5) Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.

(6) Ensuring an administrator acts in the best interests of the community served.

(7) Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.

(h) Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.

(i) For purposes of this section, a local government, as defined in Article XIII C of the California Constitution, that sets water rates in accordance with Article XIII D of the California Constitution shall be deemed to be providing affordable water.

(j) This section does not apply to a charter city, charter county, or charter city and county.

(k) (1) For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated water system with the consent of the affected residence.

(2) For purposes of this section, where an administrator is authorized to act on behalf of a designated public water system, it may also act on behalf of a voluntary participant.

(l) The Legislature finds and declares that the funding provided to a state small water system, affected residence, public water system, voluntary participant, or administrator for purposes of this section serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

(m) For purposes of this section, the following terms have the following meanings:

(1) "Administrator" means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this section, pursuant to criteria set forth in the handbook adopted pursuant to subdivision (g). Notwithstanding any other law, a privately owned public utility may serve as an administrator for purposes of this section.

(2) "Designated water system" means a public water system or state small water system that has been ordered to consolidate pursuant to Section 116682 or that serves a disadvantaged community, and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.

(3) "Domestic well" has the same meaning as defined in Section 116767.

(4) "Voluntary participant" means the owner of a domestic well or state small water system who has agreed to accept financial assistance pursuant to Chapter 4.6 (commencing with Section 116765) for the provision of an adequate and affordable supply of safe drinking water.

**SEC. 9.** Chapter 4.6 (commencing with Section 116765) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

**CHAPTER 4.6. Safe and Affordable Drinking Water**  
**Article 1. Findings and Declarations**

**116765.** The Legislature finds and declares all of the following:

(a) Every Californian should enjoy the same degree of protection from environmental and health hazards. Every community should be a healthy environment in which to live, work, play, and learn.

(b) No single group of people should bear a disproportionate share of the negative environmental consequences and adverse health impacts arising from industrial, governmental, or commercial operations or policies.

(c) Concentrated environmental contamination in water creates cumulative health burdens resulting in communities with higher rates of disease such as asthma, heart disease, cancer, neurological and reproductive health effects, birth defects, and obesity.

(d) Despite significant improvements in environmental protection over the past several decades, millions of Californians continue to live, work, play, and go to school in unhealthy environments.

(e) California was one of the first states in the nation to put environmental justice considerations into law and defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(f) California law also declares that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

(g) Yet, still more than 1,000,000 Californians do not have access to safe drinking water. In communities where the sole water supply is contaminated with substances like arsenic, manganese, nitrates, or hexavalent chromium, families are often left without safe water. The central valley and central coast regions, where more than 90% of the communities rely on groundwater as a primary source of drinking water, are particularly at risk, but other communities around the state are also at risk. More than 250,000 people in the central valley alone lack access to a consistent source of safe, affordable water.

(h) The Safe Drinking Water and Toxic Enforcement Act of 1986 lists lead, arsenic, and hexavalent chromium as substances that can cause cancer and reproductive toxicity.

(i) Established state environmental justice law and policies are only effective insofar as they result in true parity.

(j) It is the intent of the Legislature that the State of California bring true environmental justice to our state and begin to address the continuing disproportionate environmental burdens in the state by creating a fund to provide safe drinking water in every California community, for every Californian.

(k) Climate change is exacerbating the water impacts on disadvantaged and environmentally burdened communities by reducing surface water flows, accelerating declining groundwater basins, and contributing to increasing concentrations of environmental contamination.

(l) Enhancing the long-term sustainability of drinking water systems in disadvantaged and environmentally burdened communities increases those communities' resilience to climate change.

(m) Funding for safe and affordable drinking water under this chapter promotes investments in disadvantaged communities, provides important contributions to those communities in adapting to climate change, and is an appropriate expenditure from the Greenhouse Gas Reduction Fund created pursuant to Section 16428.8 of the Government Code.

(n) It is the intent of the Legislature that the state board, in developing the fund expenditure plan pursuant to Article 4 (commencing with Section 116768), strive to ensure all regions of the state receive the same level of consideration for funding pursuant to this chapter, to the extent practicable.

## **Article 2. Safe and Affordable Drinking Water Fund**

**116766.** (a) The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Notwithstanding Section 13340 of the Government Code, all moneys deposited in the fund are continuously appropriated to the board to fund the following:

(1) Operation and maintenance costs to help deliver an adequate supply of safe drinking water in both the near and long terms.

(2) Consolidating water systems, or extending drinking water services to other public water systems, domestic wells, and state small water systems.

(3) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(4) The provision of services under Section 116686 for purposes of helping the systems become self-sufficient in the long term.

(5) The development, implementation, and sustainability of long-term drinking water solutions.

(6) Board costs associated with the implementation and administration of programs pursuant to this chapter.

(b) Consistent with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients.

(c) (1) Eligible recipients of funding under this chapter are public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, nonfederally recognized Native American tribes on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, administrators, and groundwater sustainability agencies.

(2) To be eligible for funding under this chapter, grants, loans, contracts, or services provided to a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.

(d) On and after July 1, 2020, an expenditure from the fund shall be consistent with the fund expenditure plan.

(e) The board may expend moneys from the fund for reasonable costs associated with the administration of this chapter, not to exceed 5 percent of the annual deposits into the fund.

(f) In administering the fund, the board shall make reasonable efforts to ensure that funds are used to secure the long-term sustainability of drinking water service and infrastructure, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes.

(g) Beginning in the 2023–24 fiscal year, and each fiscal year thereafter until June 30, 2030, if the annual transfer to the fund pursuant to paragraph (3) of subdivision (b) of Section 39719 is less than one hundred thirty million dollars (\$130,000,000), on an annual basis the Director of Finance shall calculate a sum equivalent to the difference, up to one hundred thirty million dollars (\$130,000,000), and the Controller shall transfer that sum from the General Fund to the Safe and Affordable Drinking Water Fund. This subdivision is operative only while a market-based compliance mechanism adopted pursuant to Section 38562 is operative.

### **Article 3. Definitions**

**116767.** For the purposes of this chapter:

- (a) "Adequate supply" has the same meaning as defined in Section 116681.
- (b) "Administrator" has the same meaning as defined in Section 116686.
- (c) "Board" means the State Water Resources Control Board.
- (d) "Community water system" has the same meaning as defined in Section 116275.
- (e) "Consistently fails" has the same meaning as defined in Section 116681.
- (f) "Disadvantaged community" has the same meaning as defined in Section 79505.5 of the Water Code.
- (g) "Domestic well" has the same meaning as defined in Section 116681.
- (h) "Fund" means the Safe and Affordable Drinking Water Fund established pursuant to Section 116766.
- (i) "Fund expenditure plan" means the fund expenditure plan adopted pursuant to Article 4 (commencing with Section 116768).
- (j) "Groundwater sustainability agency" has the same meaning as defined in Section 10721 of the Water Code.
- (k) "Low-income household" means a single household with an income that is less than 200 percent of the federal poverty level, as updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of subsection (2) of Section 9902 of Title 42 of the United States Code.
- (l) "Mutual water company" means a mutual water company, as defined in Section 14300 of the Corporations Code, that operates a public water system or a state small water system.
- (m) "Nonprofit organization" means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.
- (n) "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.
- (o) "Public utility" has the same meaning as defined in Section 216 of the Public Utilities Code.
- (p) "Public water system" has the same meaning as defined in Section 116275.
- (q) "Replacement water" includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units.
- (r) "Safe drinking water" has the same meaning as defined in Section 116681.
- (s) "Service connection" has the same meaning as defined in Section 116275.
- (t) "State small water system" has the same meaning as defined in Section 116275.
- (u) "Vended water" has the same meaning as defined in Section 111070.

### **Article 4. Fund Expenditure Plan**

**116768.** The purposes of the fund expenditure plan are as follows:

(a) To identify public water systems, community water systems, and state small water systems that consistently fail to provide an adequate supply of safe drinking water, including the cause or causes of the failure and appropriate measures to remedy the failure.

(b) To determine the amount and type of funding necessary to implement appropriate measures to remedy a failure to provide an adequate supply of safe drinking water.

(c) To identify public water systems, community water systems, and state small water systems that are at significant risk of failing to provide an adequate supply of safe drinking water, including the source or sources of the risk and appropriate measures to eliminate the risk.

(d) To determine the amount and type of funding necessary to implement appropriate measures to eliminate the risk of failing to provide an adequate supply of safe drinking water.

(e) To identify gaps in the provision of safe drinking water, in furtherance of Section 106.3 of the Water Code, and to determine the amount and type of funding necessary to minimize or eliminate those gaps.

**116768.5.** (a) On or before July 1, 2020, the board shall develop and adopt a policy for developing the fund expenditure plan that includes all of the following elements:

(1) A requirement that the board consult with an advisory group to aid in meeting the purposes of the fund expenditure plan as established in Section 116768. The advisory group shall include representatives of the following:

(A) Public water systems.

(B) Technical assistance providers.

(C) Local agencies.

(D) Nongovernmental organizations.

(E) Residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells.

(F) The public.

(2) Identification of key terms, criteria, and metrics, and their definitions.

(3) A description of how proposed remedies will be identified, evaluated, prioritized, and included in the fund expenditure plan.

(4) The establishment of a process by which members of a disadvantaged community may petition the board to consider ordering consolidation.

(5) A requirement that the board hold at least one public hearing before adopting a fund expenditure plan.

(b) The board, in consultation with the Department of Finance, shall annually adopt a fund expenditure plan. The board shall adopt a handbook and may update it at least once every three years.

(c) On or before March 1, 2021, and every March 1 thereafter, the board shall provide to the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house of the Legislature the most recently adopted fund expenditure plan. The board may submit the fund expenditure plan as required by this subdivision either in the Governor's Budget documents or as a separate report.

**116769.** (a) The fund expenditure plan shall contain the following:

(1) A report of expenditures from the fund for the prior fiscal year and planned expenditures for the current fiscal year.

(2) A list of systems that consistently fail to provide an adequate supply of safe drinking water. The list shall include, but is not limited to, all of the following:

(A) Any public water system that consistently fails to provide an adequate supply of safe drinking water.

(B) Any community water system that serves a disadvantaged community that must charge fees that exceed the affordability threshold established by the board in order to supply, treat, and distribute potable water that complies with federal and state drinking water standards.

(C) Any state small water system that consistently fails to provide an adequate supply of safe drinking water.

(3) A list of public water systems, community water systems, and state small water systems that may be at risk of failing to provide an adequate supply of safe drinking water.

(4) An estimate of the number of households that are served by domestic wells or state small water systems in high-risk areas identified pursuant to Article 6 (commencing with Section 116772). The estimate shall identify approximate locations of households, without identifying exact addresses or other personal information, in order to identify potential target areas for outreach and assistance programs.

(5) An estimate of the funding needed for the next fiscal year based on the amount available in the fund, anticipated funding needs, other existing funding sources, and other relevant data and information.

(6) A list of programs to be funded that assist or will assist households supplied by a domestic well that consistently fails to provide an adequate supply of safe drinking water. This list shall include the number and approximate location of households served by each program without identifying exact addresses or other personal information.

(7) A list of programs to be funded that assist or will assist households and schools whose tap water contains contaminants, such as lead or secondary contaminants, at levels that exceed recommended standards.

(b) The fund expenditure plan shall be based on data and analysis drawn from the drinking water needs assessment funded by Chapter 449 of the Statutes of 2018 as that assessment may be updated and as information is developed pursuant to Article 6 (commencing with Section 116772).

(c) The fund expenditure plan shall prioritize funding for all of the following:

(1) Assisting disadvantaged communities served by a public water system, and low-income households served by a state small water system or a domestic well.

(2) The consolidation or extension of service, when feasible, and administrative and managerial contracts or grants entered into pursuant to Section 116686 where applicable.

(3) Funding costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery.

**116770.** The fund expenditure plan may include expenditures for the following:

(a) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(b) The development, implementation, and sustainability of long-term drinking water solutions, including, but not limited to, the following:

(1) (A) Technical assistance, planning, construction, repair, and operation and maintenance costs associated with any of the following:

(i) Replacing, blending, or treating contaminated drinking water.

(ii) Repairing or replacing failing water system equipment, pipes, or fixtures.

(iii) Operation and maintenance costs associated with consolidated water systems, extended drinking water services, or reliance on a substituted drinking water source.

(B) Technical assistance and planning costs may include, but are not limited to, analyses to identify and efforts to further opportunities to reduce the unit cost of providing drinking water through organizational and operational efficiency improvements, and other options and approaches to reduce costs.

(2) Creating and maintaining natural means and green infrastructure solutions that contribute to sustainable drinking water.

- (3) Consolidating water systems.
  - (4) Extending drinking water services to other public water systems, community water systems, and state small water systems, or domestic wells.
  - (5) Satisfying outstanding long-term debt obligations of public water systems, community water systems, and state small water systems where the board determines that a system's lack of access to capital markets renders this solution the most cost effective for removing a financial barrier to the system's sustainable, long-term provision of drinking water.
- (c) Identifying and providing outreach to persons who are eligible to receive assistance from the fund.
  - (d) Testing the drinking water quality of domestic wells serving low-income households, prioritizing those in high-risk areas identified pursuant to Article 6 (commencing with Section 116772).
  - (e) Providing services under Section 116686.

#### **Article 5. Miscellaneous Provisions**

**116771.** (a) The board may undertake any of the following actions to implement the fund:

- (1) Provide for the deposit of any of the following moneys into the fund:
    - (A) Federal contributions.
    - (B) Voluntary contributions, gifts, grants, or bequests.
    - (C) Financial participation by a public agency in an activity authorized for funding from the fund.
  - (2) Enter into agreements for contributions to the fund from the federal government, local or state agencies, and private corporations or nonprofit organizations.
  - (3) Direct portions of the fund to a subset of eligible applicants as required or appropriate based on funding source and consistent with the annual fund expenditure plan.
  - (4) Direct moneys described in subparagraph (B) of paragraph (1) towards a specific project, program, or study.
  - (5) Take additional action as may be appropriate for adequate administration and operation of the fund.
- (b) The board may set appropriate requirements as a condition of funding, including, but not limited to, the following:
- (1) A system technical, managerial, or financial capacity audit.
  - (2) Improvements to reduce costs and increase efficiencies.
  - (3) An evaluation of alternative treatment technologies.
  - (4) A consolidation or service extension feasibility study.
  - (5) Requirements for a domestic well with nitrate contamination where ongoing septic system failure may be causing or contributing to contamination of a drinking water source to have conducted an investigation and project to address the septic system failure, if adequate funding sources are identified and accessible.
- (c) Actions taken to implement, interpret, or make specific this chapter, including, but not limited to, the adoption or development of any plan, handbook, or map, are not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

**116771.5.** (a) This chapter does not expand any obligation of the state to provide resources for the provisions of this article or to require the expenditure of additional resources beyond the amount of moneys deposited in the fund.

(b) The Legislature finds and declares that participation in an activity authorized for funding from the fund or a contribution to the fund by a federal, state, or local agency serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

#### **Article 6. Information on High-Risk Areas**

**116772.** (a) (1) By January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants that exceed safe drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map annually based on new and relevant data.

(2) The board shall make the map of high-risk areas, as well as the data used to make the map, publicly accessible on its internet website in a manner that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high-risk areas within their jurisdictions.

(b) (1) By January 1, 2021, a local health officer or other relevant local agency shall provide to the board all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that was collected after January 1, 2014, and that is in the possession of the local health officer or other relevant local agency.

(2) By January 1, 2022, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that is submitted to a local health officer or other relevant local agency shall also be submitted directly to the board in electronic format.

**SEC. 10.** Chapter 7 (commencing with Section 8390) is added to Division 4.1 of the Public Utilities Code, to read:

#### **CHAPTER 7. Designated Water System Administration**

**8390.** A privately owned public utility may serve as an administrator for purposes of Section 116686 of the Health and Safety Code.

**SEC. 11.** (a) The amounts appropriated by Item 3940-102-0001 and Item 3940-102-3228 in the Budget Act of 2019 shall be available for purposes outlined in Chapter 4.6 (commencing with Section 116765) of Part 12 of Division 104 of the Health and Safety Code.

(b) Funds made available pursuant to subdivision (a) shall be used for the purpose of facilitating the achievement of reductions of greenhouse gas emissions in this state in accordance with the requirements of Section 39712 of the Health and Safety Code or to improve climate change adaptation and resiliency of disadvantaged communities, as defined in Section 39711 of the Health and Safety Code, or low-income households or communities, as defined in Section 39713 of the Health and Safety Code, consistent with Division 25.5 (commencing with Section 38500) of the Health and Safety Code. For purposes of the funds made available pursuant to subdivision (a), a state agency may also comply with the requirements of paragraphs (2) and (3) of subdivision (a) of Section 16428.9 of the Government Code by describing how each proposed expenditure will improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities.

**SEC. 12.** This act does not impose a levy, charge, or exaction of any kind, such as a tax or fee.

**SEC. 13.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 14.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 15.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the immediate need to provide safe and affordable drinking water to all Californians, it is necessary for this act to take effect immediately.

## **Tab 4**

### **FUND EXPENDITURE PLAN (FEP)**

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### **PLAN DE GASTOS DE FONDOS (FEP)**



# 2024



CALIFORNIA  
Water Boards

## DRINKING WATER NEEDS ASSESSMENT

JUNE 2024



## EXECUTIVE SUMMARY

The Human Right to Water (HR2W) recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes.” In 2019, to advance the goals of the HR2W, California passed Senate Bill 200 (SB 200), which enabled the State Water Board to create the Safe and Affordable Funding for Equity and Resilience Drinking Water program (SAFER program). SB 200 established a set of tools, funding sources, and regulatory authorities that the State Water Board harnesses through the SAFER program to help struggling water systems sustainably and affordably provide safe drinking water. The SAFER program is driven by collective responsibility: water systems, non-profit organizations, governments, a community advisory board, and other interested parties work together to develop and implement solutions.

As of April 2024, nearly five years into the SAFER program, the State Water Board has distributed over \$831 million in grants for drinking water projects in California’s disadvantaged communities—accelerating the pace of assistance so that over two-and-a-half times more funding has been delivered since 2019 than the \$310 million distributed in the five years prior to the program. In this same period, 251 water systems serving 2 million people have come back into compliance with drinking water standards and 142 consolidations, benefiting approximately 100,000 people, have been completed.

**Figure 1: SAFER Program Accomplishments (2019 - 2023)**



The Needs Assessment is a comprehensive, data-driven analysis that:

1. Identifies communities served by Failing public water systems;
2. Predicts which public water systems, state small water systems, and domestic wells are at risk of failing;
3. Estimates how much it may cost to achieve the Human Right to Water for Failing and At-Risk systems and the communities they serve;
4. Estimates the potential five-year funding gap between estimated funding needs and state funding availability; and
5. Identifies disadvantaged communities that may be facing affordability challenges, which may limit their ability to address existing and future drinking water challenges.

The results of the annual Needs Assessment are used by the State Water Board’s SAFER program and the SAFER Advisory Group<sup>1</sup> to inform the prioritization of available state funding in the Safe and Affordable Drinking Water Fund (SADWF) Fund Expenditure Plan (FEP).<sup>2</sup>

**Figure 2: How the Needs Assessment is Utilized by the SAFER Program**



The Needs Assessment serves to highlight and track progress in achieving safe drinking water in communities that have historically lacked access. It also serves to document the pace of implementing drinking water solutions, measure water system performance to encourage resiliency, explore sustainable long-term solutions like consolidation, and estimate the cost of implementing these solutions.

By incorporating this Needs Assessment into the SAFER program and implementation of SADWF, the State Water Board will continue to lead long-term drinking water solutions. At the same time, the Needs Assessment brings clarity to the amount and type of work that must be done by state, federal, local and stakeholder partners collectively to realize the Human Right to Water for all Californians.

<sup>1</sup> [SAFER Advisory Group](https://www.waterboards.ca.gov/safer/advisory_group.html)  
[https://www.waterboards.ca.gov/safer/advisory\\_group.html](https://www.waterboards.ca.gov/safer/advisory_group.html)

<sup>2</sup> [Safe and Affordable Drinking Water Fund](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/safer.html)  
[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/sustainable\\_water\\_solutions/safer.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/safer.html)

# 2024 NEEDS ASSESSMENT RESULTS



**385**  
**FAILING**  
Public Water  
Systems

Population Served  
**913,500**

**45%** Receiving \$352 M in  
State Funding & Technical  
Assistance



**613**  
**AT-RISK**  
Public Water  
Systems

Population Served  
**1,535,200**

**16%** Receiving  
\$136 M in State Funding &  
Technical Assistance



**727**  
**HIGH-RISK**  
State Small  
Water Systems



**143,663**  
**HIGH-RISK**  
Domestic Wells

## KEY FINDINGS:

- 1 98% of California's population receives water from systems that meet drinking water standards. 79% of water systems have continually been in compliance with drinking water standards since 2017.
- 2 Approximately 56% of Failing public water systems serve disadvantaged communities and 67% serve majority communities of color.
- 3 The Risk Assessment was able to predict risk of failure for 91% of water systems on the Failing list in 2023.
- 4 Estimated 5-year funding needs for modeled long-term and interim solutions for Failing and At-Risk public water systems is approximately \$6.6 billion and \$4.9 billion for high-risk state small water systems and domestic wells.
- 5 The State Water Board has a projected \$3.5 billion in 5-year funding availability, \$2 billion for grants and \$1.5 billion for loans. The estimated 5-year funding gap is \$5.5 billion for grant eligible needs. All estimated 5-year loan eligible needs are met by projected available loan capacity.
- 6 In the long-run, local communities and private well owners may need to cover \$13.9 billion to achieve the Human Right to Water.
- 7 Small drinking water systems charge on average \$32 more a month for the same volume of water compared to larger water systems.
- 8 Approximately 94 (3%) of community water systems face high drinking water affordability burden and 311 (10%) may be experiencing medium affordability burden.



State of California

# FY 2023-24 Fund Expenditure Plan

Safe and Affordable Drinking Water Fund



Prepared by:

THE DIVISION OF FINANCIAL ASSISTANCE

STATE WATER RESOURCES CONTROL BOARD

STATE OF CALIFORNIA

October 3, 2023

## I. EXECUTIVE SUMMARY

Senate Bill (SB) 200 (Ch. 120, Stats. 2019) established the Safe and Affordable Drinking Water Fund (SADW Fund or Fund) and requires the annual adoption of a Fund Expenditure Plan (FEP)<sup>1</sup>. Expenditures from the Fund will complement other funding sources as part of the broader Safe and Affordable Funding for Equity and Resilience (SAFER) Drinking Water Program (Program), which includes General Fund (GF) appropriations, general obligation bond funds, and funding available through annual Drinking Water State Revolving Fund (DWSRF) capitalization grants. The SAFER Program also encompasses regulatory efforts to protect drinking water, community engagement to identify needs and solutions, data collection and assessment to promote sound decision-making, and information management to provide transparency and accountability. The SAFER Program's goal is to provide safe and affordable drinking water in every California community, for every Californian.

### 2023 Needs Assessment Results

The 2023 Statewide Safe and Affordable Drinking Water Needs Assessment<sup>2</sup> (2023 Needs Assessment, included as Appendix A), released in May 2023, included a risk assessment, cost assessment, and affordability assessment for public water systems (PWSs), state small water systems (state smalls), and domestic wells. The results of the Needs Assessments inform each FEP as it is updated each year.

Key enhancements to the 2023 Needs Assessment included:

- Updated affordability indicators, including a new indicator, incorporating stakeholder feedback, "Household Socioeconomic Burden", a composite indicator that is a combined measure of Housing Burden and Poverty Prevalence that measures the extent to which low-income customers may have affordability challenges now or in the future because their disposable income is constrained by high housing costs.
- Development of a third category of risk for state smalls and domestic wells that analyzed socioeconomic risk, with the purpose of:
  - (1) Assessing a counties' overall administrative, technical, and managerial capacity to assist communities served by state smalls and domestic wells, and
  - (2) Assessing the ability of communities served by these systems to access and pay for water at a neighborhood level, especially when faced with a well experiencing water quality or water shortage issues.

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<sup>1</sup> Key terms used within this FEP are defined either in Section IV of the Policy for Developing the Fund Expenditure Plan for the Safe and Affordable Drinking Water Fund (SADW Fund Policy) or Section I.E of this FEP.

<sup>2</sup> [2023 Needs Assessment](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2023needsassessment.pdf)

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/needs/2023needsassessment.pdf](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2023needsassessment.pdf)

Given these enhancements, key results that inform this FEP include:

- Of the 3,053 water systems analyzed on January 1, 2023, 381 systems were listed as failing. Collectively these Failing systems serve approximately 787,000 people.
- At least half of failing water systems (or 5 percent [%] of all public drinking water systems statewide) have consistently failed for three or more years. Ninety-seven percent of those are small community water systems (CWSs) with the majority exceeding primary maximum contaminant levels (MCLs).
- Forty-two percent of the systems on the Failing list are considering consolidation or are in the process of developing a long-term solution with SAFER technical assistance (TA) and funding support. Consolidation with larger, high-capacity systems is one sustainable solution to help communities secure long-term access to safe drinking water.
- Of the 2,672 systems not on the Failing list, 512 systems are at risk of failing due to water quality or shortage issues, their customers' inability to pay, or limited technical, managerial, and financial (TMF) capacity. Collectively these At-Risk systems serve approximately 1.3 million people.
- The affordability assessment, using an updated methodology that includes poverty and housing costs to assess community-level affordability, found that approximately 23% of systems that serve disadvantaged communities (DACs) or severely disadvantaged communities (SDAC) face a medium-to-high affordability burden. In contrast, only about 9% of systems that serve non-DACs do.
- State smalls and domestic wells, which fall under county jurisdiction and are not regulated by the state, faced both water quality and water shortage risks in 2022, largely from dropping groundwater levels. The assessment incorporated socioeconomic indicators as well, finding that nearly one-fifth of state smalls and 28% of domestic wells were at risk of failing due to one or more of these factors.
- Socio-economic analyses of the Risk and Affordability Assessments indicated:
  - Failing and At-Risk PWSs, state smalls, and domestic wells areas have higher pollution burdens, are typically located in areas with higher poverty, greater linguistic isolation, and serve a greater proportion of non-white households than systems and domestic well locations that are Not At-Risk.
  - When compared with non-DAC/SDAC PWSs, DAC/SDAC water system service areas tend to have higher pollution burdens, a higher percentage of households in poverty, a higher percentage of limited English-speaking households, and are likely to serve a greater proportion of non-white communities.

### **Fiscal Year (FY) 2023-24 Priorities**

Based on the 2023 Needs Assessment and SAFER Advisory Group (Advisory Group) input, the expenditures from the SADW Fund for FY 2023-24 will continue to focus on solutions for small DACs and low-income households, and seek to:

- (1) Address any emergency or urgent funding needs expeditiously, only where other emergency funds are not available and a critical water shortage or outage could occur without support from the Fund;
- (2) Address CWSs and school water systems consistently out of compliance with primary drinking water standards or at risk of failing, including those CWSs that have relied on bottled and/or hauled water to meet customer demand within the last three years;
- (3) Accelerate consolidations for consistently Failing or At-Risk systems, as well as connections for state smalls and domestic wells in proximity to CWS boundaries, and promote opportunities for regional-scale consolidations;
- (4) Expedite planning through use of TA for consistently Failing or At-Risk systems, as well as state smalls and domestic wells;
- (5) Provide interim solutions, initiate planning efforts for long-term solutions, and fund capital projects for state smalls and domestic wells with source water above a primary MCL or at risk of running dry due to drought;
- (6) Provide direct operation and maintenance (O&M) support to assist CWSs facing the highest affordability burdens while promoting sustainability and TMF capacity building; and
- (7) Ensure assistance is distributed in a manner consistent with the goals and direction provided in the State Water Resources Control Board's (State Water Board's) Racial Equity Resolution and associated Racial Equity Action Plan.

These needs are not necessarily listed in ranked order, and the needs of failing systems will generally be prioritized above the needs of at-risk systems.

### **FY 2023-24 Target Allocations**

Up to \$130 million will be available from the SADW Fund for local assistance and state operations, plus an uncommitted balance of \$23.5 million from prior FYs (see Section VI.A for discussion on FY 2022-23 funding commitments). The target allocations of the Fund for FY 2023-24 (Table ES-1) are consistent with the priorities and will be used in conjunction with other available complementary funding from the broader SAFER Program. SADW Fund resources will be used to address funding gaps (i.e., where other funding sources cannot be used or are not sufficient) and to expedite priority projects (e.g., where other available funding resources have additional constraints that result in longer timelines for completing a funding agreement or providing reimbursement).

The FY 2023-24 target allocations are in addition to projects already funded in FY 2022-23 and prior. Items to note include:

- Solutions funded by the SADW Fund will continue to be focused on small DACs and low-income households, while allowing for funding of small non-DAC<sup>3</sup> or medium DAC projects that either address high-priority public health impacts or are part of a consolidation effort.
- Significant investments are proposed to help address the large numbers of state smalls and domestic wells considered to be at risk for either water quality or drought impacts via county-wide and regional programs to provide interim water supplies (e.g., bottled and hauled water) as well as long-term solutions.
- \$30 million each are proposed in the Administrator and Construction solution types, expected to assist at least 20 additional designated water systems that will be appointed an administrator, and the following implementation work: installation of backup generators for an additional 30 priority systems, and programs that finance extension of service or well repair/replacement in areas with contamination or wells that have gone dry.
- \$20 million is proposed for direct O&M assistance, which is expected to benefit approximately 30 systems using a streamlined approach that will initially target small DAC water systems with water rates higher than 2.5% of the community's median household income (MHI) that are also considered to have a high affordability burden based on the 2023 Affordability Assessment.
- \$15 million is proposed for TA to potentially add funding and scope to one or more existing TA agreements to cover the following needs: focused TA needs for tribal water systems, Point of Use (POU)/Point of Entry (POE) Pilot related items, Funding Partner community outreach related items, and potential TA needs of PWSs associated with implementation of the Direct O&M Funding Program (Direct O&M Program).

More details on the breakdown of the allocations are presented in Section III.B.

Overall, it is anticipated that in FY 2023-24, around \$773 million, at least \$635 million of which is available for capital projects, is anticipated to be available for use in FY-2023-24 from the SADW Fund and complementary funding sources that make up the broader SAFER Program (see Table ES-2). Table ES-2 also shows solution types that may be funded by each funding source.

Table ES-1 provides target SADW funding allocations by solution type and water system category. The State Water Board authorizes the Deputy Director of the Division of Financial Assistance (DFA) or designee to adjust these targets in response to opportunities or challenges that may require shifting funding from one category to another, up to and including the entire amount of funding designated for that category.

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<sup>3</sup> Per SADW Fund Policy Section VI.B, projects and services may be funded for non-DACs if the project reduces greenhouse gas emissions.

In addition to administering the Fund, resources for staff will be used for implementation of SB 200 to engage communities to support community-based solutions, accelerate consolidation (including regional-scale consolidation) efforts, expedite planning through use of TA, appoint administrators to designated water systems, assess overall funding needs, identify state smalls and domestic wells in aquifers at high risk of having contaminants over MCLs, implement information management tools to support transparency and accountability, and actions to implement the Policy for Developing the Fund Expenditure Plan for the Safe and Affordable Drinking Water Fund (SADW Fund Policy)<sup>4</sup>, and this FEP that are consistent with the State Water Board's Racial Equity Action Plan.

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<sup>4</sup> [Policy for Developing the FEP for the SADW Fund](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/docs/2021/final_policy_for_dev_fep_sadwf_1221.pdf)

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/docs/2021/final\\_policy\\_for\\_dev\\_fep\\_sadwf\\_1221.pdf](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/docs/2021/final_policy_for_dev_fep_sadwf_1221.pdf)

**Table ES-1. FY 2023-24 SADW Fund Target Allocations (in millions)**

<b>Water System Category</b>	<b>Interim Water Supplies and Emergencies</b>	<b>Technical Assistance (includes Planning)<sup>1</sup></b>	<b>Administrator<sup>1</sup></b>	<b>Planning<sup>1,2</sup></b>	<b>Direct O&amp;M Support<sup>1</sup></b>	<b>Construction<sup>2</sup></b>
<b>Failing or At-Risk Systems, or Consolidations</b>	\$5	\$15	\$30	\$3	\$20	\$20
<b>State Smalls/ Domestic Wells</b>	\$10.9		\$0	\$0	\$0	\$10
<b>Uncommitted from Prior FYs</b>	\$23.5	\$0	\$0	\$0	\$0	\$0
<b><i>SUBTOTAL BY SOLUTION TYPE<sup>3</sup></i></b>	<b>\$15.9 (\$39.4)</b>	<b>\$15</b>	<b>\$30</b>	<b>\$3<sup>2</sup></b>	<b>\$20</b>	<b>\$30<sup>2</sup></b>
<b>TOTAL</b>					<b>PROJECT TOTAL<sup>3</sup></b>	<b>\$113.9 (\$137.4)</b>
<b>Other Program Needs</b>	<b>Pilot Projects</b>	<b>Contracts</b>	<b>Staff Costs</b>			
	\$0	\$1.5	\$14.6			
					<b>GRAND TOTAL<sup>3</sup></b>	<b>\$130 (\$153.5)</b>

<sup>1</sup> Solution type provides direct and/or indirect O&M support.

<sup>2</sup> Approximately \$635 million will be available from the broader SAFER Program (i.e., non-SADW funding sources) for planning and construction projects.

<sup>3</sup> Totals in parentheses include target allocations from FY 2023-24 and uncommitted amounts from prior FYs.

**Table ES-2. FY 2023-24 SAFER Program Anticipated Funding Availability for Projects (SADW Fund plus complementary funding) (as of June 30, 2023)**

<b>Funding Category</b>	<b>Funding Source</b>	<b>Interim Water Supplies and Emergencies</b>	<b>Technical Assistance</b>	<b>Administrator</b>	<b>Direct O&amp;M Support</b>	<b>Planning/ Construction</b>	<b>FY 2023-24 Available Funds (in millions, excluding loan funds<sup>4</sup>)</b>
<b>SADW Fund<sup>1</sup></b>	FY 2023-24 <sup>2</sup>	Y	Y	Y	Y	Y	\$114.6
	FY 2022-23	Y	Y	Y	Y	Y	\$23.5
<b>GF<sup>1</sup></b>	Infrastructure <sup>3</sup>					Y	\$165.6
	PFAS <sup>3</sup>		Y			Y	\$97.7
<b>General Obligation Bond Funding</b>	Prop 1 DW		Y			Y	\$13
	Prop 1 GW					Y	\$21.8
	Prop 68 DW					Y	\$84.7
	Prop 84	Y				Y	\$3.2
<b>DWSRF Principal Forgiveness<sup>4</sup></b>	DWSRF <sup>5</sup>					Y	\$200.5
<b>Other DWSRF</b>	Emerging Contaminants					Y	\$48
						<b>TOTAL</b>	<b>\$772.6</b>

<sup>1</sup> SADW Fund and GF allocations may be used for projects for state smalls and domestic wells implemented by an eligible recipient. The DWSRF may also be used to consolidate state smalls and domestic wells, if funding is provided to an eligible water system.

<sup>2</sup> The FY 2023-24 allocation of the SADW Fund is \$130 million minus estimated staff and other program need costs.

<sup>3</sup> Amounts shown for Infrastructure and PFAS are the allocations minus 5% for state operations/administrative costs.

<sup>4</sup> DWSRF amount includes unencumbered funds from prior FYs. Repayable loan financing through the DWSRF is also available for projects that address compliance issues and/or other risk factors for larger systems that otherwise would not qualify for grant funding. The total amount of anticipated repayable loan financing that is expected to be committed in FY 2023-24 can be found in the DWSRF Intended Use Plan (IUP).

<sup>5</sup> Includes DWSRF Base Program and General Supplemental capitalization grants for Federal FY 2023 and prior years.

Since the SADW Fund was established, the SAFER Program has benefitted California communities (including areas served by PWSs, state smalls, and domestic well communities) by providing:

- (1) Interim supplies of safe drinking water;
- (2) TA projects;
- (3) Planning projects; and
- (4) Long-term solutions (i.e., construction projects).

Table ES-3 shows progress for the above solution types cumulatively, from a start date of January 1, 2019, to show SAFER Program performance over time. Additional discussion of performance metrics is included in Section VII.

**Table ES-3. Cumulative SAFER Program Performance (1/1/2019-6/30/2023)**

<b>Category</b>	<b>Cumulative Progress</b>	<b>No. of Connections /Households Benefiting</b>	<b>No. of People Benefiting</b>	<b>Total Assistance Provided</b>
<b>Interim Solutions</b>	276 communities/schools and 4,591 households	20,783	112,638	\$34 M
<b>Technical Assistance Projects</b>	383 (63 planning via TA)	93,013	325,503	\$50.4 M
<b>Planning Projects</b>	50	143,678	403,710	\$26.7 M
<b>Construction Projects<sup>1</sup></b>	149 (116)	1.7 M (175,402)	9.75 M (394,964)	\$1.4 B (\$510.8 M)

<sup>1</sup> Numbers in parentheses for construction projects reflect projects in the Office of Sustainable Water Solutions benefiting primarily small DACs or low-income households. The work in other categories is solely through the Office of Sustainable Water Solutions and benefiting primarily small DACs or low-income households.

**STATE  
WATER  
RESOURCES  
CONTROL  
BOARD**



**CALIFORNIA  
ENVIRONMENTAL  
PROTECTION  
AGENCY**



**Policy for Developing the Fund Expenditure Plan  
for the  
Safe and Affordable Drinking Water Fund**

Prepared by:

THE DIVISION OF FINANCIAL ASSISTANCE

STATE WATER RESOURCES CONTROL BOARD

STATE OF CALIFORNIA

Amended October 19, 2021

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- A. Median Household Income Determination Guidelines
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## I. INTRODUCTION

This Policy is adopted by the State Water Resource Control Board (State Water Board) for its development of the Fund Expenditure Plan (Plan) for the Safe and Affordable Drinking Water Fund (SADW Fund or Fund), as part of the State Water Board's larger Safe and Affordable Funding for Equity and Resilience (SAFER) Drinking Water Program (Program). The SAFER Program's goals are to provide safe drinking water in every California community, for every Californian.

The Fund was established by Senate Bill (SB) 200 in July 2019 to address funding gaps and provide solutions to water systems, especially those serving disadvantaged communities, to address both their short- and long-term drinking water needs. SB 200 requires the annual transfer of 5 percent of the annual proceeds of the Greenhouse Gas Reduction Fund (GGRF) (up to \$130 million) into the Fund until June 30, 2030. Projects funded by the SAFER Program using GGRF monies will also either facilitate reductions of greenhouse gas emissions or improve climate change adaptation and resiliency of GGRF Disadvantaged Communities (DACs), GGRF Low-Income Households, or GGRF Low-Income Communities. Money transferred into the Fund is continuously appropriated and must be expended consistent with the Plan, which is adopted annually by the State Water Board. The Plan is based on a drinking water needs analysis and will document past and planned expenditures and prioritize projects for funding.

The State Water Board administers the SAFER Program primarily through its Division of Drinking Water (DDW), Division of Financial Assistance (DFA), and Office of Public Participation (OPP). The State Water Board sets drinking water standards and adopts regulations for drinking water systems. DDW issues permits and enforces compliance with the California Safe Drinking Water Act, including ordering consolidations and administrator services. Through DFA, the State Water Board offers many financial assistance programs to assist with the provision of safe drinking water. OPP provides community engagement assistance to support effective public participation in State Water Board decisions and actions.

The Fund complements the State Water Board's existing suite of financial assistance programs, which are generally limited to addressing capital infrastructure. Other funding sources administered by the State Water Board for drinking water projects include: General Fund allocations, Proposition 68 Drinking Water, Proposition 1 and Proposition 68 Groundwater, and the Drinking Water State Revolving Fund (DWSRF), which offers both loans and principal forgiveness. Per Health and Safety Code section 116766, the purpose of the Fund is to help water systems provide an adequate and affordable supply of safe drinking water in both the short and long term and fund the following:

- (1) Operation and maintenance (O&M) costs to help deliver an adequate supply of safe drinking water in both the near and long terms.

- (2) Consolidating water systems or extending drinking water services to other public water systems, domestic wells, and state small water systems.
- (3) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.
- (4) The provision of administrator services (under Health and Safety Code section 116686) for purposes of helping the systems become self-sufficient in the long term.
- (5) The development, implementation, and sustainability of long-term drinking water solutions.
- (6) State Water Board costs associated with the implementation and administration of the programs under Health and Safety Code section 116765, et seq.

The statutory basis for the Fund is established in Section 53082.6 of the Government Code; Sections 39719, 100827, 116275, 116385, 116530, 116540, 116686, and Chapter 4.6 (commencing with Section 116765) of the Health and Safety Code; and Chapter 7 (commencing with Section 8390) of the Public Utilities Code.

Notwithstanding any provision of this Policy, the State Water Board will implement the Fund consistent with federal law and policy, and state law and policy.

The provisions of this Policy are effective upon adoption by the State Water Board, unless otherwise required by federal or state statute, guidance, regulation, or agreement.

### **I.A. Purpose and Objective**

The purpose of this Policy is to establish and document the State Water Board's direction on how the Fund Expenditure Plan will be developed and implemented. This Policy discusses how the Program supports the Water Boards' mission; defines key terms; discusses eligible entities and projects; provides an overall funding strategy; includes funding terms, conditions, and how to appeal a funding determination; discusses the required elements of the Fund Expenditure Plan (including how proposed solutions will be identified, evaluated, and prioritized); establishes a petition process for consideration of consolidation orders; and identifies SAFER Program resources.

The primary purpose of the SAFER Program per Health and Safety Code section 116765, subdivision (j) is to bring true environmental justice to California and begin to address the continuing disproportionate environmental burdens in the state by creating a fund to provide safe drinking water in every California community, for every Californian. The Fund will assist water systems in providing a safe, adequate, and affordable supply of drinking water to communities in both the near and long terms by accelerating implementation of short- and long-term solutions, moving water systems to more efficient modes of operation, providing short-term O&M support as a bridge until long-term sustainable solutions are in place, and providing long-term O&M support when necessary. Funded solutions will take a holistic view of existing violations, other system deficiencies and potential risks (e.g., unregulated contaminants of emerging concern) when evaluating alternatives.

Short-term goals for the SAFER Program include:

- (1) Provision of safe drinking water to more communities and people, more efficiently, and in less time. This may be via replacement water, appointing administrators to assess the status and needs of failing systems and identifying opportunities to increase efficiency, and accelerating implementation of capital projects.
- (2) Promoting consolidation and extension of service.

Long-term goals for the SAFER Program include support of water system improvements such as system upgrades, and building technical, managerial, and financial (TMF) capacity to make systems safe, efficient, and sustainable.

The purposes of the Fund Expenditure Plan are to:

- (1) Identify public water systems (PWS), community water systems (CWS), state small water systems and regions where domestic wells consistently fail or are at risk of failing to provide adequate safe drinking water, the causes of failure, and appropriate remedies;
- (2) Determine the amounts and sources of funding needed to provide safe drinking water or eliminate the risk of failure to provide safe drinking water; and
- (3) Identify gaps in supplying safe and affordable drinking water and determine the amounts and potential sources of funding to eliminate those gaps.

The State Water Board convened an Advisory Group in December 2019 to provide input into the development of this Policy, the Fund Expenditure Plan, and overall implementation of the Fund. More information on the Advisory Group is presented in Section XI.A.

### **I.B. Responsibilities of the Division of Drinking Water and the Division of Financial Assistance**

The State Water Board administers the Fund through DFA and implements the Safe Drinking Water Act through DDW. The Deputy Director of DFA, or designee, is authorized to execute financial assistance agreements with monies from the Fund in accordance with this Policy and the Fund Expenditure Plans. The Deputy Director of DDW, or designee, issues permits and enforces the State Water Board's remedies against public water systems for non-compliance with the California Safe Drinking Water Act, including the ordering of consolidations (for consistently out of compliance systems) and appointing of administrator services. Legislation effective January 1, 2022 amends the Health and Safety Code and expands the State Water Board's authority to order consolidation where a water system serving a DAC is an at-risk water system, or where a DAC is substantially reliant on at-risk domestic wells. In addition, the State Water Board sets drinking water standards and adopts regulations for drinking water systems.

DFA and DDW will work collaboratively to ensure that systems that are in violation or identified as at-risk are being considered per the Policy and Fund Expenditure Plans for

funding of appropriate projects or services that both address water quality issue(s) and take into consideration the most sustainable long-term solution for each particular system. Water Board staff will work to identify and implement solutions for state small systems in DACs and private wells that do not provide safe drinking water. For projects or services that are already being funded, DFA and DDW will continue to work collaboratively with the system and other stakeholders (e.g., local primacy agency, TA provider, consultant), as appropriate, to help reduce or remove roadblocks to ensure that projects are making adequate progress or that services are being provided in a timely manner.

### **I.C. Updates to the Policy and Fund Expenditure Plans**

The initial versions of the Policy and Fund Expenditure Plan will be in place by June and July, 2020, respectively so that implementation of solutions is not delayed. The Policy and Fund Expenditure Plan will be evaluated continuously as the SAFER Program is implemented and continues to develop. The Policy will be revised as needed as the Program evolves. It is anticipated that the Policy will be revised as frequently as every two years initially. The Fund Expenditure Plan will be updated annually as required by statute. Beginning in 2021, Fund Expenditure Plans will include a projected five-year strategy and associated solution list to the extent they can be identified and projected. The Deputy Director of DFA may make clarifying, non-substantive amendments to this Policy. The Deputy Director of DFA may also substantively update and amend the appendices included in this Policy.

Development of the Fund Expenditure Plan will be coordinated with and complement the development of other drinking water funding program plans to best leverage other capital funding sources. These programs include the Drinking Water State Revolving Fund Intended Use Plan and bond-funded programs administered by the State Water Board. State Water Board staff will also coordinate with other funding agencies including, but not limited to, USEPA, the Department of Water Resources, and the United States Department of Agriculture (USDA).

## **II. SUPPORTING THE WATER BOARDS' MISSION**

Projects funded by the larger SAFER Program help to further the Water Boards' mission "to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations." Part of this mission includes but is not limited to furthering the human right to water and addressing climate change.

### **II.A. Human Right to Water**

In February 2016, the State Water Board adopted Resolution No. 2016-0010 which identifies the human right to water as a top priority and core value of the Water Boards. Pursuant to Water Code section 106.3, "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and

sanitary purposes.” This Policy is consistent with Water Code section 106.3, as the core function of the SAFER Program is to ensure that every Californian has access to safe and affordable drinking water. The State Water Board has developed an interactive map showing the compliance status of public water systems that can be found at the State Water Board’s Human Right to Water Portal at [https://www.waterboards.ca.gov/water\\_issues/programs/hr2w/](https://www.waterboards.ca.gov/water_issues/programs/hr2w/).

Additional tools will be developed to track implementation of the SAFER Program and expenditures from the Fund.

The Office of Environmental Health Hazard Assessment (OEHHA) has developed an assessment and data tool to identify indicators for achieving the Human Right to Water using data on water quality, accessibility and affordability. As part of their Drought Contingency Planning Work, the Department of Water Resources (DWR) has developed initial drought impact screening and planning criteria. State Water Board staff will continue to work with OEHHA, DWR, and interested stakeholders in developing metrics to track progress attributable to the SAFER Program and the Fund.

#### **II.A.1. Homelessness Access to Water and Sanitation**

In many cases, persons experiencing homelessness do not have access to safe, clean water. The Fund is a potential opportunity for providing safe, clean drinking water to persons experiencing homelessness. Initially, the Board is focusing available funds on the provision of safe and affordable drinking water to water systems in violation of public health standards, water systems that are at-risk, and domestic well users in high risk areas. A large-scale investment in providing drinking water to persons experiencing homelessness using the Board’s available funds is not possible given the other significant demands on those funds.

However, limited scope projects or pilot programs that improve access to or provide drinking water access to persons experiencing homelessness may be funded through the SAFER Program in coordination with municipalities, other public agencies, and nongovernmental partners that are directly addressing the variety of challenges associated with homelessness. In addition, by focusing the SAFER Program on supporting drinking water infrastructure improvements and affordability issues in low-income communities, the SAFER Program contributes to helping keep people in more affordable housing and communities.

#### **II.B. Climate Change**

The State Water Board seeks to reduce the effects of climate change and to promote sustainable water resources for future generations. In March 2017, the State Water Board adopted Resolution No. 2017-0012 requiring a proactive approach to climate change in all Water Board actions and programs. Applicable to the Fund, Health and Safety Code section 39719, subdivision (b)(3)(B) requires that GGRF monies be used to facilitate reductions of greenhouse gas emissions or to improve climate change

adaptation and resiliency of GGRF DACs or GGRF Low-Income Households or GGRF Low-Income Communities. This Policy is designed to support those efforts.

### **II.B.1. California Climate Investments Requirements**

Beginning July 1, 2020 up to \$130 million will be transferred from the GGRF to the Fund annually until 2030. In addition to facilitating reduction of greenhouse gas emissions or improving climate change adaptation and resiliency of GGRF DACs, GGRF Low-Income Households or GGRF Low-Income Communities, GGRF expenditures for the SAFER Program must meet the requirements of Health and Safety Code section 39712, subdivisions (b)(1-6), consistent with Health and Safety Code Division 25.5 (commencing with Section 38500). Where applicable and to the extent feasible, The State Water Board will meet these requirements by funding projects that:

- Improve public health by working to assure all public water supplies meet drinking water standards
- Reduce exposure to local environmental contaminants found in the drinking water supply
- Provide job development and training to disadvantaged and low-income communities
- Provide educational and community capacity building opportunities through community engagement and leadership
- Benefit individuals living in disadvantaged and low-income communities

Additionally, per Health and Safety Code section 39719, subdivision (b)(3)(B), the State Water Board will fund projects that:

- Increase resiliency and adaptation to climate change and lessen the impacts of climate change (reduced surface water flows, declining groundwater basins, increasing environmental contamination, drought, wildfires) by enhancing the long-term sustainability of drinking water systems
- Incorporate greenhouse gas emissions reductions in projects through energy efficiency and renewable energy components, where applicable and feasible

The State Water Board satisfied the requirements of Government Code section 16428.9, subdivision (a) and Health and Safety Code section 39719, subdivision (b) before any GGRF funds were spent by describing in an Expenditure Record and Attestation Memorandum how program expenditures will improve climate change adaptation and resiliency of GGRF DACs or GGRF Low-Income Households or GGRF Low-Income Communities. Project application evaluation and prioritization will be further defined in the Fund Expenditure Plan and will consider criteria defined in the Funding Guidelines for Agencies that Administer California Climate Investments (GGRF Funding Guidelines, available at:

<https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/2018-funding-guidelines.pdf>), in particular, ensuring that projects benefit GGRF Priority Populations . An interactive GGRF Priority Population mapping tool is available at: <http://www.arb.ca.gov/cci->

[communityinvestments](#). The State Water Board will work with the California Air Resources Board to determine a methodology to track and report improvements from projects funded by the Fund (e.g., greenhouse gas emission reductions, co-benefits, and other climate change related improvements) and develop a reporting template for the SAFER Program.

The Safe and Affordable Drinking Water Fund is part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment – particularly in DACs. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero-emission vehicles, environmental restoration, more sustainable agriculture, recycling, and much more. At least 35 percent of these investments are located within and benefiting residents of DACs, low-income communities, and low-income households across California. For more information, visit the California Climate Investments website at: <http://www.caclimateinvestments.ca.gov>.

### **III. TRIBAL CONSIDERATIONS**

Engagement with California Native American Tribes will be prioritized in outreach, program design and funding elements of the SAFER Program. California Native American Tribes are eligible recipients of monies from the Fund. The water system needs of California Native American Tribes will be evaluated for funding based on the same criteria as other eligible recipients. All State Water Board funding agreements contain compliance obligations, such as monitoring, reporting, inspection, and accounting (see Section IX for more information on funding terms and conditions). These compliance obligations ensure that the State Water Board complies with statutory requirements and responsibly administers state funds. Federally recognized Native American Tribes are also eligible to receive SAFER funding and staff will work with them to try to ensure that they can also benefit from the SAFER Program. In order to fund a project with a federally recognized Native American Tribe, the State Water Board may require a limited waiver of sovereign immunity strictly to ensure compliance with the terms of the financial assistance agreement. In addition, the State Water Board will work cooperatively with California Native American Tribes to access water quality data and water system operational information, if available.

### **IV. DEFINITIONS**

The Policy includes the following defined terms:

“Adequate supply” means sufficient water to meet residents’ health and safety needs at all times. (Health & Saf. Code, § 116681, subd. (a).)

“Administrator” means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution whom the State Water Board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of Health and Safety Code section 116686, pursuant to the Administrator Policy Handbook adopted by the State Water Board. (Health & Saf. Code, §§ 116275, subd. (g), 116686, subd. (m)(1).)

“California Native American Tribe” means federally recognized California Native American Tribes, and non-federally recognized Native American Tribes on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. (Health & Saf. Code, § 116766, subd. (c)(1).) Drinking water systems for federally recognized tribes fall under the regulatory jurisdiction of the United States Environmental Protection Agency (USEPA), while non-federally recognized tribes are currently under the jurisdiction of the State Water Board.

“Community water system” or “CWS” means a PWS that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. (Health & Saf. Code, § 116275, subd. (i).)

“Consistently fails” means a failure to provide an adequate supply of safe drinking water. (Health & Saf. Code, § 116681, subd. (c).)

“Consolidation” means joining two or more public water systems, state small water systems, or affected residences into a single public water system, either physically or managerially. (Health & Saf. Code, § 116681, subd. (e).)

“Contaminant” means any physical, chemical, biological, or radiological substance or matter in water. (Health & Saf. Code, § 116275, subd. (a).)

“Cost-effective” means achieving a sustainable result at the most reasonable cost.

“Designated water system” means a public water system or state small water system that has been ordered to consolidate pursuant to Health and Safety Code section 116682 or that serves a disadvantaged community, and that the State Water Board finds consistently fails to provide an adequate supply of affordable, safe drinking water. (Health & Saf. Code, § 116686, subd. (m)(2).)

“Disadvantaged community” or “DAC” means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide annual median household income level. (Health & Saf. Code, § 116275, subd. (aa).) See separate definition of ‘GGRF Disadvantaged Community’.

“Domestic well” means a groundwater well used to supply water for the domestic needs of an individual residence or a water system that is not a public water system and that has no more than four service connections. (Health & Saf. Code, § 116681, subd. (g).)

“Executive Director” means the Executive Director of the State Water Board.

“Fund” means the Safe and Affordable Drinking Water Fund established pursuant to Health and Safety Code section 116766.

“Fund Expenditure Plan” means the plan that the State Water Board develops pursuant to Health and Safety Code section 116768 et seq.

“Greenhouse Gas Reduction Fund” has the same meaning as in Health and Safety Code section 39710.

“GGRF Disadvantaged Community” or “GGRF DAC” means a disadvantaged community identified by the California Environmental Protection Agency pursuant to Health and Safety Code section 39711, i.e., communities may include, but are not limited to, either of the following: (1) areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation, or (2) areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.

“GGRF Funding Guidelines” means the August 2018 Funding Guidelines for Agencies that Administer California Climate Investments.

“GGRF Low-Income Communities” means census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code. (Health & Saf. Code, § 39713, subd. (d)(2).)

“GGRF Low-Income Households” means households with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code. (Health & Saf. Code, § 39713, subd. (d)(1).)

“GGRF Priority Populations” means populations required to be prioritized for GGRF funding, i.e., GGRF DACs, GGRF Low-Income Communities, and GGRF Low-Income Households.

“Human consumption” means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes. (Health & Saf. Code, § 116275, subd. (e).)

“Loan” means and includes any repayable financing instrument, including a loan, bond, installment sale agreement, note, or other evidence of indebtedness.

“Low-Income Household” means a single household with an income that is less than 200 percent of the federal poverty level, as updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of subsection (2) of Section 9902 of Title 42 of the United States Code. See separate definition of ‘GGRF Low-Income Households’.

“Maximum contaminant level” means the maximum permissible level of a contaminant in water. (Health & Saf. Code, § 116275, subd. (f).)

“Median household income” or “MHI” means the household income that represents the median value for the community. The methods for calculating the median household income will be included in this Policy as future Appendix A.

“Non-transient Non-Community Water System” or “NTNC” means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

“Primary drinking water standard” has the same meaning as in subdivision (c) of Health and Safety Code section 116275.

“Public Water System” or “PWS” means a system for the provision to the public 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. A PWS includes any collection, pretreatment, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system; any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system; and any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. (Health & Saf. Code, § 116275, subd. (h).)

“Replacement water” includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units. (Health & Saf. Code, § 116767, subd. (q).)

“Resident” means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year. (Health & Saf. Code, § 116275, subd. (t).)

“Safe drinking water” means water that meets all primary and secondary drinking water standards, as defined in Health and Safety Code section 116275.

“Secondary drinking water standards” means standards that specify maximum contaminant levels that, in the judgment of the State Water Board, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the public welfare. Regulations

establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to ensure a supply of pure, wholesome, and potable water. (Health & Saf. Code, § 116275, subd. (d).)

“Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance, with certain exceptions. (See Health & Saf. Code, § 116275, subd. (s).)

“Severely Disadvantaged Community” or “SDAC” means the entire service area of a community water system in which the MHI is less than sixty percent of the statewide median household income.

“Small community water system” or “Small CWS” means a CWS that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons. (Health & Saf. Code, § 116275, subd. (z).)

“Solution List” means a list of projects in the Fund Expenditure Plan that are prioritized to receive assistance from the Fund in a particular state fiscal year.

“State small water system” means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year. (Health & Saf. Code, § 116275, subd. (n).)

“State Water Board” means the State Water Resources Control Board.

“Technical Assistance Provider” or “TA Provider” has the meaning established in Health & Safety Code, section 116767, subdivision (u).

“Technical, Managerial and Financial Capacity” or “TMF” means the ability of a water system to plan for, achieve, and maintain long term compliance with drinking water standards, thereby ensuring the quality and adequacy of the water supply.

“Vended water” means any water that is dispensed by a water-vending machine, retail water facility, or water from a private water source, or other water as defined in Section 111170 of the Health and Safety Code that is not placed by a bottler in sealed containers, and that is dispensed by a water-vending machine, retail water facility, water hauler, or any other person or facility for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. Vended water does not include water from a public water system that has not undergone additional treatment. Water sold without further treatment is not vended water and shall be labeled in accordance with Health and Safety Code section 111170. (Health & Saf. Code, § 111070, subd. (b).)

“Waterworks Standards” means regulations adopted by the State Water Board entitled “California Waterworks Standards” (Chapter 16 (commencing with Section 64551) of

Division 4 of Title 22 of the California Code of Regulations). (Health & Saf. Code, § 116275, subd. (q).)

## **V. ENTITIES ELIGIBLE FOR FUNDING**

Eligible recipients include public agencies, nonprofit organizations, public utilities, mutual water companies, California Native American Tribes, administrators, and groundwater sustainability agencies. Funding provided to a public utility that is regulated by the Public Utilities Commission or a mutual water company must have a clear and definite public purpose and benefit the customers of the water systems and not the investors or shareholders.

Effective September 23, 2021, the list of eligible funding recipients for monies from the SADW Fund also includes Technical Assistance Providers. DFA staff will develop a Request for Qualifications (RFQ) process to identify qualified Technical Assistance Providers.

Criteria that will be used to evaluate the competency of an entity or person interested in being recognized as a Technical Assistance provider include: 1) demonstrated knowledge and experience in successfully providing any combination of administrative, technical, operational, legal, or managerial services to drinking water systems in California, as well as working with DACs; 2) number of systems assisted; 3) demonstrated successful outcome in bringing a water system into compliance; completing a consolidation; reducing or eliminating factors that put the system at risk of not providing safe water; and/or demonstratable enhancement of the technical, managerial, and administrative capacity of the water system; 4) demonstrated success in outreach and engagement with community members; and 5) ability to provide Technical Assistance to multiple water systems concurrently in a defined region of California or statewide. The Deputy Director of DFA is delegated the authority to identify other criteria and evaluation factors, as necessary, to conduct the RFQ, or otherwise identify qualified Technical Assistance providers, which criteria will be incorporated into this Policy as future Appendix C and posted on the State Water Board's website.

## **VI. PROJECT ELIGIBILITY DETERMINATION**

### **VI.A. Water Systems and Domestic Wells**

Projects and/or services that are eligible for Safe and Affordable Drinking Water Funds must address: 1) existing or potential water quality compliance issues; 2) Technical, Managerial, or Financial capacity deficiencies that prevent a system from sustainably providing safe and affordable drinking water; and 3) improvements to public water systems, community water systems, state small water systems and domestic wells that are in violation or considered at-risk. Prioritized projects will generally fall into DWSRF Project Categories A, B, and C (see Section XI.D, XI.E, and XI.F regarding project identification and prioritization).

## **VI.B. Communities**

In general, proposed projects and services will be prioritized for funding if they benefit a DAC, SDAC, or GGRF Priority Populations and Low-Income Households. Proposed projects and services may also be funded for non-DACs if the project reduces greenhouse gas emissions.

A disadvantaged community is defined by the median household income (MHI) relative to the statewide MHI. DFA determines MHI for a water system's service area. MHI determination guidelines will be included in this Policy as future Appendix A and posted online at:

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/sustainable\\_water\\_solutions/](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/) (expected in July 2020). Household income surveys may be conducted when MHI data from sources such as the American Community Survey (ACS) are unavailable or not representative of the community. Guidelines for conducting household income surveys will be included in this Policy as future Appendix B.

For the DWSRF and bond-funded drinking water programs, the State Water Board determines grant and loan eligibility and amounts allocated annually for DAC and non-DAC projects, depending on the available funding, in the DWSRF Intended Use Plan (IUP). The community or water system size may also be a factor in grant or loan eligibility as larger systems often have better economies of scale to afford water systems improvements and ongoing O&M.

Some special considerations for funding eligibility and prioritization are described below.

### **VI.B.1. Greenhouse Gas Reduction Fund Projects**

Projects or services funded with appropriations from the GGRF must be for the purposes of facilitating reductions of greenhouse gas emissions in California or improving climate change resiliency and adaptation for GGRF DACs, GGRF Low-Income Communities, or GGRF Low-Income Households (Health & Safety Code, § 39719, subd. (b)(3)(B)).

### **VI.B.2. Schools and Non-Transient Non-Community Water Systems**

State Water Board staff will evaluate the eligibility for funding an NTNC water system owned by a K-12 public school district based on the source of funds in the SADW Fund: 1) In considering use of GGRF funds, the MHI of the community served by the school district will be considered in evaluating eligibility of projects; 2) In considering use of other funds transferred to the SADW Fund, an NTNC owned by a K-12 public school district is deemed to serve a severely disadvantaged community (SDAC) because the primary users are minor students, who generally have incomes below 60 percent of the statewide annual MHI.

All other eligible NTNCs and the MHI of the small community they serve will be evaluated on a case-by-case basis based upon the intended customer base.

### **VI.B.3. Communities with a Large Proportion of Secondary Homes**

A community that includes secondary homes that are greater than 50 percent of the total number of dwellings will not be considered a DAC for determining funding eligibility. A community with between 25 percent and 50 percent secondary homes will be evaluated on a case-by-case basis to determine eligibility for grant or partial grant. Typically, permanent residents are those residing in the community at least six months out of the year; however, seasonal, migrant laborers can also be counted as permanent residents. A permanent home survey may be required for determining eligibility of projects that benefit a community with a known prominence of secondary homes.

### **VI.B.4. Ability to Pay**

An applicant's or system owner's ability to pay the cost of the capital improvement or repay a loan may be assessed to determine the financial capacity of a system or applicant to contribute to the cost of the project and/or service and may affect the portion of project/service cost available to be funded as a grant. DFA may require applicants to submit audited financial documents or tax returns to assess the applicant's/owner's ability to finance a project.

### **VI.B.5. Other Considerations**

When determining funding eligibility, the State Water Board may also take into consideration other factors, including, but not limited to a community's cost of living, unemployment rate, high water rates, and proportion of households with many people. State Water Board staff, in consultation with the Advisory Group, will develop an affordability threshold to be considered by the State Water Board in future updates of the Policy or Fund Expenditure Plans. The affordability threshold refers to a water system or community level affordability as opposed to an individual household affordability. The affordability threshold will be established by the State Water Board in the Fund Expenditure Plan as part of the requirement to create a list of systems that consistently fail to provide an adequate supply of safe drinking water (Health & Safety Code, § 116769(2)(B)).

## **VII. TYPES OF PROJECTS ELIGIBLE FOR FUNDING**

The Fund may be used on a broad range of projects and/or services of the following types:

- Provision of interim replacement water (e.g., temporary bottled water, point-of-use [POU] or point-of-entry [POE] installation)
- Planning or design (e.g., feasibility study)
- Construction
- Consolidation (physical or managerial)
- Administrator funding
- O&M
- Technical Assistance (e.g., assistance with construction application)

Any eligible project or service may also be funded on an emergency basis. More information on emergency projects is included in Section VIII.D.

Information on identification, evaluation and prioritization of solutions is included in Sections XI.D and XI.E and will be described in more detail in the Fund Expenditure Plan.

## **VIII. FUNDING STRATEGY**

Overall, the funding strategy for the Fund over the next ten years is to get communities access, as quickly as possible, to safe drinking water and move systems towards sustainable and resilient long-term solutions. Projects should address existing and potential water quality, quantity or other TMF and operational issues by promoting consolidation where feasible.

Some special considerations are described below.

### **VIII.A. Advance Payment**

Disbursements for projects and programs funded by the SADW Fund and the broader SAFER Program are generally provided as reimbursements based on an invoice submittal for approved and eligible costs included in each funding agreement. Effective September 23, 2021, the State Water Board is authorized to provide necessary advance payment for projects funded by the SADW Fund, with advance payments for construction projects not to exceed 25 percent of the total amount of construction funding provided by the State Water Board for a project.

The Deputy Director of DFA is delegated the authority to develop advance payment guidelines for SADW Fund, which will be incorporated into this Policy as future Appendix D and posted on the State Water Board's website.

### **VIII.B. Regional Programs and Projects**

Whenever appropriate, Water Board staff will seek to work with systems and entities to promote regional-scale solutions as opposed to a series of individual projects or services to increase efficiency and decrease administrative burden. Some examples include but are not limited to: multiple county interim water program handled by one third party; county-wide domestic well testing programs handled by one third party; and region-wide funding for a larger system to undergo consolidation with multiple smaller systems.

### **VIII.C. Operation and Maintenance**

A priority use of the Fund is to provide support for failing and at-risk systems that cannot afford to operate and maintain the systems in order to provide safe and affordable drinking water. The Fund may be used to move these systems, as much as possible and feasible, to a level of long-term sustainability. The State Water Board will utilize a number of strategies to provide O&M support for these systems.

### **VIII.C.1. Consolidation and Extension of Service**

A primary mechanism to increase operational efficiency and reduce O&M costs over the long-term is to consolidate small systems into larger ones. State Water Board staff will pursue options to consolidate systems where feasible. Consolidation may be either physical or managerial or include extension of service to households or state small systems. SAFER Funds may be used to:

- (1) Pay for any infrastructure needed for the consolidation
- (2) Offset increased O&M costs for the receiving system during the consolidation (i.e., until the consolidating system's customers begin receiving water service from the receiving system)
- (3) Pay for any additional infrastructure needed by the larger system in order to consolidate the smaller system to ensure existing customers are not impacted by the consolidation
- (4) Provide incentives for voluntary consolidations

Specific consolidation incentives for the larger system will be identified in the Fund Expenditure Plans and DWSRF IUP.

### **VII.B.2 Infrastructure Improvements to Reduce Long-term O&M Costs**

The State Water Board will continue to fund water system infrastructure improvements with a focus on reducing long-term O&M costs. Projects such as installation of water meters, replacement of leaking or aging distribution lines, installation of solar energy systems, and replacement of inefficient pumps can reduce long-term operation costs through the reduction of overall water and energy demand.

### **VII.B.3 Technical Assistance and Administrators**

The State Water Board has historically provided technical assistance to small DACs and will expand those efforts under the SAFER Program. Technical assistance can directly reduce O&M costs when services are provided free of charge for activities that would otherwise require the system to expend funds – e.g., training of water system operators, and development of asset management plans and capital improvement plans. Technical assistance can also provide indirect reductions in O&M through the performance of TMF assessments and assisting the water system in implementing TMF improvement recommendations.

The State Water Board may appoint and fund Administrators to operate and maintain water systems, or to manage the implementation of capital projects in order to accelerate their completion. Through the Administrator, the State Water Board may provide funding for the O&M of the system while the system's Technical, Managerial, and Financial capacity is optimized, or the system is consolidated.

The State Water Board may provide funding for service providers such as construction or planning project managers to accelerate the implementation of solutions for systems

struggling to implement solutions. The State Water Board may provide funding for TMF assessments, preliminary planning, and environmental or engineering assistance.

The State Water Board may also provide pooled services to multiple systems within an area to reduce costs.

### **VII.B.2 Direct Assistance to Offset Operation and Maintenance Costs**

The State Water Board may provide direct funding to water systems to ensure operations are adequately funded where rates exceed an affordability threshold established by the State Water Board. This may include satisfying an existing debt obligation if it will help the system achieve long-term sustainability.

State Water Board staff will employ an iterative approach to assisting systems optimize efficiency and lower O&M costs. Direct O&M support may be provided during this interim period to ensure customers receive safe and affordable drinking water while solutions are planned and implemented. The long-term goal is for all systems to become self-sustaining. Any direct assistance will be conditioned on the system working to optimize efficiency, consolidate where feasible, or take other actions as directed by the State Water Board to reduce O&M costs.

The State Water Board may pilot a program to provide direct assistance to offset O&M costs. The pilot program will focus on water systems that are in compliance with drinking water standards but must charge rates that exceed the affordability threshold due to the need treat contaminants to meet primary maximum contaminant limits.

### **VIII.D. System Sustainability**

Funding of all projects for water systems will be contingent on developing or updating an asset management plan, capital improvement plan, and conducting a rate study within the first two years after completion of the project. To promote availability of funding for systems that have a sustainability or resiliency plan in place, any new projects for systems that have already received funding from the State Water Board to address existing and potential water quality, or Technical, Managerial, or Financial capacity issues, may only be considered for funding of the new project if the system has completed these required plans and rate study, and implemented appropriate rate adjustments in the last five years.

### **VIII.E. Emergency Projects**

Otherwise eligible projects or services and reimbursable costs can be funded on an emergency basis and include, but are not limited to: well replacement and repair; emergency interties; hauled water; operation and maintenance support, including emergency operators or to address sudden revenue shortfalls caused by a natural disaster.

#### **VIII.E.1. Large-Scale Emergencies**

Some emergency projects or services may be necessary to address unforeseen needs caused by natural disasters such as earthquake, flood, drought, fire, or pandemic. For

a State or federally declared emergency or natural disaster, the State Water Board will work with the California Office of Emergency Services and other local, State and federal agencies to coordinate a response and identify such needs. Although the Fund can help supplement disaster response (e.g., as match funds or for small scale services or projects) in certain circumstances, the amount of funds available is insufficient to address a large-scale natural disaster. In addition, the funding systems and processes that the State Water Board relies upon do not lend themselves to rapid disbursement of funds. In general, funding recipients must have some cash reserves available to cover costs while awaiting reimbursement.

#### **VIII.E.2. System-Level Emergencies**

Other emergency projects or services may be needed as a result of an unexpected water system emergency (e.g., storage tank failure, water system line break). In general, water systems with adequate technical, managerial, and financial capacity will have sufficient reserves to address emergency repairs and will be implementing a capital improvement plan to mitigate or avoid emergencies caused by failing and aging infrastructure.

For any system requesting funding as a result of an emergency specific to that water system, the State Water Board will require submittal of financial records to determine whether the system has adequate emergency reserves. The State Water Board will give priority to requests for emergency funding from systems that serve small DACs where there is the greatest threat to public health and safety. In determining priorities for funding projects, the State Water Board will also consider the applicant's access to or ability to qualify for alternative funding sources. The State Water Board will make every effort to access, and require an eligible recipient to access, other funds available to address emergency needs, including other State, federal, local funds, or commercially available loans or lines of credit.

In such cases, DFA will coordinate with DDW to implement the appropriate regulatory response and funding requirements to ensure the affected water system is addressing their TMF deficiencies. Staff will work with TA providers to assess longer-term TA or planning needs. Emergency funding may be conditioned on the system working to improve asset management and financial planning or taking other actions as directed by the State Water Board to improve the system's TMF capacity.

Emergency funding requests are accepted on a continuous basis to address needs as they arise.

Emergency funding is not to serve as an expedited path to funding for non-emergency projects. Emergency requests submitted in an attempt to circumvent the regular funding process for long-term solutions will not be approved. Projects that have been in the application process, but not making adequate progress, will generally not be considered emergencies. These projects will be re-directed to the appropriate funding source and application process and offered additional TA pending availability.

### **VIII.F. Community Engagement**

State Water Board staff will increase engagement with water systems, community residents, domestic well owners, schools, local community-based organizations, or other funding recipients at all stages of the SAFER Program. State Water Board staff will work to develop clear communication and outreach materials in multiple languages and will provide multiple opportunities for community participation. State Water Board staff will work with the Advisory Group and other stakeholders to solicit input on various issues related to the SAFER Program implementation; feedback will be shared with State Water Board Members during Board workshops and meetings. State Water Board staff will work with the Advisory Group to develop, and periodically update, a community engagement and outreach strategy.

In addition to the Advisory Group, State Water Board staff will host community meetings throughout the state to raise awareness of the SAFER Program and its components; solicit feedback on community drinking water needs; and highlight opportunities for local water-related jobs, capacity building trainings, and leadership positions. Community input will be solicited and incorporated throughout the development of projects from planning through construction, as well as through post construction and/or O&M, or throughout the time frame of the provided service (e.g., interim replacement water, administrator funding, or TA). Increased and early community engagement will help to keep projects on track; proactively identify potential risks, issues, or delays; and ensure that identified long-term solutions have community buy-in and a path towards equitable and resilient water governance.

### **VIII.G. Community Workforce Development and Training**

In compliance with the GGRF Funding Guidelines, the State Water Board will develop and implement a workforce development program leveraging partnerships and funding agreements focusing on training and capacity building to support long-term, stable employment and career development. The workforce development program will focus on small DACs and SDACs and will track the number of people trained, retained, and involved as apprentices as part of the program. The workforce development program may include the following actions:

- (1) Continue to fund and, expand where appropriate, operator training programs.
- (2) Provide direct TMF capacity-building assistance to local water systems with TMF deficiencies.
- (3) Promote local workforce development and training, where appropriate, when administrators are appointed.
- (4) Develop and implement a broad-based strategy for promoting community workforce development and training.
- (5) Coordinate with other workforce development initiatives funded through California Climate Investments.

Specific details regarding the workforce development program will be included in the Fund Expenditure Plan.

## **VIII.H. Improving Administrative Efficiency**

To promote increased efficiency in the development, execution, and oversight of funding agreements and projects, State Water Board staff will:

- (1) Evaluate current process steps and requirements and make revisions to improve process times.
- (2) Develop appropriate metrics and goals to allow for identification of potential areas for improvement.
- (3) Identify projects or project types that may be candidates for streamlined review or waiver from certain review steps, as feasible under applicable law and policy.
- (4) Evaluate the potential to identify the funding source early enough to determine whether federal cross-cutting requirements will apply to the construction project.

## **IX. FUNDING TERMS AND CONDITIONS**

General program requirements and conditions that must be met to obtain funding are outlined as General Terms and Conditions, available at:

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/general\\_terms.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/general_terms.html). Additional terms and conditions specific to GGRF expenditures are outlined in the GGRF Funding Guidelines.

The State Water Board will require regular project reporting and may set additional requirements as conditions of funding, including but not limited to: preparation of a project assessment and evaluation plan; system TMF audits; expectations for rate setting, system and operational improvements to reduce costs and increase efficiencies; evaluation of alternative treatment technologies; any reports, data, information, and certifications that may be reasonably required; and a consolidation or extension of service feasibility study. The State Water Board may also fund those solutions that it determines to be the most sustainable, considering a water system's ability to obtain and maintain TMF capacity to operate their system self-sufficiently over the long-term.

Applications for funding received by the State Water Board for the SAFER Program will be treated in accordance with Public Records Act requirements, i.e., certain information included in applications, subject to those requirements, may be publicly disclosed.

## **X. APPEALING A FUNDING DETERMINATION**

An applicant may appeal a funding determination related to the SAFER Program within thirty (30) days to the Deputy Director of DFA or designee, for a final Division decision. An applicant may appeal a final Division decision to the State Water Board within thirty (30) days of its issuance. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by

the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute.

Where a financing agreement has been executed, the dispute and remedies provisions of that agreement will control, and the dispute provisions of this section are inapplicable.

## **XI. STATUTORY REQUIREMENTS FOR THE FUND EXPENDITURE PLAN**

The statute governing development of the Fund Expenditure Plan contains several requirements. This section describes how the State Water Board will develop the information to meet the statutory requirements.

### **XI.A. Advisory Group**

The State Water Board will consult with an Advisory Group to assist in developing the Policy, the Fund Expenditure Plan and overall implementation of the SAFER Program. The Advisory Group will be governed by a charter that will specify the duties of the advisors, and the frequency and methods of interaction with the State Water Board and the public. The Advisory Group will meet up to four times per calendar year. These meetings will be in addition to other State Water Board meetings, workshops and other opportunities for public engagement.

Representatives of each of the following are included in the Advisory Group:

- Public water systems
- TA providers
- Local agencies
- Non-governmental organizations
- Residents served by CWS in DACs, state small water systems, and domestic wells
- The public

### **XI.B. Drinking Water Needs Analysis**

A drinking water needs analysis (Needs Analysis) was initially funded by Chapter 449 of the Statutes of 2018, which requires that it be completed by June 2021. The Needs Analysis will be updated as information is developed. The Needs Analysis, with Advisory Group and public input, will be the basis for the Fund Expenditure Plan, and will cover, at a minimum, three elements:

- (1) **Element 1:** Identification of PWSs in violation or at risk including:
  - a) PWSs with on-going violations
  - b) PWSs at risk of failure based on factors as developed by the State Water Board
- (2) **Element 2:** Identification of domestic well and state small water systems at-risk.  
The State Water Board will use the following resources:

- a) State Water Board, U.S. Geological Survey, County Health, and Department of Water Resources, or other available data regarding estimates of domestic wells impacted by contaminants
- b) Outreach to obtain inventory, locational, and water quality data on state small water systems

(3) **Element 3:** Cost analysis for interim and long-term solutions – a methodology will be developed to estimate the most sustainable and cost-effective solutions to drinking water problems identified in Elements 1 and 2.

Data and information available beyond the Needs Analysis, as well as work being done in other programs (both within the Water Boards and by other state agencies) will also be considered (to the extent feasible which still allows for the efficient funding of projects) in identifying systems, state smalls, and domestic wells that are at risk for the purposes of developing the Fund Expenditure Plan.

#### **XI.C.Fund Expenditure Plan Priorities**

In addition to building on the Needs Analysis, consistent with Health and Safety Code section 116769, subdivision (b), the Fund Expenditure Plan must prioritize funding for all of the following:

- (1) Assisting DACs served by a public water system, and Low-Income Households served by a state small water system or a domestic well.
- (2) The consolidation or extension of service, when feasible, and administrative and managerial contracts or grants entered into for administrators (pursuant to Health and Safety Code section 116686) where applicable.
- (3) Funding costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery.

#### **XI.D.Identification of Water Systems Needing Solutions**

Water systems needing solutions to provide safe and affordable drinking water will be identified in the Fund Expenditure Plan by utilizing the following:

- (1) Public water systems identified as being currently in violation of one or more federal (e.g., USEPA Region 9 violations) or state primary drinking water standards with an enforcement action taken; or with failures to meet primary or secondary drinking water standards. These systems consistently fail to deliver safe and affordable drinking water.
- (2) Public water systems at risk as determined by risk criteria identified in the Needs Analysis
- (3) Review of a map created by the State Water Board Division of Water Quality of aquifers that are at high risk of containing contaminants that exceed safe drinking

water standards that are used or likely to be used as a drinking water source for a state small water system or domestic well

- (4) Review of a map created by the Department of Water Resources of areas at high risk for drought and other resiliency factors
- (5) State Water Board notification of local health officers and county planning agencies regarding high-risk aquifers within their jurisdictions
- (6) Outreach and testing of domestic wells serving low-income households (e.g., through TA providers)
- (7) State small water systems and individual wells as determined through review of data collected from January 1, 2014 to the present and electronic data collected annually thereafter
- (8) Community water systems serving DACs that must charge rates above the affordability threshold established by the State Water Board in order to supply, treat, and distribute potable water that complies with federal and state drinking water standards.

### **XI.E. Evaluation and Prioritization of Solutions for Systems in Violation**

Water systems in violation, as identified above, will be evaluated and categorized by risk level in accordance with the following criteria:

- (1) Immediate health risk
- (2) Untreated or at-risk sources
- (3) Other chronic compliance or water shortage problems

Solutions will be prioritized within each risk category identified above. These correspond to DWSRF Program Project Categories A, B, and C. Overarching considerations include cost effectiveness, feasibility, community input, affordability, readiness of funding recipients to proceed, length of time in violation, and pursuit of long-term, sustainable solutions that promote adaptation and resilience.

Solutions may include, but are not limited to, a mix of the following:

- (1) Interim water supplies
- (2) Administrator
- (3) Preliminary work: feasibility studies and planning, including technical assistance
- (4) Regionalization, physical consolidation/extension of service, or managerial consolidation, including both capital infrastructure projects and O&M support
- (5) Repairing, replacing and upgrading failing water system equipment, pipes, or fixtures
- (6) Optimization of systems
- (7) Long-term O&M support upon system optimization
- (8) Removal of financial barriers to provide access to capital (e.g., satisfying outstanding long-term debt obligations of community water systems or state small water systems)

## **XI.F. Evaluation and Prioritization of Solutions for At-Risk Systems**

Initially, water systems will be evaluated and categorized by risk level in accordance with the following criteria:

- (1) Systems with source water contaminants with notification levels and/or response levels, where a new or revised maximum contaminant level (MCL) is being proposed or contains regulated contaminants that are at risk of exceeding established MCLs.
- (2) Inadequate TMF
- (3) A system's or water supply's vulnerability, including risk of disruption or shortages due to drought, falling water tables, or wildfire
- (4) History of past violations
- (5) Secondary risks including waterworks standards and potential for infrastructure failure
- (6) Other identified risk factors

As discussed in Section XI.B, the Needs Analysis is used to develop the Fund Expenditure Plan and will identify public water systems at-risk. The "Other identified risk factors" (criteria 6 above) will be documented in the Needs Analysis. Solutions will be prioritized within each risk category identified above. Overarching considerations include cost effectiveness, feasibility, community input, affordability, and pursuit of long-term, sustainable solutions that promote adaptation and resilience. For projects addressing contaminants that do not have adopted MCLs, the Water Boards will evaluate solutions that provide interim water supplies or that will reduce the likelihood for large capital expenditures to address the contaminants in the future (e.g., consolidation, new sources without those contaminants).

Solutions may include, but are not limited to, a mix of the following:

- (1) Interim water supplies
- (2) Administrator
- (3) Preliminary work: feasibility studies and planning, including technical assistance
- (4) Regionalization, physical consolidation/extension of service, or managerial consolidation, including both capital infrastructure projects and O&M support
- (5) Repairing, replacing and upgrading failing water system equipment, pipes, or fixtures
- (6) Optimization of systems
- (7) Long-term O&M support, upon system optimization, for designated water systems (i.e., a public water system or state small water system that has been ordered to consolidate or that serves a DAC, and that the State Water Board finds consistently fails to provide an adequate supply of affordable, safe drinking water)
- (8) Removal of financial barriers to provide access to capital (e.g., satisfying outstanding long-term debt obligations of community water systems or state small water systems)

Based on the Needs Analysis and other available information, DFA will provide grant funding to technical assistance providers and community outreach organizations to

assist with evaluating and prioritizing systems and identifying solutions. DFA may consult with individuals with knowledge of a water system's needs, including but not limited to, State Water Board staff, technical assistance providers, Advisory Group members, industry and professional associations, and other professionals, to assist with evaluating the TMF capacity of systems and identifying opportunities for consolidation, capital funding needs, and other efficiencies that may be gained. This group will engage with the community to provide a pathway for input into the assessment and determination of solutions.

#### **XI.G. The Safe and Affordable Drinking Water Fund Solution List**

A wide range of projects and activities are eligible for funding through the Fund (see Section VI). The State Water Board intends to maximize use of the Technical, Managerial, Financial assessment process to identify the O&M costs, technical assistance, planning activities or projects needed to reach a long-term solution and sustainable operations and management for systems that require financial assistance. The Fund Expenditure Plan will identify eligible projects, activities and costs as well as ineligible costs.

The Fund Solution List will be developed in connection with the DWSRF Program annual IUP. The Solution List will include systems in violation and at-risk systems, with solutions in prioritized order. Funding will then be assigned to maximize availability. Capital improvement projects will generally be funded through the DWSRF or other State Water Board capital funding sources (e.g., general obligation bonds), except where the project or recipient does not qualify for the funds or there are insufficient capital funds. DACs that can meet DWSRF credit requirements by raising rates will be expected to do so, except where raising rates would exceed the affordability threshold. Consolidation of non-DAC communities which will result in decreases of greenhouse gas emissions may be funded. Funding will be mainly in the form of grants, with some loans potentially available to incentivize consolidations or refinance existing debt at a more favorable rate.

The Fund Solution List will also identify systems and projects for which other entities, such as responsible parties or dischargers pursuing alternative compliance pathways, have an obligation to provide funding support (e.g., for 1,2,3-Trichloropropane treatment). The State Water Board will evaluate those systems and projects to determine whether a timely solution will be provided by those entities with a funding obligation; whether the State Water Board should fund the project and seek reimbursement from the entity with the funding obligation; or whether the State Water Board should co-fund the project with the entity with the funding obligation.

Water systems may require multiple capital improvement projects in order to maximize efficiency and become sustainable. State Water Board staff, working with technical assistance providers and the communities, may prioritize and phase projects in order to provide safe drinking water as soon as feasible, depending on funding availability. In

order to accelerate provision of long-term solutions, DFA staff may fund multiple project phases for efficiency.

### **XI.H. Report of Prior Year Expenditures**

The Fund Expenditure Plan will include a summary of recipients; the status, type and location of each project funded in the prior year; and the amount and type of funds from each source spent on each project in the prior year. The State Water Board will provide this information to the Department of Finance for inclusion in their annual report required under Section 39720 of the Health and Safety Code.

### **XI.I. Metrics**

This Policy identifies the types of metrics that will be tracked and for which specific numeric goals will be set. The Fund Expenditure Plan will identify the specific numeric goals and include a summary of progress made. The following metrics will be incorporated to track and measure the success of the program, including:

- (1) The number of communities, including state small system and domestic well communities, and schools and associated population provided with interim supplies of safe drinking water, including but not limited to:
  - a) Point-of-use/Point of Entry devices
  - b) Hauled water
  - c) Bottled drinking water
  - d) Vending machines
  
- (2) The number of communities, including state small system and domestic well communities, and schools and associated population with executed and completed preliminary planning assistance projects, including but not limited to:
  - a) Technical assistance workplans
  - b) Administrator contracts
  - c) Planning agreements
  - d) Planning projects
  
- (3) The number of communities, including state small system and domestic well communities, and schools and associated population with long-term solutions completed, including but not limited to:
  - a) Executed consolidation agreements or orders
  - b) Construction funding agreements executed
  - c) Water systems returned to compliance
  - d) Non-construction funding agreements executed to support alternative solutions, remove financial barriers, and provide long-term O&M
  
- (4) The number of community water systems and school water systems and associated population that return to compliance and are out of compliance, as well as:
  - a) The time to return to compliance

- b) The number of systems that are out of compliance due to requirements in place before and after July 2019
- (5) Climate change adaptation related metrics, including:
- a) Pounds of carbon dioxide saved per project
  - b) Number of communities, including state small system and domestic well communities, and schools and associated population with a long-term solution being implemented (i.e., construction project being funded)
- (6) Cost effectiveness of the Program, including:
- a) Cost of solution per connection or per person served
- (7) Administrative efficiency of the funding Program, including:
- a) The time between interim replacement water being requested and provided
  - b) The time between a technical assistance request being made and the start of the technical assistance being provided
  - c) The time for an application to be complete after being started
  - d) The time for a complete application to result in an executed funding agreement
  - e) The time for a complete request for reimbursement to result in receipt of payment
- (8) Community engagement effectiveness of the Program, including:
- a) Number of Advisory Group meetings
  - b) Number of community meetings
  - c) Estimated number of meeting attendees
  - d) Website and social media analytics
  - e) Diversity of communication strategies, platforms, and materials

State Water Board staff will work with stakeholders, including the Advisory Group, to propose criteria and metrics for evaluating the TMF of water systems and system-wide affordability thresholds. Additional metrics for program implementation will be identified as the program evolves.

### **XI.J. Public Hearing**

The State Water Board will hold at least one public hearing before adopting each Fund Expenditure Plan.

### **XI.K. Report to the Legislature**

The State Water Board will provide the first Fund Expenditure Plan to the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house of the Legislature by March 1, 2021 and will similarly provide subsequent annual Fund Expenditure Plans by March 1 of each year. The State Water Board may submit the Fund Expenditure Plans either in the Governor's Budget documents, or as separate reports. The Fund Expenditure Plan will be posted on the State Water Board's website.

## **XII. OTHER ITEMS**

### **XII.A. Petition Process for Consideration of Consolidation**

Members of a disadvantaged community may petition the State Water Board to consider ordering consolidation of the community's water system. Any such petition must include the following information:

- Contact information, including name and address, of the petitioner
- Signatures of community members supporting the consolidation
- Available water system water quality data
- The relative location of the water system to adjacent and/or nearby water systems
- The reason(s) the petitioner seeks consolidation

Petitions which include significant community support and cost-effective projects will have a greater likelihood of being accepted and acted upon by the State Water Board.

Upon receipt of a petition, DDW will confirm receipt of the petition within 30 days, review the petition and make recommendations relative to its final resolution. The State Water Board will notify the petitioner within 90 days of the receipt of the petition if the State Water Board will consider consolidating the water system named in the petition pursuant to Health and Safety Code section 116682. A petition is deemed denied if there is no response from the State Water Board by 90 days from the date the State Water Board received the petition. If the petition is denied, the State Water Board will keep the petition on file in the event future consolidation opportunities arise.

### **XII.B. SAFER Program Resources**

Information regarding the SAFER Program, funding, and the Advisory Group can be found on the State Water Board's website: <https://www.waterboards.ca.gov/safer/>.

The State Water Board, in consultation with the Advisory Group, will continue to develop tools and resources for tracking projects, expenditures, and progress against established metrics towards bringing safe and affordable drinking water to all Californians.

**Appendix A.**  
**Median Household Income Determination Guidelines**

December 18, 2020

# Appendix A. Median Household Income Determination Guidelines

## I. Purpose

The purpose of this document is to provide a standard procedure to determine the Median Household Income (MHI) and to aid the public in understanding how the MHI is determined by Division of Financial Assistance (DFA) staff.

## II. Background

The MHI of a community is used to determine whether the water/wastewater system (system) or community is eligible for grant funding through the DFA's funding programs. The DFA utilizes the American Community Survey (ACS) 5-Year Estimates to determine the MHI of a community. ACS is a nationwide survey conducted by the United States Census Bureau (Census). ACS data is updated annually and is available for geographic areas down to the block group level. A community is considered a disadvantaged community (DAC) if the MHI is less than 80 percent of the statewide MHI. A community is considered a severely disadvantaged community (SDAC) if the MHI is less than 60 percent of the statewide MHI.

ACS data is based on a survey of less than one percent of the households in a community. The MHI data include the estimated MHI based on the ACS results and a margin of error (MOE) based on a 90 percent confidence interval. The MOE reflects the uncertainty in the estimated MHI given the sample size of the population surveyed. In general, a smaller sample size will have a larger MOE and a larger sample size will have a smaller MOE.

For communities with a small population, the MOE range can be in the tens of thousands of dollars. The estimated MHI based on the ACS may be above or below the DAC/SDAC thresholds, but the MOE range for communities with small populations will often range from below those DAC/SDAC thresholds to above those thresholds. Since the MHI determination can impact whether a water system or community qualifies for grant funding, it is important that the MOE be considered in determining the MHI and that the MHI determination not rely solely on the estimated MHI from the ACS data.

## III. Determination of MHI

The service area used to determine the MHI can either be the system's permitted service area or a defined community boundary for areas that are not currently connected to a system.

### A. MHI Determination using ACS data

The MHI is determined using the Census geography that best represents the community (i.e. city/Census Designated Place (CDP), or block group, or census tract):

- 1) If the community's boundaries match the boundaries of a city or CDP, an MHI determination will be made using the readily available city or CDP data on the Census website.

## Appendix A. Median Household Income Determination Guidelines

- 2) If the community's boundaries do not match the boundaries of a city or CDP, DFA staff makes an MHI determination by using block group data and Geographic Information System (GIS) software to establish an estimated MHI and MOE. This is accomplished by calculating a weighted MHI based on the spatial distribution of the community's boundaries across multiple city, CDP, or census tract boundaries.

The lower range of the MOE will be applied to a community's estimated MHI up to a maximum MOE value of \$7,500 for communities with more than 500 people and \$15,000 for communities with 500 or fewer people. The MOE will be subtracted from the estimated MHI as determined using the applicable method described above. The following table demonstrates how MHI is determined using the maximum MOE value:

<b>City / Census Designated Place (CDP)</b>	<b>Population<sup>1</sup></b>	<b>MHI<sup>1</sup></b>	<b>MOE<sup>1</sup></b>	<b>Usable MOE</b>	<b>MHI Determination</b>
Martell CDP	300	\$82,841	+/- 39,067	- 15,000	\$67,841
North Lakeport CDP	3,141	\$44,631	+/- 3,853	- 3,853	\$40,778

<sup>1</sup> – Population, MHI, and MOE are ACS data.

Example 1: According to 2014-2018 ACS data, the Martell CDP has an MHI of \$82,841 with an MOE of \$39,067, and a population of 300. The MOE of \$39,067 exceeds the maximum usable MOE for a community with 500 or fewer people, which is \$15,000. Therefore, the MHI will be determined using the maximum usable MOE of \$15,000, which results in a lower bound MHI of \$67,841.

Example 2: According to 2014-2018 ACS data, the North Lakeport CDP has an MHI of \$44,631 with an MOE of \$ 3,853, and a population of 3,141. The MOE is below the maximum usable MOE of \$7,500 for a community with more than 500 people. Therefore, the MHI will be determined using the MOE from the ACS data (\$3,853), which results in a lower bound MHI of \$40,778.

Prior to making the final MHI determination, DFA staff consults with staff from the Division of Drinking Water (DDW) local District Offices, or the Regional Boards for input based on their understanding of the system/community. If DDW or Regional Board staff believe the MHI determination is not representative of the system/community and MHI determination could impact a grant/loan funding decision, then DFA will consider conducting an income survey.

Once the system/community is determined with a DAC/SDAC status, that status is expected to be valid for up to three (3) years from the time of the executed planning agreement to the time that DFA staff deemed the construction application complete. DFA staff may conduct another MHI determination if the DAC status has changed in a manner more favorable for the system or the community during the review period of the construction application or to ensure that the Board maintains compliance with funding source requirements.

## Appendix A. Median Household Income Determination Guidelines

### B. MHI Determination using an Income Survey

If the MHI cannot be determined due to unavailable ACS data or the available data is not considered representative based on consultation with DDW or Regional Board staff, an income survey may be conducted. An impartial third party must conduct an income survey in accordance with the current Multiagency Income Survey Guidelines. An income survey may be conducted under the Technical Assistance (TA) Programs, if eligible.

In addition, the system can self-fund the income survey if it is not eligible for TA. The cost of an income survey is eligible for reimbursement if it is determined DAC or SDAC. All income surveys must be completed in accordance with the current Multiagency Income Survey Guidelines.

## **Appendix B.**

### **Multiagency Income Survey Guidelines**

California State Water Resources Control Board  
United States Department of Agriculture Rural Development

August 2021

## Appendix B. Multiagency Income Survey Guidelines

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## Appendix B. Multiagency Income Survey Guidelines

### I. Introduction

This document outlines a set of guidelines on how to conduct household income surveys when Median Household Income (MHI) data from sources such as the American Community Survey (ACS) are unavailable or not representative of the service area. MHI values estimated in accordance with these guidelines can be used to determine funding eligibility for certain programs administered by the California State Water Resources Control Board (State Water Board) and the United States Department of Agriculture Rural Development (USDA). Any deviation from the guidelines or changes to the letter templates (included in the appendices) requires prior authorization from one of these funding agencies. Once an income survey report has been completed and approved, it may be used in all funding projects for the above funding agencies for up to five years. However, the Funding Agency may use ACS data or request that a new MHI Survey be conducted if the Funding Agency believes the previous income survey MHI determination is not representative.

### II. Definitions

**Applicant/Recipient:** The legal entity that has entered, or plans to enter, a financial agreement with the Funding Agency.

**Commercial Property:** Real estate property that is primarily used for business activities including retail, office and industrial.

**Funding Agency:** State Water Board or United States Department of Agriculture Rural Development.

**Household:** Consists of all the persons who occupy a housing unit, regardless of relationship to each other.

**Household Income:** The household income is the total amount of income received by all household members 15 years old and over. Income includes any sources of gross income received regularly from employment, net business or farm income, veteran's payments, unemployment compensation, child support, Social Security or supplemental security income, public assistance, retirement, survivor or disability pensions, interest payments, or alimony.

**Housing unit:** A housing unit can be a house, a unit in a multi-unit building, an apartment, a mobile home, or individual units of a labor camp. If multiple housing units are in one parcel, each housing unit needs to be surveyed.

**Primary Home:** Primary residence of occupant.

**Sample Size:** The count of individual samples (household responses) received from the conducted survey.

**Secondary Home:** Vacation or seasonal home.

## Appendix B. Multiagency Income Survey Guidelines

State Water Board: California State Water Resource Control Board.

Survey Implementer: The organization or consultant that will implement the survey. The Survey Implementer must be a reliable, impartial source that is not associated with the project or Applicant/Recipient.

Universe: Total number of households from which a representative sample is drawn. The universe includes primary homes and secondary homes.

Vacant Home: Unoccupied housing unit with an inactive water and/or sewer connection.

Vacant Lot: Parcel with no housing units.

### III. Authorization

The Applicant/Recipient may request an income survey if there is a reason to believe that the available MHI is not an accurate representation of the MHI of the service area. An income survey may or may not be paid for by the Funding Agency. The Funding Agency may also require an income survey if there is insufficient data available to accurately determine the service area MHI. Authorization requests must be approved by the Funding Agency prior to implementing an income survey. Failure to obtain survey pre-approval could result in invalidation of survey data which could cause increased costs and delays due to the possibility of restarting survey implementation.

Prior to conducting an income survey, the Applicant/Recipient and Survey Implementer should discuss any possible co-funding opportunities to identify if the income survey will need to meet the requirements of other funding agencies.

The Applicant/Recipient must submit a written request for authorization from their Funding Agency Contact to conduct an income survey. A template is included below in Exhibit A. Such requests must include the following:

- 1) The specific reasons why the Applicant/Recipient believes the available household income data for the service area is not accurate. If data is not available, this must be specified.
- 2) The funding source(s) they are pursuing and if they anticipate applying for co-funding with any other state or federal agencies.
- 3) An estimate of the MHI and rationale for the estimate.
- 4) The organization or consultant that will implement the survey. The Survey Implementer must be a reliable, impartial source that is not associated with the project or Applicant/Recipient.

## Appendix B. Multiagency Income Survey Guidelines

- 5) Survey procedures including methods for selecting and contacting survey participants and the format for reporting survey results. A map to identify the service area boundaries.
- 6) Estimated number of households in the service area and associated number of responses required.
- 7) Estimated number of permanent households.
- 8) Estimated cost and schedule for completing the survey. Schedule must account for delays due to issues with meeting the minimum sample size requirements (described in detail in the following section).
- 9) Method for accommodating persons with limited English proficiency.

### IV. Household Selection and Sample Size

Every household within the MHI survey boundary must have an equal opportunity to be included in the sample. The Income Survey Results Template automatically calculates the required sample size based on the universe size and provides the required sample size based on the highest value resulting from the State Water Board and USDA Funding methods described below:

#### State Water Board Funding:

The minimum required number of responses is based on the number of households in the service area and is calculated using Cochran's formula for small population sizes (12,000 households or fewer), which will allow for the calculation of a median household income with a 90% confidence interval and a 5% margin of error.

$$n = \frac{270.6}{1 + \frac{270.6 - 1}{N}}$$

Where,

N = Number of households in universe

n = Minimum number of responses from households

## Appendix B. Multiagency Income Survey Guidelines

### USDA Funding:

The minimum response rate percentage is determined by the table below.

Households in Universe	Sample Size as Percentage
1 – 55	90
56 – 63	87
64 – 70	85
71 – 77	84
78 – 99	80
100 – 115	78
116 – 153	72
154 – 180	69
181 – 238	67
239 – 308	57
309 – 398	50
399 – 650	38
651 – 1,200	25
1,201 – 2,700	13
2,701 or more	10

The calculated minimum number of responses must be rounded up to the closest whole number. The calculated sample size is a minimum; all households in the sample universe must be given a sufficient opportunity to respond. All responses from households must be used in calculations. Completed surveys that identify addresses as vacant lots, vacant homes, or commercial properties must be excluded from the universe.

When it is not viable to survey all households in the universe, a randomized subset of the total may be used with approval from the Funding Agency. The subset of addresses must be randomly selected from a randomized list of all household addresses. All households in this subset must be surveyed even if the minimum responses rate has been achieved. Over-sampling to account for non-responsive households may be required. The amount of over-sampling will be determined by the Survey Implementer; oversampling by at least 20 percent of the required sample size is a good rule of thumb, but it will vary greatly based on service area's engagement.

In cases where it is not practical to obtain enough responses to meet the minimum sample sizes, defaulted values (equal to the largest household income in the sample) can be used to meet the sample size requirement. A request must be submitted to the Funding Agency for written approval to use defaulted values. See Exhibit D for a Sample Request to Use Additional Values. A copy of the approval must be included in the final report.

## Appendix B. Multiagency Income Survey Guidelines

### V. Method Selection

The Survey Implementer must decide the most cost-effective survey method that is best for an area, the size of the sample needed, and the means available for identifying households to survey.

The selected survey method(s) must provide a means for households with limited English proficiency to respond to the survey. Please refer to “Enforcement of Title VI of the Civil Rights Act of 1964 National Origin Discrimination Against Persons with Limited English Proficiency”, 65 FR 50123, for the specifics of this requirement.

Prior to conducting a survey, a notification letter must be sent by the Applicant/Recipient to all the addresses of households identified to be surveyed and inform users that an income survey will be conducted (see Exhibit B). Addresses are to be obtained from the Applicant/Recipient contact.

To maintain impartiality, only the Survey Implementer, and delegates, who are not associated with the Applicant/Recipient, are permitted to handle survey data or be present during surveys. Acceptable survey methods include:

- 1) **Electronic Surveys:** An electronic survey is a time efficient and affordable way to collect income data for communities where almost, if not all, residents have access to e-mails. This is the primary method if e-mail addresses from most residents are available in order to provide an equal opportunity to respond. Mailed surveys must be sent to residents whose emails are not available. Otherwise, electronic surveys must only be used in conjunction with other survey methods by providing a link in survey materials. Electronic survey methods must be approved by the Funding Agency prior to conducting an electronic survey.
- 2) **Door-to-door survey:** A door-to-door survey takes more time to conduct because of the effort needed to obtain surveys. Door-to-door surveys without mailings must make a fair attempt to contact all households. First, the Survey Implementer must introduce themselves, and then contact someone who is qualified to speak for the household (i.e., heads of household, spouse of the head of household, or someone in the household who is knowledgeable about household income.) Next, the Survey Implementer identifies the purpose of the survey, solicits participation from the respondent, and accurately records the survey responses. Survey Implementers for small communities often use a door-to-door survey due to the geographical size. Two or more visits at different times must be attempted if previous visits are not successful.

All door-to-door surveys must be conducted at a time and day to maximize likelihood that a qualified household member is available. The Survey Implementer must avoid selecting a time or method that will yield biased results. For example, conducting surveys only during the day from Monday to Friday might exclude families where all heads of household work. Since these households could have higher incomes than families with only one employed

## Appendix B. Multiagency Income Survey Guidelines

member, timing may lead to the biased result of finding an excessively high proportion of low-income households. The Survey Implementer must ensure that each survey is complete and that each question is answered clearly. Incomplete or ambiguous responses must be clarified by re-contacting the respondent.

- 3) **Mail survey:** A mail survey may be easy to conduct, but often yields a low rate of response, which would require additional survey mailings and possibly a door-to-door survey. To conduct a mail survey, the Survey Implementer needs a list of all the addresses in the service area, a survey, a stamped self-addressed return envelope and postage. Consideration must be given to multiple-unit residences, such as apartment buildings, which may have only one billing address but represent several households that should be included in the universe. A follow up letter must be mailed if the first mailing does not generate the required number of responses. The number of surveys mailed will depend on the number of households in the service area:

For mail surveys when the service area has 3,300 or fewer households: Every household will be contacted. If additional responses are required after mailings, households to be surveyed by door-to-door surveys will be selected from the pool of non-responsive households using a random numbers generator.

For mail surveys when the service area has more than 3,300 households: The households to be surveyed will be selected using a random numbers generator.

- 4) **Combination survey:** Using a combination of the above methods is advisable in some situations to effectively survey a service area. For example, when no one is home to answer a door-to-door survey, a note may be left requesting that the occupant telephones the Survey Implementer. Similarly, the Survey Implementer may telephone a household to schedule a time to perform the survey. A letter may be mailed to residents informing them of the date a survey will occur and a time the Survey Implementer will visit.

## VI. Results

The service area MHI must be determined based on the median value of the total annual income of all households surveyed, including secondary homes. The results must specify that the service area MHI is based on a random sample if not all households are surveyed. The number of responses must meet the minimum response rate, unless a written waiver of such requirement is obtained from the Funding Agency. The waiver must be included in the final report.

Any non-standard survey method(s), response(s), or results that introduce uncertainty (e.g., a significant number of extremely low incomes.) must be discussed with the Funding Agency representative and may be audited before approval.

The Income Survey Results Template calculates the MHI based on the income of all households in the sample.

## Appendix B. Multiagency Income Survey Guidelines

### VII. Final Report

A final report summarizing the income survey process and results is required and must be concurred by the Funding Agency prior to distributing to other parties involved. Along with the report, an electronic copy of the Income Survey Results must be provided using the spreadsheet template. The report must include the following items:

- 1) MHI and related calculations (number of households sampled, number of households contacted, number of households in the service area)
- 2) Validity period of MHI determination (up to five years from the final survey report date)
- 3) Survey methodology
- 4) Explanation of any accommodations made for persons with limited English proficiency; or explanation of why no accommodations were necessary
- 5) List of households in the service area (specifies households that responded, households that did not respond, vacant lots, secondary homes, additional households discovered and commercial properties). A clear distinction between secondary homes and permanent households must be made
- 6) Sample of mailed letters and/or electronic communication and survey questions
- 7) Service area boundary map
- 8) MHI data table containing survey number, number of people in household, annual gross income reported, survey date, and secondary home status (Reference the table in Exhibit F)
- 9) Copy of income survey request/methods approval request letter from the Applicant/Recipient (not required for income surveys covered under Technical Assistance)
- 10) Copy of income survey approval letter from the Funding Agency
- 11) Any waivers or special instructions provided by the Funding Agency

A Report Concurrence Letter from the Funding Agency must be included with all copies of the Final Report.

### VIII. Report Concurrence

The final draft of the income survey report must be submitted to the Funding Agency. The Funding Agency will make recommendations or formally concur with the report and MHI determination with an approval letter. The approval letter must then be included with all copies of the final version of the report.

## Appendix B. Multiagency Income Survey Guidelines

With documented Funding Agency concurrence, MHI determinations from income surveys are valid for up to five years from the final MHI report date. The Funding Agency holds the right to audit the data five years from the date of the final report. The key to match the household list to the survey returns will be available to the Funding Agency for review. The Funding Agency is not obligated to use the income survey MHI to determine funding eligibility if there is reason to believe the data is no longer accurate.

### IX. Sample Documents

The following sample documents are attached in the appendices below. Any changes to the letter templates require prior authorization from the funding agency.

- Exhibit A. Sample Letter Requesting Authorization for Performing an Income Survey (For use by Applicant/Recipient who does not have a Technical Assistance)
- Exhibit B. Sample Letter to Notify Users of Income Survey (For use by Applicant/Recipient)
- Exhibit C. Sample Letter (For use by Survey Implementer)
- Exhibit D. Sample Request to Use Additional Values (For use by Survey Implementer)
- Exhibit E. Mailed Survey Template (For use by Survey Implementer)
- Exhibit F. Sample Table from Income Survey Results Spreadsheet (For use by Survey Implementer)

## Appendix B. Multiagency Income Survey Guidelines

### Exhibit A. Sample Letter to Request Authorization to Perform an Income Survey

(For use by Applicant/Recipient performing Independent Income Survey)

Date

Dear (Contact at Funding Agency),

This letter serves as our formal request for authorization to perform an independent income survey to determine the Median Household Income (MHI) of the (system/service area name).

(Pick one of the below options)

- 1) We have been informed by (project or grant manager) at the (Funding Agency) that there is insufficient data available through the American Communities Survey (ACS) to determine the service area's MHI and an income survey is required.

OR

- 2) We do not believe the MHI data provided by the American Communities Survey (ACS) data accurately represents the service area MHI because... *(Include specific reason why)*.

We believe the service area's MHI to be approximately *(insert estimated value)*, based on... *(include rationale such as surrounding areas, previous income surveys, etc.)*.

We wish to contract *(name of Survey Implementer)* to perform the income survey. *(name of Survey Implementer)* has no connections to the project and will serve as an impartial third party.

Approximately *(# of households)* permanent households are located within the system's service area. Based on the most current Multiagency Guidelines provided by the State Water Resources Control Board, Division of Financial Assistance, and the number of households in our records, the minimum sample size is *(minimum sample size)*. These numbers are preliminary estimates and are subject to change. A map of the service area is attached for reference.

*(Survey Implementer)* has proposed the following methodology:

*(Pick one of the below options or develop an alternative)*

- 1) Following a notification letter from *(name of Applicant/Recipient)*, *(name of Survey Implementer)* will perform additional mailings of surveys. Surveys will be mailed in English and (add additional languages as needed). If mailings do not yield enough responses to meet the minimum sample size, *(name of Survey Implementer)* will perform door-to-door surveys.
- 2) Following a notification letter from *(name of Applicant/Recipient)*, *(name of Survey Implementer)* will perform door-to-door surveys.

## Appendix B. Multiagency Income Survey Guidelines

- 3) Following a notification letter from *(name of Applicant/Recipient)*, *(name of Survey Implementer)* will perform an electronic survey.

*(Add project specific strategies for ensuring sampling is random and that households with Limited English Proficiency are provided an opportunity to respond.)*

The preliminary cost estimate is *(insert estimated cost)*. The anticipated start date is *(insert date)*, with an estimated completion date of *(insert date)*.

Sincerely,

## Appendix B. Multiagency Income Survey Guidelines

### Exhibit B. Sample Letter to Notify Users of Income Survey

(For use by Applicant/Recipient)

*(Use Applicant/Recipient letterhead)  
(Current Date)*

Dear Resident of *(system/service area name)*,

*(Applicant/Recipient name)* has plans to apply to *(federal or state funding programs)* for *(water/sewer)* system improvements and upgrades that will include the following:

*(insert description of project).*

*(Insert why project is needed)*

As part of the application process, the funding agency needs to determine the median household income of the service area. *(Applicant/Recipient name)* will have an impartial third-party contractor perform a focused household income survey.

Income surveys require a high percentage of residents to respond for the survey to be considered valid. Submittal of incomplete or inaccurate income information could significantly delay or potentially jeopardize the service area's ability to receive state or federal funding support.

It is therefore critical that you provide the information requested accurately on the survey form. Your responses to this survey will be kept anonymous. No personal identifying information will be reported in the survey results.

*(Choose option based on sampling strategy)*

- 1) *(name of Survey Implementer)* will perform this survey. An income survey will be (mailed/mailed) to you in the next few days. Please complete the information and return it to *(name and address to return survey)*.

If unable to meet the response rate after repeated mailings/mailed, *(name of Survey Implementer)* will perform door-to-door surveying.

- 2) *(name of Survey Implementer)* will perform this survey. Beginning on *(insert date)*, they will begin door-to-door surveys based on a random sampling of households in the service area.

*(name of Survey Implementer)* has been authorized to perform this survey on behalf of *(insert Applicant/Recipient name)*.

You can help your community and *(Applicant/Recipient name)* obtain funding from federal and state funding agencies, so that needed improvements can be made. Thank you for your assistance. For more information, please feel free to contact:

## **Appendix B. Multiagency Income Survey Guidelines**

*(Applicant/Recipient Contact information)*

*(Contact information for the Survey Implementer)*

Thank you for your help,

*(Name, and Title)*

## Appendix B. Multiagency Income Survey Guidelines

### Exhibit C. Sample Letter

(For use by Survey Implementer for Mailed/mailed Surveys)

(Applicant/Recipient Letterhead)

(Current Date)

ATTENTION: RESIDENTS OF (System/Service area Name)

The (Applicant/Recipient name) has authorized (name of Survey Implementer) to conduct an income survey in your neighborhood. Attached is the survey form that will be utilized to obtain the needed information. Please complete the survey to the best of your ability.

The information obtained through this survey is necessary to determine funding eligibility from various federal or state programs. The funding will be used to plan and/or construct (description of project). This will enable the (Applicant/Recipient Name) to (insert reason for project). This survey is being conducted to establish an accurate Median Household Income of the service area.

Any personally identifiable information will be kept confidential. Income data may be publicly released but will not contain any personally identifiable information. It is important that the information you provide is an accurate representation of the questions asked. Please complete the attached survey as soon as possible and return the completed survey form in the included pre-addressed, postage paid envelope. The survey can be completed online at [insert website address] (Note to implementer: remove sentence if there is no option to respond digitally). Assistance can be arranged to help you complete the survey if required. If a response is not received within 15 days, you will receive an additional notice with a second copy of the form for your response.

Once the completed surveys have been received, (name of Survey Implementer) will create two separate lists: one with anonymous data from the survey, and one with a list of households. The key used to associate the survey results with specific households' addresses will be kept confidential and will only be utilized to verify the accuracy of the income report by (name of the Survey Implementer).

If you would like more information about the survey and how the information will be utilized to assist the residents of (system/service area name), please feel free to contact:

(Applicant/Recipient contact person name, address, phone number, e-mail address)

(Survey Implementer organization name, contact person name, contact info)

## Appendix B. Multiagency Income Survey Guidelines

### Exhibit D. Request to Use Additional Values

(For use by Survey Implementer if they are unable to meet sample size requirements)

Dear (Contact at Funding Agency),

This letter serves as our formal request for authorization to use additional values due to an inability to meet the sample size requirements.

[Explain efforts performed so far to solicit survey responses and why you believe additional efforts to obtain sample sizes will not be effective.]

[Include a screenshot of the Data Tables from the 'Results' tab from the Income Survey Results Template.]

Since we have been unable to achieve the required minimum sample size, we are requesting authorization to include default values in our calculations.

We recommend defaulting them to the maximum observed household income value of [insert the maximum value observed].

We have attached the current electronic version of the Income Survey Results Template to this request.

Sincerely,





**Appendix C.**  
**Drinking Water Technical Assistance Provider**  
**Request for Qualifications Guidelines**

December 6, 2021

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**DRINKING WATER  
TECHNICAL ASSISTANCE PROVIDER  
REQUEST FOR QUALIFICATIONS  
GUIDELINES**



**December 2021**

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## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

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## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

### I. INTRODUCTION

The State Water Resources Control Board (State Water Board) is seeking qualified entities (applicant or applicants) to create a pool of qualified drinking water technical assistance (TA) Providers that will be eligible to enter into a funding agreement with the State Water Board.

Effective September 23, 2021, the list of eligible funding recipients for monies from the SADW Fund was expanded<sup>1</sup> to include TA Providers, meaning that the State Water Board is able to directly fund a “technical assistance provider”, defined as a person, including a privately owned public utility, whom the State Water Board has determined is competent to assist a water system by providing administrative, technical, operational, legal, or managerial services.

The assistance provided by TA Providers in the pool will be:

- For drinking water systems and/or domestic well communities;
- Funded by the SADW Fund and/or any other funding sources that allow TA funding for the defined eligible entities; and
- Used to support eligible systems and communities, including small, disadvantaged communities (DACs), larger systems with projects benefitting small water systems, and small non-DACs as allowed per the Policy for Developing the Fund Expenditure Plan (Policy) for the Safe and Affordable Drinking Water (SADW) Fund, the appropriate annual Fund Expenditure Plan for the SADW Fund, and other relevant State Water Board resolutions or policies.

To meet these needs, the State Water Board is soliciting Statements of Qualifications (SOQs) from interested parties to be considered for inclusion in the eligible TA Provider pool. This document defines the RFQ process and outlines requirements for the SOQ submittal, which is the first step to be considered for placement in the TA Provider pool, and thus eligible to receive funding from the State Water Board. Developing an expanded list of qualified TA providers may allow for additional types of services to be added to the existing TA Program portfolio and will allow services to be made more broadly available in all regions of the State.

Moving forward, entities must be in the TA Provider pool to receive funding from the State Water Board to provide TA. All eligible entities, including entities already receiving funding for TA work prior to the implementation of this RFQ process, will be required to submit a SOQ and be approved for placement on the TA Provider pool prior to requesting additional funding from the State Water Board (including requests to amend an existing agreement for additional scope or budget).

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<sup>1</sup> Senate Bill (SB) 776 (Stats. 2021, ch. 187).

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

For additional background information on TA and the broader Safe and Affordable Funding for Equity and Resilience (SAFER) Drinking Water Program (Program), applicants may review the following items:

- [Technical Assistance Funding Program Webpage](#)
- [Policy for Developing the Fund Expenditure Plan](#) (adopted May 5, 2020, and amended October 19, 2021)
- [Fiscal Year 2021-22 Fund Expenditure Plan for the Safe and Affordable Drinking Water Fund](#) (adopted October 19, 2021)

## II. REQUEST FOR QUALIFICATIONS PROCESS

This TA Provider Request for Qualifications (RFQ) is a continuous advertisement and may be completed at any time. The qualified TA Provider pool will be maintained, continuously updated, and made available on the State Water Board's website at: [Technical Assistance \(TA\) Funding Program | California State Water Resources Control Board](#).

Overall, the TA Provider RFQ process involves three phases:

- 1) SOQ submittal
- 2) SOQ evaluation
- 3) Approval or denial of candidates for the qualified TA Provider pool

If a TA Provider's SOQ is approved, the TA Provider RFQ process is followed by a separate funding process, outlined in this document below.

### II.A. SOQ Submittal

Per the definition of 'Technical Assistance Provider', applicants may include individual persons, though individuals should note that applications will be evaluated based on the applicant's ability to provide TA to multiple water systems concurrently in either a defined region or on a statewide basis. Accordingly, interested individuals are strongly encouraged to pursue partnerships with larger entity applicants that can provide a diverse set of tasks and services over a significant geographic area. The submittal process allows applicants the opportunity to clarify the geographic areas where they are willing to provide services and describe the functions and services that they are qualified for and comfortable performing. Interested parties may submit qualifications to act as a TA provider and assist water systems by providing any combination of administrative, technical, operations, legal, or managerial, or community engagement<sup>2</sup> services.

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<sup>2</sup> Although Community Engagement is not listed as a separate category in the definition of "Technical Assistance Provider" from SB 776, it is an integral part of the defined TA categories and is an essential part of TA efforts.

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

The State Water Board will be continuously accepting SOQs, and therefore applicants may submit at any time. The SOQ should include a brief resume of key staff and any known subcontractors who would work under the TA Provider through a future funding agreement with the State Water Board. Details of the required SOQs can be found below in the “SOQ Instructions” section of this document.

### II.B. SOQ Evaluation and Approval or Denial

Once a potential TA Provider has submitted an SOQ, State Water Board staff will review the application materials. Each of the six service categories (administrative, technical, operational, legal, managerial, or community engagement) will be evaluated independently. An applicant to the TA Provider RFQ may demonstrate their qualifications in one or more of the six service categories (i.e., need not be qualified across all six areas).

Additional criteria that will be used to evaluate the competency of an entity or person interested in being recognized as a TA Provider include:

- 1) Demonstrated knowledge and experience in successfully providing any combination of administrative, technical, operational, legal, managerial, or community engagement services to drinking water systems in California.
- 2) Number of systems assisted.
- 3) Demonstrated successful outcomes in bringing a water system into compliance; completing a consolidation; reducing or eliminating factors that put the system at risk of not providing safe water; and/or demonstrable enhancement of the technical, managerial, and administrative capacity of the water system;
- 4) Demonstrated ability to provide TA to multiple water systems concurrently in a defined region of California or statewide.
- 5) Demonstrated success in outreach and engagement with community members, including working in coordination with community-based organizations.
- 6) Demonstrated experience working with DACs; multilingual communities; Black, Indigenous, and communities of color; and under-resourced communities.
- 7) Demonstrated ability to establish equitable and inclusive community engagement approaches that consider cultural differences, provide support for equitable access, and identify and address any implicit/explicit biases.

If the SOQ is satisfactory, the applicant will be placed into the pool of eligible TA Providers for the applicable service category(ies). The evaluation and review period is estimated at 45 days. However, this may be expedited in some cases, e.g., where there is a lack of existing qualified candidates or skillsets to address a specific urgent need.

After the SOQ review is completed, DFA will provide the applicant with notification of Acceptance or Denial and will indicate the geographical area where the applicant may

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

serve and the approved service category(ies). As applicable, DFA will also indicate if the applicant is approved only for certain items within a service category.

Once an applicant is placed in the eligible TA Provider pool, that standing will remain active for up to five years. It is the applicant's responsibility to resubmit upon expiration of that period. If an applicant's capabilities or proposed work area have significantly changed within the five years, the applicant should resubmit/update their submitted SOQ.

An entity placed in the qualified TA Provider pool may be removed for any of the following reasons, but not limited to:

- a) Including false or misleading information in the SOQ.
- b) Not supplying adequate services while acting as a TA Provider.
- c) Being unresponsive and/or lacking timely completion of required tasks.
- d) A lack of transparency with, or a lack of adequate engagement of, the community/water system or other relevant stakeholders.
- e) Not conducting required actions outlined in the Policy, the Safe and Affordable Drinking Water Fund Expenditure Plan, or other related guidance.
- f) Having current or pending legal and/or enforcement actions against their relevant licenses or certifications.

Prior to removal from the qualified TA Provider pool, DFA will notify the applicant and include the reason(s) for removal. If deemed appropriate by the State Water Board, the applicant may re-submit the SOQ once all issues have been resolved.

### III. TECHNICAL ASSISTANCE FUNDING PROCESS AND TIMING

Once a TA Provider's SOQ has been evaluated and approved for placement in the qualified TA Provider pool, the next steps towards implementing TA are listed as follows and described in more detail below:

- 1) Preliminary discussion(s) with State Water Board staff on service offerings and areas of need, and submittal of a complete TA proposal
- 2) Preparation and execution of funding agreement
- 3) Referral of assistance requests (ARs) to provide TA to a specific community/water system or group of communities/water systems
- 4) Work plan development and approval
- 5) Work plan implementation

Once a complete proposal of TA services (including scope and budget) is received, the Deputy Director of DFA may approve a recommendation for a funding agreement, after

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

which the TA Provider may begin to incur eligible costs. However, eligible, incurred costs may only be reimbursed after an agreement is executed. Upon Deputy Director approval of a funding recommendation, DFA staff will work with the TA Provider towards the execution of the funding agreement. Timing between Deputy Director approval of funding and funding agreement execution is typically on the order of months.

Eligible ARs may be submitted by a water system, the State Water Board's Division of Drinking Water, the Local Primacy Agency, or another third party. As needs for specific communities/systems are identified, DFA may refer eligible ARs to the TA Provider and ask the TA Provider to prepare and submit a work plan and budget. Work plans include community-specific/system-specific tasks and deliverables.

In some cases, more than one TA Provider with differing areas of expertise may be asked to coordinate to provide TA under a single AR (to the same community/system). For example, one TA Provider might focus on more technical aspects like engineering or financial reviews, while another might focus on other aspects like outreach and engagement. For complex projects requiring significant community engagement, DFA will work to include a TA Provider that has demonstrated experience with outreach and engagement to address outreach and engagement needs and keep affected communities informed in alignment with State Water Board guidance on SAFER Community Outreach and Engagement. Where feasible, DFA will include an existing community-based organization with experience working in that community.

Work plans are approved by the Deputy Director of DFA or designee. Timing between initial work plan submittal and Deputy Director or designee approval is typically on the order of weeks.

DFA staff will monitor the timeliness of TA work plan development, and all TA work implemented under each approved work plan. Monthly or quarterly reporting is a requirement of the funding agreement and typically coincides with the reimbursement request cycle.

### IV. GENERAL PROGRAM REQUIREMENTS

All applicants that are qualified as TA Providers and receive funding by the State Water Board to provide TA services must comply with the following general program requirements. Before proceeding, applicants must consider their ability to comply with these requirements.

#### IV.A. Conflict of Interest

All actions taken on behalf of a TA Provider shall be in the best interests of the community/water system receiving assistance. Applicants are subject to State and Federal conflict of interest laws. Before applying for work on a specific project, applicants are urged to seek legal counsel regarding conflict of interest requirements. Applicable statutes include, but are not limited to, California Government Code section 1090 and California Public Contract Code sections 10410 and 10411.

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

### IV.B. Confidentiality

Any privacy rights, as well as other confidentiality protections afforded by law with respect to the application submittal, will be waived once the SOQ has been submitted to the State Water Board. The name and organization of any TA provider awarded funding will be available to the public including the scope of work and associated costs. All application materials will be subject to a Public Records Act request unless they contain personally identifiable information, including those who are not added to the TA Provider pool or awarded funding.

### IV.C. Labor Code Compliance

TA Providers may be bound by the provisions of the Labor Code regarding prevailing wages and as appropriate shall monitor subcontracts subject to reimbursement from the funding agreement to assure that the prevailing wage provisions of the Labor Code are being met. Additional details will be part of specific master funding agreements.

### IV.D. Grants and Loans General Terms and Conditions

All applicants must comply with the Division of Financial Assistance's standard contract language for general terms and conditions for grants. The General Terms and Conditions for grant funded projects are available at the following link: [Exhibit C - General Terms and Conditions 2019-Nov \(ca.gov\)](#)

## V. SOQ INSTRUCTIONS

An applicant interested in being qualified as a TA provider shall have all necessary licenses and certifications for the scope of services being offered, or the ability to contract for and oversee the services necessary for the service category. An applicant interested in being qualified as a TA provider shall also have sufficient and demonstrated experience for the scope being offered. As part of the SOQ, applicants shall submit a signed self-certification that 1) the information is being submitted by an authorized representative of the entity applying, and 2) the authorized representative is attesting to the truthfulness of the information that is being submitted.

To demonstrate the expected range of qualifications for each category, examples of tasks or services that may fall into each of the six TA service categories (Administrative, Technical, Operational, Legal, Managerial, and Community Engagement) are listed on the following pages. As mentioned above, an applicant to the TA Provider RFQ may demonstrate their qualifications in any of the six service categories or portions of the six categories (i.e., need not be qualified across all six areas).

Applicants are required to attach an explanation for each relevant category, which clearly explains/shows how the applicant is qualified to be a TA provider for the specific category, the duration of the applicant's experience, and any applicable licenses that the applicant has (maximum 30 pages total for the SOQ submittal). Applicants should include any specific examples that show the applicant's experience within the areas listed.

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

TA is often needed in DACs that may be multi-cultural and/or multilingual. Specific examples of successes in Black, Indigenous, and communities of color will strengthen the applicant's submission.

The State Water Board also requests that applicants provide specific experience or qualifications related to the criteria listed above in Section II.B. Additional notes include:

- As part of addressing Item 2 (Number of systems assisted), applicants are required to include names of specific systems assisted and provide a reference for each one.
- As part of addressing Item 3 (Successful outcomes), applicants are required to include information on projects or systems that had significant delays or challenges and what was done to address them.

Example tasks or services for the six service categories of a TA Provider include but are not limited to the list below. Applicants should expressly state which items they are claiming to have experience with for each category (i.e., refer to numbers listed below, for example, Administrative Category, Item #1, 3, and 5, etc.). Applicants may also describe other applicable tasks related to the six categories that are not specifically listed below. If the applicant is proposing to subcontract specific categories or tasks, that should also be clearly indicated, and providing examples of subcontracting processes will support the application.

### ADMINISTRATIVE

- Experience subcontracting and managing administrative tasks

**OR**

- (1) Personnel services
- (2) Accounting & payroll
- (3) Billing and collections
- (4) Grant administration and invoicing
- (5) Auditing
- (6) Purchasing
- (7) Clerical functions
- (8) Grant/loan funding writing and processing
- (9) Financial capacity building
- (10) Securing or administering bridge loans

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

### TECHNICAL

- Experience subcontracting and managing technical tasks

#### **OR**

- (1) Feasibility studies or consolidation studies
- (2) Review of infrastructure deficiencies
- (3) Preliminary engineering report preparation
- (4) Engineering and design services
- (5) Environmental review and services
- (6) Funding application support
- (7) Soliciting bids and awarding contracts for services
- (8) Purchasing
- (9) Permitting
- (10) Construction oversight
- (11) Preparing asset inventory and management plans
- (12) Preparing and implementing capital improvement plans
- (13) Well sampling and sounding
- (14) Water quality data review
- (15) Implementation of point-of-use or point-of-entry treatment
- (16) Leak detection
- (17) Water/energy efficiency
- (18) Emergency Response Plans, Climate Readiness, Vulnerability Assessments, Drought Contingency Plans, Water Conservation Plans, etc.

### OPERATIONAL

- Experience subcontracting and managing operational tasks

#### **OR**

- (1) Operation of water treatment plants
- (2) Operation of distribution systems
- (3) Compliance monitoring and reporting
- (4) Emergency response

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

### **LEGAL**

- Experience subcontracting and managing legal tasks

#### **OR**

- (1) Drafting and/or negotiating ownership and access agreements and/or easements
- (2) Land acquisition
- (3) Legal advice and agreement negotiation regarding consolidation
- (4) Permitting, including change of ownership
- (5) Annexation support
- (6) Local Agency Formation Commission coordination
- (7) Ensuring proper governance formation
- (8) Drafting and development of corporate documents, including resolutions and bylaws, articles of incorporation, and filings with the Secretary of State
- (9) Advise on compliance with relevant local agency law
- (10) Transactional work to make a community eligible for grant funding, including work to bring systems into good standing with the Franchise Tax Board
- (11) Contracts for services
- (12) Municipal law/local governance
- (13) California Public Utilities Commission (CPUC) law
- (14) Conflicts of interest
- (15) Competitive bid requirements
- (16) Employment/labor law
- (17) Grant/loan review and support including preparation of legal documents required to submit planning and construction funding applications
- (18) Water rights support

### **MANAGERIAL**

- Experience subcontracting and managing managerial tasks

#### **OR**

- (1) Facilitate discussions and negotiations between multiple entities that may be involved in extension of service, consolidation, or regional projects
- (2) Communication with regulatory and funding agencies
- (3) Supervision of water system staff
- (4) Creating and monitoring budgets and policies
- (5) Developing plans to address current and future water system needs
- (6) Ensuring financial management meets industry standards
- (7) Performing water rate analyses and altering rates to meet system needs

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

- (8) Prop 218 water rate processes
- (9) CPUC water rate processes
- (10) Ensuring adequate technical, managerial, and financial capacity
- (11) Conducting Median Household Income (MHI) surveys

### **COMMUNITY ENGAGEMENT**

- Experience subcontracting and managing outreach and engagement tasks

**OR**

- (1) Develop and execute community outreach and communication plans
- (2) Develop and execute effective and equitable local engagement strategies
- (3) Plan, execute, and facilitate multi-stakeholder meetings, discussions, and negotiations focused on sensitive topics such as: extension of service, consolidation, or development of regional projects
- (4) Develop multilingual and culturally relevant outreach and engagement materials
- (5) Coordinate and provide professional language interpretation and translation services
- (6) Develop and implement community surveys
- (7) Track and report on metrics and progress related to community engagement efforts
- (8) Keep affected communities informed through development and distribution of printed and/or digital materials

### **ADDITIONAL QUESTIONS FOR SUBMITTAL:**

Does the applicant have any adverse actions against any licenses or certifications associated with work related to the tasks above, or has the applicant ever been terminated from a contract with the State of California?

Yes       No

If yes, please explain:

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

As stated previously, the State Water Board's purpose in this RFQ is to create a pool of qualified TA providers. Applicants shall also supply the area within California where they are willing to provide services by selecting the applicable county(s):

- |  |  |
|--|--|
| <input type="checkbox"/> All CA Counties | <input type="checkbox"/> Orange          |
| <input type="checkbox"/> Alameda         | <input type="checkbox"/> Placer          |
| <input type="checkbox"/> Alpine          | <input type="checkbox"/> Plumas          |
| <input type="checkbox"/> Amador          | <input type="checkbox"/> Riverside       |
| <input type="checkbox"/> Butte           | <input type="checkbox"/> Sacramento      |
| <input type="checkbox"/> Calaveras       | <input type="checkbox"/> San Benito      |
| <input type="checkbox"/> Colusa          | <input type="checkbox"/> San Bernardino  |
| <input type="checkbox"/> Contra Costa    | <input type="checkbox"/> San Diego       |
| <input type="checkbox"/> Del Norte       | <input type="checkbox"/> San Francisco   |
| <input type="checkbox"/> El Dorado       | <input type="checkbox"/> San Joaquin     |
| <input type="checkbox"/> Fresno          | <input type="checkbox"/> San Luis Obispo |
| <input type="checkbox"/> Glenn           | <input type="checkbox"/> San Mateo       |
| <input type="checkbox"/> Humboldt        | <input type="checkbox"/> Santa Barbara   |
| <input type="checkbox"/> Imperial        | <input type="checkbox"/> Santa Clara     |
| <input type="checkbox"/> Inyo            | <input type="checkbox"/> Santa Cruz      |
| <input type="checkbox"/> Kern            | <input type="checkbox"/> Shasta          |
| <input type="checkbox"/> Kings           | <input type="checkbox"/> Sierra          |
| <input type="checkbox"/> Lake            | <input type="checkbox"/> Siskiyou        |
| <input type="checkbox"/> Lassen          | <input type="checkbox"/> Solano          |
| <input type="checkbox"/> Los Angeles     | <input type="checkbox"/> Sonoma          |
| <input type="checkbox"/> Madera          | <input type="checkbox"/> Stanislaus      |
| <input type="checkbox"/> Marin           | <input type="checkbox"/> Sutter          |
| <input type="checkbox"/> Mariposa        | <input type="checkbox"/> Tehama          |
| <input type="checkbox"/> Mendocino       | <input type="checkbox"/> Trinity         |
| <input type="checkbox"/> Merced          | <input type="checkbox"/> Tulare          |
| <input type="checkbox"/> Modoc           | <input type="checkbox"/> Tuolumne        |
| <input type="checkbox"/> Mono            | <input type="checkbox"/> Ventura         |
| <input type="checkbox"/> Monterey        | <input type="checkbox"/> Yolo            |
| <input type="checkbox"/> Napa            | <input type="checkbox"/> Yuba            |
| <input type="checkbox"/> Nevada          |  |

## Appendix C. Drinking Water TA Provider RFQ Guidelines (Dec 2021)

Questions regarding the TA Provider application process or becoming a pool candidate may be submitted to:

James Garrett via email\*:

[DFA-TARequest@waterboards.ca.gov](mailto:DFA-TARequest@waterboards.ca.gov)

Or mailed to\*:

State Water Resources Control Board, Division of Financial Assistance  
c/o James Garrett  
1001 I Street  
Sacramento, CA 95814

\*Electronic correspondence is preferred.

**Appendix D.**  
**Advance Payment Guidelines**

October 2024

## Appendix D. Advance Payment Guidelines

### I. INTRODUCTION

The following guidelines provide a framework for advance payments (AP), designed to assist funding recipients, including Technical Assistance (TA) providers, facing cash flow challenges for projects that qualify under programs administered by the State Water Resources Control Board (State Water Board). They detail the process of establishing a reserve account and accessing AP upon execution of the funding agreement enabling recipients to pay invoices for eligible incurred costs prior to submitting reimbursement requests and receiving reimbursement for these costs from the State Water Board.

These guidelines specify the eligibility and prioritization criteria for AP, describe the process used by Division of Financial Assistance (DFA) staff to evaluate and approve AP requests, detail the compliance requirements that must be met, and outline the requirements and procedures for establishing a reserve account and processing requests for disbursement of AP.

### II. AUTHORITY

The State Water Board administers a variety of state funding sources that provide the authority to make AP to eligible entities as described below. If other funding sources are authorized for AP, DFA may administer those funds consistent with these guidelines to the extent allowed by law governing the funding source and other relevant law.

- The Safe and Affordable Drinking Water (SADW) Fund, established in Senate Bill (SB) 200 and expanded upon in SB 776, authorizes the State Water Board to provide AP for construction that shall not exceed 25 percent of the total SADW portion of the construction grant award amount. Additionally, non-construction projects funded by the SADW Fund may be eligible for AP, subject to approval by the Deputy Director of DFA for good cause, on a case-by-case basis.
- Proposition 1 and Proposition 68 authorize the State Water Board to provide AP for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both benefiting disadvantaged communities that shall not exceed 25 percent of the total Proposition 1 and Proposition 68 portion of the grant award. Proposition 68 further specifies that AP be provided to facilitate the timely initiation of projects.
- Water Code section 13198.4, applicable and subject to an appropriation in the annual Budget Act or another statute to the State Water Board to provide grants and direct expenditures for interim or immediate relief for drought scenarios, authorizes the State Water Board to provide AP for eligible projects that shall not exceed 25 percent of the total funding provided under this section to recipients that have demonstrated cash flow problems. Eligible recipients for AP under this section include public agencies, nonprofit organizations, public utilities, mobile home parks, mutual water companies, Native American tribes listed by the Native American Heritage Commission, and administrators. Such projects include hauled water, temporary community water tanks, bottled water, water vending machines, emergency water interties, new or rehabilitated wells, connections to

## Appendix D. Advance Payment Guidelines

adjacent water systems, and other projects that support immediate drought response. This authority does not extend to projects that provide long-term drought solutions.

### Nonprofit and Tribal Recipients

Under Government Code 11019.3, the State Water Board is authorized to provide AP to nonprofit organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and to federally recognized Indian tribes whose territorial boundaries lie wholly or partially within the State of California, and any agencies, entities, or arms of the tribe, as applicable, either together or separately, in an amount that does not exceed 25 percent of the total state-funded grant amount subject to section 11019.3 awarded to that entity. AP to these recipients is limited to the minimum immediate cash requirements necessary, as determined by DFA.

The 25 percent limit may be exceeded if: 1) the recipient is receiving SADW funds or funds from a funding source that allows AP in an amount exceeding 25 percent, 2) the recipient provides sufficient justification for a larger advance, and 3) the Deputy Director of DFA determines that a larger advance is required. However, the 25 percent limit may not be exceeded for construction costs.

To qualify for AP, the nonprofit or tribal recipient must be in compliance with these guidelines and must satisfy the following minimum requirements:

- (i) Provide an itemized budget for the eligible costs the AP will fund, indirect or other costs needed to operate, a spending timeline, and a workplan developed in a form and manner specified by DFA.
- (ii) Submit documentation, as required by DFA, to support the need for AP.
- (iii) Demonstrate its current status in good standing as an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or as a federally recognized Indian tribe whose territorial boundaries lie wholly or partially within the State of California, or as an agency, entity, or arms of such tribe, as applicable.
- (iv) Deposit any funds received as AP into a federally insured account as required by these guidelines.
- (v) Establish procedures to minimize the amount of time that elapses between the transfer of funds and the expenditure of those funds by the recipient.
- (vi) Provide progress reports on the expenditure of AP no less than on a quarterly basis and as otherwise required by DFA. All unused funding provided as AP, but not expended within the grant or contract timeline, must be returned to the state in accordance with these guidelines.
- (vii) Provide a progress report to DFA following the expenditure of an AP that includes a summary of work completed, proof of expenditure, and other associated information as determined by DFA.

## Appendix D. Advance Payment Guidelines

### III. ELIGIBILITY AND PRIORITIZATION

Eligibility for AP is determined based on specific criteria related to both the funding source and the recipient type. To qualify for AP, the following conditions must be satisfied:

- The funding source(s) being utilized authorizes the State Water Board to provide AP.
- The project benefits a small<sup>1</sup> disadvantaged community<sup>2,3</sup>
- The recipient is an entity eligible to receive AP under the funding source(s) being utilized.
- The recipient certifies that AP is needed due to financial hardship and/or cash flow problems that would otherwise be experienced during the project. Entities seeking AP may be required to demonstrate that they have not been successful in exercising other options, such as bridge loan financing or utilizing other available reserve funds, or that these alternatives are insufficient or inadequate to address their cash flow needs.

DFA staff will prioritize AP requests based on the following general criteria:

- Under-Resourced Entities – Recipient entities and projects serving disadvantaged communities, or providers with modest reserves and potential cashflow problems.
- Human Right to Water – the project supports and advances the State’s policy on the human right to water, including any resolutions or policies adopted by the State Water Board. For example, consolidation projects where the recipient is the receiving system and it itself also serves a disadvantaged community may be prioritized over other requests.
- Regulatory Priority – the project has been identified as a high priority by the applicable state or federal regulatory agency (i.e., Division of Drinking Water, the United States Environmental Protection Agency).
- Emergency Response – the project is needed to address or prevent acute issues with domestic water supplies, including drinking water shortages caused by drought or complications arising from other emergency events such as flooding.

DFA may adjust, defer, or deny AP requests based on programmatic priorities, availability of funds, or for any other reason at its discretion.

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<sup>1</sup> Population less than 10,000 or serves less than 3,300 connections.

<sup>2</sup> A community with an annual median household income that is less than 80 percent of the statewide annual median household income.

<sup>3</sup> This requirement does not apply to TA providers seeking AP.

## Appendix D. Advance Payment Guidelines

### IV. REQUEST FOR AND APPROVAL OF ADVANCE PAYMENT

#### Advance Payment Request Form

The AP Request form will be posted on DFA's website. Applicants will be required to submit the information specified in the AP Request form, including the following:

- A. Completed AP Request form, signed by the applicant's authorized representative.
- B. Certification that AP is needed due to financial hardship and cash flow problems that would otherwise be experienced during the project.
- C. Description of any available reserves that can be used, including funds set aside for capital improvement projects, and a summary of short-term financing options, including bridge financing or lines of credit, that may impact the need for AP.
- D. Quarterly projection of the project's expenditures, illustrating how AP will be utilized over the course of the project. Additionally, the projection must include a timeline for closing out the reserve account.
- E. If the applicant is a nonprofit organization other than a tribal organization, requesting AP under Government Code 11019.3 authority, it will be required to demonstrate its status in good standing as a 501(c)(3) non-profit organization.
- F. An applicant requesting AP under Government Code 11019.3 authority for tribes will be required to demonstrate its current status as a federally recognized Indian tribe whose territorial boundaries lie wholly or partially within the State of California, or as an agency, entity, or arms of such tribe, as applicable.

DFA staff may request further documentation or additional information to ensure the AP Request fully complies with these guidelines and statutory requirements.

Generally, the AP Request form will be submitted as part of the funding application. The funding agreement will outline the AP structure, conditions, and procedures. Recipients with a pre-existing executed funding agreement may submit an AP Request form to the assigned DFA Project Manager (PM), subject to the following conditions:

- A. The type of recipient, type of project, and funding source are confirmed to meet the eligibility requirements outlined in Sections II and III.
- B. Less than 50 percent of the funds allocated to the project from the funding source that will be used for AP have been disbursed. Exceptions to this provision may be authorized by the Deputy Director of DFA for good cause, on a case-by-case basis.

DFA will assess the feasibility of processing AP to recipients with an executed funding agreement to ensure they do not introduce undue administrative challenges or delay project timelines. An amendment would be required to add AP procedures into an executed agreement.

#### Advance Payment Request Review

Upon receiving the AP Request form, the DFA PM will evaluate the request to determine eligibility for AP as part of the overall funding application process. The PM

## Appendix D. Advance Payment Guidelines

will evaluate the AP request, ensuring it meets the established criteria and priorities in these guidelines. If approved, the funding agreement will detail the specifics of AP including the approved amounts, the process for submitting requests for disbursement of AP, reporting requirements, and any required forms.

DFA may deny an AP request if the applicant lacks the capacity to manage the advanced funds effectively, has a history of non-compliance with the terms of previous funding agreements without rectifying those issues, if processing the request would introduce undue administrative challenges or burdens, or for any other reason at the discretion of DFA.

### V. REQUESTS FOR DISBURSEMENT OF ADVANCE PAYMENTS AND COMPLIANCE PROCEDURES

Recipients are required to establish separate federally insured, non-interest bearing reserve account(s) used solely to manage project AP funds following execution of a funding agreement for the project. The account(s) must be in the recipient entity's name (i.e., not in the name of any of its directors or officers) and provide the ability to track all financial transactions related to AP. Recipients may then submit requests for disbursement of AP, contingent upon their compliance with all conditions detailed in the funding agreement for the project.

When requesting disbursements of AP, recipients are required to adhere to specific criteria and procedural steps. These requirements include, but are not limited to, the following:

- (1) Submit a request for disbursement of AP using the form provided by DFA that includes the following information:
  - a. Total AP amount requested for disbursement.
  - b. Updated quarterly projection of the project's expenditures, if applicable.
- (2) All AP disbursements must be immediately deposited into the reserve account. Recipients are required to develop, submit and implement procedures to minimize the amount of time that elapses between receipt of AP funds and their expenditure.
- (3) If there is a significant increase in the overall project cost, a revised AP Request may be submitted for consideration. DFA will evaluate these requests on a case-by-case basis for approval. If necessary, an amendment to the funding agreement will be executed to accommodate the request for the increased AP amount.
- (4) DFA will establish a milestone for AP closeout in the funding agreement. DFA will stop disbursing AP funds once the agreed-upon milestone for AP closeout is reached. The recipient will be required to follow the approved procedures for closeout, as outlined in the funding agreement.
- (5) The reserve account must be fully withdrawn and expended toward eligible project costs no later than 30 days following the AP closeout date, unless otherwise approved by the Division, to the extent allowed by the requirements governing the funding source.

## Appendix D. Advance Payment Guidelines

- (6) Recipients will be required to reconcile total AP amounts disbursed and eligible project costs incurred. If this reveals any discrepancies, the recipient will be required to address these by remitting the equivalent amount(s), together with any remaining unused funds, to the State Water Board no later than 60 days following the final reimbursement request date.
- (7) If the recipient does not adhere to these guidelines or the funding agreement's provisions regarding AP and the reserve account, DFA reserves the discretion to halt or suspend the processing of any pending or future applications for new financial assistance, withhold further reimbursement under the funding agreement, or require repayment of previously disbursed AP funds.

# ADVANCE PAYMENTS (AP) REQUEST FORM

NEW REQUEST       MODIFICATION REQUEST

## 1. GENERAL INFORMATION

Applicant (Entity) Legal Name:

Primary Contact Name:

Primary Contact Phone Number:

Project Type (check one):

Construction       Implementation (Non-Construction)       Regional Funding Program  
 Technical Assistance

Project Title:

Project Number (if known):

Contract Number (if known):

Project Funding Amount:

AP Amount Requested\*:

*\* Note: The maximum AP amount that can be approved is generally limited to 25% of the funding source(s) that authorize AP funds, depending on the project and entity type.*

## 2. FINANCIAL RESOURCES

**Other Financial Options:** Provide a description of any available reserves that can be used, including funds set aside for capital improvement projects, and a summary of short-term financing options, including bridge financing or lines of credit, that may impact the need for AP.

**Modification Request:** If requesting a modification to the original AP amount, please provide a detailed explanation of the adjustment. Include the specific amounts needed, reasons for the modification, how these changes impact the project's financial plan, and any relevant circumstances that have led to the need for an adjustment.       N/A (this is a new request)

### 3. ATTACHMENTS

- Attach a quarterly projection of the project's expenditures, illustrating how AP will be utilized over the course of project construction or implementation. The projection should also include a timeline for opening and closing the AP reserve account.
- If the applicant is a nonprofit recipient other than a tribal organization, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, attach documentation demonstrating the entity's current status in good standing as a 501(c)(3) organization.
- N/A (applicant is not a 501(c)(3) organization)

### CERTIFICATION

The applicant entity's authorized representative is required to carefully review and certify the accuracy and truthfulness of the information provided in this form, affirming that the request for AP is based on the specified financial needs and complies with all applicable guidelines and requirements, as follows:

- I certify that AP funds are needed due to financial hardship and potential cash flow problems that would otherwise be experienced during the project's construction or implementation. I understand that submission of this form and any subsequent documentation is subject to verification by Division of Financial Assistance (DFA) staff.
- I understand that failure to comply with the requirements specified in DFA's AP Guidelines and the funding agreement's provisions regarding AP and the reserve account may result in the suspension of any pending or future financial assistance applications, the withholding of further reimbursements, or repayment of previously disbursed AP funds.
- As the entity's authorized representative, I hereby certify that the information provided in this AP Request Form is truthful and accurate to the best of my knowledge.

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## ADVANCE PAYMENT (AP) REQUEST FORM INSTRUCTIONS

**Submittal of this AP Request Form and the State Water Board's review is required to receive approval to receive advance payments.** If you have questions about this form and a Project Manager has not been assigned, contact the Division of Financial Assistance at (916) 327-9978.

### 1. GENERAL INFORMATION

**Applicant (Entity) Legal Name:** Enter the full name of the entity that is or will be the legal signatory of the funding agreement.

**Primary Contact Information:** Enter the name, phone number, and email address of the project's primary contact.

**Project Type and Project Title:** Select the appropriate project type and enter the project title.

**Project Number:** Provide the assigned project number. If you have not been provided a project number yet, leave this field blank.

**Contract Number:** Provide the assigned contract number. If you have not yet received a funding agreement, leave this field blank.

**Project Funding Amount:** Please indicate the amount of funding you are requesting for the project. If a funding agreement is already in place, specify the total amount of funding allocated. If you are a Technical Assistance provider, provide the total overall contract amount.

**AP Amount Requested:** Specify the total AP amount you are requesting. If this is a modification request, indicate the new total AP amount you are seeking.

### 2. FINANCIAL RESOURCES

a. **Other Financial Options:** Provide a comprehensive description of all available financial reserves that have been or could potentially be utilized, including any funds specifically reserved for capital improvement projects. Additionally, include a detailed summary of short-term financing options you have considered or accessed for the project, such as bridge financing or lines of credit. Explain how these financial resources and options could influence the necessity for Advance Payments, detailing their sufficiency or insufficiency in addressing the project's immediate cash flow challenges and financial needs.

Note: Per AP Guidelines, entities seeking AP may be required to demonstrate that they have not been successful in exercising other options, such as bridge loan financing or utilizing other available reserve funds, or that these alternatives are insufficient or inadequate to address their cash flow needs.

b. **Modification Request:** If you are seeking a modification to an approved Advance Payment (AP) amount, provide a detailed explanation for this request. Specify the additional amount required and the basis for the adjustment. Include any potential shifts in project timelines.

### 3. ATTACHMENTS

**Quarterly Projection of Expenditures:** Attach a quarterly projection of your project's expenditures with estimated AP and disbursement amounts requested. The projection should illustrate how AP funds will be used through the duration of the project's construction or implementation, and specify a timeline for closing out AP.

Here is a sample table for the quarterly projection of a project with an overall cost of \$5M over a 2.5-year timeframe. In this example, the entire \$5M comes from a funding source that authorizes AP, and a maximum of 25% was approved; therefore, the AP reserve account balance at any point in time can be up to 25% of the total project cost.

Quarter	Projected Expenditures (\$)	Estimated AP and Disbursement Amounts Requested (\$)	AP Account Balance	% of Total Cost	Notes
Q1 2025	100,000	1,250,000	1,250,000	25%	Initiation phase
Q2 2025	100,000	0	1,150,000	23%	
Q3 2025	200,000	0	1,050,000	21%	
Q4 2025	500,000	0	850,000	17%	
Q1 2026	1,250,000	750,000	1,100,000	22%	Peak construction
Q2 2026	1,200,000	1,250,000	1,100,000	22%	
Q3 2026	850,000	1,250,000	1,150,000	23%	
Q4 2026	500,000	500,000	800,000	16%	Ramp down
Q1 2027	200,000	0	300,000	6%	
Q2 2027	100,000	0	100,000	2%	AP closeout
<b>TOTAL</b>	<b>5,000,000</b>	<b>5,000,000</b>			

**Quarter:** Clearly label each quarter within the project timeline (e.g., Q1, Q2, Q3, Q4).

**Projected Expenditures:** Estimate and enter the total expenses anticipated for each quarter.

**Estimated AP and Disbursement Amounts Requested:** Indicate the estimated AP and disbursement amounts you plan to request in each quarter to support these expenditures.

**AP Account Balance:** Indicate the estimated balance of the AP reserve account.

**% of Total Cost:** Calculate the percentage of the total project cost represented by the AP reserve account balance.

**Notes:** Utilize this column to provide insights into significant activities or any key factors that are related to the project expenditures and AP amounts requested, as applicable.

**501(c)(3) Good Standing Documentation:** Nonprofit recipients (other than tribal organizations) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code that are seeking AP must provide documentation verifying their current status in good standing as a 501(c)(3) non-profit organization. This ensures compliance with the eligibility requirements outlined in the AP guidelines.

**Tribal Status Documentation:** Tribal recipients seeking AP must provide documentation verifying their status as a federally recognized Indian tribe whose territorial boundaries lie wholly or partially within the State of California, or as an agency, entity, or arms of such tribe, as applicable.

## **Tab 5**

### **HELPFUL LINKS AND RESOURCES**

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### **ENLACES Y RECURSOS ÚTILES**

# SAFER DRINKING WATER



SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RESILIENCE

## SAFER Advisory Group Guidelines For Virtual Meeting Logistics

The SAFER Advisory Group will be using the Zoom meeting platform to allow for remote participation. The following instructions will guide you on how to join the meeting with or without a Zoom account:

### Before the Meeting

#### What you will need:

- A computer (desktop or laptop) and/or mobile device (tablet) with internet access.
- The Zoom application installed on your computer and/or mobile device:
  - For a computer, download the [Zoom desktop client](#).
  - For a mobile device, download the [Zoom cloud meetings application](#). You do not need a Zoom account to participate in the meeting, but the option will be given to you when you install the application
- The Zoom Meeting ID, passcode, and call-in number.
  - State Water Board staff will provide the Zoom meeting information by email and online calendar invitation.

#### What to do before the meeting:

- Ensure your internet is reliable with a download speed of at least 10 Mbps. [Test](#) your internet download speed.
- If you need an internet hot spot or other internet support, please contact [safer@waterboards.ca.gov](mailto:safer@waterboards.ca.gov) or call 916-445-5615.
- 72 hours prior to meeting, join a [Test Meeting](#) to familiarize yourself with Zoom **or** email staff at [safer@waterboards.ca.gov](mailto:safer@waterboards.ca.gov) to schedule a technical test-run.
- 24 hours prior to the meeting:
  - Check the [Zoom System Requirements](#) for using the Zoom desktop application.
  - [Check for Zoom Updates](#). You may be required to update the Zoom application before joining the meeting.
- 30 minutes before the meeting:
  - Click on the link provided in the meeting confirmation to join the Zoom meeting.
  - Rename yourself with your first name, last name, pronouns.
  - Stay in the waiting room until State Water Board staff grant you access to the meeting.
  - Follow State Water Board staff instructions to test your connection, microphone, and camera.

## Joining the Meeting

Join the meeting by computer or mobile device through the following options:

- **Email and/or Calendar Invitation**
  - Click or copy/paste the **URL** when you are ready to join the meeting.
  - Click **OPEN ZOOM.US** button and the meeting will launch.
- **Zoom Desktop**
  - From your desktop, click **JOIN** from your homepage and the meeting will launch.
  - Enter the **MEETING ID** and **PASSCODE**.
  - Click **JOIN**.
- **Zoom.us Homepage**
  - Click **JOIN A MEETING** in the upper righthand corner.
  - Input **MEETING ID** and your **NAME**.
  - Click **JOIN**.

When you join the meeting, you will be placed in the waiting room until the meeting host admits you. Before the meeting starts, please test your audio and video settings. Once admitted, click "**JOIN WITH COMPUTER AUDIO**" to join the meeting's audio.

Join the meeting by phone:

Join by phone only if you are not able to connect to the internet or you are experiencing computer audio problems.

1. Dial the call-in number provided by email and calendar invitation.
2. You will be prompted to enter the **MEETING ID** followed by **#**.
3. If you decide to join by computer or mobile device later, you can enter the **PARTICIPANT ID** to bind your phone and device session together and show your video when you speak on the phone. To enter your **PARTICIPANT ID** once you are in the meeting, enter **#Participant ID#** on your phone.

### Phone controls for participants

Use your phone's dial pad for the following commands in the Zoom meeting:

- \*6 - Mute/Unmute
- \*9 - Raise hand

## During the Meeting

- ✓ Find a quiet space and mute yourself when not speaking to avoid background noise.
- ✓ Join the meeting by yourself to ensure your attendance.
- ✓ Use a computer and headset with a microphone for the best experience.
- ✓ If possible, join by video and remember to have an appropriate background.
- ✓ Avoid running multiple programs and close unnecessary applications during the Zoom meeting to maximize the quality of the Zoom session.

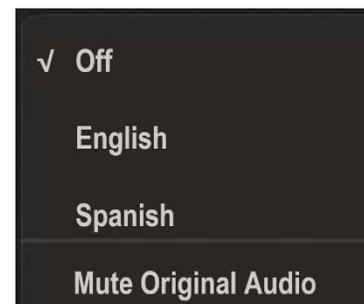
### Zoom language interpretation

1. Click the **Interpretation** feature at the bottom of the Zoom menu bar.

**Note:** The interpretation feature is not available for phone calls.



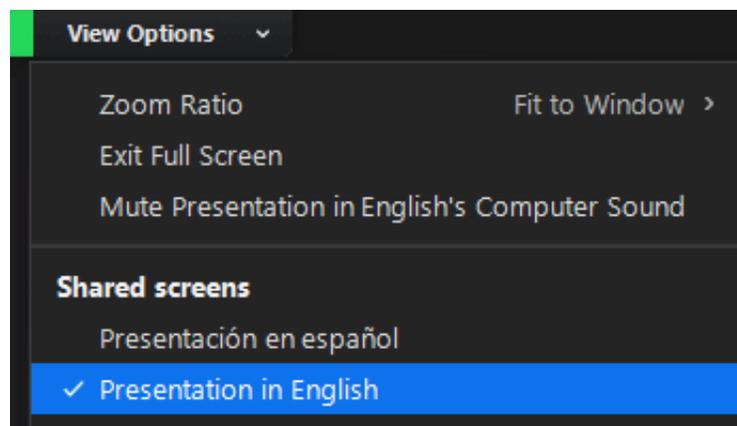
2. Select your preferred language, **Spanish** or **English**. If you do not select English and remain on the main channel, you will hear English speakers, but you will not be able to hear interpreted comments by Spanish-language speakers. To hear the Spanish speakers interpreted into English, you must select English.



3. To listen to the interpreted language only, **Mute Original Audio**.

### Zoom screen display

1. Click the **View Options** feature at the top of the Zoom menu bar.
2. Select "Presentation in English" to see the presentation in English.
3. Select "Presentación en Español" to see the presentation in Spanish.



### Technical assistance

If you need technical assistance before or during a meeting:

1. Use the chat feature in Zoom or raise your virtual hand to ask for assistance.
2. Email: [safer@waterboards.ca.gov](mailto:safer@waterboards.ca.gov) and provide your name, phone number, and specify the technical problem you are experiencing.

# SAFER DRINKING WATER



SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RESILIENCE

## **Language Access For The Safe And Affordable Funding For Equity And Resilience (SAFER) Advisory Group**

### Why Language Access Is Important

The Water Boards must provide language access services, such as written translations and oral interpretations, to meet the needs of multilingual speakers. This is required by state and federal laws to ensure equal access to government services, information, fair treatment, and meaningful involvement for all individuals.

The SAFER drinking water program was created following years of advocacy led by grassroots community leaders. Many communities in California that lack access to safe and affordable drinking water are linguistically isolated communities. To ensure the SAFER drinking water program meets the needs of all communities, we need to hear from community leaders directly. The SAFER drinking water program commits to providing English and Spanish language services at Advisory Group meetings and for key program materials and resources. Written translations and oral interpretation for Advisory Group meetings in languages other than Spanish can also be requested by members of the public.

### Definitions

*Translation* is the process of converting written text from one language to another in written form.

*Interpretation* is the oral transfer of information from one language to another during a live conversation.

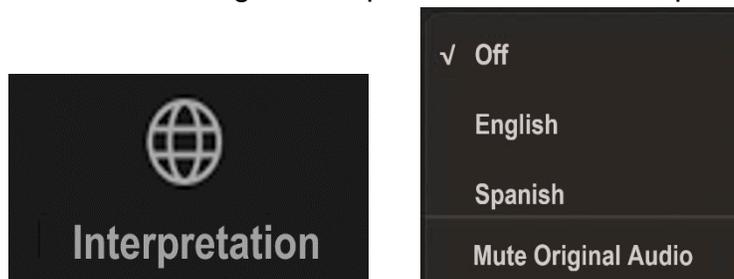
### Language Services Offered by the State Water Board:

- Bilingual communications in various forms (emails, phone calls, mail, flyers, social media)
- Bilingual meeting materials packet
- Interpretation services
- Bilingual staff available to assist with language needs

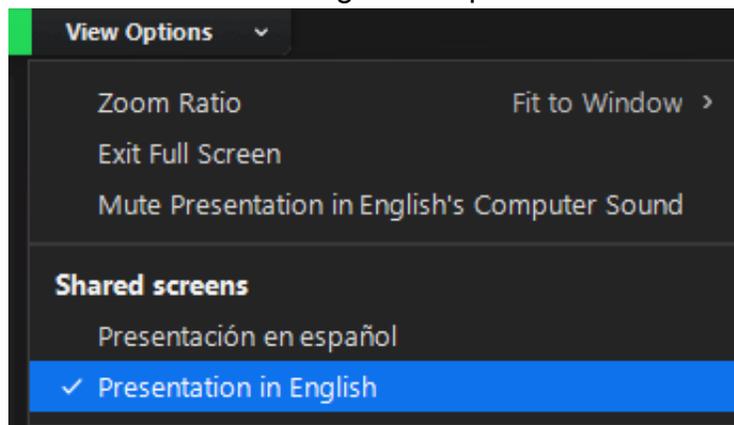
### Best Practices for All Advisory Group Members:

- Indicate your preferred language.
- When joining in person, use the provided headset to listen to English and Spanish interpretation, and return it after the meeting.
- Inform us if your headset is not working.
- When joining by Zoom:
  1. Review the virtual meeting logistics document for instructions prior to the meeting.

2. Select either English or Spanish under the interpretation feature.



3. Select the screen in English or Spanish under the "view options" feature.



- Speak clearly and be concise to ensure accurate interpretation.
- Make pauses between sentences and slow down when asked.
- Provide feedback on the interpretation service.

***(This fact sheet was last updated on January 24, 2024)***

# Helpful Links

California Water Landscape Video: <https://www.youtube.com/watch?v=oPT1EeKs8vU>

History of the Water Boards Video: <https://www.youtube.com/watch?v=MeXOr-9bIOs>

Water Boards Structure Video: <https://www.youtube.com/watch?v=gNpymU8wraI>

Water Boards Vision and Mission Video:

<https://www.youtube.com/watch?v=fHXkoLm9yFI>

Working with Californians Video: <https://www.youtube.com/watch?v=GbuRjyGHEII>

SAFER Website: <https://www.waterboards.ca.gov/safer/>

SAFER Calendar of Events: <https://www.waterboards.ca.gov/safer/calendar.html>

SAFER Funding Website:

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/sustainable\\_water\\_solutions/safer.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/safer.html)

SAFER Advisory Group Website:

[https://www.waterboards.ca.gov/safer/advisory\\_group.html](https://www.waterboards.ca.gov/safer/advisory_group.html)

Being a SAFER Advisory group Member Video:

<https://www.youtube.com/watch?v=sQqtImpuTSA>

How to Apply to be a SAFER Advisory Group Member:

<https://www.youtube.com/watch?v=75Oje9KjIKQ&t=11s>

How to Join a Zoom Meeting:

[https://support.zoom.com/hc/en/article?id=zm\\_kb&sysparm\\_article=KB0060732](https://support.zoom.com/hc/en/article?id=zm_kb&sysparm_article=KB0060732)