



November 9, 2018

To whom it may concern,

On behalf of Community Water Center, Leadership Counsel for Justice and Accountability, and Clean Water Action, we respectfully submit these comments on the Draft Cleanup and Abatement Account Funding Program Guidelines (Guidelines).

We commend the State Water Board for continuing its commitment to addressing drinking water issues by prioritizing urgent drinking water needs and accepting applications on a rolling basis. We suggest a few additional measures to ensure the Guidelines in fact protect communities and ensure they are not left without drinking water solutions.

#### Application Review Process for both Project types

Cost-effectiveness factor: Including an analysis of cost per person benefiting from the project not only disproportionately benefits larger communities but unfairly views larger communities as a more worthy cause than smaller communities. Small rural communities often rely more heavily upon outside sources of funding and thus their residents should not be penalized for having a smaller population. While we understand the need to maximize the use of limited funds, it cannot be done in a way that disadvantages small communities.

#### Cleanup and Abatement Projects

Groundwater Remediation: Presently, groundwater remediation is a Tier 2 project. We recommend that, where groundwater is a (or the only) source of drinking water for a disadvantaged community, the Guidelines treat groundwater remediation as a Tier 1 project. Contaminated sources of drinking water are a threat to health and safety, regardless of whether surface water or groundwater, and thus meet the standard of primary urgency stated in A.2.1.1.

#### Urgent Drinking Water Needs Projects

Loans: While we acknowledge the Guidelines allow for lowered interest rates for loans on a case-by-case basis based on financial information of the applicant, the Guidelines must be more explicit in regards to loans for DACs. Uncertainty regarding the potential financing options can present a barrier to applicants. Where loan funding is offered for projects benefiting DACs, low- or no-interest loans must be provided. We suggest adding in a chart showing the different interest rates available to DACs and SDACs similar to what is found in the Drinking Water State Revolving Fund Intended Use Plan.

Unwilling or unable responsible parties and contaminated drinking water: This is more of an inquiry. Would communities impacted by 1,2,3-TCP contamination be eligible for grant or loan funding through the clean-up and abatement account before or during litigation? Litigation may take years and successful recovery is uncertain, while 1,2,3-TCP contamination is an urgent drinking water need. Thus, it would appear communities should be eligible for CAA funding.

Emergency Improvements: The Guidelines appear to treat all repairs to existing water systems as interim, even where the repairs could constitute a permanent solution (e.g., water system consolidation). Further, the Guidelines state that such repairs will typically only be funded where more cost-effective than provision of interim alternative water supplies. We recommend that this eligible project category be split, with permanent solutions prioritized where possible without the requirement that they be more cost effective than bottled water. Whenever there is an opportunity to provide a permanent solution to provide a community a reliable source of safe and affordable drinking water, the Guidelines should encourage that solution while recognizing that interim solutions will likely also be required.

#### Funding Process

Non-responsiveness: We want to ensure that before staff withdraws grant awards for non-responsiveness, in particularly in DACs where water boards are largely held by volunteers with other day-jobs, that adequate follow-up has occurred. We understand the additional work necessary to provide adequate follow-up, including contacting other members of the Board, phone and email, even visits from local State Water Board staff to the applicant's place of business, but it is necessary to ensure that residents impacted by serious drinking water are not prevented from accessing a solution due to one unresponsive board member. We consider this type a follow up a key responsibility of the Office of Sustainable Water Solutions.

Thank you.



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