

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
MAY 18, 2016**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING THE ALLOCATION OF UP TO \$128,326 IN ADDITIONAL FUNDS FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE RURAL COMMUNITY ASSISTANCE CORPORATION (RCAC) FOR CONTINUING OPERATION AND MAINTENANCE OF THE ARVIN POINT OF USE PILOT PROJECT (PROJECT)

DISCUSSION

Senate Bill (SB) 103 (Stats. 2014, Ch. 2) appropriated \$4 million from the CAA to provide interim emergency drinking water to disadvantaged communities with contaminated drinking water supplies. Pursuant to this appropriation, on January 7, 2015 the State Water Resources Control Board's (State Water Board) Executive Director approved a \$439,682 grant to RCAC for implementing and operating the Project until February 28, 2017. The Project provides safe drinking water to the residents of the community of Arvin, whose drinking water supplies are contaminated with arsenic concentrations exceeding the Maximum Contaminant Level (MCL).

The original scope of work for the CAA grant for the Project was to install approximately sixty-nine (69) Point of Use (POU) filters, operate and maintain approximately one hundred and eight (108) POU filters at high water use locations within the service area of the Arvin Community Services District (Arvin CSD), conduct outreach, educate system users, sample water quality, and report on the progress and outcomes of the project. Funding for the procurement and installation of the additional 39 POU filters was provided by Community Water Center and Helping Hands for Water. To date, RCAC has installed a total of 89 POU filters in 60 locations spread across four elementary schools, three City of Arvin locations, one Bear Mountain Recreational District location, two Clinica Sierra Vista facilities, and the Arvin library; the State Water Board has provided funding for the purchase and installation of 59 of these 89 filters.

The Project is part of a larger collaborative Agua4All Program (Program), which is helping to address the lack of access to safe drinking water in Southern Kern County and the Eastern Coachella Valley with the assistance from other funding partners including The California Endowment, Community Water Center, and the Pueblo Unido Community Development Corporation. The Program aims to encourage community members to once again drink tap water which they have avoided in recent years.

The community of Arvin's permanent solution is to install five (5) new production wells that will be integrated into the Arvin CSD's water system by 2018 with funding from Proposition 84 and the Drinking Water State Revolving Fund. Two (2) of the wells have already been constructed, but the remaining three (3) are still in the planning stages. Until all of the new wells are operational, the Project will continue to serve as the community's interim solution to the widespread water quality problem.

Arvin CSD has also received funding (under a separate application) from CAA for the installation of three (3) vending machines, tokens for the machine, signage, and associated infrastructure to provide safe drinking water for homeowners in the community.

Assembly Bill (AB) 91 (Stats. 2015, Ch. 1) appropriated \$15 million from the CAA to address drought-related drinking water emergencies or threatened emergencies and \$4 million to provide interim emergency drinking water to disadvantaged communities with contaminated drinking water supplies. On May 19, 2015, the State Water Board adopted [Resolution 2015-0035](#), which approved [Funding Guidelines](#) and delegated authority for administering the \$19 million in AB 91 emergency drinking water funding. The Funding Guidelines include a general \$500,000 limit on emergency funding per project but provide that the State Water Board may make project-specific exceptions.

Due to the lapse in funding between the February 28, 2017 end date of the original Project and the expected completion date of the permanent solution in 2018, on December 30, 2015 RCAC requested an additional \$128,326 from the AB 91 appropriation to continue operation and maintenance of the Project until June 30, 2018.

POLICY ISSUE

Should the State Water Board:

1. Approve up to \$128,326 from the CAA AB 91 appropriation to continue operation and maintenance of the Project for up to 16 months, as recommended by staff?
2. Make the requested funds available until June 30, 2018 or until the permanent solution becomes operational, whichever occurs first?
3. Authorize the Deputy Director of the Division of Financial Assistance (Division) to execute and amend funding agreements for the Project?

FISCAL IMPACT

As of April 13, 2016, \$10,427,982 has been committed from the AB 91 emergency drinking water funding. In addition to this funding request, the Division is currently evaluating \$1,869,227 in pending projects. Assuming funds will be committed for these pending projects, the remaining emergency drinking water funding balance is approximately \$6.7 million. The remaining balance will be further reduced to approximately \$6.5 million if this funding request is approved by the State Water Board.

REGIONAL WATER BOARD/DISTRICT OFFICE IMPACT

Yes. The Division of Drinking Water District Offices and Regional Boards are supportive of the funding request. The Division of Drinking Water intends to use the flow data and analytical results to assist in preparing POU regulations.

HUMAN RIGHT TO WATER

The Project activities proposed under this funding request are consistent with the established policy of the State of California recognizing the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (human right to water; Water Code section 106.3). The proposed Project activities are also consistent with [Resolution 2016-0010](#), in which the State Water Board adopted the human right to water as a core value and top priority. As directed by the State Water Board in Resolution 2016-0010, staff has determined that the Project supports the human right to water with the treatment of arsenic contamination for the community of Arvin.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed Resolution.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012, to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.</p>

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

APPROVING THE ALLOCATION OF UP TO \$128,326 IN ADDITIONAL FUNDS FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE RURAL COMMUNITY ASSISTANCE CORPORATION (RCAC) FOR CONTINUING OPERATION AND MAINTENANCE OF THE ARVIN POINT OF USE PILOT PROJECT (PROJECT)

WHEREAS:

1. Senate Bill (SB) 103 (Stats. 2014, Ch. 2) appropriated \$4 million from the CAA to provide interim emergency drinking water to disadvantaged communities with contaminated drinking water supplies;
2. Pursuant to this appropriation, on January 7, 2015, the State Water Resources Control Board's (State Water Board) Executive Director approved a \$439,682 grant to RCAC for implementing and operating the Project until February 28, 2017;
3. The Project provides safe drinking water to the residents of the community of Arvin, which has drinking water supplies that are contaminated with arsenic;
4. The original scope of work for the Project was to install approximately sixty-nine (69) Point of Use (POU) filters, operate and maintain approximately one hundred and eight (108) POU filters at high water use locations within the service area of the Arvin Community Services District (Arvin CSD), conduct outreach, educate system users, sample water quality, and report on the progress and outcomes of the Project;
5. The community of Arvin's permanent solution is to install five (5) new production wells that will be integrated into the Arvin CSD's water system by 2018 with funding from Proposition 84 and the Drinking Water State Revolving Fund;
6. The Project will continue to serve as the community's interim solution to the widespread water quality problem until the permanent solution is operational;
7. Assembly Bill (AB) 91 (Stats. 2015, Ch. 1) appropriated \$15 million from the CAA to address drought-related drinking water emergencies or threatened emergencies and \$4 million to provide interim emergency drinking water to disadvantaged communities with contaminated drinking water supplies;
8. On May 19, 2015, the State Water Board adopted [Resolution 2015-0035](#), which approved [Funding Guidelines](#) and delegated authority for administering the \$19 million in AB 91 emergency drinking water funding;
9. The Funding Guidelines include a general \$500,000 limit on emergency funding per project but provide that the State Water Board may make project-specific exceptions;
10. Due to the lapse in funding between the February 28, 2017 end date of the original Project and the expected completion date of the permanent solution in 2018, on December 30, 2015 RCAC requested an additional \$128,326 from the AB 91 appropriation to continue operation and maintenance of the Project until June 30, 2018;

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11. The Project activities proposed under this funding request directly support the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (human right to water) and are consistent with [Resolution 2016-0010](#), in which the State Water Board adopted the human right to water as a core value and top priority, and directed its implementation in State Water Board programs; and
12. As directed by the State Water Board in Resolution 2016-0010, staff has determined that the Project supports the human right to water with the treatment of arsenic contamination for the community of Arvin.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the allocation of up to \$128,326 from the CAA AB 91 appropriation to continue operation and maintenance of the Project;
2. Makes the requested funds available until June 30, 2018 or until the permanent solution becomes operational, whichever occurs first; and
3. Authorizes the Deputy Director of the Division of Financial Assistance to execute and amend funding agreements for the Project.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 18, 2016.

Jeanine Townsend
Clerk to the Board