

April 10, 2017

Ms. Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 997377
MS 7400
Sacramento, CA 95899



VIA ELECTRONIC MAIL TO: commentletters@waterboards.ca.gov

Re: Comment Letter – Drinking Water for Schools Grant Program Funding Guidelines

Dear Ms. Townsend,

California Rural Legal Assistance, Inc. (CRLA) writes in response to the notice of proposed rulemaking and request for public comment on the proposed guidelines for the Drinking Water for Schools Grant Program. CRLA's Community Equity Initiative works directly with residents in rural communities in the San Joaquin Valley whose groundwater supplies are contaminated or impacted by drought conditions. CRLA commends the State Water Resources Control Board (SWRCB) for developing the Drinking Water for Schools grant program and, in doing so, assisting adversely affected communities to gain access to clean drinking water for children. We offer the following comments on the proposed grant guidelines.

I. The SWRCB should include a rural set-aside to allow small rural communities to be competitive for funding

The draft grant guidelines give priority to schools with, or serving pupils from, small disadvantaged communities (small DAC), and funding during the first nine months of the program will be awarded only to communities that fit the definition of a small DAC. Small DACs are defined in the draft guidelines pursuant to Water Code §13193.9(c) as municipalities, or isolated portions thereof, that serve 20,000 residents or less with an annual median household income of less than 80% of the statewide annual median household income. The guidelines additionally state that awards will be prioritized according to, among other things, “the severity and number of students experiencing impaired access” that will be served by the project (pg. 4 Draft Guidelines).

The draft guidelines appropriately prioritize projects in small DACs during the initial funding phase, but the broad definition of “small disadvantaged community” as codified in Water Code §13193.9(c)—which considers any community serving 20,000 residents or less as “small”—combined with the draft guidelines' prioritization of projects that serve the greatest number of students, will prevent small rural communities, particularly unincorporated communities in the San Joaquin Valley, from being competitive for grant funding. This will be true even though those communities are uniquely disadvantaged in terms of their capacity for completing drinking water remediation without outside financial assistance.

Disadvantaged unincorporated communities (DUCs) are home to roughly 300,000 residents in the San Joaquin Valley. These communities, which range in population from a few hundred to a few

thousand residents, are located primarily in rural areas that depend on groundwater for their drinking water supplies. Prolonged drought conditions and a history of agricultural production in rural areas, have resulted in groundwater sources in many DUCs in California contaminated with arsenic, nitrates, 1,2, 3, trichloropropane (1,2,3 TCP), and other contaminants known by the state of California to be hazardous to public health.

Drinking water systems in DUCs are often very small and operated as special districts, which means that costs for remediation efforts are extraordinarily high compared to remediation costs in urban areas due to lack of access to the benefit gained from economies of scale. The SWRCB recently estimated remediation costs for 1,2,3 TCP in a small water system of less than 200 connections to be over \$600 annually per-connection compared to \$25 annually for larger water systems. Residents in low-income rural communities do not have the capacity to pay for remediation efforts in the form of increased user fees. Most small rural communities with groundwater contamination, will not have access to clean and affordable drinking water without financial assistance from the state. School children in these areas should have access to clean drinking water, regardless of the size of the their communities, relative economies of scale of remediation programs, with needed financial contribution, especially when their parents cannot afford increased user fees.

Rural very small communities will not be competitive, however, under the draft guidelines. Serving populations of 20,000 residents or less will mean that the communities with larger populations, that can serve the greatest number of students, are more likely to be funded and rural communities with only several hundred or several thousand residents and smaller water systems will suffer a competitive disadvantage when compared to larger systems that still qualify as “small” pursuant to Water Code §13193.9(c).

The rural disadvantaged community of Del Rey in southeast Fresno county has 1,2,3 TCP levels that are substantially higher than the proposed MCL of five parts per trillion. Del Rey has an estimated population of 1,639 residents, with a median household income of approximately \$23,616. Del Rey has an elementary school serving the community, and elementary school officials and parents have been concerned about how to provide safe drinking water for the community’s children. The current draft granting guidelines will work against Del Rey’s small size and would make it less competitive than a larger community also affected by contamination.

The SWRCB should include a set-aside specifically for small rural communities so that these communities can be competitive even if their proposed project serves fewer overall students than a project in a larger community. This would appropriately address the additional financial burdens that rural small communities face when dealing with water contamination remediation efforts.

II. The SWRCB should hold public workshops in affected communities

The SWRCB held one workshop on the draft guidelines, on Monday March 20, 2017 at 10:00 am in Sacramento. The program website for the Drinking Water for Schools Program does not indicate

that the SWRCB intends to hold any additional workshops on the program before or after the guidelines are finalized.

It is extremely difficult for community members of the small disadvantaged communities that the Drinking Water for Schools Program is designed to benefit to attend a meeting in Sacramento at 10:00 a.m. on a weekday. Low-income community members often work one or multiple jobs during the day, and are unlikely to have the privilege of taking time off work to attend such a meeting. Further, many of California's most contaminated communities are in the San Joaquin Valley, and attendance in a meeting in Sacramento would require several hours of travel each direction. Attendance would be particularly difficult for communities traveling from the rural areas CRLA serves, which experience transportation inequity and lack of access to public transportation. This difficulty in attending a meeting in Sacramento extends not only to community members, but likely to school officials in the Valley as well.

Community involvement will be essential in ensuring that the program adequately addresses the needs of small, disadvantaged communities experiencing water contamination. It will also ensure that parents in these communities have knowledge that funding is available to provide clean water for their children, without which they cannot advocate on behalf of their children and request that their local school districts apply. Community involvement throughout the process also encourages schools submitting applications for drinking water programs to develop projects in collaboration with the families of the students that will be using them to ensure that they will be successful.

The SWRCB should hold additional workshops both before and after the adoption of the final guidelines to ensure the involvement of small disadvantaged communities in their creation and to ensure that communities have knowledge of the availability of funding for clean water in schools. These workshops should be held in locations that would qualify for funding such as rural communities throughout the San Joaquin Valley, should be held in the languages spoken by the communities, and should be held after work. Holding workshops directly in schools in rural areas is a good option for encouraging resident involvement and would provide the SWRCB with direct input from affected residents.

III. Conclusion

The Drinking Water for Schools Program will provide critical funding for disadvantaged communities impacted by water contamination. The SWRCB should ensure that rural areas, which are particularly financially burdened and in need of water remediation efforts receive a fair chance for This will require that SWRCB create a set-aside for small rural communities. The SWRCB should also hold additional workshops in affected communities both prior to adopting the final guidelines and during the solicitation period for applications to ensure that impacted communities are involved throughout the process.

CRLA thanks you for this opportunity to provide comment on the draft regulations.

Sincerely,

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