August 27, 2021

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter – Draft Fund Expenditure Plan for the Safe and Affordable Drinking Water Fund

Dear Ms. Townsend:

The Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) appreciate the opportunity to provide public comments regarding the State Water Resources Control Board’s (State Water Board) Draft 2021-22 Fund Expenditure Plan (Draft Plan) for the Safe and Affordable Drinking Water Fund (Fund). ACWA represents over 460 public water agencies that deliver over 90% of the water used for residential, agricultural and commercial purposes in California. CMUA represents 50 water agencies that deliver water to over 75% of Californians.

Comment 1: ACWA and CMUA agree with the top priority proposed in the Draft Plan.

State Water Board staff propose in the Executive Summary at Page 8 as a top priority for the Draft Plan addressing any emergency or urgent funding needs expeditiously. ACWA and CMUA concur with that priority.

Comment 2: ACWA and CMUA suggest refining the proposed second and third priorities to prioritize known failing community water systems and school water systems over at-risk systems in order to protect public health.

State Water Board Staff propose in the Executive Summary at Page 8 as priority two to address community water systems (CWSs) and school water systems out of compliance with the drinking water standards (i.e., failing systems) or at-risk of failing. Similarly staff propose as priority three to accelerate consolidation for both the failing systems and the at-risk systems. ACWA and CMUA suggest that community water systems that consistently fail to provide an adequate supply of safe drinking water are addressed first to protect public health—as opposed to being addressed at an equal priority with at-risk systems.

Additionally, ACWA and CMUA are suggesting use of the word “consistently,” which is based on the SB 200 statute that speaks to “any public water system that consistently fails to provide an adequate supply of safe drinking water.” Please see California Health and Safety Code Section 116768 (a) and Section 116768 (a)(2).
To address these concerns, ACWA and CMUA suggest revisions to the proposed priorities on Page 8 as shown in mock-up format here:

ACWA and CMUA Suggested Changes to Proposed Priorities [Page 8]

“(…) (2) Address community water systems (CWSs) and school water systems consistently out of compliance with primary drinking water standards or at risk of failing;
(3) Accelerate consolidations for CWSs and school water systems consistently out of compliance or at-risk systems, as well as state smalls and domestic wells, and promote opportunities for regional-scale consolidations;
(4) Address at-risk community water systems;
(5) Begin consolidations for at-risk community water systems as well as state smalls and domestic wells that consistently fail to provide an adequate supply of safe drinking water, and promote opportunities for regional-scale consolidations (…)”

Comment 3: ACWA and CMUA support the continued stakeholder discussions towards the refinement of the affordability threshold for future Fund Expenditure Plans.

ACWA and CMUA appreciate the State Water Board staff providing an overview on Page 57 of the Draft Plan for how they would like to proceed with their future efforts to develop an appropriate affordability threshold. This stakeholder process will allow the State Water Board, in consultation with the Advisory Group, to continue to have more robust stakeholder input regarding the development of the affordability threshold in future Fund Expenditure Plans. In the meantime, ACWA and CMUA assume that the State Water Board is using the approach from the FY 2020-21 Fund Expenditure Plan which utilized a 1.5% MHI affordability threshold while also comparing results for a 2.5% MHI affordability threshold. ACWA and CMUA support that approach and suggest stating that this is the approach for FY 2021-22 in the approved version of the Fund Expenditure Plan.

Comment 4: ACWA and CMUA support the proposal in Section VI.E. of the Draft Plan that calls for the State Water Board to expand training operations for all facets of operating and maintaining a public water system.

ACWA and CMUA support the proposal in Section VI.E. of the Draft Plan that calls for the State Water Board to expand training operations for all facets of operating and maintaining a public water system. ACWA and CMUA are available to collaborate regarding ways our organizations may be helpful in utilizing member experience and expertise to help provide training. This could be done through peer-to-peer training, mentorship programs and sharing of information.

Comment 5: Staff is proposing $13.2 million in staff costs for FY 2021-22. This is an increase of $900 thousand in staff costs from the $12.3 million estimated staff costs for FY 2020-21. Staff work in this area is critical, but ACWA and CMUA encourage the State Water Board to review this issue as higher than necessary staff costs that would take away from Fund dollars that water systems of various types could use on the ground for safe drinking water solutions.

In Table ES-1 at Page 11 of the Draft Plan and on Page 24 of the Draft Plan, State Water Board staff is proposing $13.2 million in staff costs for FY 2021-22. This would amount to an increase of $900 thousand in staff costs from the $12.3 million estimated staff costs for FY 2020-21 in
Table 5 at Page 44 of the Draft Plan and on Page 47 of the Draft Plan. ACWA and CMUA recognize the important and work-intensive role that State Water Board staff have in the Safe and Affordable Drinking Water Fund program. However, higher than necessary staff costs would take away from Fund dollars that water systems could use on the ground for drinking water solutions.

ACWA and CMUA appreciate the State Water Board’s consideration of these comments. If you would like to discuss them, please contact Ivy Brittain at ivyb@acwa.com or (916) 441-4545 or Danielle Blacet-Hyden at DBlacet@cmua.org or (916) 326-5802. We look forward to engaging with the State Water Board regarding the Draft Fund Expenditure Plan.

Sincerely,

Ivy Brittain
Senior Regulatory Advocate
Association of California Water Agencies

Danielle Blacet-Hyden
Deputy Executive Director
California Municipal Utilities Association

cc: The Honorable E. Joaquin Esquivel, Chair, State Water Resources Control Board
The Honorable Dorene D’Adamo, Vice Chair, State Water Resources Control Board
The Honorable Laurel Firestone, State Water Resources Control Board
The Honorable Sean Maguire, State Water Resources Control Board
The Honorable Nichole Morgan, State Water Resources Control Board
Ms. Eileen Sobeck, Executive Director, State Water Resources Control Board
Mr. Joe Karkoski, Deputy Director, Division of Financial Assistance, State Water Resources Control Board
Mr. Darrin Polhemus, Deputy Director, Division of Drinking Water, State Water Resources Control Board
Mr. Andrew Altevogt, Assistant Deputy Director, Division of Drinking Water, State Water Resources Control Board
Ms. Kristyn Abhold, Senior Environmental Scientist, Division of Drinking Water, State Water Resources Control Board