

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2019-0021**

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO ONE
OR MORE MULTI-YEAR CONTRACTS UP TO A COMBINED SUM OF \$3,000,000.00
FOR A DRINKING WATER NEEDS ANALYSIS

WHEREAS:

1. The California Safe Drinking Water Act (SDWA) regulates public water systems, which are defined as systems for the provision of water for human consumption through pipes or other constructed conveyances that have 15 or more service connections or regularly serve at least 25 individuals daily at least 60 days of the year.
2. Responsibility for implementing the SDWA was transferred from the California Department of Public Health to the State Water Resources Control Board (State Water Board), effective on July 1, 2014. (Health & Safety Code Section 116271).
3. In accordance with the SDWA, water delivered by public water systems in the State of California shall at all times be pure, wholesome, and potable. (Health & Safety Code Section 116270). It was the intent of the Legislature to establish a drinking water regulatory program within the State Water Board to provide for the orderly and efficient delivery of safe drinking water within the state. (Health & Safety Code Section 116270).
4. Water Code Section 106.3 statutorily recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas.
5. In April 2019, 322 community water systems and/or schools, served by their own non-transient non-community public water system, were on the Human Right to Water violation list due to violations of maximum contaminant levels of chemical constituents. Although others may be at risk of non-compliance, there is no comprehensive data to help assess what public water systems are at risk.
6. In addition to a lack of information about which public water systems are at-risk, there is not a single location with information about domestic wells¹ or state small

¹ Domestic wells are defined as serving less than five service connections. Often a single residence is served by a single domestic well, though it is not uncommon for a well to serve multiple residences or commercial buildings.

water systems² compliance with drinking water standards. Without such information, comprehensive costs associated with implementing the Human Right to Water for all Californians is unknown.

7. To obtain information about which public water systems are at risk and to find out the number of domestic wells and state small water systems that are out of compliance with drinking water standards, the State Water Board would like to enter into a contract with one of more universities to conduct research of the statewide needs.
8. The Budget Act of 2018 (Senate Bill 862) Section 16, Item 3940-002-0001 authorized three million dollars (\$3,000,000.00) to the State Water Board for funding to support a Drinking Water Needs Analysis. The funds appropriated are available for encumbrance or expenditure until June 30, 2020, and for liquidation until June 30, 2021.
9. In [Resolution No. 2012-0061](#), the State Board directed its Executive Director to bring to the attention of the board members at a workshop or by other appropriate communication “any matter involving the execution of a contract or amendment thereto for which authority has not been expressly delegated by Board resolution.” Adoption of this Resolution would allow the Executive Director to enter into a contract or multiple contracts for a Drinking Water Needs Analysis for up to \$3,000,000.00.
10. The State Water Board’s Division of Administrative Services will ensure that these contracting activities are in compliance with State contracting laws, regulations, policies, and procedures.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Resources Control Board hereby authorizes the Executive Director or designee to enter into and amend one or more contracts, up to a total sum of \$3,000,000.00, to support a statewide effort in conducting an analysis of drinking water needs, including an analysis of the public water systems, state small water systems and domestic wells out of compliance with chemical drinking water standards, and an analysis of water systems at risk of becoming out of compliance in the future.
2. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director’s designee shall be the duly authorized representative of the State Water Board for the purposes of making a

² State small water systems are defined in section 116275(n) as “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.”

final determination of any dispute arising under or relating to the performance of any contracts to which the State Water Board is a party.

3. This authorization shall remain in full force and effect until modified or revoked by the State Water Board.

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 Resources Control Board held on June 18, 2019.

AYE: Chair E. Joaquin Esquivel
Board Member Tam M. Doduc
Board Member Laurel Firestone

NAY: None

ABSENT: Vice Chair Dorene D'Adamo
Board Member Sean Maguire

ABSTAIN: None



Jeanine Townsend
Clerk to the Board