

State Water Resources Control Board

SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RESILIENCE (SAFER) ADVISORY GROUP MEETING AGENDA

Friday, June 12, 2020

9:00 a.m. - 12:00 p.m.

Remote Participation Only

Time	Topic
9:00 a.m.	Welcome and Meeting Logistics (5 min)
9:05 a.m.	Introductions & Warmer (15 min)
9:20 a.m.	SAFER Review and Updates (30 min)
9:50 a.m.	Break (5 min)
9:55 a.m.	Advisory Group Discussion and Breakout (75 min) <ul style="list-style-type: none"> • Instructions (5 min) • Small Group Breakout (50 min) • Large Group Bring Back (20 min)
11:10 a.m.	Public Comment (30 min)
11:40 a.m.	Closing Remarks, Future Meeting Topics, & Next Steps (20 min)
12:00 p.m.	Adjourn

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SAFER Program Attendees

Advisory Group Members

1. Benjamin Cuevas
2. Camille Pannu
3. Castulo Estrada
4. David Cory
5. Dawn White
6. Don James
7. Elena Saldivar
8. Emily Rooney
9. Everett McGee
10. Horacio Amezcuita
11. Isabel Solorio
12. Jessi Snyder
13. Katie Porter
14. Lucy Hernandez
15. Maria Olivera
16. Michael Claiborne
17. Nicholas Schneider (ABSENT)
18. Ramon Prado (ABSENT)
19. Sergio Carranza

State Waterboard Staff and Board Members

- **Board Member** Laurel Firestone
- **OPP:** Adriana Renteria, Itze Abeyta, Jessica Bean, Amanda Ford, Michael Ben Ortiz, Itzel Vasquez-Rodriguez, Haydee Yonamine, Mandy Roman
- **DDW:** Michelle Frederick, Andrew Altevogt, Ariel Chavez, Jeffery Albrecht
- **DFA:** Joe Karkoski, Jasmine Oaxaca
- **OCC:** Julia Nick

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SAFER Advisory Group Meeting #4 Summary

Session Overview

Small Group Breakout Session:

Advisory Group Members provided feedback on the Safe and Affordable Funding for Equity and Resilience (SAFER) Fund Expenditure Plan (Plan) by answering these three questions in small Breakout session:

1. How do the FY 20/21 priorities align with community needs? (pages 11-12)
2. How does the Fund Target Expenditures for FY 20-21 align with community needs? (pages 15-17)
3. How do the outcomes, goals, and metrics align with community needs? (pages 43-46)

Large Group Report Out:

After the small group breakout session one person shared the main points discussed during their group breakout session. Any questions, comments, suggestions, or concerns were noted by Office of Public Participation (OPP) staff in the following categories:

Key Points

1. Many Advisory Group Members expressed satisfaction with the sensible priorities and are happy progress is being made.
2. Emphasis on defining terms such as “Systems”, “Size”, “Fees”, and “Community Members”.
3. Repeatedly expressed more information behind the metrics and the logic behind those proposed metrics.
4. Repeated concern regarding the priority of Staff Costs and how this may not be in alignment with community needs.

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Specific Recommendations

Capacity-building and Environmental Justice

- Advisory Group Members requested clarification on how SWB is supporting community access, engagement, and participation.
- Advisory Group Members would like to understand how local communities can be in the “drivers” for their water system priorities and how SWB can/will support with areas such as lack of internet, technology access limitations, in order to ensure community members are present and able to represent their communities in public participation opportunities such as AG meetings.
- How can SWB support community leaders in areas without internet/technology access limitations, to be present and represent their communities in public participation opportunities such as AG meetings?
- Advisory Group Members asked that SWB assist more and be closer to Environmental Justice communities while still considering systems that are in need but are not in a Disadvantaged Community (DAC).

Fund Expenditure Plan

- The word “fee” is misleading. Water Systems use terminology such as “fee” to represent one-time charges (e.g. late fees, penalty fees, etc.) and may not capture the true cost to individuals in communities.
- Suggest clarifying how data from different counties on state smalls that are not meeting is being incorporated.
- Financial tables and totals (pg. 14) should include a sub-total column in order to better understand where money is going.
- SWB has access to Tribal data.

SAFER Funding Processes

- Metrics need to be evaluated and tracked for effectiveness such as administrators, consolidations, affordability, TA, and direct O&M.
- Nowhere in the guidelines does it explain or mention a cap in affordable rates for drinking water. Affordable rates need to be incentivized in order to make this a successful implementation
- Look into staffing costs if there is a lack of funding
- Identify those that have applied for assistance and those that have not so SWB can identify where assistance is most needed when it comes to the application process.

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- Consider sending support to water systems that continue to fail in order to suggest a change in method and attempt to assist in making the water system run better.

Communications

- Would like to see relationships built with communities.
- Would like SWB to be closer to EJ communities
- Needing support for community members with lack of internet/technology limitations.
- Need further understanding on how SWB is broadening outreach to communities in need (both in violation and at risk- including state small, domestic wells, and Tribal areas).

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SAFER Advisory Group #4 Session Notes

Fund Expenditure Plan Discussion

Questions

1. If a System is not in a DAC (Disadvantaged Community) can it be looked at as getting the most people for dollar spent?
2. Do TC's have a clear path to get to compliance despite unregulated status?
3. Who is getting help and who is not? Who has applied for assistance and who has not? Some communities do not have an option to consolidate and affordability is an issue.
4. How can local communities be in the "drivers' seat" for their water system priorities?
5. Has the WB ever sent support to water systems that continue to fail? This would be beneficial in order to suggest a change in method and help make things run better.
6. What happens to the communities that do not have safe, affordable, drinking water but also do not have a neighboring water system that they can consolidate with?
7. How can a process be created to identify those in most need?
8. What was the logic behind the metrics proposed?
9. What about other variables that are not being measured? (e.g. success, working relationships, or evaluations to determine if the funding is effective or not).
10. How can AG members continue to support the waterboards to be successful going forward?

Comments/Concerns

1. Happy with the progress being made.
2. Suggest adding both an Affordability Metric and a Climate Change Metric
3. Concerns regarding the availability of funding to report to community reporting
4. Priority to fund Staff costs may not be in alignment with community needs
5. Suggest tracking reliable information such as solutions and people served, for future strategic goals.
6. Would like SWB to assist more and be closer to Environmental Justice communities

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7. Need to clarify how projects and programs that can be funded but are not currently on any list are developing.
8. Need to clarify how data from counties on state smalls that are not meeting standards are being incorporated and adding those to the lists and tracking tool.
9. There continues to be a need to clarify how SWB is supporting community access, engagement, and participation
10. How can SWB provide more support for community leaders in areas without internet/technology access to be able to represent their communities in public participation opportunities like AG meetings?
11. How is SWB broadening outreach to communities in need (both in violation and at risk that includes state small, domestic wells, and tribal areas)
12. How is TA funding going to support community participation (e.g. how much money will go toward TA and how is the funding integrated into the TA program) – will it be a part of every contract or a specific provider?
13. Metrics need to be evaluated and tracked for effectiveness of SAFER strategies.
14. What is being done to track and measure effectiveness? (e.g. administrators, consolidations, affordability, TA, and direct O&M).
15. Suggest separating Administration and Implementation line items in FEP.
16. Would like to see more relationship building with communities
17. Nowhere in the guidelines does it mention a cap in affordable rates for drinking water. Need to ensure affordable rates to incentivize communities and make this a successful implementation.
18. Need to be very specific on how terms “community members” and “water systems” are defined.

SWB Commitments

1. OPP Staff took notes during meeting, notes will be given to Board Members in order to ensure the entire discussion is captured.
2. SWB will go back and look at the Administration and Implementation portion of the FEP

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Public Comment

Question

1. How will SAFER and CV Salts solutions be coordinated?
2. After review of the appendices did not see any Tribes listed and SWB has access to Tribal data so why weren't the Tribes added as a part of the Solution List? By what mechanisms will the Tribes be identified as "at risk"?

Comments, Suggestions, Concerns

1. Suggest that SWB staff provide sub-totals when presenting financial information.
2. CMUA/ACUA referencing section 9B of the FEP and would like to help build resiliency, peer-to-peer training, mentor, and be a resource to help communities.
3. It is very important to look beyond water rates of the county when considering the cost burden for individuals in that county. It is imperative that all costs associated with water systems are also calculated to ensure that the full true cost is being looked at, especially for DAC communities.
4. The word "fee" can be misleading as water systems use terminology such as "fee" to represent a one-time charge such as "late fees, penalty fees, etc."
5. Suggest that on the financial tables and totals on page 14 that a subtotal column be added in order to understand where money is going.

AG Member Reflections on SAFER

- Very content with progress
- Glad to be included
- Moving in the right direction
- Exciting times
- Suggest the next AGM be scheduled after funding is known (end of August or early September 2020)

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SAFER Q&A Session

OPP Notes | June 12, 2020

Safer Program Attendees

Advisory Group Members

20. Horacio Amezquita
21. Michael Claiborne
22. Castulo Estrada
23. Camille Pannu
24. Katie Porter
25. Dawn White

State Waterboard Staff and Board Members

- **Chair:** Joaquin Esquivel
- **Board Member:** Laurel Firestone
- **OPP:** Adriana Renteria, Itze Abeyta, Jessica Bean, Amanda Ford, Michael Ben Ortiz, Itzel Vasquez-Rodriguez, Haydee Yonamine, Mandy Roman
- **DDW:** Michelle Frederick
- **DFA:** Joe Karkoski, Jasmine Oaxaca
- **OCC:** Anne Hartridge, Julia Nick

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Question and Answer Session Summary

Session Overview

Board Staff provided feedback on the following Safe and Affordable Drinking Water Fund Expenditure Plan (Plan) topics:

Safe and Affordable Drinking Water Fund Expenditure Plan (Plan)

Board Staff were asked various questions related to the Board's response and funding for water systems impacted by COVID-19. This included the use of SAFER funds to provide direct financial assistance to struggling water utilities. Specifically, Tribal water systems and keeping at-risk systems safe despite pandemic revenue loss.

SAFER Program Feedback

Tribal Outreach

The public expressed interest in more Tribal-specific SAFER-related webinars for various tools, risk factors, and thresholds.

Community Outreach.

There is interest in community input/outreach/engagement efforts. Board Staff responded to how to improve the SAFER website and improve Agency and Group coordination per Needs Assessment.

State Smalls and Domestic Wells.

Board Staff responded to state smalls and domestic wells concerns, not identified in the Breakout Session spreadsheets from Advisory Group Meeting #3. There was a question how the Plan will implement the management Early Action Plan required by the Central Valley Basin Plan amendment.

Board Staff also received questions on fund disbursement, interim solution considerations and emergency fund availability. Emphasis was placed on expediting approvals and project funding distribution. The major discussion point was ensuring community funding precisely when needed.

Key Points

5. Tribal support/outreach had many responses, of which the "Limited Waiver of Sovereign Immunity" wording requirement is a barrier to Tribal funding.
6. Emphasis on identifying state smalls and domestic wells.
7. Funding expedited approval and fund disbursement is a significant concern
8. There is a keen interest in more SAFER online events and community outreach/engagement.

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Fund Expenditure Plan

- Change the title and/or language of the “Limited Waiver of Sovereign Immunity” to increase the participation of Tribes.
- Develop a list of state smalls and domestic wells and identify them in both Needs Assessment and Plan.
- Ensure the Plan coordinates with the CV-Salts Program and the implementation of its Early Action Plan to avoid duplication.

Tribal Affairs

- Clarify funding timelines and recurring or one-time disbursements.
- Explore an advanced payment program for Prop 1 and Prop 68 funds.
- Explore expedition of funding processes and disbursements of funds.
- Continue to work with water systems to get them “project ready” to receive funding.

SAFER Program

- Future webinar content Safer tools used to establish the SAFER program and improve them.
- Add an organizational chart to the Website of various programs and efforts that fall under SAFER and their current progress.
- Add Board Staff contact information for the various programs and efforts under SAFER (see above point).

AG Member Reflections on SAFER

- Water access is a complex issue. The Advisory Group covers a swath of topics.
- Disadvantaged communities require larger amounts of funding and investment.
- AG members are concerned with COVID-19 fund impact. Funds may need to be switch to interim solutions (vs. long term) due to the high volume of struggling systems that are losing funds.

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Question and Answer Session Notes

Fund Expenditure Plan Questions

Discussion

1. How does the State Water Board staff mandate or incorporate the needs assessment into the Plan (Fund Expenditure Plan)?
 - a) **Board Staff:** For operations and maintenance support (O&M), some funding has been set aside (or proposing to set aside) for the next fiscal year that would focus on consolidation. That is where the focus will be for O&M costs on consolidation.
2. Want to understand staff thinking on Metrics on page 43-44. There are some specific numerical and with the needs assessment under development but not currently in place, is it premature to set numeric goals/metrics?
 - a) **Board Staff:** Waterboards have two additional units focused on outreach, staff has helped in consolidation and have new staff for support.
3. Until you have the needs assessment, how do you count on how many will need to be consolidated as opposed to other solutions?
 - a) **Board Staff:** SWB uses 1.5% for funding decision as a threshold that goes into affordability. The requirement of SB 200 requires a list that does not meet the threshold. Looking at what systems suffer from are affordability issues. Moving forward, looking at water rate relative to median household income.
4. Pilot projects mentioned in Fund Expenditure Plan (FEP), does staff have a vision on what is meant by direct operations and maintenance (O&M) support? Is there a way to get an explanation beyond what is in the plan?
 - a) **Board Staff:** Needs assessment was done in March, in time for the next expenditure plan. Waterboards have a more robust list and will have a workshop of that process in terms of data. Waterboards will share data with public better than now.
5. Are you open to other things than what are proposed in the draft? Relating to the change in affordability threshold.
 - a) **Board Staff:** Division of Drinking Water (DDW) is designing an annual report to better reflect water rates that works with the affordability. DDW will get commenter's information and get back with information.
6. How can State small and domestic wells apply for funding this year?
 - a) **Board Staff:** Pending legislation – understand the issue but cannot provide comment at this time. Funding is set aside to provide interim

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solution for those at-risk water systems, taking into consideration MCL and nitrate.

Tribal Questions

Discussion

11. Particularly interested In SAFER because it helps with Operations and Maintenance – was concerned that the tribes were not being consulted, but when heard in the breakout groups that there is a tribal outreach plan in progress. Does not believe there is a lot of Tribal engagement. Looking to understand more about the Tribal outreach efforts.
 - a) **Board Staff:** Taking a look at Tribal water systems that are not meeting and needing support. Seven water systems are currently out of compliance and one plan is to develop an outreach plan to work with each one of those seven water systems to increase awareness of this program and provide support to apply for it. The SWB is working to develop a one-to-one relationship with each tribe. In addition to those seven out of compliance, thinking about building relationships with Tribes across the state. Waterboards will work with the Advisory Group to develop that plan together.
12. Sovereign immunity, at Board meeting last month, understanding was that resolution to approve the fund expenditure plan, what is the status of the effort to find alternative ways to include tribes that does not include the waiver of sovereign immunity?
 - a) **Board Staff:** It's an ongoing process working on tribal sovereignty.
13. Did not see any tribes listed in the funding solution list of fund expenditure plan, the waterboards were able to obtain compliance data, so why weren't the tribes included in either of those lists?
 - a) **Board Staff:** Hesitant to publish until we talk to the tribes. The Office of Public Participation has a tribal advisory meeting. Federally recognized tribal water systems that are currently out of compliance, the waterboards didn't feel right to put on the list.
14. When it comes to determining whether a Tribal water system is at risk, not clear how the waterboard is going to get information of the 5 of the 6 categories? How will Tribal water systems that are Federally regulated, be determined at risk, how will that information be collected and how will they qualify for assistance?
 - a) **Board Staff:** Tribal systems in this context is similar to public water systems. Part of public water systems, Board staff is doing outreach and

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developing a plan for tribal outreach. The lack of water system does not result in not engaging with tribes.

General SAFER Program Questions

Discussion

3. Appreciate the discussion in the plan for existing safe drinking water. Interested in how the CV-SALTS and SAFER efforts will be coordinated?
 - a) **Board Staff:** CV-SALTS are in the process of developing plans and determining what the needs are in terms of replacement of drinking water that have nitrate problems. In the central valley region, waterboards will work on nitrate and state smalls water systems. In the SAFER program, waterboards are working and coordinating with region 5 that is complementary to the management zones with multiple contaminants such as nitrate and MCL to collaborate and be able to address them.
4. Is the SAFER program considering doing pro-active outreach to water systems out of compliance?
 - a) **Board Staff:** We are looking into doing more proactive outreach, triage for systems that are out of compliance, cue to get funding or be in the system. Waterboards recognizes the technical assistance (TA) funding for 2020 and be more proactive for outreach for water systems. Any communities can apply. It is difficult for small communities that are cities to apply, state and local can help apply for funding.

Other Questions/Comments

Discussion

1. Is there a program that filters people's water and brings it out to them, such as a home delivery service? This is needed for communities with high levels of TCP – allergic to water and those with limited transportation and access, and physical limitations.
 - a) **Board Staff:** There is funding for bottled water program. Board Staff would like contact information to work with community member.
 - b) **Board Staff:** Programs are available to receive funding and bottled water delivery – Board Staff offered to take contact information off-line to connect community member with the program. Board Staff will work with the Office of Public Participation to connect with the community member.

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2. **Board Staff:** When looking at a community not all have water systems. Waterboards will consider the comment about community versus water system. Waterboards want to be transparent about where the data comes from.
3. Thankful for this session as it allows for more constructive comments and to know what staff is thinking.
4. Performance metrics, these are discussed on page 44 on draft plan, the way described now it is based on term number of communities and suggest moving the metric to incorporate to number of water system.
5. Affordability Threshold, page 9 on FEP, suggest that the board use an affordability threshold that has already been recognized in the drinking water world (e.g. 2.5 affordability threshold). For this first plan, first affordability threshold, use one that has already been recognized.
6. Keep hearing, with reference to affordability threshold, reference to rates only and want to drive home the point that residents pay for their water in various ways, more than just the water rate. The water rate is just the per unit charge, residents pay an additional charge that is a per meter charge. Not counting those dollars, risks not counting additional cost burden on staff and the community. That would be doing those members a disservice if not counting those additional costs that members are paying for their water.
7. Care needs to be taken when using the word “fee”. Understands that this is something that will be looked at later down the line but need to begin from the beginning being consistent and clear.
8. Appreciates the state’s process to integrate tribes.