

Rangi, Aparjeet@Waterboards

From: Dunkin, Alicia <adunkin@ocwd.com>
Sent: Tuesday, June 30, 2015 4:54 PM
To: gwquality.funding
Cc: Rangi, Aparjeet@Waterboards; Reeves, Robert@Waterboards; Hunt, William; Herndon, Roy; Torres, Eleanor
Subject: Formal input on Groundwater Sustainability Guidelines

Dear Mr. Aparjeet:

Based on the workshop provided by the State Water Resources Control Water Board (SWRCB) at the Orange County Water District (OCWD) on June 9th, we offer the following suggestions for the SWRCB's development of Proposition 1 Chapter 10 Guidelines (\$900,000,000 for Groundwater Sustainability-for the prevention and cleanup of groundwater contamination) for the SWRCB's grant management program:

- Grant cap provided at \$20 million per project
- Of the \$900 million, provide 50% to 75% for grants and the remainder for low interest loans
- Allow projects that receive grants to also receive loans for the remaining cost of the project
- Assess a community's ability to pay for operations and maintenance of a facility based on (1) bond rating (2) ability to collect and assess fees and (3) have the funds for ongoing operation and maintenance
- When considering the contaminants to cleanup, prioritize anthropogenic-caused over naturally occurring.
- Further define in the guidelines the requirements for monitoring and reporting (suggest the same as required by Proposition 84)
- Provide added consideration for projects that can provide local cost-share
- Rank projects highest that have the following project benefits:
 - (A) Threat posed by groundwater contamination to drinking water supply that serves the highest population;
 - (B) Potential for groundwater contamination to spread/impair the aquifer

Chapter 10 of Proposition 1 states "Funding used in this chapter shall not be used to pay any share of the costs of remediation recovered from parties responsible for the contamination of a groundwater storage aquifer, but may be used to pay costs that cannot be recovered from responsible parties. Parties that receive funding for remediating groundwater storage aquifers shall exercise reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination. Funding recovered from responsible parties may only be used to fund treatment and remediation activities."

- Advocate that "reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination," includes:
 - The issuance of cleanup orders by environmental regulatory agencies such as the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board shall constitute a reasonable effort by the applying water agency when those orders have been denied or ignored by the PRP
 - Litigation against the PRPs calling for environmental restoration shall constitute a reasonable effort by the applying water agency

- Identification of a site as “orphan” without a surviving responsible entity, shall automatically constitute a reasonable effort by the applying water agency

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