Comments WATERBOARDS Proposition 1 Groundwater Sustainability due 6.30.2015

AB 1471 lists the following criteria:

(b) Projects shall be prioritized based upon the following criteria:

(1) The threat posed by groundwater contamination to the affected community's overall drinking water supplies, including an urgent need for treatment of alternative supplies or increased water imports if groundwater is not available due to contamination.

(2) The potential for groundwater contamination to spread and impair drinking water supply and water storage for nearby population areas.

(3) The potential of the project, if fully implemented, to enhance local water supply reliability.

(4) The potential of the project to maximize opportunities to recharge vulnerable, high-use groundwater basins and optimize groundwater supplies.

(5) The project addresses contamination at a site for which the courts or the appropriate regulatory authority has not yet identified responsible parties, or where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup, including water supply reliability improvement for critical urban water supplies in designated superfund areas with groundwater contamination listed on the National Priorities List established pursuant to Section 105(a)(8)(B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9605(a)(8)(B)).

SCOPING QUESTION 1

What types of projects should be eligible or given higher priority?

Projects need to establish a "threat" meaning that there needs to be a scientific analysis of impending contamination or loss of groundwater available for drinking water supplies. Legislatively, the word "emergency" can indicate a threat, and we think that those political determinations are not real determinations, but more of financial determinations and should not be allowed.

Is groundwater used for drinking water supplies or just a percentage with a reliance on imported water? If just a percentage, then the threat must be considered as a percentage of need.

SCOPING QUESTION 2

Should some funds be used for loans? If so, how much?

Loans should be used on the smaller percentage projects of threatened groundwater contamination where groundwater is not the main or majority source of drinking water. Cleaning contamination would improve the water source, but imported water or dams provide the reliability.

SCOPING QUESTION 3

How much funding should be set aside for technical assistance to disadvantaged communities? What kind of technical assistance is needed?

Disadvantaged communities, first, should be analyzed as to the risk of their need in the state overall. Some DAC communities would be threatened by loss of all their water and rely on others for supply. If that is the case, a percentage is meaningless against the need.

On the other hand, if groundwater is available, but at risk in the near future, and there are many DAC communities involved in the same or similar situation, then a percentage needs to be derived in relationship to the statewide DAC community need.

Instead of a political battle for funding, those percentages should be on the reliability issues at hand.

SCOPING QUESTION 4

What kind of limits should there be on grant funding amounts?

If in a drought, then limits need to be weighed against replacement costs. If not in a drought or other declared emergency, then there needs to be a regional assessment of groundwater used in drinking water. That is not dams or reservoirs, State Water Projects or Colorado River Water Projects, but pure source supply.

Those regions who have received planning grant funding under IRWMP should not need more planning grants. Those smaller areas who have not taken advantage of the costly water consultants need grant funding to include planning.

SCOPING QUESTION 5

What factors should we consider in determining cost share? How should leveraging of private, federal, and local funds be considered in project' selection?

Fifty percent match is a normal criteria. Leveraging of taxpayer funds outside of the jurisdiction's revenue presents a problem. It should be considered only to reduce the request for grant funds, not as a match.

SCOPING QUESTION 6

What kind of project benefits should we look for or focus on?

Reliability projects described as:

> (1) The **threat** posed by groundwater contamination to the affected **community's overall drinking water supplies, including an urgent need for**

treatment of alternative supplies or increased water imports if groundwater is not available due to contamination.
(2) The potential for groundwater contamination **to spread and impair drinking water supply** and water storage for nearby population areas

SCOPING QUESTION 7

How should the timing of project completion and timeline for project benefits to be realized be considered in project selection?

Project selection should be based on risk of groundwater as the main drinking water supply resource. Completion is based on any construction etc needs and project benefits should be realized immediately.

SCOPING QUESTION 8

How should we assess a community's ability to pay for operations and maintenance of a facility funded by Proposition 1 funds?

Yes, and without O & M there is no reliability. On the other hand, a poor community may need O & M funding. Here, the local and state elected representatives must confer and identify funds.

SCOPING QUESTION 9

What would constitute a reasonable effort to identify responsible parties and recover costs by parties receiving funding?

Responsible parties, here, have taken on a private party definition. If this is a clean-up site with a corporate responsible party, then it is very easy to form new corporations without the financial responsibility.

After the fact collections have almost no guarantee of recoupment.

SCOPING QUESTION 10

How should responsible parties' unwillingness or inability to pay for the total cost of cleanup be evaluated?

Unless the party agrees to reimburse cleanup before funding is awarded and the site is now owned by them, then consideration for purchase of the site before cleanup should be considered by the Applicant.

Without site control, payback is mute.

SCOPING QUESTION 11

When considering a potential project funded under this program should any of the contaminants listed in Proposition 1 or other contaminants not listed, be given higher priority?

Yes, if naturally caused, they qualify as they impair water quality. Prop 65 has been listing cancer causing contaminants for years.

SCOPING QUESTION 12

What areas of the Groundwater Sustainability section of Proposition should be further defined or clarified in the guidelines?

Groundwater Sustainability should mean that contaminants have been identified and removed or diminished in the remaining groundwater for use as a reliability drinking water resource. If spending this funding, there should be reporting and monitoring to guarantee that the source continues its reliability. If not, there needs to be investigation why not and if the request failed to identify sources or source areas to begin with.

Uirban runoff can contaminate, but a cleanup of the groundwater does not guarantee more urban runoff will continue to contaminate.

We have seen, for the past 10 years through a local bond, that little to no science or accurate data is analyzed before determinations are made. Modeling does not work is the modeling lacks enough accurate data.

No baseline data including monitoring means that any result is faulty. Millions can be spent in experimentation. To avoid those issues. Establish a baseline, monitor, anticipate improvements based on data, monitoring more and create the new reliable baseline.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031