

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE  
JUNE 20, 2023**

**ITEM 3**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE AND THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE OR DESIGNEE TO CARRY OUT CERTAIN ACTIONS TO IMPLEMENT THE FEDERAL EMERGING CONTAMINANTS IN SMALL OR DISADVANTAGED COMMUNITIES GRANT PROGRAM.

**DISCUSSION**

The Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA), provides \$5 billion in fiscal years (FY) 2022-2026 to the United States Environmental Protection Agency (USEPA) for the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) grant program, which focuses on addressing emerging contaminants, including perfluoroalkyl and polyfluoroalkyl substances (PFAS), in drinking water in small or disadvantaged communities.

The USEPA will award grants to states to make sub-awards to public water systems. Projects or activities must meet eligibility criteria under the Safe Drinking Water Act (SDWA) §1459A(a) through (j), except that cost-sharing is not required. The EC-SDC grant funds will be administered consistent with the USEPA EC-SDC Grant Implementation Document, released February 2023.

Section 1459A of the Federal Safe Drinking Water Act (SDWA), as amended by the 2016 Water Infrastructure Improvements for the Nation Act and the 2018 America's Water Infrastructure Act, authorizes the USEPA to award grants to states to assist underserved, small and disadvantaged communities that are unable to finance activities needed to comply with the SDWA, as well as respond to a drinking water contaminant. For the purposes of the EC-SDC grant program, "small or disadvantaged communities" are defined in Section 1459A(c) of the SDWA. The primary purpose of eligible projects must be to address one or more emerging contaminants in drinking water.

For FY 2022 and 2023, \$1.891 billion was appropriated to states and territories. Of this amount, USEPA has allocated \$169,115,000 to the State of California.

**POLICY ISSUE**

Should the State Water Board authorize the Executive Director or designee to apply for, accept, and/or amend an annual EC-SDC program grant each year through FY 2026?

Should the State Water Board delegate authority to the Deputy Director of DFA or designee to negotiate, execute, and/or amend EC-SDC grant funding agreements with eligible entities for eligible projects as defined in the SDWA?

Should the State Water Board direct the Deputy Director of DFA or designee to use available EC-SDC funding to fund eligible emerging contaminant projects identified in the State Water Board's 2023 application to USEPA for EC-SDC funding or to fund eligible emerging contaminant projects identified in the Drinking Water State Revolving Fund (DWSRF) Intended Use Plan?

## **FISCAL IMPACT**

The EC-SDC grant program does not require cost share or state match. As specified in the application to USEPA, a portion of the grant can be used for the State Water Board's administration of the grant funds.

## **DIVISION OF DRINKING WATER BOARD IMPACT**

There will be no direct impact to the Division of Drinking Water. DFA staff will consult with Division of Drinking Water staff during project design and construction.

## **HUMAN RIGHT TO WATER ANALYSIS**

The EC-SDC grant will support the human right to water by making additional grant funds available to small or disadvantaged communities for water infrastructure needs. Funded projects will support the State Water Board's efforts to ensure that all Californians have safe and affordable drinking water.

## **STAFF RECOMMENDATION**

Staff recommend adoption of the proposed resolution.