

Department of Public Health

Section 75021 Emergency Grant Draft Criteria

Proposition 84 – Chapter 2 Safe Drinking Water and Water Quality Projects Section 75021 – Safe Drinking Water Emergency Funding (\$10 Million)

Purpose:

Public Resources Code, Section 75021 reads as follows:

(a) The sum of ten million dollars (\$10,000,000) shall be available to the Department of Health Services for grants and direct expenditures to fund emergency and urgent actions to ensure that safe drinking water supplies are available to all Californians.

Eligible projects include, but are not limited to, the following:

- (1) Providing alternate water supplies including bottled water where necessary to protect public health.*
- (2) Improvements in existing water systems necessary to prevent contamination or provide other sources of safe drinking water including replacement wells.*
- (3) Establishing connections to an adjacent water system.*
- (4) Design, purchase, installation and initial operation costs for water treatment equipment and systems.*

(b) Grants and expenditures shall not exceed \$250,000 per project.

(c) Direct expenditures for the purposes of this section shall be exempt from contracting and procurement requirements to the extent necessary to take immediate action to protect public health and safety.

Background

Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 was passed by the voters of California in the general election of November 5, 2006. The California Department of Public Health (CDPH) is responsible for implementing Public Resources Code (PRC) Sections 75020 through 75023 and 75025 (Chapter 2 Safe Drinking Water and Water Quality Projects). Section 75021 allocates funding to CDPH for emergency grants.

CDPH adopted grant criteria for Section 75021 in April 2007. These criteria followed criteria established in the 1980s for the Emergency Clean Water Grant Fund (ECWG), which was created under Chapter 1428, Statutes of 1985 and amended under Chapter 885, Statutes of 1987 (Health and Safety Code 116475). The ECWG criteria were established to provide a process to award and approve grants for emergencies. CDPH is now amending the criteria used to fund Proposition 84 emergency projects.

CDPH reserves the right to modify these criteria, in consultation with appropriate stakeholder groups, as necessary to effectively implement this program. The most

recent criteria will be used for evaluation of a request for funding under this program (Pub. Res., Section 75021.)

Definitions:

As used in this criteria, “public health emergency” means a sudden or unexpected event occurred, is occurring or is an imminent threat, and requires immediate action to avoid or mitigate serious health effects to persons served by a public water system due to the public water system’s inability to provide an adequate supply of safe drinking water to its service area.

Events constituting a public health emergency include, but are not limited to:

(1) a public water system serving a severely disadvantaged community which:

(A) Lacks the technical or financial capacity to deliver water which meets primary safe drinking water standards for which maximum contaminant levels have been established pursuant to Health & Safety Code, Division 104, Part 12, Chapter 4, and

(B) Has submitted a pre-application for funding for a project to address the public health emergency and the project is ranked on the project priority list pursuant to Health & Safety Code section 116760.70.

(2) Disruption or contamination of drinking water supplies caused by events, including but not limited to, fire, flood, earthquake, drought, or other natural disasters.

Criteria

CDPH will utilize grants and direct expenditures to fund response to public health emergency(ies) and other urgent actions needed to ensure that safe drinking water supplies are available to Californians served by public water systems.

Eligible activities include, but are not limited to, the following:

1. Provision of interim alternate water supplies, including bottled water
2. Improvements or temporary repairs to existing water systems necessary to prevent contamination or provide other sources of safe drinking water including replacement wells
3. Establishing connections to an adjacent water system
4. Design, purchase, installation and initial operation costs for water treatment and equipment and systems
5. System Improvements
6. Temporary treatment systems, or interim water treatment
7. Rented, borrowed or purchased equipment replacements

Factors which will be considered by CDPH in determining eligibility include the following:

1. The degree of contamination
2. The nature of the contaminant(s)
3. Whether the health hazard is acute (short term) or chronic (long term)
4. The length of time to which consumers have been or will be exposed
5. Any actual or suspected illnesses
6. Any actions taken by the local Health Officer or the local Director of Environmental Health
7. Whether there are other sources of funds to resolve the public health emergency
8. Whether there is actual water outage, and the duration and extent of the outage(s)
9. Whether the system is experiencing loss of power, and the duration and extent of outage

If CDPH approves a request for emergency funding, it may determine to provide the funding as a grant to the public water system, or CDPH may determine to expend emergency funding on behalf of the public water system, or some combination thereof. A direct expenditure may be via written or oral contract(s). An oral contract is limited to expenditure of a maximum of \$10,000.

Requests for funding will be processed by CDPH in the order received; all requests which meet the eligibility criteria will be funded until the funds are exhausted.

Limitations on eligible costs for Part 1 Emergency:

Funding to address a public health emergency(ies) under subpart (1) of the definition of "public health emergency" ("a Part 1 emergency") shall not exceed \$50,000 per public water system for the duration of a public health emergency. The maximum eligible amount of funding per project for interim bottled water supplies shall not exceed \$30 per month per service connection. The total amount of funding available under Pub Res Code, section 75021 for Part 1 emergency purposes shall not exceed \$2 million.

Limitation on eligible costs for Part 2 Emergency:

Funding to address any other type of public health emergency including those under subpart (2) of the definition of "public health emergency" ("a Part 2 emergency") shall not exceed \$250,000 per project.

Process

Requests for funds must come from a public water system, the local Health Officer, or the local Director of Environmental Health. Requests for emergency funding must be submitted to the CDPH Drinking Water Program District Office having regulatory responsibility for the affected public water system. Applicants for Part 1 emergencies shall submit a description of the proposed project and estimated cost to provide interim water supplies. The District Office will review and verify the facts related to the public health emergency for each request for emergency funds.

When the District Office determines that an application meets the eligibility criteria, and addresses a Public Health Emergency, the District Office will prepare and submit a memo to the CDPH Chief of the Division of Drinking Water and Environmental Management (DDWEM) recommending the use of emergency grant funds. The memo will include the following information:

1. A description of the public health emergency
2. Nature of health threat as a result of the emergency
3. Source of health threat as a result of the emergency
4. How problem was discovered.
5. Other agencies, if any, called for assistance
6. Type of corrective action requested by the local Health Officer or local Director of Environmental Health or public water system
7. The District Office's recommendation for corrective action
8. Actions taken to obtain funds from other sources
9. Anticipated result if emergency funds are denied
10. Recommendation for emergency funding.
11. Likelihood that additional funds will be requested
12. Whether the public health emergency is the result of a toxic spill or contamination
13. If the request addresses a Part 1 Emergency, facts supporting a finding that the public water system lacks technical and financial capacity to address the contamination to be addressed with emergency grant funds

If the request conforms to the criteria for emergency financial assistance, a recommendation for the use of the emergency funds will be sent to the Chief of DDWEM, who shall make the final determination as to approval/disapproval of the application. CDPH will give first priority for use of funds to situations where a public health emergency exists and other funds are not readily available.