



VIA ELECTRONIC MAIL

November 9, 2018
Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



commentletters@waterboards.ca.gov

Re: **Comment Letter – Cleanup and Abatement Funding Program Guidelines**

Dear Ms. Townsend:

On behalf of the California Water Association (“CWA”), I am offering comments on the “DRAFT Cleanup and Abatement Account (“CAA”) Funding – Program Guidelines” document, issued for public review on October 9, 2018. CWA represents nearly 100 drinking water utilities subject to the jurisdiction of the California Public Utilities Commission (“CPUC”). Its members provide safe, reliable, and high-quality water to approximately 6 million Californians – 15 percent of the state’s population – including a significant number living in disadvantaged communities (“DACs”) or eligible for low-income customer assistance (“LICA”) programs.

As community water systems defined as such under Section 116275 (i) of the Health and Safety Code, CWA’s members look forward to applying for CAA funding as the need arises. CWA periodically meets with the staff of the Division of Financial Assistance and appreciates the input and response by staff to its suggestions and input.

I. **Section B: Urgent Drinking Water Needs Projects**

CWA supports the proposed language in the draft guidelines, but it has one request for Subsection B.3, Eligibility Requirements, and specifically for B.3.1, Eligible Grant Applicants. Subsection B.3.1 in the Draft Guidelines states:

Pursuant to section 13442 of the Water Code, the following entities are eligible to apply for funding to address an urgent drinking water need, provided the entity has the authority to undertake the activity for which it seeks funding and the entity is any of the following:

- (1) A public agency that serves a DAC. The Executive Director of the State Water Board, at his or her discretion and on a case-by-case basis, may deem a public agency eligible for funding in order to assist a community that is not a DAC;*
- (2) A tribal government that is on the California Tribal Consultation List maintained by the Native American Heritage Commission and is a DAC, that agrees to waive tribal sovereign immunity for the explicit purpose of regulation by the State Water Board pursuant to Division 7 of the Water code, as well as for enforcement of the funding agreement;*
- (3) A not-for-profit organization serving a DAC; or*
- (4) A community water system that serves a DAC.*

Jack Hawks, Executive Director
California Water Association
601 Van Ness Avenue, Suite 2047
San Francisco, CA 94102-6316
415.561.9650
415.561.9652 fax
415.305.4393 cell
jhawks@calwaterassn.com
www.calwaterassn.com

Melissa Dixon, Administrative Director
California Water Association
700 R Street, Suite 200
Sacramento, CA 95811
916.231.2147
916.231.2141 fax
mdixon@calwaterassn.com

CWA President
Lawrence Morales
East Pasadena Water
626.793.6189
lawrence@epwater.com

CWA Vice Presidents
Keith Switzer
Golden State Water Company

Evan Jacobs
California American Water

Ed Jackson
Liberty Utilities Corporation
562.299.5166
edward.jackson@libertyutilities.com

CWA General Secretary and Treasurer
Joel Reiker
11142 Garvey Avenue
El Monte, CA 91733
626.448.6183
jmreiker@sgwwater.com

CWA Billing Address
California Water Association
700 R Street, Suite 200
Sacramento, CA 95811

CWA Mailing and Shipping Address
California Water Association
601 Van Ness Avenue, Suite 2047
Mail Code: #E3-608
San Francisco, CA 94102-3200

Jeanine Townsend
November 9, 2018
Page 2 of 2

CWA respectfully requests that the final version of the CAA Program Guidelines extend the Executive Director's discretionary authority that exists for public agencies to community water systems in this subsection. Not only will this opportunity assist community water systems serving populations that are at or just above the DAC definition in Section 79505.5 in the Water Code with their technical, managerial and financial ("TMF") capabilities and associated State Water Board TMF Assessments, but also it will serve to minimize the costs and rate impacts for customers of community water systems such that they are not disadvantaged relative to their public agency counterparts.

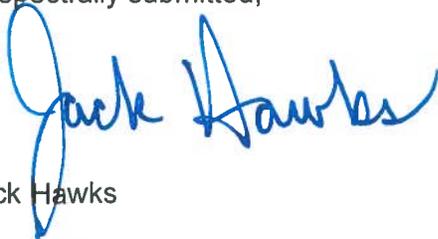
Accordingly, CWA requests that B.3.1 (4) read as follows in the final guidelines:

(4) A community water system that serves a DAC. The Executive Director of the State Water Board, at his or her discretion and on a case-by-case basis, may deem a community water system eligible for funding in order to assist a community that is not a DAC.

II. Conclusion

CWA appreciates the opportunity to provide these comments and this request to the State Water Board. Please do not hesitate to contact me with any questions you may have at (415) 561-9650.

Respectfully submitted,



Jack Hawks

cc: Eileen Sobeck, Executive Director
Leslie Loudon, Deputy Director, Division of Financial Assistance
Darrin Polhemus, Deputy Director, Division of Drinking Water
Martha Guzman Aceves; Commissioner, California Public Utilities Commission
Rami Kahlon, Director, Division of Water & Audits, California Public Utilities Commission
Evan Jacobs; California American Water
Jenn Lukins; Lukins Brothers Water Company
Jennifer Capitolo; Nossaman LLP