

**Safe and Affordable Funding for Equity and Resilience (SAFER)  
Advisory Group**

**March 2, 2023, Meeting Materials Packet**

*Please review this packet before the meeting.*

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# Discussion #1: SAFER Work Plan 2022-24 Executive Summary

Overview, Engagement, Data Acquisition and Systems, Needs Assessment Process, Prioritization and Drinking Water Solutions

## OVERVIEW

The State Water Resources Control Board (State Water Board) is committed to ensuring all Californians have access to clean, safe, affordable, and accessible drinking water. The Safe and Affordable Funding for Equity and Resilience (SAFER) drinking water program advances the [Human Right to Water](#)<sup>1</sup> and is guided by the principles of equity, resilience, transparency, environmental justice, and partnership. A key goal of the program is to bring true environmental justice to California by addressing the disproportionate environmental burdens experienced by some communities and advancing water justice for people of all incomes, races, and cultures.

The SAFER Drinking Water Program Work Plan is a roadmap for the activities and goals, activities, and priorities of the program for the next 2-3 fiscal years. The SAFER Work Plan outlines the steps that the State Water Board and its Division of Drinking Water, Division of Financial Assistance, Office of Public Participation, and Office of Public Affairs will take to ensure that all Californians have access to safe and affordable drinking water. The program focuses on addressing "Failing" and "At-Risk" water systems and domestic well communities, with an emphasis on providing assistance to small, disadvantaged communities that lack the technical, managerial and financial capacity to sustainably provide safe and affordable drinking water. Overall, the SAFER Work Plan is designed to reduce barriers and improve processes for accessing funding, support, or education to achieve safe drinking water for all.

The SAFER Work Plan serves as a management tool for program staff and management and as a communication tool for the public, stakeholders, and partners. The priorities of the SAFER Work Plan were informed by a variety of sources, including the annual needs assessment, the Fund Expenditure Plan, input from interested parties, the SAFER Advisory Group, State Water Board members, and program staff. The SAFER Work Plan is designed to be a flexible, adaptable document that can respond to changing priorities and new challenges as they arise. Each program area has its own strategic focus areas, priority projects, and performance targets, which are outlined in the chapters of the Work Plan. Highlights from all seven chapters are included in this materials packet.

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<sup>1</sup> The Human Right to Water was codified in 2012 as Water Code as Section 106.3. This law recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas.

The SAFER Work Plan includes seven key programs areas:

1. Engagement
2. Data Acquisition and Systems
3. Needs Assessment
4. Drinking Water Solutions
5. Tribal Affairs
6. Funding Process
7. Communications

### **Safe Drinking Water Background**

Ten years ago, California became the first state to adopt the Human Right to Water, which recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.”

While California codified the Human Right to Water in 2012, many Californians, especially those in environmental justice and disadvantaged communities, still do not have access to safe or affordable drinking water. In 2019, Senate Bill 200 established the Safe and Affordable Drinking Water Fund to address funding gaps and provide solutions to water systems, especially those serving disadvantaged communities. Small, disadvantaged communities often do not have the technical capacity to run sophisticated treatment systems, the governance or managerial capacity to operate their water systems effectively, or the financial capacity to support growing operation and maintenance costs, even when funding for capital projects is available. Recognizing the significant challenges in fulfilling the human right to water for Californians in small, disadvantaged communities, the State Water Board created the SAFER drinking water program. To advance solutions, the SAFER program employs a comprehensive approach that includes enhanced data collection, sophisticated data analysis, deployment of multiple funding sources, judicious use of regulatory authorities, innovative outreach and engagement strategies, and robust multi-agency coordination.

The SAFER program uses four primary strategies to achieve our goals of providing safe drinking water to every California community as quickly as possible:

1. Proactively assessing water systems' needs.
2. Engaging with communities and water systems to find sustainable solutions.
3. Increasing emphasis on regulatory compliance.
4. Providing financial and technical assistance where needed.

The State Water Board’s Divisions of Drinking Water (DDW) and Financial Assistance (DFA), supported by the Office of Public Participation (OPP) and the Office of Public Affairs (OPA) serve as the primary administrators of the SAFER program. The Division of Drinking Water engages with water systems, issues permits, and enforces compliance with the

### **Quick Facts**

- Many Californians lack access to safe and affordable drinking water, with communities of color disproportionately experiencing this environmental burden.
- In California, 2300 out of 3000 community and school water systems are small, serving fewer than 3300 connections each.
- 385 out of 3000 community and school water systems in California are failing to meet safe drinking water standards.
- 90% of drinking water violations occur in water systems serving 500 connections or less.

California Safe Drinking Water Act, including ordering consolidations and providing administrator services. Through the Division of Financial Assistance, the State Water Board offers many financial assistance programs to assist with the provision of safe drinking water. The Office of Public Participation provides community engagement assistance to support effective public engagement in the SAFER program and in local and regional drinking water efforts. The Office of Public Affairs coordinates communication with media, including traditional print media, radio, and social media.

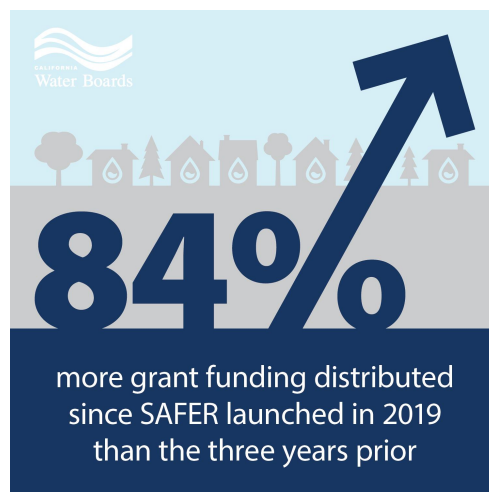
## ENGAGEMENT

Proactive engagement with water systems and communities is at the center of the SAFER drinking water program. The SAFER program recognizes that collaborative partnerships with local experts are essential for having a deep understanding of community needs, building trust, and achieving sustainable drinking water solutions.

We will continue to convene the SAFER Advisory Group. The SAFER Advisory Group provides the State Water Board with advice on many components of the SAFER drinking water program. The Advisory Group is composed of up to 20 appointed members that represent public water systems, technical assistance providers, local agencies, non-governmental organizations, the public, tribes, and residents served by community water systems in disadvantaged communities, state smalls, and domestic wells. The meetings are opportunities for public input, are widely publicized and offer language interpretation and translation services.

The four Engagement Units in the Division of Drinking Water strive to engage directly and proactively with failing and at-risk water systems on local and regional solutions that are robust and sustainable. Although the engagement units strive to work out voluntary agreement and solutions with water systems, regulatory authority granted to the DDW allows for the appointment of administrators to run water systems or mandatory consolidation orders. The Engagement Units work with the district offices in DDW, the Local Primacy Agencies (LPAs), OPP, DFA and others in coordinating and planning their engagement with water systems. The Northern and Southern Engagement Units focus on consolidation efforts, while the Rural Solutions Unit focuses on water systems that are not candidates for physical consolidations. The newly formed County Engagement Unit oversees the work of the LPAs and coordinates with counties on drought response for drinking water. Addressing the needs of domestic well owners and state small water systems is done both through consideration of consolidation alternatives as well as examining issues around household and localized treatment solutions.

The Office of Public Participation and the Division of Drinking Water work closely to develop local and regional engagement approaches for advancing safe drinking water. Meeting topics can range from providing an educational overview of a community's water, voluntary consolidations, mandatory consolidations, the appointment of an administrator, or for larger region-wide efforts. Meetings are both part of our legal public engagement requirements and



are an opportunity for impacted residents to learn about what is happening and provide input on the solutions that would work best for their community. Different tools and strategies are used for each project including provision of language services; accessible meeting venues (in person, virtual, or hybrid); postcards with updates; outreach phone calls; working with local leaders to spread awareness; email and social media announcements; community surveys; and more.



Through our past engagement efforts, we have also come to better understand barriers to engagement. The SAFER program launched an engagement effort to partner and fund local trusted groups to address historical barriers to engagement and to catalyze collaborative solutions in hard-to-reach communities. We anticipate that these efforts will increase early community engagement with SAFER; keep local drinking water projects on track; identify potential risks, issues, or delays; build local capacity; and create a path toward equitable and resilient water governance.

In addition to the meetings and engagement efforts with local and regional projects, the SAFER program also recognizes a broader need to inform and educate Californians on the SAFER drinking water program, ways to access its resources, and documentation of its projects, activities, and results. We will do this through hosting educational workshops; presenting at existing collaborative spaces; using digital tools like the SAFER website, email announcements, surveys, and social media; and more.

Planned engagement activities and projects include:

- Increasing the capacity of staff to engage with the public.
- Increasing the capacity of local partners and communities to engage in local and regional drinking water efforts.
- Standardizing toolkits for engagement that include templates and guidance for improving meeting planning processes.
- Increasing public awareness and understanding of SAFER resources, information on projects and pilot studies, and success stories.

Metrics and performance targets include:

- Number of bilingual communications materials, including informative videos, to inform the public about the program and its processes.
- Quarterly program updates shared via email, social media, and the SAFER website.
- Completion of planning toolkits, guides, and material templates developed for mandatory consolidation processes, administrator appointments, and the facilitation of regional drinking water solutions.
- Creation of a table or tool identifying existing workforce development stakeholders and resources for the creation of a pilot focus group to address drinking water workforce barriers in small, disadvantaged communities within the San Joaquin Valley.

- Number of new partnerships with local leaders and communities that were not previously receiving SAFER assistance.

## DATA ACQUISITIONS AND SYSTEMS

The Water Boards direct and collect vast amounts of data and information on the state's water quality, quantity, and uses, as well as the agency business operations. Timely and accurate information and data are critical in protecting public health, providing assurance to the public, and effectively implementing the SAFER program. Technological improvements in data systems are critical to support improved data intake, decision-making, transparency, and streamlining business functions.

Historically, and as is common with large and complex agencies, data was siloed between offices, programs and even between staff. Additionally, the quality and usefulness of data varied between programs and the formats were often specific to the immediate data collector rather than supporting an agency-wide decision-making process. These disparities hindered the ability of the agency to meet commitments to transparency, well-informed decision making, efficient business processes, and innovation goals.

Today visualizations and dashboards, available for both internal and external stakeholders, are used to communicate information about the status of public drinking water systems, California water rates, the health of aquifers, and domestic wells. These tools also provide information for Administrators assigned by the State to oversee implementation of SAFER initiatives in communities unable to do so on their own, documentation of SAFER Partnerships, and a Drinking Water System Outreach tool.

This Work Plan continues ongoing efforts to improve data analytics in order to properly quantify program needs and improve transparency. It also outlines the approach for continued buildout of the SAFER Clearinghouse including facilitating access to data across all program areas and actions such as:

- Allowing staff to manage their work with failing and at-risk water systems.
- Prioritizing access for all public water systems to the SAFER Clearinghouse.
- Completing the county portal to allow state small water system and domestic well information to be managed in the SAFER Clearinghouse.

To improve ease of use and transparency, an additional priority project is to continue work on the SAFER Dashboard and an Affordability Dashboard. The SAFER Dashboard is the public facing interface to allow stakeholders to view information on water systems including violation history, Needs Assessment results, and other critical information. The Dashboard is already in use on-line; however, continued maintenance and improvements are necessary to keep it current. The Affordability Dashboard, still in development, will highlight potential affordability challenges with drinking water and offer a public facing interface to make affordability information available to the public and other stakeholders.

Performance targets for expanding the SAFER Clearinghouse functionality include:

- Launch of the SAFER Clearinghouse for all public water systems.
- Creation of accounts by 75% of public water systems.
- Inclusion of funding information.
- Development of enhanced reporting metrics and analytics.



## NEEDS ASSESSMENT

A foundational SAFER program activity is the development of a Needs Assessment. The Assessment provides information and recommendations to guide the work of the SAFER program using regulatory, funding, and public engagement strategies to help struggling water systems sustainably and affordably provide safe drinking water. It is comprised of Risk Assessment, Cost Assessment, and Affordability Assessment components that collectively:

- Identify California community water systems and schools, and small water systems and domestic wells that are failing or at risk of failing to provide access to safe drinking water.
- Projects the cost of interim and long-term solutions for these systems.
- Determines the statewide funding gap and affordability challenges that may be barriers to implementing these solutions.

The Needs Assessment, completed annually, informs the annual Fund Expenditure Plan that in turn prioritizes allocation of available state funding and technical assistance for projects. It also provides information on past and planned expenditures.

The Needs Assessment is revised on a yearly basis to incorporate new data and analysis. Priority areas over coming years include:

- Revision of the cost model to identify and implement data collection and analytics for affordability indicators and identify source capacity issues.
- Enhancements of the Affordability Assessment that identify and apply appropriate affordability indicators to better reflect the overall affordability burden, including indicators for state small water systems and domestic well communities.
- Identification of locations lacking adequate source capacity to serve the public, including coordination with the Department of Water Resources and others.

Performance targets relate to the time of delivery of planned enhancements and the utilization of new functions as they become available. They include:

- Updating of the Needs Assessment on a yearly basis.
- Continual assessment of the performance of the Risk Indicators.
- Revision of the Cost Model.

## DRINKING WATER SOLUTIONS

Funding priorities for the SAFER Program are established through the annual Fund Expenditure Plan. In creating the SAFER program, the Legislature's intent was to prioritize the provision of assistance to disadvantaged communities served by a public water system, and low-income households served by a state small water system or a domestic well. Funding priorities are set for two categories of recipients, Community Water Systems

(CWS), and State Smalls (generally defined as a system that pipes drinking water to at least five, but not more than 14 users) and Domestic Wells. The annual Needs Assessment, the priorities set by the regulating entities (including the Local Primacy Agencies that oversee California water systems at the county level) and SAFER Advisory Group input all inform the funding approaches utilized to fulfill SAFER priorities.

Work Plan priorities for CWSs include promoting consolidation, particularly regional-scale consolidations, and expanding the availability of drinking water Technical Assistance. An additional priority is to develop a direct operation and maintenance (O&M) funding program. A series of related initiatives will be used, such as judicious use of enforcement. Key priorities are as follows:



- Enhanced outreach and engagement to:
  - Evaluate the level of interest in consolidation.
  - Provide information that promotes and facilitates consideration of consolidation and other forms of partnerships.
- Financial incentives to encourage consolidation projects.
- Expansion of the Drinking Water Technical Assistance program, including broadening the types of entities able to fulfill this role.
- Development of a direct O&M Assistance Program and accompanying funding guidelines.
- When appropriate, enhanced enforcement, including more frequent fines, and broader use of mandatory consolidation.
- Standardization of enforcement approaches using templates and check sheets during evaluation of the need for consolidations.

A significant Work Plan action is for the SAFER program areas to confer and compile a list of approximately 20-30 water systems designated as high priority systems, with a focus on consolidations, with the goal of either completing a construction project or executing funding agreements within a specific timeframe, generally within the fiscal year.

Performance targets for consolidation of CWS related initiatives include process measures such as the number of letters of interest distributed, the numbers of consolidation/partnership events conducted, the initiation of a specified number of consolidation projects, and executed funding agreements.

Outcome measures include targets for completion of consolidations and the numbers of systems receiving Technical Assistance and direct O&M Assistance.

For State Smalls and Domestic Wells, Work Plan priority projects and activities include:

- Expanded use of County-wide and Regional Funding Solicitation for counties or eligible partner entities to receive funding to implement regional programs that address drought-related and/or contamination issues for state smalls and domestic wells serving disadvantaged communities and low-income households.



- Increased engagement in priority communities across the state by partnering with funding community experts to conduct local outreach and engagement activities and addressing barriers to funding for outreach and Community Partners.
- Implementation of the Point-of-Use and Point-of-Entry drinking water solution pilot project. Point-of-Use is a treatment device applied to a single tap in a home to reduce contaminant levels in drinking water at the treated tap. Point-of-Entry is a treatment device applied to the drinking water entering a house or building to reduce contaminant levels in the drinking water distributed throughout the house or building.



In some cases, water systems are unlikely to be consolidated because they are geographically isolated. While the State Water Board has developed many tools to support consolidation, there is only a limited set of options available to address rural failing and at-risk systems, even though long-term sustainability of these systems will be among the most complex tasks because most current solutions are designed as short-term interventions, for example the assignment of an administrator or infrastructure funding. As a result, the SAFER program has created a Rural Solutions Unit to work on policy development while also providing direct support to water systems. An example of this type of policy work is a Point-of-Entry/Point-of-Use report recently completed by this unit.

Performance targets measure the following:

- Number of programs implemented.
- Number of communities served.
- Initiation of tasks within the pilot projects.

## DISCUSSION QUESTIONS

### Engagement:

1. How do the Engagement priorities align with the goals of SAFER?
2. What other areas of Engagement should be prioritized for improvement in the future?

### Data Acquisitions and Systems:

1. What enhancements would you find helpful for using the water system data?
2. Are there other dashboards or visualizations you would like to see prioritized for development?

### Needs Assessment:

1. What new information or data analysis could better inform your recommendations?

### Drinking Water Solutions:

1. How do the priorities for community water systems align with the goals of SAFER?

2. How do the priorities for state smalls and domestic wells align with the goals of SAFER?
3. What types of drinking water solutions should be prioritized in the future?

## **Discussion #2: SAFER Work Plan 2022-24 Executive Summary**

Tribal Affairs, Funding Process, Communications

### **TRIBAL AFFAIRS**

The State Water Board understands that California tribes face unique challenges to providing clean, safe, and affordable drinking water to their communities. Although federally regulated tribal water systems are regulated by the US Environmental Protection Agency and not by the State Water Board, we recognize there are federal funding gaps that the SAFER drinking water program could support. That's why the SAFER drinking water program engages with California tribal nations through a government-to-government relationship to collaboratively develop tribal-led drinking water solutions.

The Office of Public Participation coordinates the statewide tribal affairs program for the Water Boards and is the office that leads SAFER tribal drinking water solutions. The Office of Public Participation ensures government-to-government consultations are implemented in accordance with the Water Boards Tribal Consultation Policy, shares information with tribes about Water Boards programs, builds relationships with tribal representatives, and increases Water Boards staff capacity to engage with tribes and tribal communities.

The Office of Public Participation serves as a resource for tribes as they navigate the SAFER program funding process. This includes working with the US Environmental Protection Agency to identify tribal water systems that are failing or struggling to provide safe drinking water and conducting targeted and proactive outreach to identified tribes on that list. After outreaching to struggling tribal water systems, the Office of Public Participation supports collaboration between the tribe and the Division of Financial Assistance, technical assistance providers, or other state and federal agencies. Additional activities focus on raising awareness about SAFER resources at existing tribal-focused meetings, events, and communications networks.

Projects and activities include:

- Improvement of the process in which tribal water systems projects are identified, managed, and funded by the State Water Board, including coordination with other state and federal agencies.
- Improvement and expansion of internal resources, systems, and processes to facilitate SAFER program staff skills for working with tribes.
- Increase of external resources regarding the SAFER program including webpages with updated information about SAFER-funded tribal water projects and other resources.

Performance targets include:

- Number of activities completed.
- Percentage of struggling tribal water systems that initiated or moved forward in the SAFER funding process.

## FUNDING PROCESS

A significant Work Plan priority is to improve the efficiency of the funding process that allows distribution of grant funds that provide communities the ability to address their drinking water issues. Areas being addressed include the funding application process, the process of executing agreements, and the administration of grants post agreement execution.

For the application process, key activities and projects include:

- Development of guidelines for the Expedited Drinking Water Grant (EDWG) Program for Small Communities to allow for a simplified application process for certain projects eligible for 100% grant funding and consistent with existing policies and priorities.
- Development of an alternative Financial Capacity Review that would allow for certain 100% grant or principal forgiveness projects to utilize a simplified checklist to complete the financial capacity review portion of the application process.
- Development of procedures for determining grant eligibility of project components benefiting private for-profit systems where an ability to pay analysis is applicable.

For the processes involving execution of agreements, initiatives focus on:

- Development of templates that reduce time needed to complete projects and review required information.
- Introduction of the use of electronic signatures for some documents which will reduce the time it takes to execute an agreement.

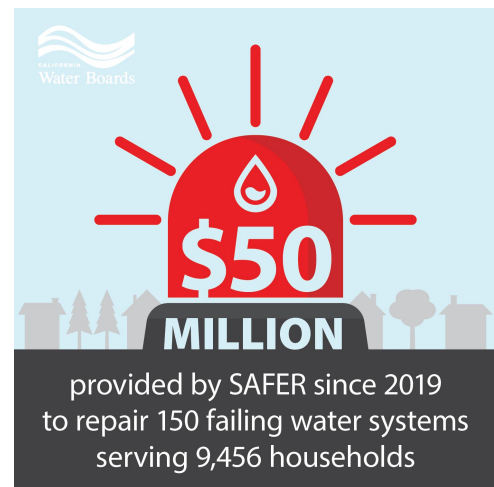
Priorities for improving grant administration post-execution include minimizing cash flow issues for the funding recipients during the implementation phase, streamlining the Final Budget Approval (FBA) process, developing advance payment guidelines, and streamlining disbursement processing timelines.

This includes:

- Development of updated FBA procedures to streamline review of cost increase requests when bids exceed initial cost estimate.
- Establishment of comprehensive advance payment guidelines and procedures that can be generally applied to eligible projects or programs.
- Streamlining of disbursement process timelines by updating and performing process improvements for existing disbursement request requirements.

Performance targets include:

- Measuring the number of completed agreements with mechanisms that incorporate new enhanced funding approaches.
- Reduction in the time to process funding requests.



## COMMUNICATIONS

The State Water Boards Communications Office works to strengthen public support for the Human Rights 2 Water initiatives and engagement with the SAFER program. It does this by promoting public awareness of the program's services, resources, and progress toward securing the human right to water for all Californians.

The Work Plan for communications efforts incorporates four primary strategies:

- 1) Demonstration of clear and continual progress toward the state's goal of ensuring every Californian has access to safe and affordable drinking water.
- 2) Showcasing the innovation and expertise of the SAFER program and how its tools facilitate solutions and empower communities.
- 3) Developing awareness among the media and public of the complexity of drinking water challenges and the need for collective responsibility to achieve long-lasting solutions.
- 4) Informing the public and media about improvements to funding processes and accelerated funding timelines.

Communications Office priority projects and activities leverage the SAFER program developments and milestones of the State Water Board to promote messaging for the strategic focus areas defined above. They include:

- Using press releases and advisories, media interviews, social media posts, event coordination, and visual storytelling in communication channels.
- Using local and national media coverage with messages highlighting improvements for communities, the water systems that serve them, and the benefits to the greater state.
- Tracking pertinent information and staff actions.
- Developing leads for stories, interviewing constituents, determining appropriate media outlets to suggest coverage of the story, preparation of materials, preparing staff for possible interviews, distribution of materials, contacting reporters, coordinating interviews, and follow-ups with reporters.

Through these efforts the Communications Office will work to build support for local and regional actions that develop solutions and goodwill for programmatic, regulatory, and enforcement efforts (i.e., consolidations, administrator appointments, etc.). An additional goal is to reinforce the collective responsibility of all Californians to implement drinking water solutions across the state.

Performance targets for the program include:

- Number of activities conducted.
- Measurement of media reach based on coverage of stories promoting or aligned with featured program messages.

## REVISIONS TO THE SAFER WORK PLAN

The SAFER Work Plan encompasses a two-year timeframe; however, program staff will evaluate and make any needed updates to the plan as appropriate, but at a minimum annually. Program staff will also advise the Advisory Group on the status of Work Plan initiatives, projects, and activities on a quarterly or annual basis. On an annual basis,

program staff will bring the SAFER Work Plan to the SAFER Advisory Group for feedback on major proposed changes.

## **DISCUSSION QUESTIONS**

### **Tribal Affairs:**

1. What recommendations do you have for ways to improve access to drinking water for tribal communities?

### **Funding Process:**

1. How do the funding process focus areas align with the goals of SAFER?
2. What other areas of funding process should be prioritized for improvement in the future?

### **Communications:**

1. How do the communications focus areas align with the goals of SAFER?
2. What other areas of communications should be prioritized for improvement in the future?

## SAFER Advisory Group Updates

This document provides a written update for Advisory Group members on topics related to the SAFER program. There will not be a facilitated discussion on the topics below.

### ADVISORY GROUP MEMBER APPOINTMENTS

The SAFER Advisory Group provides the State Water Board with advice on the Safe and Affordable Drinking Water Fund Expenditure Plan and other SAFER-related policies. The 2023 SAFER Advisory Group appointments were announced on January 19, 2023.

For the 2023-24 term:

- 11 open seats for the SAFER Advisory Group
- 24 applications were received.

Congratulations and welcome to the new Advisory Group Members!

For resources and information regarding the SAFER Advisory Group visit:

[https://bit.ly/SAFER\\_AdvisoryGroup](https://bit.ly/SAFER_AdvisoryGroup).

### SAFER PROGRAM GOAL PROGRESS

The following are the key metrics for the SAFER Program:

Category	FY 2021-22 Progress	No. of Connections Benefiting	No. of People Benefiting	Total Assistance Provided	FY 2022-23 Goal
Interim Solutions	55 communities/schools (1,265 households)	6,451	35,244	\$13 M	50 communities
TA Projects	94 (27 planning via TA)	35,515	128,283	\$14.6 M	100
Planning Projects	10	117,996	335,877	\$4.5 M	10
Construction Projects	37 (26)**	1 M (32,051)**	7.3 M (56,293)**	\$691 M (\$97 M)**	30

**Figure 1 – Key metrics from the Fiscal Year 2022-23 Safe and Affordable Drinking Water Fund Expenditure Plan\***

\*SADW FEP – Safe and Affordable Drinking Water Fund Expenditure Plan



\*\*Numbers in parentheses for construction projects reflect projects in Office of Sustainable Water Solutions (OSWS) benefitting primarily small DACs or low-income households. The work in other categories is solely through OSWS and benefitting primarily small DACs or low-income households.

## CONSOLIDATION PROJECTS

The State Water Board strongly supports voluntary water partnerships in the following processes:

- Sharing of local resources: formal or informal agreements between water systems looking for strategies to share the cost of specialized equipment or services.
- Consolidation: physical or managerial joining of two or more water systems.
- Regionalization: several local public water systems work together to form a combined public water system. Regionalization is a consolidation on a larger scale.

Local, proactive approaches to public water system sustainability will provide the best outcomes. However, when public water systems are failing to meet drinking water standards and/or have inadequate water supply, the State Water Board may order mandatory consolidations in some circumstances, in accordance with Sections 116680-116686 of the California Health and Safety Code.

The first step in the mandatory consolidation process is to issue letters to public water systems, pursuant to Section 116682 of the California Health and Safety Code (CHSC). The recipients of those letters have up to six months from the date the letter is issued to voluntarily consolidate with, or receive extension of service from, a public water system. All letters to public water systems, consolidation orders, petitions, responses, and administrative indices are available to the public upon request.

### Voluntary consolidation: Curtis Creek School and Tuolumne Utilities District

On January 31, 2023, the State Water Board joined Curtis Creek School and Tuolumne Utilities District in Sonora to celebrate consolidation of the school's water system with the district. The utilities district helped the school apply for funding from the SAFER program in September 2021. The consolidation project was fully funded by a grant of \$2.2 million from the State Water Board's SAFER drinking water program. By November 2022, the consolidation was complete, and the school had reliable access to safe drinking water for the first time in its history.

The Curtis Creek consolidation project included the construction of approximately 5,700 linear feet of 12-inch diameter water main with a master meter connection, fire hydrant- rehabilitation, and the disconnection of the existing well from the potable water distribution system. Approximately 200 linear feet of pipeline was installed to separate the potable water and irrigation distribution systems, and additional fire hydrants were placed along the newly constructed water transmission main. In addition to providing safe drinking water, the project improved fire protection for the school and surrounding community, which are in a rural county susceptible to drought and fire.



**Figure 2 – State Water Board and Tuolumne Utilities District staff at Curtis Creek School.**

**TECHNICAL ASSISTANCE**

In December 2021, the State Water Board released the [Drinking Water Technical Assistance \(TA\) Provider Request for Qualifications \(RFQ\) Guidelines](#). As of January 13, 2023, there have been [12 Drinking Water TA Providers](#) approved in the Qualified TA Provider Pool. During State Fiscal Year (SFY) 2022/23 DFA approved funding for 5 new TA agreements for a total grant funding amount of \$56 million. DFA anticipates that the new TA agreements will be executed in the first quarter of 2023.

Interested parties may continue to submit qualifications to act as a drinking water TA provider and assist drinking water systems by providing any combination of administrative, technical, operations, legal, or managerial, or community engagement services. DFA does not plan to fund TA agreements with additional firms during SFY 2022/23. However, as staff continue to monitor TA demand and available funds it is anticipated that DFA may decide to fund additional firms sometime next fiscal year or thereafter.

**SAFER TIMELINE**

The following are tentative dates for SAFER related events:

<b>2023</b>	<b>Topic</b>
<b>02/03</b>	2023 Needs Assessment Workshop
<b>02/06-08</b>	Expedited Drinking Water Grant Program Draft Guidelines Workshops
<b>02/09-10</b>	SAFER Advisory Group Onboarding and Collaboration Session
<b>03/02</b>	SAFER Advisory Group Meeting #1

<b>03/08</b>	Board Consideration on Expedited Drinking Water Grant Program Draft Guidelines
<b>03/TBD</b>	Board Meeting on Administrator Handbook
<b>spring</b>	Board consideration of Drinking Water State Revolving Fund (DWSRF) Policy Amendments
<b>spring</b>	Release of Needs Assessment
<b>spring</b>	Needs Assessment Cost Model Workshop #1: Consolidation
<b>05/18</b>	SAFER Advisory Group Meeting #2
<b>summer</b>	FY 23/24 DWSRF Intended Use Plan
<b>summer</b>	Needs Assessment Cost Model Workshop #2: Treatment cost
<b>08/24</b>	SAFER Advisory Group Meeting #3
<b>fall</b>	Advisory Group member application period opens
<b>fall</b>	Board Consideration FY 23/24 Safe and Affordable Drinking Water Fund Expenditure Plan
<b>fall</b>	Needs Assessment Cost Model Workshop #3: Other essential infrastructure and admin costs
<b>12/07</b>	SAFER Advisory Group Meeting #4

**Figure 3 - Tentative 2023 schedule of SAFER related events**

### **EXPEDITED DRINKING WATER GRANT FUNDING PROGRAM WORKSHOPS**

The Division of Financial Assistance (DFA) released draft guidelines for a new Expedited Drinking Water Grant Program that target specific high priority, grant eligible projects. The guidelines describe a new streamlined application process to enable DFA to commit funds to projects more quickly. The draft guidelines were released on January 6, 2023.

- **Draft Guidelines Workshops**  
 February 6, 2023: Riverside, in-person  
 February 7, 2023: Sacramento, in-person and remote  
 February 8, 2023: Visalia, in-person
- **Board Consideration of Draft Guidelines**  
 March 8, 2023

Public Notices: [English](#) | [Spanish](#)

Materials posted on the [Expedited Drinking Water Grant \(EDWG\) Funding Program](#).

## DRINKING WATER NEEDS ASSESSMENT WORKSHOPS

The State Water Board has been hosting public workshops to provide opportunities for stakeholders to learn about and contribute to the development of the Needs Assessment methodologies. These methodologies will be refined over time, particularly as new information becomes available or as new regulatory changes occur.

The State Water Board continues to host public workshops on proposed changes to the methods used in the annual Needs Assessment. The following includes recent Needs Assessment workshops.

- **Cost Assessment Workshop: Proposed Updates to the Drinking Water Cost Assessment Model**  
August 8, 2022  
Public Notices: [English](#) | [Spanish](#)  
Materials: [White Paper](#) | [Presentation](#)
- **Affordability Workshop 1: Overview of Drinking Water Affordability**  
August 11, 2022  
Public Notices: [English](#) | [Spanish](#)  
Materials: [Presentation](#)
- **Affordability Workshop 2: Potential Affordability Indicators**  
September 20, 2022  
Public Notices: [English](#) | [Spanish](#)  
Materials: [White Paper](#) | [Supplemental Appendix C1](#) | [Supplemental Appendix E](#)
- **Affordability Workshop 3: Affordability Assessment Methodology & Threshold Setting**  
November 1, 2022  
Public Notices: [English](#) | [Spanish](#)  
Materials: [Attachment D1](#)
- **Workshop 4: 2023 Needs Assessment Workshop **NEW!****  
February 3, 2023  
Public Notices: [English](#) | [Spanish](#)  
Materials: [Presentation](#)  
References: [Public Water System Dashboard](#) | [State Small Water Systems & Domestic Wells Dashboard](#)

## 2023 Legislation Related to the SAFER Program

The state legislature reconvened on December 5, 2022, for the start of the new, 2023-2024 legislative session. The State Water Board's Office of Legislative Affairs anticipates additional SAFER-related bills to be introduced and will provide future updates as necessary. Below is a list of bills with potential impacts to the SAFER program that have been introduced as of January 25, 2023. Legislators have until February 17, 2023, to introduce new legislation.

### **SB 3 (Dodd) Discontinuation of Residential Water Service: Community Water System.**

The Water Shutoff Protection Act ([SB 998, Dodd](#); Chapter 891, Statutes of 2018) currently requires public water systems with more than 200 service connections to take certain actions related to the discontinuation of water service due to nonpayment, including:

- Adopting a written policy on discontinuation.
- Posting that policy on their website.
- Waiting at least 60 days before shutting of a customer's water.
- Following certain procedures, such as advanced notice, offering an appeals process, and arranging means of alternate payments.
- Refraining from shutting off water in certain circumstances.

This bill would expand these requirements to water systems with fewer than 200 service connections.

### **AB 249 (Holden) Water: School Sites: Lead Testing: Conservation.**

This bill would require community water systems that serve school sites with buildings constructed before January 1, 2010, to test for lead at each of those school sites' potable water system outlets, on or before January 1, 2027. Local educational agencies and schools must take certain action if lead levels exceed 5 parts per billion, such as notifying parents and guardians, shutting down affected faucets and outlets, and ensuring the availability of a potable source of drinking water.

Additionally, this bill would make two appropriations:

- \$10 million each fiscal year from 2024 to 2027, from funds received from the Bipartisan Infrastructure Law, to pay for drinking water testing, drinking water filters, and school personnel training at school sites subject to this bill's testing requirements.
- \$5 million each fiscal year from 2024 to 2027, from its Drinking Water State Revolving Fund federal allocation, to pay for water efficient faucet and fixture replacements at those same school sites.

### **SB 28 (Glazer) Education Finance: School Facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2024.**

This bill would put before the voters the Public Preschool, K-12, and College Health and Safety Bond Act of 2024 ('Bond Act'). Among other things, the Bond Act would allocate \$150 million to help address lead in school drinking water. Schools built before January 1, 2010 would be able to:

- Apply to the State Allocation Board for grants to test water outlets for lead; and
- Apply for subsequent grants to replace water outlets if test results show lead levels above 15 parts per billion.



## 2022 Legislation Related to the SAFER Program

The 2022 legislative session ended in fall of 2022. The following is a summary of the final disposition of bills with potential impacts to the SAFER Program that moved through the Legislature last year. Each bill met one of three outcomes: (1) it was signed into law by the governor, (2) it was vetoed by the Governor and will not become law, or (3) it failed to advance through the legislature and will not become law.

***NOTE: Bills that were signed by the Governor took effect either on January 1, 2023, or as otherwise noted by the bill.***

### ADMINISTRATIVE

#### **AB 1733 (Quirk) State bodies: open meetings.**

This bill would amend the Bagley-Keene Open Meeting Act to make several changes regarding teleconferencing. This bill also updates the notice requirements for teleconferenced meetings. This bill was an urgency measure. This bill would require state bodies:

- To hold open meetings by teleconference and would allow teleconferencing in closed sessions.
- To provide a means by which the public may remotely attend the meeting and address the state body, including a physical location.

***NOTE: AB 1733 was held in the Assembly Governmental Organization Committee***

*\*SAFER Advisory Group meetings are subject to the Bagley-Keene Open Meetings Act.*

#### **AB 2108 (Rivas, Robert) Water policy: environmental justice: disadvantaged and tribal community representation.**

This bill would make several environmental justice-oriented changes to address disparate water quality impacts in disadvantaged communities. Among the changes, this bill would require the State Water Board and Regional Water Quality Control Boards, collectively referred to as the Water Boards, to:

- Make a finding of environmental justice impacts when issuing waste discharge requirements or waivers and plans or policies,
- Take specified steps to address issues of environmental justice and social equity as early as possible in project planning processes,
- Take actions if funding is appropriated.

***\*NOTE: AB 2108 SIGNED BY GOVERNOR, chaptered by the Secretary of State as Chapter 347, Statutes of 2022.***

#### **SB 1219 (Hurtado) 21<sup>st</sup> century water laws and agencies: committee.**

This bill would require the secretaries of Natural Resources and Environmental Protection Agencies to convene a committee to develop a strategic vision, proposed statutes, and recommendations for a modern 21<sup>st</sup> century set of water laws and regulations, and for state and local water agencies by December 31, 2024. This bill would also require the Governor or the committee to appoint a blue-ribbon citizen commission to assist the committee in making recommendations for improved water resource management.

**NOTE: SB 1219 was held in the Assembly Committee on Water, Parks, and Wildlife**

## CEQA

### **AB 1642 (Salas) California Environmental Quality Act: water system well and domestic well projects: exemption.**

This bill would create a California Environmental Quality Act (CEQA) exemption for well projects that are part of a water system designated by the State Water Board as high risk or medium risk in the Board's drinking water needs assessment. The bill would require that any applicant wishing to use the exemption to first contact the State Water Board to determine whether taking the exemption would impact the project's ability to receive financial assistance.

**NOTE: AB 1642 SIGNED BY GOVERNOR, chaptered by the Secretary of State as Chapter 859, Statutes of 2022**

*\*The SAFER Program Needs Assessment designates water systems as failing or at-risk of failing to provide an adequate supply of safe drinking water.*

## DRINKING WATER

### **AB 1931 (Rivas, Luz) Community water systems: lead pipes.**

This bill would require the State Water Board to provide federal Infrastructure Investment and Jobs Act funding to community water systems to fund the replacement or removal of lead service lines, among other related uses. Community water systems that serve disadvantaged communities would be prioritized for funding.

The bill would mandate that community water systems take measures:

- Before they replace a lead service line or a service line of unknown materials, such as determining the materials on the private side of the line,
- After they replace a lead service line, such as providing customers with educational materials, instructions on flushing, and pitcher filters.

Finally, this bill would expire on the earlier of two dates: (1) January 1, 2025, or (2) when the State Water Board issues regulations conforming with the federal Lead and Copper Rule Revisions.

**NOTE: AB 1931 was held in the Senate Appropriations Committee**

### **AB 2041 (Garcia, Eduardo) California Safe Drinking Water Act: primary drinking water standards: compliance.**

This bill requires the State Water Board to provide a compliance period that gives water systems extra time to adjust to a new drinking water standard. The State Water Board must take the following steps:

- 1) Use information collected during the regulation-setting process to determine which water systems need financial assistance to comply with the Maximum Contaminant Level.
- 2) Work with water systems to develop both a compliance plan and a financial plan.
- 3) Consider whether the compliance plan was implemented when analyzing a water system's Maximum Contaminant Level violation.

**NOTE: AB 2041 was held in the Assembly Appropriations Committee**

**SB 222 (Dodd) Water Rate Assistance Program.**

This bill would, upon appropriation, establish the Water Rate Assistance Fund and the Water Rate Assistance Program, to be administered by the State Water Board. The program would provide water and wastewater bill assistance to low-income residential ratepayers. This bill would require:

- The State Water Board to consult with relevant agencies and an advisory group to adopt program guidelines.
- The California Public Utilities Commission to establish a mechanism for electrical corporations and gas corporations to regularly share data for the program.
- All community water systems and wastewater systems to participate in the program (it would be optional for tribal water and wastewater systems).

**NOTE: VETOED BY GOVERNOR. A copy of the Governor's veto message can be found [here](#).**

*\*SAFER conducts an Affordability Assessment as part of its annual Needs Assessment.*

**SB 1124 (Archuleta) Public health goal: primary drinking water standard: manganese.**

This bill would require the following:

- The Office of Environmental Health Hazard Assessment to prepare a Public Health Goal for manganese on or before July 1, 2025.
- The State Water Board to adopt drinking water regulations for manganese, including a primary drinking water standard monitoring requirement.
- The State Water Board to consider establishing a new manganese Notification Level and Response Level by January 31, 2024.

This bill would authorize the State Water Board to continue ordering community water systems to monitor manganese in their distribution systems and to continue providing funding for manganese-related remediation measures.

**NOTE: Bill was held in the Assembly Appropriations Committee.**

*\*SAFER considers water system compliance with Maximum Contaminant Levels as part of its Needs Assessment.*

**SB 1254 (Hertzberg) Drinking water: administrator: managerial and other services.**

This bill would:

- Provide liability protection to water system administrators appointed by the State Water Board for good faith efforts taken to improve a failing drinking water system.
- Clarify the State Water Board's liability in the context of appointing administrators and would authorize the State Water Board to appoint administrators to drinking water systems which are at-risk of failure.

**NOTE: SB 1254 SIGNED BY THE GOVERNOR, chaptered by the Secretary of State as Chapter 681, Statutes of 2022. This bill was sponsored by the Governor's Administration.**

*\*The Administrator Program is a vital component of SAFER.*

## FUNDING/BONDS/FEES

### **AB 2387 (Garcia, Eduardo) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

This bill would place the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022 before voters for approval at the November 8, 2022, statewide general election. This act would authorize the issuance of \$7.430 billion in general obligation bonds to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development.

Of the funds that would be made available to the State Water Board:

- \$400 million would be for wastewater and drinking water projects
- \$100 million for clean water projects
- \$100 million for groundwater contamination projects
- \$300 million for water recycling projects.

This bill declares that it is an urgency statute.

***NOTE: AB 2387 was held in the Assembly Appropriations Committee***

### **AB 2419 (Bryan) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.**

This bill, among other provisions, would require:

- A minimum of 40 percent of the federal Infrastructure Investment and Jobs Act (IIJA) funds be allocated to projects that benefits disadvantaged communities and disadvantaged unincorporated communities,
- An additional 10 percent be allocated to projects that benefit low-income communities.

This bill would also establish the Justice40 Oversight Committee within the Strategic Growth Council to identify infrastructure deficiencies, recommend projects, track IIJA funds, and develop standards for agencies administering IIJA funds. The oversight committee would be required to submit reports to the Legislature on or before December 31, 2024, and December 31, 2027.

***NOTE: AB 2419 was held in the Senate Appropriations Committee***

### **AB 2536 (Grayson) Development fees: connection fees and capacity charges: studies.**

This bill would require a local agency to:

- Evaluate the amount of a proposed new fee or capacity charge; or
- Increase in an existing fee or capacity charge.

The evaluation must include evidence to support that the fee or capacity charge does not exceed the reasonable cost of providing the service.

The bill would also require a public meeting to discuss the evaluation for a new or increased fees/capacity charges.

***NOTE: SIGNED BY GOVERNOR, chaptered by the Secretary of State as Chapter 128, Statutes of 2022***

*\*Facilitating water system consolidation is a key tool of the SAFER program.*

**AB 2877 (Garcia, Eduardo) Safe and Affordable Drinking Water Fund: tribes.**

This bill would require the State Water Board to work with California Native American tribes to:

- Remove barriers to access funding under the Safe and Affordable Drinking Water Fund (SADW Fund),
- Provide that any waiver of tribal sovereignty required for a tribe to access funding be narrowly drafted to serve both the individual needs of the tribe and make the funding agreement enforceable,
- Publicly post data about tribal funding.

This bill would also require the State Water Board's tribal liaison to participate in all discussions with Tribes about SADW Fund monies, including negotiations over waivers of tribal sovereignty.

***\*NOTE: SIGNED BY GOVERNOR, chaptered by the Secretary of State as Chapter 481, Statutes of 2022***

**SB 1188 (Laird) Safe Drinking Water State Revolving Fund: financial assistance.**

This bill would allow the State Water Board to provide grants, principal forgiveness funding, and zero percent financing from the state's Drinking Water State Revolving Fund to the full extent that such funding is authorized by federal law.

These changes would allow the State Water Board to provide funding to small, non-disadvantaged communities for consolidation projects, public health drinking water projects, and for larger non-disadvantaged communities to encourage consolidation with smaller water systems.

***\*NOTE: SIGNED BY GOVERNOR, chaptered by the Secretary of State as Chapter 680, Statutes of 2022***

**SB 1069 (Umberg) State grant programs: negotiated cost rate agreements.**

This bill would require, any state grant program created on or after January 1, 2023 use the same terms contained in a grantee's federally approved negotiated indirect cost rate agreements and cost allocation policies, to the extent possible and permitted by federal law.

This bill would also require the Department of General Services to establish, by July 1, 2023, a state standard negotiated cost agreement for grantees who do not have a federally approved negotiated indirect cost rate agreement or cost allocation policy.

***\*NOTE: SB 1069 was held in Assembly Appropriations Committee.***

**WATER QUALITY**

**SB 1197 (Caballero) Water Innovation and Drought Resiliency Act of 2022.**

This bill would create the Initiative to Advance Water Innovation and Drought Resiliency at

the Office of Planning and Research. The bill would require the office, to take specified measures on or before December 31, 2024, to advance innovation in the water sector and ensure a drought-resilient economy.

***NOTE: SB 1197 was held in Senate Appropriations Committee***