



Addressing Acute Water Shortage Needs for California's Most Vulnerable Communities

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The three-year period between fall 2011 and fall 2014 was the driest since recordkeeping began in 1895, and recent reports signal that California is headed into its fourth year of drought.¹ As debates continue on the duration of the current drought and the extent of the problem for the state as a whole, thousands of Californians -- the majority of whom are living in rural small and disadvantaged communities (DACs) -- are already living in crisis, experiencing complete water loss, or extreme and acute impacts due to increasing water scarcity and groundwater contamination. In the worst cases, communities have run out of water completely and lack both short- and long-term options for addressing their basic water needs.

Immediate, Targeted Actions Needed to Address Drought Crisis

Increased emergency drought resources, while critical, have not solved the problem for the smallest, most vulnerable communities. Over the last year, the state has committed significant resources toward drought-related water problems statewide, yet small DACs continue to lack the safeguards, tools, and resources to improve their situation. Californians need the Administration and Legislature to take immediate and tailored action to help the increasing number of communities being devastated by this drought. The following recommendations call on the Administration and Legislature to increase technical assistance and financial resources for small DACs, particularly those with no water, contaminated drinking water, and highly vulnerable communities, particularly those served by domestic wells and State Small Water Systems (state smalls).

Recommendations include:

- 1) Proactive Identification & Data Collection on Acute Needs - Proactively identify highly vulnerable communities and fund and support the collection of accurate data and reporting on the number of people statewide (including those on private wells and state smalls) that have experienced complete household water supply loss or are in imminent danger of running out of water, do not have the resources to pay for increased water costs, or lack reliable access to a safe water source.
- 2) Target and Expand Emergency Funding to Fit Needs - Fix drought and drinking water eligibility requirements and expand funding sources to target assistance for private well owners and state smalls.
- 3) Provide Emergency Technical Assistance – Fund additional drought-specific technical assistance and infrastructure funding to assist small communities, including private domestic well owners and state smalls, whose wells have gone dry, to develop both immediate emergency interim solutions and support connection of areas to larger nearby systems.

¹ NOAA National Climatic Data Center, State of the Climate: Drought for January 2015, published online February 2015, retrieved on March 4, 2015 from <http://www.ncdc.noaa.gov/sotc/drought/2015/1>.

Expanded Description of Recommend Actions

Fund and Support Collection of Accurate Data and Reporting

There is general consensus that household water supply loss is grossly under-reported statewide because no mandate currently exists to do so. With few exceptions, the state and individual counties do not collect or report on household water supply loss incidents, making it impossible for the state to fully understand the magnitude of the issue and assess the needs of communities who lack water. For example, the 935 well failures tracked by the County of Tulare, which started tracking this information in September 2014, account for more than half of the “official reports” to the Office of Emergency Services of well failures statewide.² Even in places like Tulare County that are tracking well failures, specifics on the well type or population served by the failed well are unknown. Without further data collection or disclosure it is also difficult to determine how many residents have lost their water supply. This insufficiency of data hinders the provision of resources and aid where it is needed. In certain instances, residents may be afraid to report due to their legal status as undocumented immigrants, possible reprisal by their landlord, or possible investigation by local Child Protective Services. More local and culturally sensitive outreach resources are needed so that those experiencing water loss are taken into account and directed toward available resources.

The State should also conduct a more proactive identification of identify highly vulnerable communities and fund and support the collection of accurate data and reporting on the number of people statewide (including those on private wells and state smalls) that have experienced complete household water supply loss, are in imminent danger of running out of water, do not have resources to pay for increased water costs due to the drought, or lack reliable access to a safe water source.

The State has a variety of tools available to it to develop a more proactive identification analysis to support local and state actions.

- Water Level Monitoring: The California Statewide Groundwater Elevation Monitoring (CASGEM) program is a statewide program managed by the Department of Water Resources (DWR). Groundwater elevation data, collected over the long term and analyzed for trends, could be used identify areas highly vulnerable to declining groundwater levels. DWR is required to perform regional elevation monitoring if no local entity agrees to perform this role.
- Well Information: Under California’s well log statute, DWR is responsible for collecting well logs for every well drilled in the state, which provide information on well locations, depth, construction, and the type of well. DWR was funded to digitize these records and should at a minimum be making aggregated well data and maps available to support more proactive groundwater management, planning and assistance during this drought.
- Drinking Water Data: Cal EPA’s CalEnviroScreen 2.0, in developing its Drinking Water Contaminants Indicator, identified drinking water systems based on available information regarding system boundaries and system source locations, as well as all available water quality information. Accordingly, CalEnviroScreen data layers identify those communities not within identified water system boundaries including private well and state small communities statewide. CalEnviroScreen developed the most advanced data to-date on those communities and residents not served by public water systems. This information, layered with DWR’s water monitoring data, would help identify the communities most vulnerable to drought statewide.

² <http://tularecounty.ca.gov/emergencies/index.cfm/drought/>

Recommendation(s):

- Fund and coordinate collection and reporting of well failures, loss of water, communities unable to pay prohibitive water increases due to the drought, and populations impacted by unreliable access to safe water sources at the county-level, to the Division of Drinking Water at the State Water Board. Reporting by each county should include identification of resources used to assist impacted residents. This reporting should be incorporated into the State Water Board's standing agenda item on emergency drought actions and should also be provided to the Legislature on a quarterly basis.
- The 2015-16 Budget should commit funding and staffing to ensure DWR works with Cal EPA and the State Water Board to adequately utilize their water monitoring and data sources to provide proactive identification of populations and communities, including those on private wells or state smalls, with high vulnerability to loss of a reliable safe water supply, and assist regions and communities to manage their water use.

Target and Expand Emergency Funding to Fit Needs:

- 1) Fix Drought and Drinking Water Eligibility Requirements: A major reason for our support of the Drinking Water Program transfer was the opportunity to integrate the Program's authority over public water systems with the State Water Board's authority over the two million Californians not served by the Program when it was under the Department of Public Health. Despite this new combined authority, DACs still face many barriers to securing funds from the limited amount of drought emergency resources. First and most notably, domestic well owners and state smalls are not eligible for funding from the State Revolving Fund (SRF) or from most other public resources. Furthermore, because private well owners and state smalls are not regulated under the Safe Drinking Water Act, there is no comprehensive database of who is served by these small systems and private wells, no water quality data, and no way to obtain this information.

One of most effective ways of reducing the cycle of vulnerability with domestic wells and state smalls is to, where feasible, consolidate them with a larger public water system. The SRF Consolidation Incentive Program encourages consolidation of two or more public water systems, awarding additional points in the priority ranking criteria if this process assists a system struggling to meet health standards become compliant. This program, however, is only available to public water systems that consolidate with other public water systems. Projects between a public water system, domestic wells, and/or state smalls, or a combination of these systems, are, unfortunately, not eligible to receive consolidation incentives. The program must expand to address opportunities to connect state smalls and domestic wells to larger reliable drinking water systems.

Drought specific resources committed in the drought-relief package of 2014 and recent disaster declarations by the Governor have provided resources for domestic wells and state smalls projects, but these resources are running low and only available for a limited term. Furthermore, the restrictions on eligibility have created barriers to funding projects that assist rental properties due to concerns over the gift of public funds. This interpretation alone has halted assistance to hundreds impacted by the drought and will continue to limit the effectiveness of drought outreach to the most heavily impacted and disadvantaged communities. It is vital that residents can receive assistance regardless of whether they own property or not.

Recommendation(s):

- SRF should set aside funding to be made available for communities on domestic wells and state smalls, particularly those experiencing complete household water supply loss, or extreme and acute impacts due to increasing water scarcity, and groundwater contamination, to connect them to larger public water systems.
- Eligibility for the SRF Consolidation Incentive Program should be extended to include consolidations with domestic wells and/or state smalls to form a reconstituted or new public water system. Since the State Water Board now operates funding for both water and wastewater programs, consolidation incentives should apply to funding under both programs. For example, if a public water system reaches out to extend water service to neighboring homes with dry domestic wells and the jurisdiction that operates the public water system lacks funding for wastewater infrastructure, the State Water Board should be flexible enough to allow a consolidation benefit for wastewater funding to the consolidating jurisdiction.
- Drought-related emergency resources, including food and water to communities in need, should be made available to all drought impacted residents regardless if they are property owners or renters.
- Resources should be made available for emergency funding assistance to ensure water affordability in DAC communities impacted by drought, consistent with the Human Right to Water Act.

2) Renew Drought Specific Infrastructure Funding Allocations: In March 2014, California Governor Jerry Brown signed into law a \$687 million drought-relief package to deal with water shortages statewide. This included:

- \$15 million in State Budget General Funds (General Funds) for public water systems experiencing emergency drinking water shortages. In less than a year, the \$15 million in General Fund drought-relief committed in 2014 assisted 75 public water systems in undertaking emergency drought projects ranging from major system repairs to the purchase of bottled water.
- \$4 million in Clean-Up and Abatement Account funding (CAA) for communities, including very small systems and private well owners dealing with drinking water contamination exacerbated by the drought. The was used to address the emergency needs of 14 DACs, including hundreds of domestic well owners and residents whose drinking water is unsafe and has been exacerbated by drought conditions. The CAA has proven to be the most effective tool in addressing the needs of domestic well owners and state smalls.

In September, the Governor also issued an executive order authorizing the Office of Emergency Services (OES) to work with counties and local agencies to assist communities, including domestic well owners, experiencing water shortages; however, the scope of projects funded through OES is limited.

A recent report by the State Water Board staff indicated that drought resources committed in March of 2014 are nearly depleted. It is unclear if General Fund money of this type has been included in the Governor's proposed 2015/2016 budget. Considering the worsening drought conditions in many parts of the state, it is recommended that even more funding be appropriated in the 2015/2016 budget.

Recommendation(s):

- The 2015-16 Budget should allocate at least an additional \$15 million from the General Fund for drought emergency drinking water projects.
- The 2015-16 Budget should allocate an additional \$4 million in CAA funding, with a mandate to focus on the needs of the most vulnerable communities.
- Allocate up to fifty percent of any DAC drought funding to address the needs of domestic wells and state small systems.

- Expedite the allocation of drought Budget resources, particularly resources meant to assist communities experiencing water loss or in imminent danger of water loss or water shut off due to the drought.
- California Office of Emergency Services has been critical to the communities most in need, particularly private well owners and state small communities. Still, we believe drinking water related activities would be best administered and coordinated by the SWB Drinking water Program. As such the 2015/2016 budget should reflect emergency funding and staffing needs adequate to address the growing drought needs of all communities, including domestic well owners and state smalls.

Provide Drought-Specific Emergency Technical Assistance

Drought impacts require significant and specialized technical assistance to support both emergency actions to ensure access to safe drinking water for residents, as well as support for development of more permanent solutions, such as consolidations. Additional technical assistance resources are needed to ensure the communities that need it most can access funding opportunities and develop the best solution to meet the community needs.

Recommendation(s):

- Provide additional drought-focused local technical assistance grant funding to local, specialized third-party providers through the State Water Board.
- Provide additional PYs to the Division of Drinking Water and Local Primacy Agencies (LPAs) to support collaboration with LPAs and the Drinking Water Program’s regional engineers to develop and staff an emergency assistance program. This could be a robust circuit rider program, or it could be a hotline that would connect well owners to call resources.
- Create a “Drought Ombudsman” position that will help address impediments to tackling the needs of the communities most vulnerable during this drought. Increased coordination between state- and local-level agencies, the Legislature, and stakeholders is needed, particularly on matters impacting small DACs.
- Develop a robust office within the State Water Board to target assistance strategically and comprehensively to small disadvantaged communities to implement the Human Right to Water. This should be done through the 2015/2016 budget process.

For questions related to this fact sheet, please contact: Contacts: Omar Carrillo [916-706-3346; omar.carrillo@communitywatercenter.org], Jennifer Clary [415-369-9160; jclary@cleanwater.org] & Phoebe Seaton [559-369-2790; pseaton@leadershipcounsel.org]