

California Department of Public Health (CDPH)  
Division of Drinking Water and Environmental Management (DDWEM)  
**Safe Drinking Water State Revolving Fund (SDWSRF)**

**2012 Draft Project Priority List (PPL)**

**Response to Comments**

The CDPH posted to its website a notice dated February 14, 2012, concerning the availability of the 2012 Draft SDWSRF PPL for public review and comment. The notice established that written comments would be accepted on the 2012 Draft SDWSRF PPL no later than 5 p.m. on March 23, 2012. The internet posting also noted that a public hearing would be held in Sacramento on March 23, 2012.

During the public review and comment period from February 14 to March 23, 2012, CDPH received written comments from:

1. Wade and Leslie Braker, Owners  
Mobile Plaza MHP  
4812 Esmar Road  
Ceres, CA 95307
2. Thirty two letters from 32 customers resided at the Mobile Plaza MHP
3. A letter via email from:
  - Esmeralda Soria, California Rural Legal Assistance Foundation (CRLAF)
  - Jennifer Clary, Clean Water Action (CWA)
  - Enid Picart, California Rural Legal Assistance, Inc.(CRLA)
  - Laurel Firestone, Community Water Center (CWC)

CDPH also received several oral comments from Ms. Esmeralda Soria of California Rural Legal Assistance Foundation, at the March 23, 2012, public hearing.

**A summary of the oral comments and CDPH response follows:**

Comment:

Athal Mutual Water System (MWS) (1500289) project is ranked in category M in the Draft 2012 SRF PPL. This system recently had a well collapse and out of water source. The project should be reranked to category E.

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Response:

Athal MWS currently is drilling a new well and the funding for the new well is being provided by USDA and Prop 84 emergency grant funding. The new well is expected to be operational by early May 2012. CDPH has re-ranked the project to category E. However, CDPH will only invite Athal MWS to apply for SRF only if the current project problem is not fully solved with USDA and Prop 84 emergency grant funding.

Comment:

City of Dos Palos (2410002-003) project is ranked in category G with zero bonus points. The system is believed to be serving disadvantaged communities therefore bonus points should be awarded based on their low median household income (MHI).

Response:

As discussed in the 2011 SRF Intended Use Plan (IUP), bonus points are used in ranking projects within a category. The addition of bonus points will not move a project from one category to another. CDPH now invites all projects within Categories A to G to submit applications for SDWSRF funding. The only case where bonus points play a role in determining the invitation list is the Green Project Reserve, category H.

Comment:

Le Grand Community Services District (CSD) (2410011-005) project is currently ranked in category L. The system has three wells and two of the wells have arsenic levels exceeding MCL. Should the project be ranked in category G?

Response:

Category G ranking criteria is for water systems that distribute water containing chemical or radiological contamination exceeding a State or Federal primary drinking water standard. No documentations have been received by CDPH district office indicating that there has been a violation of MCL to justify for category G. However, as a result of the public comment, CDPH district office has reviewed water quality monitoring data and contacted water system representative to inquire on current operation of the system. Le Grand CSD is serving water out of a standby well that exceeds arsenic MCL due to pump failure at the other two active wells. Le Grand CSD indicates that they will request to change the standby well to active and comply with monitoring requirements for active wells. CDPH has re-ranked this project to category G.

**A summary of the written comments and SDWSRF response follows:**

1. From the owners and residents of the Mobile Plaza MHP:

Comments:

The Mobile Plaza MHP provides affordable housing in a very economically depressed areas of the state and of the country. The cost of a treatment plant option to lower arsenic in the water from current level of 13 ppb to below 10 ppb has been estimated at \$200,000. The residents of this community can not afford this cost and request the government to grant money to fund the arsenic treatment plant.

Response:

CDPH appreciates the effort the owners and 32 customers of Mobile Plaza MHP made to comment on the PPL. CDPH evaluates each application for funding for its financial capability to determine a loan and/or grant component(s) of the funding package. Grant determination depends on several factors including evaluation of median household income of the community served by water system. A small community water system or nontransient noncommunity water system, owned by a public agency or private not-for-profit water company, serving severely disadvantaged communities may be eligible to receive up to 100 percent of eligible project costs in the form of a grant if the system cannot afford a loan as determined by CDPH pursuant to Section 116761.20. The Mobile Plaza MHP project is ranked in category G. CDPH encourages an application be submitted in the next invitation solicitation.

2. From CRLAF/CWA/CRLA/CWC:

Comment:

CRLAF/CWA/CRLA/CWC recognize an important change in the SDWSRF over the past two years with the implementation of the Tier 2 planning projects which is a much-needed interim step that allows water systems to more accurately determine how to address their drinking water challenges. There is a need to update the PPL to more accurately reflect the nature and ultimate goal of the Tier 2 projects. It appears that systems that are placed on the Tier 2 Fundable List are removed from the PPL. The fact that some systems are using SRF funding to better define their project shouldn't result in their removal from the PPL.

Response:

As CRLAF/CWA/CRLA/CWC have recognized, with the implementation of the Tier 2 planning projects, more small and/or disadvantaged systems have received funding needed to conduct studies to accurately determine the most economical solution to

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address their drinking water problems. The goal of Tier 2 projects is to assist systems to be ready to proceed to construction of the project that will solve their problem.

Tier 2 projects that received SRF planning funding, meaning having an executed planning funding agreement, are removed from the PPL. It is for better tracking and managing of the PPL. However, recognizing that systems' problems would only be solved when construction project is complete, CDPH has developed a fast track for projects that have completed planning and ready for construction to get funding by allowing these systems to submit application for construction without having to wait for an invitation from the CDPH. CDPH will identify Tier 2 planning projects that are ready to construction in the IUP.

Comment:

CRLAF/CWA/CRLA/CWC are concerned that in the past two years, about 100 projects from categories A-G have been placed on the Fundable List and removed from the PPL. CRLAF/CWA/CRLA/CWC recommend keeping these projects on the PPL and adding a column indicating the year the projects were added to the Fundable List.

CRLAF/CWA/CRLA/CWC cite as an example that several projects appeared on the 2010-2011 Fundable List are also on the 2011-2012 Fundable List and offer reasons for projects not getting funded by end of fiscal year. CRLAF/CWA/CRLA/CWC recommend that the progress of these projects be shown on the PPL.

Response:

As stated in response to the previous comment, CDPH does not remove a project from the PPL when the project is placed on the Fundable List. CDPH only removes a project from the PPL when the project receives either a planning or a construction funding agreement from SDWSRF or a construction funding agreement from Proposition 84. Some of the project reduction also reflects clean up of the PPL such as removal of multiple applications for the same problem.

The PPL is posted to the SDWSRF website once adopted or finalized and remains active until replaced. The 2012 PPL contains almost 5000 pre-applications. Of those 5000 pre-applications, CDPH invites projects that are ranked in categories A through G, and some in category H for water meters to submit full application for funding consideration. CDPH identifies projects that have completed the application process and will likely move forward to receiving a funding agreement by the end of the fiscal year to establish the Fundable List. The Fundable List will be published to the SDWSRF website along with the IUP and may get revised as a result of projects rotating in and out of the funding cycle. CDPH will also publish Tier 2 planning projects that are ready

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to construction in the IUP. These lists would provide a more accurate mechanism for tracking the progress of projects on the PPL.

Comment:

CRLAF/CWA/CRLA/CWC recommend that a column be included in the PPL that identifies the year in which a project was added to the list.

Response:

CDPH has added the year in which a project was added to the list to the final PPL.

Comment:

CRLAF/CWA/CRLA/CWC mention some projects in category B that have been on the PPL for several years and are concerned of the seriousness of their problems and the time it is taking to solve the problems. CRLAF/CWA/CRLA/CWC recommend that CDPH take action to discover those systems in which the violations that prompted the regulations still exist, and to identify methods to persuade or compel recalcitrant systems to address their ongoing drinking water challenges.

Response:

CDPH did not make any changes to the PPL as a result of this comment but appreciates the suggestion. CDPH will begin looking into which public water systems have been on the list in high ranking categories without any progress. CDPH will then evaluate different methods to persuade or compel recalcitrant systems to address their problems including enforcement actions, using third parties' assistance provider via Assistance Referral program, and partnering with the Local Primary Agencies.