



ENVIRONMENTAL LAW FOUNDATION

April 14, 2021

Submitted Via Email

Patrick Pulupa, Executive Director
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Re: Draft Drinking Water Early Action Plans For The Modesto and Turlock, Chowchilla, Kings, and Kaweah Management Zones

Dear Mr. Pulupa:

Thank you for the opportunity to provide comment on the above-referenced Drinking Water Early Action Plans (EAPs).¹ Organizations signed onto this letter have engaged extensively in both the creation of the relevant Salt and Nutrient Management Plan and the development of the EAPs. We have a significant interest in ensuring that EAPs are developed and implemented effectively to the benefit of all impacted communities and households within each management zone and in ensuring that the EAPs are meaningfully informed by impacted residents.

We are committed to ensuring that every resident within the management zones' purview has their Human Right to Safe and Clean Drinking Water affirmed and that dischargers are accountable for the harm they have caused, and are still causing, communities across the Central Valley.

These organizations work alongside and/or represent residents of many disadvantaged communities that reside within the relevant management zones to ensure that our comments are consistent with the broader interest of such communities. We provide the following comments in

¹ The EAP submitted by the Tule Management Zone is addressed in a separate letter.

order to ensure that the implementation of EAPs is adequate to identify households impacted by nitrate pollution and address the drinking water needs of those affected.

Each of the EAPs addressed in this letter were developed following at least some outreach and engagement efforts that included virtual community meetings and efforts to inform impacted communities about opportunities to engage. However, significant improvement is needed on outreach and engagement of impacted communities and households during implementation of the EAPs. We acknowledge that the COVID-19 pandemic made outreach more challenging, but effective outreach and engagement must be a continuous focus for these EAPs to be successful.

For the reasons stated in this letter, we recommend conditional approval of these EAPs. Conditions of approval must include but are not limited to all of the following:

- Improvements to outreach and engagement to ensure that all impacted communities and residents know about this program and have meaningful opportunities to participate and engage in implementation;
- Revisions to ensure that drinking water solutions are selected in consultation with impacted residents;
- Revisions to ensure that all impacted public water systems and state small water systems are targeted for engagement and drinking water solutions;
- Revisions to those EAPs that have not already been revised to target outreach and well testing to areas that may exceed 7.5 mg/L N;
- Revisions to include a mechanism to allow water quality testing and delivery of drinking water solutions to tenants if a landlord does not provide permission for well testing;
- Revisions to require door-to-door outreach to households that do not respond to mailers and other outreach efforts;
- Revisions to ensure that bottled water is provided in sufficient quantities and in volumes that work for all impacted residents; and
- Provision of detailed information regarding funding mechanisms, budgets, and mechanisms to increase funding if needed.

A. Legal Requirements

a. Basin Plan Language

The Central Valley basin plan amendments require that a Preliminary Management Zone Implementation Plan include, among other things, both of the following:

- “An Early Action Plan to address drinking water needs for those that rely on public water supply or domestic wells with nitrate levels exceeding the water quality objective;” and

- “Documentation of process utilized to identify affected residents and the outreach utilized to ensure that they are given the opportunity to participate in development of an Early Action Plan.”²

Further, the EAP itself must include all of the following components:

(i.) A process to identify affected residents and the outreach utilized to ensure that impacted groundwater users are informed of and given the opportunity to participate in the development of proposed solutions;

(ii.) A process for coordinating with others that are not dischargers to address drinking water issues, which must include consideration of coordinating with affected communities, domestic well users and their representatives, the State Water Board’s Division of Drinking Water, Local Planning Departments, Local County Health Officials, Sustainable Groundwater Management Agencies and others as appropriate;

(iii.) Specific actions and a schedule of implementation that is as short as practicable to address the immediate drinking water needs of those initially identified within the management zone, or area of contribution for a Path A discharger, that are drinking groundwater that exceeds nitrate standards and that do not otherwise have interim replacement water that meets drinking water standards; and

(iv.) A funding mechanism for implementing the Early Action Plan, which may include seeking funding from Management Zone participants, and/or local, state and federal funds that are available for such purposes.³

With respect to the timeline for implementation, the BPA states that “[i]mplementation of the Early Action Plan shall begin as soon as is reasonably feasible, but no later than 60 days after submittal, unless the Central Valley Water Board deems the Early Action Plan to be incomplete.”⁴ If the EAP is incomplete “[a] revised Early Action Plan must be resubmitted and implemented within the time period directed by the Board’s Executive Officer.”⁵

² Amendment Language For The Sacramento River And San Joaquin River Basin Plan And The Tulare Lake Basin Plan (“BPA Language”), p. 47, available at https://www.waterboards.ca.gov/centralvalley/water_issues/salinity/salt_nitrate_bpa/sncp_accepted_by_la_ng_official.pdf.

³ *Id.* at p. 48.

⁴ (“BPA Language”) at p. 53.

⁵ *Id.*

b. SWRCB Resolution

The State Water Resources Control Board (“SWRCB”) approved the Central Valley basin plan amendments pursuant to Resolution No. 2019-0057. The Resolution contains guidance regarding the SWRCB’s interpretation of the basin plan amendments and direction to the Central Valley Regional Water Quality Control Board (“Regional Board”) regarding revisions to the amendments. As relevant to the EAP, the Resolution states the following:

- EAPs are “intended to address the immediate needs of those drinking groundwater from public water supply or domestic wells that exceed the primary maximum contaminant level for nitrate.” (R. 2019-0057 p. 2.)
- “In developing and implementing Early Action Plans...dischargers shall meaningfully consult with affected residents, affected water systems, representatives of environmental justice organizations and other stakeholders. The Central Valley Water Board shall ensure that this consultation occurs...” (R. 2019-0057 p. 4.)
- The Regional Board “shall consult with the State Water Board Division of Drinking Water on its approval and implementation of Early Action Plans...in order to facilitate the employment of effective and appropriate mechanisms for providing drinking water in the short- and long-terms and ensure that the dischargers’ provision of drinking water is consistent with any related activities by the Division of Drinking Water.” (R. 2019-0057 p. 4.)
- The Regional Board “shall ensure that affected residents in localized areas within management zones with nitrate concentrations exceeding 10 mg/L (‘hot spots’) are identified and provided access to drinking water through Early Action Plans...” (R. 2019-0057 p. 4.)
- “...Early Action Plans must include a funding mechanism...” (R. 2019-0057 p. 4.)
- The basin plan amendments must be revised to include “a residential sampling program that is designed to assist in identifying affected residents within portions of the management zone where nitrate concentrations in the shallow zone may exceed nitrate concentrations of 10 mg/L and where there are nitrate discharges from regulated sources that may impact groundwater. Such sampling shall occur only with the consent of the current resident, and the availability of such sampling shall be included in the management zone’s outreach efforts.” (R. 2019-0057 p. 8.)

B. Coordination With SAFER

Coordination with the SWRCB’s Safe and Affordable Funding for Equity and Resilience (“SAFER”) Program is critical to the success of the EAPs and the SAFER Program. The EAPs must promptly provide well testing and short-term drinking water solutions to communities and households impacted by nitrate. At the same time, they must work with the Division of Drinking Water and technical assistance providers to ensure that testing for other contaminants and

solutions for households and communities impacted by multiple contaminants is provided in conjunction with nitrate testing.

The EAPs must be revised to include a section on SAFER coordination that commits the management zone to working collaboratively to identify opportunities to address other contaminants. These discussions must, at a minimum, include the Regional Board, SWRCB, Self-Help Enterprises, and the management zone. We request that a coordination agreement or cost sharing agreement be negotiated and in place as implementation begins on May 7, 2021.

We note that it is our understanding that the Modesto/Turlock Management Zone has initiated discussions with California Rural Water Association (CRWA) on developing a cost sharing agreement for sampling co-contaminants and providing replacement water through SAFER. (p. 57) The Management Zone plans to continue these discussions with CRWA with the goal of having an agreement in place by the time EAP implementation begins. In addition, where available, the plan states that “VWC will coordinate with other local and state agencies where opportunities arise to partner and obtain additional funding to address co-contaminants in the Turlock and Modesto Management Zones.”

Recommendation for Each EAP: We request that a coordination agreement or cost sharing agreement be negotiated and in place for each EAP as implementation begins on May 7, 2021.

C. Community Engagement In Developing The EAPs

Each of the Management Zones addressed in this letter conducted some outreach and engagement during development of the EAPs, though we ask for specific improvements in community engagement going forward as discussed below.

Modesto/Turlock

The Modesto/Turlock Management Zone conducted outreach and engagement to identify and engage with communities in the development of the EAPs. The initial outreach steps included; collecting information regarding the languages spoken in the communities, providing translation services, outreach to non-dischargers who are willing to assist in the facilitation of outreach efforts and ensuring meeting summaries and presentation materials are available on VWC website, social media platforms. Outreach efforts also included:

- Preparation of flyers and educational materials to support community outreach meetings;
- Coordination activities with local NGOs including;
 - Meeting with Self-Help Enterprises regarding local capacity to support Management zone efforts;
 - Assistance by LCJA in preparation of a community-friendly flyer with Spanish translation;

- Meeting with Modesto Junior College and California State University – Stanislaus to develop partnership in outreach activities; and
- Ongoing discussions with California Rural Water Association on developing a cost sharing agreement for sampling co-contaminants through SAFER.

Despite these commendable efforts, our sense is that there was little engagement by impacted residents throughout the development of the EAP. We appreciate the Management Zone’s commitment to improving outreach and engagement efforts going forward, and the commitment to form advisory committees for both the EAPs that include impacted residents. We look forward to working with the Management Zone to expand outreach efforts during implementation.

Chowchilla

As noted in our prior letter to the Chowchilla Management Zone, the Management Zone took some positive steps to allow impacted residents to effectively participate, including working with Self-Help Enterprises to provide translated flyers, outreach to impacted communities, and live translation at meetings. However, the Management Zone ultimately fell short of our expectations for meaningful consultation with impacted residents. While we appreciate that the Management Zone held three virtual meetings (October 7, 2020, December 11, 2020, and January 29, 2021), we note that the meetings took place at times that are inaccessible to those who work during the day (3:30 p.m., 1:00 p.m., and 1:00 p.m., respectively). Additionally, the number of virtual meetings was inadequate to ensure that the Management Zone was meaningfully consulting with impacted communities. The Management Zone also failed to establish an advisory committee to inform EAP development. Most importantly, our sense is that there was very little actual engagement of impacted community residents throughout Chowchilla EAP development.

Kings

In our comments on the EAP submitted to the Kings Management Zone on February 22, 2021, we noted that while the Management Zone conducted some outreach in developing its EAP, and took some positive steps to try to engage impacted residents, our sense is that very little actual engagement of impacted residents took place. The Kings Management Zone held two virtual community meetings — on November 19, 2020 and January 28, 2021 — but participation from impacted residents was low. We acknowledge that the Management Zone sent out mailers and took steps to try to publicize the January 28, 2021 meeting, but the low participation from impacted residents evidences the need to conduct additional outreach going forward. We also would have liked to see 2-3 more community meetings during the process of developing the EAP.

The Management Zone appears to acknowledge that participation was not what it needs to be in their response to comments, noting that “[i]mplementation of the EAP will be an on-going effort, and it is anticipated that a significant outreach will be required” and committing to forming a Stakeholder Committee that will meet at least bi-monthly.

To improve outreach and engagement, we ask that the Kings Management Zone establish an advisory committee that includes impacted residents to guide EAP implementation, that it hold regular public outreach meetings at accessible times and in locations throughout the Management Zone, and that it take additional steps to inform impacted residents of opportunities to engage, including door-to-door outreach in communities at risk of nitrate nearing the drinking water standard.

Kaweah

We commend the Kaweah Management Zone for convening an Advisory Committee, which included impacted community members, environmental justice organizations, and other stakeholders. The KWF Advisory Committee met five times and was able to advise the KWF Board of Directors on the development of the EAP. The Kaweah Management Zone Advisory Committee was helpful to the development of the EAP and should be maintained moving forward, and ideally be expanded to include additional local community member voices.

We also appreciate that the Management Zone held four public workshops, and that the meetings were held at various times, providing community residents who work the opportunity to attend. The Management Zone worked with Leadership Counsel, Community Water Center, and others, to notify the public and impacted residents about the opportunity to engage through direct mailers and flyers, and also gave us the opportunity to review some workshop materials in advance.

Despite these efforts, the scope of outreach activities that are necessary to effectively engage with the community at large requires an improved effort. We ideally would have liked to see at least 1-2 more virtual meetings at varying times to provide more opportunities for impacted residents to engage. Of significant concern is the fact that Spanish language participation was compromised at the January workshops due to technical difficulties. For example, residents informed us that they were unable to dial in to the Spanish-language participation option at more than one workshop. A technical assistance line was made available — but some residents were not able to join because of the technical difficulties.

Most attendees at the virtual meetings have been dischargers and their representatives, and representatives of community-based organizations including Community Water Center and Leadership Counsel. Given this gap, we offered Kaweah Management Zone, in addition to the Kings and Tule management zones, the opportunity to present to the AGUA coalition — but this should not be considered a substitute for direct engagement by the Management Zone with impacted residents.

We readily acknowledge the challenges of outreach and engagement during the pandemic — and we appreciate that Kaweah Management Zone showed a level of effort greater than the other Management Zones — but more still needs to be done to ensure that implementation of the EAP

is informed by impacted residents and, going forward, that households and communities receive drinking water solutions that work for them.

D. Public Water Systems & State Small Water Systems

For each of the EAPs, we compared the nitrate-impacted public water systems and state small water systems identified by the management zones to those identified by Corona Consulting to ensure consistency. While there was general consistency with respect to impacted public water systems and state smalls, we did note certain discrepancies and possible oversights that should be investigated, as discussed below.

Modesto/Turlock

In our comments on the EAPs to the Management Zone, we noted that while the lists of impacted public water systems in the EAPs appear to be consistent with the Corona Report, four state small water systems appear to have been left off: Starn, R.C., and Sons; Shilo River Resort; Houseboat Mini Mart; and Cardoza Water System. The Management Zone responded to this comment with information from SDWIS suggesting that three of the four are inactive or do not appear in the system. We appreciate the follow-up research, but believe more is required to confirm that the state small water systems identified by the Corona Report are inactive and/or do not have a nitrate problem. We suggest connecting with Corona Consulting and any contacts for these water systems as a first step.

Kings

The one water system identified by Corona Consulting that was not identified in the Kings Management Zone is Melkonian Brothers Fruit Stand. In response to comments, Kings Management Zone states that SDWIS lists Melkonian Brothers Fruit Stand as inactive. While it is correct that SDWIS lists the water system as inactive, more investigation should be completed to confirm that the SDWIS data is accurate. In particular, a phone call to the listed administrative contact and/or the DDW District Engineer would be appropriate. It also appears from a Google street view search that the Fruit Stand may have relied on a domestic well at a residence, and if so, targeting outreach regarding the EAP to the residents of the home may be appropriate.

As a broader matter, information regarding noncommunity water systems and state small water systems is often incomplete or inaccurate, and significant effort will need to be made to identify impacted state smalls.

Kaweah

In our letter to the Management Zone providing comments on the draft EAP, we noted that there were some water systems within the Kaweah Basin (Waukena Market, PC Food Market, and LSID - Tonyville) that Corona Consulting flagged as water systems impacted by nitrates, but that were not identified as nitrate impacted in the EAP. In response to comments, Kaweah

Management Zone stated that they would contact Tonyville to determine its status with respect to nitrate, and our understanding is that the Management Zone is also investigating Waukena Market and PC Food Market.

E. Process To Identify Impacted Residents

Modesto/Turlock

The EAPs set out a plan to identify potentially impacted domestic wells and public water system users starting on page 27. The process combines data from PWS service boundaries and identification parcels served by a nitrate compliant PWS. The plan states that “parcels located within compliant PWS boundaries will be removed from further evaluation.” (p. 42)

The problem with this process is that the Management Zone is operating under the assumption that a household within the boundaries of a public water system is served by the water system and it is quite common for households and entire neighborhoods to be within a public water system’s boundaries yet reliant on domestic wells for drinking water.

In response to comments, the Management Zone committed to outreach to public water systems to investigate whether there are domestic wells within their boundaries. This is a good first step, though if the public water system does not have the relevant data or do not respond, more investigation will be required.

Chowchilla

In our prior comments, we noted that the EAP for the Chowchilla Management Zone set out a process for identifying potentially impacted residents that improperly assumed that domestic wells located within the boundaries of a public water system are not a source of drinking water. We appreciate that in response to comments the Management Zone noted that it will reach out to public water systems to investigate whether there are domestic drinking water wells in use within the systems’ boundaries, and that if the water system does not respond the Management Zone will take additional steps that may include door-to-door outreach.

We also appreciate that the Management Zone modified the EAP in response to comments to target outreach and well testing to areas where the upper zone is expected to exceed 7.5 mg/L nitrates.

Kaweah

The EAP includes a lower estimate of the number of potentially impacted domestic wells than the analysis conducted by Corona Consulting. The Corona Report estimates that there are 1,077 domestic wells in the Kaweah Management Zone that likely exceed 10 mg/L and another 259 domestic wells that likely exceed 8 mg/L. The EAP estimates that there are 922 domestic wells

in the Kaweah subbasin that exceed 10 mg/L and does not estimate the number of domestic wells that exceed 7.5 mg/L.

Additionally, we appreciate the EAP includes a commitment to conduct outreach and offer well testing to households in areas where the upper zone is expected to exceed 7.5 mg/L nitrates, as it is likely that wells in these areas will exceed the 10mg/L standard. The Management Zone should target all wells that are on the cusp of becoming dangerously contaminated, as conditions are likely to worsen in some areas. The basin planning process took this into account when it created a buffer zone of 7.5-10 mg/L. The Management Zone must also adjust to data as it is collected, and as “hot spots” of nitrate pollution are detected wells in the vicinity must be prioritized for testing and solutions.

Kings

In our comments to the Kings Management Zone, we noted that the EAP estimates of potentially impacted domestic wells appear reasonable when compared with the Corona Report, though some relatively minor differences exist. We did note to areas where improvements to the draft EAP should be considered: (1) that the EAP should not assume that households within a public water system’s boundaries are served by the public water system, as many such households continue to rely on domestic wells; and (2) that the Management Zone should target outreach in areas where groundwater quality likely exceeds 7.5 mg/L.

We appreciate the Management Zone’s responses to both comments. With respect to domestic wells within a public water system’s boundaries, Kings Management Zone states that “the text and table in the EAP that deals with domestic wells will be updated to include the number of potentially impacted domestic wells within PWS boundaries, and further research will be considered that may include specific outreach to individual PWS to help identify ‘non-customers’ within their connected service area.” With respect to outreach in areas exceeding 7.5 mg/L for nitrate, the Kings Management Zone responded by revising the EAP to target outreach to these areas with elevated nitrate levels.

F. Outreach to Impacted Households

Modesto/Turlock

The EAPs state that potentially affected residents identified will be the focus for direct outreach through the EAP implementation. They also include plans to develop information to send to each resident targeted for outreach. Informational materials will be provided in English and Spanish at a minimum. Additional outreach to targeted residents will be conducted when residents are unresponsive to initial mailers. Such outreach activities may include a second mailout (unless previous mailed information was returned as undeliverable), door to door canvassing, setting up information booths at local Farmer Markets or other local community events, or by other methods as recommended from discussions with key community leaders/organizations. VWC

plans to develop a partnership with Modesto Junior College and California State University – Stanislaus. The EAPs state that “These are local community entities that provide a trusted presence in the areas encompassed by the Modesto Management Zone. Faculty members and students attending these schools live within the communities of the Management Zone; therefore, already have a connection with the local residents” (p. 45)

We appreciate the Management Zones’ commitment to coordinating with water systems to identify domestic wells within their boundaries, though note that often water systems do not have this information or are unresponsive and additional investigation may be required.

In our prior comments on the EAPs, we also noted that the EAPs must include a requirement to conduct outreach and offer well testing to households in areas where the upper zone is expected to exceed 7.5 mg/L nitrates. We appreciate that the EAPs have been revised in response to this comment.

Finally, we continue to highlight the need for follow-up outreach when households are not responsive to initial outreach. Additional attempts at outreach must be mandatory rather than permissive when a household does not respond to mailed information, and must also include direct door-to-door outreach. From our experience, response rates to mailed information is usually quite low, and targeted door-to-door outreach that includes direct communication with residents is typically critical.

Chowchilla

As noted above, we thank the Management Zone for modifying the EAP in response to comments to target outreach and well testing to areas where the upper zone is expected to exceed 7.5 mg/L nitrates. We also thank the Management Zone for responding to comments by emphasizing that well testing will be free in outreach materials, and for its agreement that outreach materials must be available in Spanish and include at least one Spanish speaking contact available for those who want to arrange testing or who have questions.

Finally, while we appreciate that the Management Zone committed in the response to comments to consider targeted door-to-door outreach, we note again that such outreach must be mandatory given that it is often the most effective way to ensure that households are aware of the program and are able to access well testing and drinking water solutions.

Kings MZ

As noted above, we appreciate that Kings Management Zone revised its draft EAP to target outreach to areas where nitrate levels may exceed 7.5 mg/L. We also appreciate the Management Zone’s commitment to develop clear outreach materials that are easy to understand and translated into Spanish. We reiterate that outreach materials need to, in particular, note that

residents will not be charged for well testing or for otherwise engaging with the Management Zone, and that door-to-door outreach will be critical to the success of EAP implementation.

Kaweah

The outreach materials sent to homes served by domestic wells must emphasize that well testing is free, and the Management Zone will make all arrangements to test the well. This may require revisions to messaging outlined in the EAP. For example, the following statement in the EAP does not provide clarity on the availability of the well testing program: “Domestic well users who wish to receive short-term replacement water will need to show recent well sampling test results of nitrate exceedances, which may require signing-up for the KWF well sampling program” (p.65). This specific messaging can cause ambiguity on the accessibility of the domestic well testing program and should be revised to explicitly advertise free domestic well testing within Kaweah Management Zone’s purview. The materials must be available in Spanish and note at least one Spanish speaking contact available for those who want to arrange testing or who have questions. To minimize the risk of missing impacted homes not captured by the Groundwater Nitrate Assessment, the Management Zone should collaborate with local churches, community groups, and community-based organizations to spread materials and information about well testing, nitrates, and the Management Zone’s free drinking water solutions. From our experience, response rates to mailed information is usually quite low, and targeted door-to-door outreach that includes direct communication with residents is critical. Such outreach should be conducted, where possible, by community-based organizations that have developed trust with the particular community. Spanish language proficiency by those conducting in person outreach is also a must.

The EAP must be revised to target outreach to homes in areas where nitrate level could exceed 7.5mg/L-N, not just areas estimated to exceed 10mg/L-N. In our experience, door to door canvassing is the most effective outreach method, we strongly recommend that it should be prioritized and the management zones should work with community based organizations to achieve this.

G. Well Testing Programs

Each of the EAPs that are addressed in this letter include residential sampling programs as required by the basin plan amendments and the SWRCB’s Resolution. However, they each have two primary issues.

First, the sampling programs do not appear to apply to households reliant on domestic wells within the zones of influence of the management zones. In response to comments, the management zones generally committed to studying the issue for inclusion in the final Management Zone Implementation Plans. While we appreciate this commitment, we ask that residential sampling be made available to households served by domestic wells that are near the management zones’ boundaries.

Second, residential sampling is available only upon permission of the landowner. We agree with the management zones that ideally landowner permission for well sampling should be obtained. However, where a tenant grants permission for testing, and a landlord either denies permission or is unresponsive, there must be a mechanism for the tenant to obtain water quality testing and access drinking water solutions. Absent such a mechanism, many households in each of the management zones will almost certainly be excluded from well testing and bottled water delivery due to the actions of their landlord. We also note that the SWRCB's Resolution states that "sampling shall occur only with the consent of the **current resident**..." rather than the owner. (p. 8 [emphasis added].) While certain management zones opined in response to comments that this language in the Resolution was not aimed at who must grant permission for well testing, the Resolution was carefully negotiated and the intent and language of the Resolution is clear that consent of a resident is sufficient.

H. Drinking Water Solutions

Each of the EAPs that are addressed in this letter include three options for short-term drinking water solutions: bottled water delivery, point of use ("POU") treatment, and water fill stations.

Our comments on the EAPs noted first that it must be clear that the impacted residents will be given the opportunity to decide what drinking water solutions work best for their community and/or household. In response to comments, the management zones generally agreed, noting that the decision will be made in consultation with impacted residents. We note again that, where more than one solution is feasible, residents should be empowered to decide which solution works best for them.

We further noted in prior comments that the management zones must provide impacted households receiving bottled water an initial volume of at least 0.67 gallons per day per person each month, which may then be adjusted up or down depending on actual observed needs. None of the management zones appear to have modified the initial volume of water, and we reiterate this comment here.

We further noted in prior comments that EAPs should allow for delivery of water in 1 gallon bottles (or otherwise a size similar to this) for those who are unable to lift larger volumes, such as the elderly or disabled. It appears that the EAPs addressed in this letter have been revised as needed to allow for delivery in smaller volume containers, though not all currently include an option for 1 gallon bottles. (*See* Kaweah EAP [offering 3 gallon bottles upon request].) We ask that the management zones be as flexible as possible on this point to ensure that all residents can access drinking water solutions.

Finally, with respect to water fill stations, we reiterate our view that they fulfill a specific role by allowing access to those who choose not to or are unable to agree to either bottled water delivery or installation of POU treatment. That said, there are significant limitations to fill stations, including the amount of time and fuel costs required to drive to the fill station, inaccessibility for

those without reliable transportation or mobility issues, and inability to lift heavy water bottles.⁶ We appreciate the commitment to seek community input regarding the proper role and location of fill stations, and look forward to continuing to engage in this discussion.

I. Plans for Implementation

In prior comments, we emphasize the critical role that effective outreach and engagement, well testing, and meaningful incorporation of feedback will play in EAP implementation. We also provided specific recommendations regarding outreach methods that are consistent with the SWRCB's guidance. We look forward to continuing to serve as a resource on outreach and engagement as the management zones move to implementation.

J. Funding Mechanisms

An EAP must include “[a] funding mechanism for implementing the Early Action Plan, which may include seeking funding from Management Zone participants, and/or local, state and federal funds that are available for such purposes.”⁷

Each of the EAPs include a brief description of funding mechanisms, but do not include detailed budgets. In our prior comments, we asked that the EAPs include additional information regarding anticipated funding needs, whether available funds are adequate, and how additional funds will be generated if needed. With this information, these commenters and the Regional Board will be able to assess whether the funding needs anticipated by the management zones appear appropriate when compared with Corona Consulting's cost estimates.

In response to comments, the management zones provide assurance that they would have adequate funding to implement the EAPs. However, we have yet to see detailed budgets or estimates of funding needs.

⁶ Corona Report, p. 37.

⁷ BPA language at p. 48; SWRCB Resolution at p. 4.

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We appreciate the opportunity to provide comments on these EAPs and look forward to continued engagement with the Regional Board and the management zones to ensure that drinking water solutions reach impacted communities and households.

Sincerely,

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