

***DRINKING WATER FOR SCHOOLS
GRANT PROGRAM***

***GUIDELINES
STATE FISCAL YEAR 2018/2019 ALLOCATION***



**DRINKING
WATER
for **schools****

GRANT PROGRAM

***Adopted
June 18, 2019***



I. BACKGROUND

Senate Bill (SB) 828 (Stats. 2016, ch. 29) added [Section 116276 to the Health and Safety Code](#) to require the State Water Resources Control Board (State Water Board) to establish a \$9.5 million grant program (Drinking Water for Schools Grant Program, or Program) for the purpose of improving access to, and the quality of, drinking water in public schools. A total of \$500,000 was also appropriated to provide technical assistance to eligible applicants. The fiscal year 2017/2018 funding is expected to be fully allocated by June 30, 2019.

An additional \$6.8 million was appropriated for the Program by SB 862 (Stats. 2018, ch. 449), then amended by Assembly Bill (AB) 72 (Stats. 2019, ch. 1). The \$6.8 million allocation includes up to \$1 million for technical assistance. According to Item 3940-101-0001 of Section 2.00 of the Budget Act of 2018, the State Water Board may award grants to public agencies, Public Water Systems, or nonprofit organizations. Unless future extensions are granted, all funds must be encumbered by June 30, 2020 and expended by June 30, 2023.

The following sections outline minimum eligibility requirements, funding priorities, and minimum requirements for the review and approval of projects. Unless the Division of Financial Assistance reasonably determines otherwise, these Guidelines will apply to any funds that become available to the State Water Board to implement the Drinking Water for Schools Grant Program in accordance with [Section 116276 of the Health and Safety Code](#).

II. PROGRAM REQUIREMENTS

Funding will be awarded to eligible Program Administrators. Each Program Administrator will develop application, review, and approval processes to carry out the Program consistent with these Guidelines.

A. ELIGIBLE PROGRAM APPLICANTS

Program Administrators will accept applications from Local Education Agencies (LEAs) serving kindergarten or any of grades 1-12, inclusive, and preschools and Child Day Care Facilities, located on public school property. Additionally, all projects must be located at schools within, or serving, a Disadvantaged Community (DAC) as defined in Section V, below.

B. TYPE OF ASSISTANCE

Funding can be used for interim solutions. The Program Administrators can utilize Program funds to provide the following types of assistance:

- Grants to LEAs for project implementation,
- Direct project implementation on behalf of LEAs, which may include reimbursement for work implemented by contractors, including Public Water Systems, and
- Technical Assistance with completing funding applications, overseeing and inspecting project installations, monitoring, as well as planning and conducting operations and maintenance.

C. ELIGIBLE PROJECT TYPES

Eligible projects include but are not limited to:

- Installation of Point-of-Entry (POE) Treatment Devices, or Point-of-Use (POU) Treatment Devices for water bottle filling stations, drinking fountains, and other fixtures that provide water for human consumption, including up to three years of: replacement filters, operation and maintenance (O&M), and monitoring of POE Treatment Devices or POU Treatment Devices;
- Installation, replacement, or repairs of drinking water fixtures and associated plumbing appurtenances that are necessary to address lead contamination identified pursuant to the Lead Sampling of Drinking Water in California Schools program and that requires a corrective action;
- Provision of interim alternative water supplies for schools served by water systems in the process of implementing a permanent solution, including purchases of temporary transfer water, hauled water, and bottled water;
- Installation or replacement of water bottle filling stations or drinking water fountains with or without treatment devices capable of removing contaminants present in the school's water supply;

Costs directly related to planning, design, and construction that achieve an Acceptable Result are eligible for reimbursement. Installed equipment may be purchased, rented, or leased.

D. INELIGIBLE PROJECT TYPES

Ineligible project types include but are not limited to:

- Major repairs or replacement of internal building plumbing systems;
- Replacement, repairs, or rehabilitation of wells;
- Establishing connection(s) to an adjacent Public Water System;
- Projects that are solely demonstration or pilot studies; and
- Projects that are solely education and outreach.

E. MAXIMUM GRANT AMOUNTS

Due to the significant need throughout the State, the maximum grant amount will be \$100,000 per individual school.

III. FUNDING PRIORITIZATION

The Division of Financial Assistance in coordination with the Division of Drinking Water will develop a list of Large DAC Schools and Small DAC Schools with Impaired Water Quality. This list will focus on schools serving water that does not meet primary Maximum Contaminant Levels (MCLs). Program Administrators will be provided this list to use as a basis for funding prioritization. The Division of Financial Assistance may periodically update the list during Program implementation. Prioritization for projects will be as follows:

1. Small DAC Schools Water Quality: projects for Small DAC Schools as defined in Section V with Impaired Water Quality will be the highest priority for funding.
2. Large DAC Schools Water Quality: projects for Large DAC Schools as defined in Section V with Impaired Water Quality, will be the second highest priority for funding.
3. Small DAC School Access: projects for Small DAC Schools as defined in Section V with an access impairment issue, as described below, will be the third highest priority for funding.
4. Large DAC School Access: projects for Large DAC Schools as defined in Section V with an access impairment issue, as described below, will be the fourth highest priority for funding.

The following access impairment issues can be addressed with this funding:

- [Section 38086 to the Education Code](#) requires that school districts provide access to free, fresh drinking water during meal times in the food service areas of the schools under the school districts' jurisdiction. Failure to meet this requirement is considered impaired access to drinking water.
- The California Plumbing Code ([Part 5 of Title 24 of the California Code of Regulations](#)) requirement for the number of drinking fountains in schools is one (1) fixture per 150 persons. Failure to meet this requirement is considered impaired access to drinking water.
- LEAs that do not have any American Disabilities Act (ADA) compliant fixtures located at a given school are considered to have impaired access to drinking water.

IV. REQUESTS FOR FUNDING

A. FUNDING APPLICATION

Application instructions and forms will be posted online on the Program Administrator's webpage. Program Administrators will provide technical assistance with completing applications, which will require LEAs to submit information regarding the following as applicable:

- Confirmation of Impaired Water Quality;
- Documentation of eligible impaired access issues;
- Confirmation of Small DAC School or Large DAC School status;
- Proof of Division of State Architect concurrence;
- Statement of need and proposed interim solution;
- Confirmation of property rights;
- Access agreement;
- Understanding of O&M requirements;
- Description of long-term solution and status, including anticipated timeframe for completion;
- Technical capacity of the LEA to implement, operate and maintain the interim solution.

B. APPLICATION REVIEW PROCESS

Program Administrators will be required to initiate and document consultation with the Division of Drinking Water and the Division of Financial Assistance prior to implementing projects that address Impaired Water Quality. Factors which, at a minimum, will be considered in determining whether to implement a project include the following:

- Compliance with funding application requirements;
- LEA's eligibility and priority;
- The severity of documented project need;
- Project effectiveness, i.e., whether the project effectively addresses the need and is appropriate given the anticipated timeline for long-term solution;
- Cost-effectiveness, i.e., whether the project provides an Acceptable Result at a reasonable cost when considering the cost per benefitted student; and
- Project feasibility, including consideration of the technical capacity of the LEA and the Public Water System that serves water at the school;
- Whether there are other more appropriate State Water Board funding sources.

C. PROJECT APPROVALS

Program Administrators will post a summary of the approved projects online on their Program webpage. Non-responsiveness to inquiries and requests for information slows down the funding process, resulting in grant funds being left unused for a substantial and unwarranted amount of time. Due to the critical and potentially immediate need for this Program funding, lack of responsiveness by LEAs will result in Program Administrators withdrawing applications or grant awards.

V. DEFINITIONS

Acceptable Result – means a project, that when completed, effectively provides for the reliable supply of drinking water in a school facility by improving water quality or access to safe drinking water.

Child Day Care Facility – means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes. (Health & Safety Code Section 1596.750)

Disadvantaged Community (DAC) – means a community with an annual median household income that is less than 80 percent of the statewide annual median household income. Schools may be qualified as within a DAC if the location of the school is within a census block group with an annual median household income that is less than 80 percent of the statewide annual median household income.

Impaired Water Quality – means any contamination of water to a degree which, in the judgment of the State Water Board, may have an adverse effect on the health of persons.

Impairment may be caused by any physical, chemical, biological, or radiological substance or matter in water.

Large Disadvantaged Community (DAC) School – means a school located within a DAC that does not qualify as a Small DAC School.

Local Educational Agency (LEA) – means a county office of education, school district, state special school, or direct-funded charter school as described in Education Code Section 47651. (Education Code Section 60603, Subdivision (p).)

Maximum Contaminant Level (MCL) – means a state or federal maximum permissible level of a contaminant in drinking water. (42 United States Code Section 300f(3); Health & Safety Code Section 116275, Subdivision (f).)

Point-of-Entry (POE) Treatment Device – means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building. For a Public Water System, POE treatment is governed under regulations adopted by the State Water Board, and contained in [Title 22 of the California Code of Regulations](#).

Point-of-Use (POU) Treatment Device – means a treatment device applied to a single tap for the purpose of reducing contaminant in drinking water at that tap. For a Public Water System, POU treatment is governed under regulations adopted by the State Water Board, and contained in [Title 22 of the California Code of Regulations](#).

Program Administrator – means a nonprofit organization that receives funding from State Water Resources Control Board to provide technical assistance and implement eligible projects.

Public Water System – means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. (Health & Safety Code Section 116275, Subdivision (h).)

Small Disadvantaged Community (small DAC) School – means a school located within a DAC and either located in a school district that serves a community with a population of 20,000 persons or less, or serves an area with a population of 20,000 persons or less.

VI. GENERAL PROGRAM REQUIREMENTS

The Program Administrators will be responsible for ensuring the following requirements are met:

A. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND OTHER LAWS AND REGULATIONS

LEAs are responsible for complying with all applicable federal and state laws, regulations, rules, guidelines, and requirements for their projects, including CEQA.

B. DIVISION OF STATE ARCHITECT (DSA)

The Department of General Services' DSA provides design and construction oversight for K–12 schools, community colleges, and various other state-owned and leased facilities. DSA also develops accessibility, structural safety, and historical building codes and standards utilized in various public and private buildings throughout the state of California. LEAs are responsible for complying with all applicable laws and regulations for their projects, including DSA review, approval, and oversight, if required.

C. REPORTING

Program Administrators will be required to submit progress reports that detail activities that have occurred during the applicable reporting period. At the conclusion of the project, Program Administrators must submit a Final Project Summary. The Division of Financial Assistance or Program Administrator may require applicants to submit additional certifications, reports, data, or any other information at any time through the term of the grant agreement.

D. OPERATIONS & MAINTENANCE

LEAs with projects that include treatment devices will be required to adopt a program for operating, inspecting, and maintaining the devices consistent with manufacturer direction and requirements set by the State Water Board. For all funded facilities, Program Administrators will provide technical assistance with installation and operations and maintenance, including assisting LEAs with developing and adopting a program for operations and maintenance over the useful life of the project.

E. CONFLICT OF INTEREST

All grant Program participants are subject to state and federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent Grant Agreement being declared void.