**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

**PROPOSITION 84 FUNDING PROGRAM**

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**PROPOSITION 84, SECTION 75021, PART 1 EMERGENCY**

**The Safe Drinking Water, Water Quality and Supply, Flood Control,**

**River and Coastal Protection Bond Act of 2006**

**DRAFT FREQUENTLY ASKED QUESTIONS (DRAFT FAQ)**

**NOTE:** This is a draft document that may be modified or updated from time to time. This document was prepared to aid public water systems seeking funding under the Proposition 84 Section 75021 Part 1 Emergency Grant Program. The statements made below address current program procedures, which may be modified or updated as needed to implement the program. Always refer to the Section 75021 Emergency Grant Criteria, as revised on December 21, 2012, (Prop 84 Criteria) for specific requirements.

**GENERAL QUESTIONS**

**Q1: What is a public water system?**

A1: A public water system is defined in the California Health and Safety Code (HSC Section 116275) as: “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. A public water system includes the following:

* 1. Any collection, treatment, storage, and distribution facilities under control of the operator of the system which are used primarily in connection with the system.
  2. Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
  3. Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.”

If you have a valid permit to operate your water system, and that permit was issued by the California Department of Public Health (CDPH) or your county’s environmental health department, then it is likely that you are a public water system. If you are uncertain, please contact your local CDPH Drinking Water Program District Office or county environmental health department for advice.

**Q2: What is a severely disadvantaged community?**

A2: Prop 84 Criteria defines a severely disadvantaged community as: “a public water system’s service area for which the annual median household income is less than 60 percent of the statewide annual median household income.”

There are several acceptable ways to get an annual median household income for your area, including: information provided in an existing funding application, reported census data, an income survey, income reported on your most recent tax form, or other verifiable document.

**Q3: What is a public health emergency?**

A3: Prop 84 Criteria defines a public health emergency as: “a sudden or unexpected event that has occurred, is occurring, or is an imminent threat, and requires immediate action to avoid or mitigate serious health effects to people served by a public water system. The public health emergency causes the inability of a public water system to provide an adequate supply of safe drinking water to its service area.”

**Q4: What events constitute a public health emergency?**

A4: Prop 84 Criteria identifies two types of events that constitute public health emergencies, classified as either Part 1 emergencies or Part 2 emergencies.

Part 1 emergencies include, but are not limited to, events that meet the following criteria:

* 1. The public water system serves a severely disadvantaged community, and;
  2. Lacks the technical or financial capacity to deliver water which meets primary safe drinking water standards for which maximum contaminant levels have been established pursuant to Health & Safety Code, Division 104, Part 12, Chapter 4, and;
  3. Has submitted a pre-application for funding for a project to address the public health emergency and the project is ranked on the project priority list (PPL) pursuant to Health & Safety Code section 116760.70.

Part 2 emergencies include public water systems that have experienced a disruption or contamination of drinking water supplies caused by events such as: fire, flood, earthquake, drought, or other natural disasters. **NOTE: Part 2 emergencies are beyond the scope of this Draft FAQ**.

**Q5: How much funding is available for Part 1 Emergencies?**

A5: Up to two million dollars ($2,000,000) has been made available for Part 1 emergencies.

**Q6: What is the maximum amount of funding that can be requested for a Part 1 Emergency?**

A6: Prop 84 Criteria limits the amount of funding that can be requested for P84 Part 1 Emergencies to $50,000 per public water system for the duration of a public health emergency. For bottled water supplies, funding is also limited to $30 per service connection per month.

**Q7: How will funds be disbursed?**

A7: Funds are disbursed after a public water system incurs expenses related to a Part 1 emergency and a valid claim for reimbursement is submitted to CDPH.

**Q8: Should the water system receiving Part 1 Emergency funding inform its customers about the available solution?**

A8: Yes, public water systems receiving Part 1 Emergency funding must notify customers of the availability of alternative water supplies and inform them of any methods needed to access those supplies. The notification must provide customers with the required notification of maximum contaminant level violations. Please contact your local CDPH Drinking Water Program District Office if you need assistance on the methods of notification.

**ELIGIBILITY QUESTIONS**

**Q9: Can a public school water system qualify for Part 1 Emergency funding?**

A9: Yes, provided it meets all of the eligibility requirements stated in the Prop 84 Criteria. Note that public schools (K-12 and community colleges) are considered severely disadvantaged for the purposes of Part 1 Emergency funding eligibility (see **Q2** above).

**Q10: How does a non-transient, non-community water system, such as a school, determine the equivalent number of service connections if only the population (students and staff) is known?**

A10: First, determine the average daily population of the school as follows:

1. Find the highest total monthly occupancy of the school for a given school year
2. Divide the highest total monthly occupancy of the school by the number of days in the month it occurred.
3. Divide the average daily population by three (3) persons per service connection.
4. The result is the service connection equivalent for the school.

**Q11: Can a privately-owned mobile home park or a farm labor housing facility qualify for Part 1 Emergency funding?**

A11: Yes, provided it meets all of the eligibility requirements stated in the Prop 84 Criteria.

**Q12: Can a portion of the Part 1 Emergency funding be used to pay for grant administration?**

A12: Yes, but only costs incurred after the funding agreement execution date.

**Q13: Can a portion of the Part 1 Emergency funding be used to pay for additional services (e.g., additional liability insurance) outside of any agreements to install and operate the necessary project components?**

A13: No, only costs that were incurred as part of a documented agreement (e.g., lease agreement, water service agreement) and that are directly related to the installation and operation of the interim water supply are eligible for reimbursement.

**APPLICATION QUESTIONS**

**Q14: Who is authorized to apply for Part 1 Emergency funding?**

A14: The application must come from a public water system, the local Health Officer, or the local Director of Environmental Health. The application must be submitted to your local CDPH Drinking Water Program District Office.

**Q15: How do Part 1 Emergency project applications get prioritized?**

A15: Applications for Part 1 Emergency funding will only be accepted at your local CDPH Drinking Water Program District Office. Applications are prioritized on a first-come, first-served basis, using the date and time the application is received at your local CDPH Drinking Water Program District Office.

**Q16: Is the Part 1 Emergency funding applicant required to submit environmental documents during application submission?**

A16: No, applicants are not required to submit environmental documentation when submitting the application.  The CDPH Environmental Review Unit will review the application and contact the applicantor the California Environmental Quality Act (CEQA) lead agency to complete and submit any necessary documentation.

**PROJECT QUESTIONS**

**Q17: What is the timeline for implementation, installation, and completion of a project using Part 1 Emergency funds?**

A17: Prop 84 Criteria states that “systems receiving emergency grant funding typically use the funds within a three-year period.”

**Q18: Do prevailing wage requirements apply to Part 1 Emergency projects?**

A18: Yes. Part 1 Emergency funding recipients are required to comply with all Department of Industrial Relations requirements concerning Labor Compliance Programs and prevailing wage. For more guidance please see the Department of Industrial Relations website at: <http://www.dir.ca.gov/lcp.asp>

**Q19: Does Part 1 Emergency funding require the competitive bidding of project components, including installation?**

A19: Typically no, with some exceptions. In most cases the method used to address the problem will not require it. However, there may be instances where competitive bidding would result in the best project cost without significantly delaying a project to address the emergency. Competitive bidding would be required in these cases.

**Q20: Do water technologies used in the project need to be approved by CDPH?**

A20: Yes, the water technologies need to be approved by CDPH.

**Q21: Can a combination of technologies be used to provide interim water supply?**

A21: Yes, a combination of technologies can be used as an interim water supply.

**Q22: Can Point of Entry (POE) water treatment devices be used as an interim water supply?**

A22: No, POE water treatment devices are not allowed because they treat all the water in a residence, going beyond what is necessary for an interim drinking water supply, and may not be a reasonable or affordable option for funding.

**Q23: Can Point of Use (POU) water treatment devices be used as an interim water supply?**

A23: Yes, POU water treatment devices are allowed to be used as an interim solution. All POU water treatment devices used as interim water supplies must be certified by CDPH.

**PROJECT QUESTIONS – BOTTLED WATER**

**Q24: What is bottled water?**

A24: The CDPH Food and Drug Branch (CDPH FDB) defines bottled water as “water sold or distributed to consumers in sealed containers for drinking, culinary, or other purposes involving a likelihood of being ingested by humans.  Bottled water must be bottled only at a licensed water bottling plant.  Bottled water: 1) cannot contain sweeteners, acidifying agents (e.g. citric acid), vitamins, or chemical additives, and 2) with the exception of mineral water, must contain less than 500 parts per million (ppm) of total dissolved solids (TDS).”

**Q25: Can a water system be reimbursed for bottled water costs incurred prior to executing a funding agreement?**

A25: Yes, but only costs incurred after the Prop 84 Criteria for Part 1 Emergencies were adopted, on December 21, 2012.

**PROJECT QUESTIONS – VENDED WATER**

**Q26: What is vended water?**

A26: The CDPH FDB defines bottled water as “water for drinking, culinary, or other purposes involving the likelihood of being ingested by humans that is dispensed or supplied from a:

1. Water vending machine
2. Retail water facility or store
3. Private water source
4. Water hauler

Vended water does not include water placed in sealed containers by bottlers (see Q24) or water derived from a public water system that has not undergone additional treatment.”

**Q27: Can vending machines be used as an interim solution for Part 1 Emergency funding?**

A27: Yes, leasing a vending machine is an eligible interim solution. Operating a vending machine requires a license from the CDPH FDB. For more guidance please visit the following website: <http://www.cdph.ca.gov/programs/Pages/FDB%20Food%20and%20Drug%20Branch.aspx>

**Q28: What types of certifications are required for vending machines?**

A28: Vending machines must conform to the licensing requirements specified by the CDPH FDB.

**Q29: Who is responsible for ensuring that vending machines produce water that meets potable water standards?**

A29: Water vending machine operation is licensed by the CDPH FDB. Whoever is licensed to operate the water vending machine is responsible for the quality of the water produced.

**Q30: What type of water quality monitoring is required for vending machines?**

A30: Water vending machines must be monitored as outlined in their CDPH FDB operating license. The license may include additional monitoring necessary to ensure compliance with primary drinking water standards.

**Q31: Can a water system charge customers for the water dispensed at a vending machine?**

A31: If a water system chooses to charge customers for the vended water, the proceeds from the sale must be used to sustain the operation of the vending machine itself. Please note that the sale of vended water may require additional permitting. It is the water system’s responsibility to comply with any and all laws and regulations relating to the operation of the vending machine, including laws and regulations governing to the sale of beverages.