

Part 0. Recommendation Declaration

To be submitted to the DRIP support team prior to commencing work on Part I.

Recommendation Proposer

Justine Massey, non-state NGO: Community Water Center. Received initial support from DRIP members Sierra Ryan, Tami McVay, and Andrew Altevogt

Recommendation Idea

Provide a brief (no more than 150 words) description of the idea for a recommendation.

When domestic wells fail to provide safe drinking water, due to impaired water supply or quality, it impacts Californians' Human Right to Water. California currently lacks a comprehensive approach to address the urgent drinking water needs of households served by failing domestic wells and lacks a comprehensive policy for reducing the growth of dry domestic wells in the future. The DRIP Collaborative agrees that clarifying the roles and responsibilities related to domestic wells and drought, with a focus on understanding where inefficiencies, gaps, or overlaps in authority or funding for long-term solutions exist, is an important foundation to develop a comprehensive policy. We recommend an outside, non-DRIP Collaborative entity, such as the Legislative Analyst Office or academic researcher, provide clarity on the existing roles and responsibilities of the state and local governments and any other responsible parties on how domestic wells are managed, maintained, and responded to when an outage or other problem occurs. The purpose of this is to manage expectations, support coordination, and document the existing gaps in law or implementation for domestic wells related to preparedness and response for water shortage. Included in this analysis should be areas of drought management for domestic wells that remain unclear or absent entirely. Potential or real implications of these gaps and a prioritization of gaps to fill should be included in the roles and responsibilities analysis.

Step 2 of this phased recommendation is that the DRIP Collaborative relies on the roles and responsibilities and gaps analysis to build new recommendations for how to fill the gaps agreed upon as high priorities. The DRIP Collaborative's recommendations could then be vetted by the broader water community for input and ultimately finalized as a set of policy reforms to be recommended to the Governor's Office and Legislature.

Focus Area

☐ Drought Relevant Data ☐ Drought Narrative ☒ **Drought Preparedness for Domestic Wells**

Intended Benefit to the Drought Risk Management Cycle (Please check all that apply)

- ☒ **Mitigation, Preparation and Capacity**
- ☒ Forecasting and Monitoring
- ☒ **Response**
- ☐ Recovery

Part I: Recommendation Overview

Recommendation Title

Roles and Responsibilities

Description

In one or two paragraphs, please provide a brief overview of the recommendation and how it addresses the Focus Area problem statement. Supporting documentation to include an overview of existing trends, the reasons for urgent action, and people currently impacted.

When domestic wells fail to provide safe drinking water, due to impaired water supply or quality, it impacts Californians' Human Right to Water. Various government and private entities have responsibilities to address this risk, however these responsibilities can overlap, and coordination must be worked out in advance of emergencies to minimize response time when residents' Human Right to Water is impacted. California currently lacks a comprehensive approach to address the urgent drinking water needs of households served by failing domestic wells and lacks a comprehensive policy for reducing the growth of dry domestic wells in the future. The DRIP Collaborative agrees that clarifying the roles and responsibilities related to domestic wells and drought is an important foundation to develop a comprehensive policy.

We recommend an outside, non-DRIP Collaborative entity, such as the Legislative Analyst Office or academic researcher, provide clarity on the existing roles and responsibilities of the state and local governments and other responsible parties on how domestic wells are managed, maintained, and responded to when an outage or other problem occurs. The purpose of this is to manage expectations, support coordination, and document the existing gaps in law or implementation for domestic wells related to preparedness and response for water shortage.

This analysis should include the following components regarding who has the responsibility, what the role is, and through what mechanism they can provide short-term and long-term drinking water solutions for existing domestic wells, and comprehensive planning to limit new development in areas with failing domestic wells until solutions are reached:

- Existing roles and responsibilities for domestic wells related to the drought risk management cycle
- Areas of drought management for domestic wells that remain unclear or absent entirely
- Potential or real implications of these gaps and a prioritization of gaps to fill
- Prioritized list of gaps that if addressed would most effectively contribute to improving drought management related to domestic wells
- Available funding resources, and opportunities to streamline distribution

Impacts

What are the expected outcomes or benefits of this recommendation, and how will it specifically enhance drought resiliency in California?

Improved coordination for domestic well drought response and long-term solutions will result in fewer delays and more coherent implementation of California's laws and policies to preserve drinking water access.

What are the anticipated impacts or consequences of not adopting this recommendation?

Without this coordination, efforts to resolve dry domestic wells can be hampered by unresolved questions of jurisdiction and responsibility. Delays while residents are awaiting solutions for their drinking water needs are distressing and at odds with California's Human Right to Water law. Further, emergency response and interim supplies can cost the state millions. By clarifying these roles now, relevant agencies and responsible parties can get prepared, execute any necessary Memoranda of Understanding, and arrange for reliable funding mechanisms to go into effect when the need arises.

Implementing Parties and Partners

Who would be the implementing agency or entity (potentially multiple)?

It is the recommendation of the DRIP Collaborative that the implementing agency be an outside, non-DRIP Collaborative entity, such as the Legislative Analyst Office or academic researcher.

Which existing entities (e.g., departments or other agencies, private or nonprofit groups, community-based organizations) will the implementing agency or entity need to partner with for successful implementation of this recommendation?

A list of possible partner entities and considerations is below.

Describe the coordination required by federal, state, local and tribal governments to successfully implement this recommendation.

The outcome of the analysis should include not only an evaluation of current roles and responsibilities, and gaps, but ideally concrete recommendations for filling gaps. These can be considered by the DRIP Collaborative for evaluation under Step II. Examples of this may include **(these are not DRIP recommendations, they are just examples of the recommendations that may be brought by the implementing group)**:

- State Water Board and/or Department of Water Resources
 - Develop a framework to facilitate (or require, when appropriate) domestic well water quality sampling and require that results be uploaded to a common platform
 - Set guidelines for what constitutes an adequate long-term solution (e.g. monitoring and maintenance requirements for Point of Use/Entry treatment)

- Fund implementation of solutions when there is no party responsible for causing the urgent drinking water challenges—limited capacity with current state and local deficits
- Provide planning costs for consolidation projects
- Analyze whether proposed fee structures will meet needs (i.e. Groundwater Sustainability Agency (GSA) & Nitrate mitigation costs) & ensure accountability
- Adjust Disadvantaged Communities (DAC) designation to acknowledge cost-of-living (especially applicable on the coast); refer to metrics developed in 2023 affordability analysis in the Needs Assessment
- Develop specific cost-per-connection funding limits for domestic well consolidation projects that reflect the inherently higher cost of developing public water supply and distribution infrastructure from the ground up
- Issue General Planning guidance for new domestic well developments
- Provide additional support to technical assistance providers which offer services such as well replacement services when the need for long-term solutions is greater than the available technical assistance capacity
- County, Local Agency Formation Commission (LAFCo), and/or local special districts
 - Track and report (as appropriate) specific local needs and solutions and ensure they are met
 - Require domestic well sampling and assessment (i.e.. condition of the well, screened interval, depth to water table) and data sharing as part of well permitting
 - Outreach and well testing (directly or via contracted TA providers)
 - Facilitate discussions between local water agencies and struggling wells and water systems.
 - Manage a website with information on local services and licensed contractors (well drillers, water haulers)
 - Established contract with the State to pay for bottled water, hauling, or POU systems when funding is available—would require significantly more (and stable) funding to do this statewide
 - Deploy interim drinking water solutions if technical assistance providers aren't available in the county
 - LAFCo must Identify locally disadvantaged communities in outlying county areas and study service deficiencies in disadvantaged communities including deficiencies in water access. LAFCo must develop recommendations and cost estimates for extending services to communities through their Municipal Service Review. (Under [SB 244](#))
 - Community service districts/Public utility districts are obliged to consider all requests for interties and/or consolidation
- Parties Responsible for Causing Urgent Drinking Water Challenges, when appropriate
 - Water districts, irrigation districts
 - Required cost share of feasibility study and solution implementation, based on contribution to declining groundwater levels or contamination.
 - Management Zones
 - Well Testing
 - Bottled Water
 - Short and long-term impacts from nitrate contamination

- Remediation costs
 - Water quality monitoring for nitrate (and co-contaminants as some MZs have contracted with the state)
- Groundwater Sustainability Agencies
 - Domestic well mitigation due to GSA management (overpumping, project impacts)
 - Aggregation of groundwater pumping fees and penalties
 - Groundwater pumping cost assessment
 - Representative Monitoring
- Future parties
 - Ensure requirements are open for other programs established to be part of the same standards for pursuing long-term solutions
- Technical Assistance Providers
 - Provide technical assistance including outreach, community engagement, planning and engineering assistance.
 - Provide third-party accountability to ensure equitable results.
- Domestic Well Owners
 - Allow well soundings and water quality testing

Alignment with Other Initiatives

How does the recommendation align with and/or leverage existing state efforts, concurrent public or private initiatives?

This recommendation links existing responsibilities and clarifies how entities should coordinate to avoid delays in responding to domestic well drought emergencies.

Implementation Time Frame

Approximately how quickly could the proposed recommendation be implemented? Factor time needed to develop, design, permit, construct (if applicable). Select one timeframe:

☒ **Short term (1-2 yrs.)** ☐ Medium term (2-4 yrs.) ☐ Long term (4-5+ yrs.)

Part II: Implementation Considerations

Necessary Steps & Measuring Success

What are the key steps to adopt and implement action?

Identify possible implementing groups to do the required analysis, and budget for that work if available.

To help monitor progress and success, what thresholds and reporting can be identified to reflect successful implementation?

Implementation success will be gauged by the quality of the deliverable provided and the work that informed its development. Brief, written updates from the implementing organization to the DRIP

Collaborative would be a minimum. Ideally a representative would be available at DRIP meetings to answer questions.

Potential Challenges

What issues or challenges might arise during implementation (e.g. authority or need for additional authority, funding or revenue streams, public awareness and perception, technical, interagency coordination)? List these hurdles and offer a brief description of how to address/mitigate them. Are there foreseeable potential negative consequences or unintended impacts associated with implementing this recommendation?

As the recommendation is currently focused simply on data collection, reporting, and recommendation, there are not significant hurdles or unintended impacts anticipated. More challenges will be likely as the DRIP makes recommendations regarding Roles and Responsibilities for drought mitigation to address identified gaps.

Funding

What are the potential (estimated) costs to implement the recommendation? Is there both an implementation cost and ongoing costs? Briefly describe any assumptions behind the estimate.

The cost to do this analysis will likely range from \$100,000 to \$300,000 based on the implementing organization and the number of interviews they do.

What potential existing and/or future funding sources or mechanisms are available (e.g., grants, general fund, bond funds, rate payers, philanthropic foundations, etc.)? Does the recommendation require funding from the state and potentially matching funds?

The funding to pay for this work should be found within the existing State budget, as it is a relatively small amount of money with a large impact to vital State initiatives.

Equity and Outreach

How does this recommendation align with established agency equity policies and how might the recommendation address any specific equity or justice concerns, as defined by the DWR Racial Equity Vision, during its implementation?

There is known overlap between areas of domestic well water quality and water supply challenges, and areas with low incomes and/or high rates of non-native English speakers.

What sort of outreach is necessary for the successful implementation of the recommendation? Describe the target audience and the methods of outreach needed (e.g., communication, technical or financial assistance, partnering assistance).

Successful implementation of the review of authorities and gaps analysis, as well as recommendations for next steps, will require interviews with policy makers, local and state government staff, environmental justice groups, and members of communities that have suffered from domestic well water shortages.