

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

1. Date

2023-11-16

2. Department

State Water Resources Control Board

3. Organizational Placement (Division/Branch/Office Name)

Division of Financial Assistance/Office of Sustainable Water Solutions Branch

4. CEA Position Title

Assistant Deputy Director

5. Summary of proposed position description and how it relates to the program's mission or purpose.  
(2-3 sentences)

The proposed CEA is responsible for key policy and process decisions and overall management related to hundreds of water quality improvement and drinking water projects for small, primarily disadvantaged communities, over \$300 million of annual grants, and over \$2 billion of cumulative grants that are critical to achieving the State Water Board's mission to preserve, enhance, and restore the quality of California's water resources and drinking water. The proposed CEA is responsible for ensuring our small community funding is directed to those most in need to ensure the Human Right to Water and that funding is equitably provided consistent with the State Board's Racial Equity Action Plan and resolution.

6. Reports to: (Class Title/Level)

Deputy Director/CEA B

7. Relationship with Department Director (*Select one*)

- ☒ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*):

8. Organizational Level (*Select one*)

- ☐ 1st ☐ 2nd ☒ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Serve as second in command of the Division of Financial Assistance (DFA) and has authority for making high-level policy decisions with a broad impact in the following areas:

1) Safe and Affordable Funding for Equity and Resilience (SAFER) Program: SAFER is designed to ensure Californians who lack safe, adequate, and affordable drinking water receive it as quickly as possible, and that the water systems serving them establish sustainable solutions. The CEA is the DFA lead in implementing funding solutions associated with the SAFER program. The CEA has the lead for preparing the annual \$130 million Fund Expenditure Plan (FEP) for the Safe and Affordable Drinking Water Fund, as well as the Policy for the FEP. The FEP is adopted by the State Water Board with input from stakeholders, the Department of Finance and the Governor's Office, which is submitted to the legislature. The CEA also has lead responsibility for managing complimentary funding sources to support small disadvantaged communities, including State general and bond funds and federal funds. The CEA works closely with the Division of Drinking Water to ensure that funds are being directed to the top priorities. The SAFER program assists small community water systems, public schools, and individual households with a range of financial support, including emergency and interim water supplies, technical assistance, consolidations, administrators, domestic well repair/replacement, planning, and construction. Approximately 62% of failing systems and 30% of at-risk systems are receiving some form of financial support from the SAFER program. In addition, the CEA has the lead in developing policy recommendations for small communities as part of the Drinking Water State Revolving Fund Intended Use Plan, which is an annual plan that must be submitted to the U.S. EPA to receive federal grant dollars. There are approximately 290 pending applications for planning and construction funding totaling over \$1 billion, with approximately \$600 million available.

2) Small Community Wastewater: the CEA has the lead in implementing funding solutions for the State Water Board's small community wastewater program. The program assists community in improving their sewer infrastructure and wastewater treatment systems to ensure California's groundwater and surface waters are protected from the discharge of waste. The CEA collaborates with executive level colleagues in the Division of Water Quality and the nine Regional Water Quality Control Boards to identify those systems with the most critical compliance issues or threats to water quality to ensure funds are directed to the highest priority projects. The CEA also works with communities to support conversion of septic systems, which often impact groundwater, to sewer systems. The small community wastewater program provides a range of financial support, including emergency repairs, technical assistance, consolidations, planning, and construction. The CEA has the lead in developing policy recommendations for small communities as part of the Clean Water State Revolving Fund Intended Use Plan, which is an annual plan that must be submitted to the U.S. EPA to receive federal grant dollars. There are approximately 90 current pending applications for small community wastewater funds totaling approximately \$1.6 billion and approximately \$450 million is available.

3) High Level Coordination, Collaboration, and Communication: the CEA has primary responsibility for coordinating, collaborating, and communicating on small community drinking water and wastewater funding needs and issues with other internal and external organizations, including Board members, State Board Executive management, the Divisions of Drinking Water, Water Quality, Water Rights, and Information Technology; the Offices of Chief Counsel, Legislative Affairs, Media Relations, Research, Planning, and Performance, Information Management and Assessment. The CEA is the primary subject matter expert on small community financing on both pending legislation and in responding to legislative inquiries; developing responses to media inquiries; and responding to requests from CalEPA and the Governor's Office. The CEA is responsible for overseeing preparation of BCPs and legislative proposals related to small community funding programs. The CEA works closely with a variety of nongovernmental organizations to provide technical assistance and support. The CEA is the primary contact with the Department of Water Resources to carry out complimentary funding programs in a coordinated way. The CEA is primarily responsible for developing policies and administering federal resources provided for small and disadvantaged communities through the State Revolving Funds and the Bipartisan Infrastructure Law, including reporting on implementing the Biden Administration's Justice 40 initiative. The CEA has primary responsibility for developing and implementing process improvements that impact the funding of small community projects, including those process improvement recommendations identified in the State Auditor's report 2021-0118.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: DFA is the funding arm of the State Water Board, providing billions of dollars in grant and loan funding for critical water quality and drinking water projects, which is essential to advancing the Board's mission to preserve, enhance, and restore the quality of California's water resources and ensure safe drinking water for all Californians. Funding helps entities the Board regulates comply with water quality and drinking water standards and regulations.

Staff within the OSWS branch are directly responsible for the following specific program areas, which are critical to achieving the goals of DFA and the Board: review of applications from small communities to determine project eligibility, technical feasibility, and a project budget, schedule, and scope; developing and negotiating funding agreements to ensure that projects are implemented consistent with state and federal laws and Board policy; reviewing reimbursement requests to ensure eligibility prior to payment, and conducting site visits and project reviews to ensure projects are constructed and completed consistent with the funding agreements.

The projects that OSWS staff oversee are primarily in small, economically disadvantaged communities that generally do not have sufficient resources, absent State Water Board support, to fund critical drinking water and clean water infrastructure projects.

## **B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Since the OSWS Branch was established in 2019, the Branch has seen a significant increase in the scope of projects and activities it funds, as well as an expansion in the diversity of funding sources and programs.

The OSWS Branch is responsible for administering numerous funding programs, including multiple general obligation bond funded programs; the small community portions of the Clean Water and Drinking Water State Revolving Fund Programs, the Bipartisan Infrastructure Law, general fund appropriations, and the Safe and Affordable Drinking Water Fund (SADWF). SADWF, was established in July 2019, and provides \$130 million annually to address short and long-term drinking water needs primarily in disadvantaged communities. It is a particularly high profile program with significant interest from stakeholders, the media, the legislature, and the Administration. In addition, in budget years FY 21/22 and 22/23, significant new funding has recently been appropriated to address high-priority statewide issues such as drought preparedness, climate resiliency (\$1.3 billion from the State). The federal government passed the Bipartisan Infrastructure Law passed in November 2021, which is adding hundreds of millions in funds over a five year period to support small communities.

The scope of activities in OSWS has expanded beyond its primary focus on addressing drinking water and clean water infrastructure needs. The OSWS Branch has over \$100 million in grants with over a dozen technical assistance providers to support small, disadvantaged communities; has nearly \$100 million in funding to support thousands of individual domestic well owners with dry/failing wells by providing hauled water and replacement wells; provides financial support for administrators appointed by DDW; and has begun providing support for operations and maintenance for systems with high water rates.

With the new and expanded programs, the OSWS Branch has come under additional scrutiny and is expected to manage a much more complex portfolio of projects. The combination of a higher profile; greater scrutiny of many of the programs the OSWS Branch manages; emphasis on process improvements and key performance indicators; and engagement with a greater number of internal and external stakeholders requires an executive leader with a broader skill set and knowledge base than has been required when the focus was primarily on the technical feasibility/appropriateness of proposed projects.

### C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA will have primary responsibility for establishing and implementing policies in the following areas:

1. Safe and Affordable Funding for Equity and Resilience (SAFER) Program: SAFER is designed to ensure Californians who lack safe, adequate, and affordable drinking water receive it as quickly as possible, and that the water systems serving them establish sustainable solutions. The CEA has the DFA lead in preparing the annual \$130 million Fund Expenditure Plan (FEP) for the Safe and Affordable Drinking Water (SADW) Fund, as well as the Policy for the FEP. The Policy for the FEP establishes the overall policy framework for expenditure of the SADW Fund and the FEP describes the planned expenditures for the SADW Fund and complimentary funding sources. Policy priorities are established in the FEP through expenditure targets and eligibility criteria. The FEP is adopted by the State Water Board with input from stakeholders, the Department of Finance and the Governor's Office, which is submitted to the legislature. The policies associated with the SAFER program are multi-faceted and specific to small community water systems, public schools, and individual households with a range of financial support and distinct policies that apply to emergency and interim water supplies, technical assistance, consolidations, administrators, domestic well repair/replacement, planning, and construction.

2. Drinking Water State Revolving Fund (SRF) Policy and Intended Use Plan (Small Community Policies): The CEA has the lead in developing the policies associated with expenditure of federal funds under the Drinking Water SRF. The Drinking Water SRF Policy provides the overall policy framework for administration of hundreds of millions of federal funds, while the Intended Use Plan (IUP) includes policies for expenditures in a given fiscal year. The IUP functionally serves as the policy/guidelines document for State general obligation bond funds (e.g., Propositions 1 and 68) and general fund appropriations. Together, the Drinking Water SRF Policy and IUP define policy priorities, as well as eligibility and funding criteria, for small community drinking water projects that address hundreds of failing and at-risk community water systems throughout the State. The CEA is responsible for ensuring the DW SRF Policy and IUP align with the State's Human Right to Water policy, as well as the State Water Board's Racial Equity Action Plan.

3. Clean Water State Revolving Fund (SRF) Policy and Intended Use Plan (Small Community Policies): The CEA has the lead in developing the policies associated with expenditure of federal funds under the Clean Water SRF. The Clean Water SRF Policy provides the overall policy framework for administration of hundreds of millions of federal funds, while the Intended Use Plan (IUP) includes policies for expenditures in a given fiscal year. The IUP functionally serves as the policy/guidelines document for State general obligation bond funds (e.g., Propositions 1 and 68) and general fund appropriations. Together, the Clean Water SRF Policy and IUP define policy priorities, as well as eligibility and funding criteria, for small community clean water projects that address hundreds of community sewer and wastewater treatment systems throughout the State. The focus of these efforts is on ensuring policies support communities working to move off of septic systems that impact groundwater and assisting small community wastewater systems in coming into compliance with Regional Board or State Board permits and waste discharge requirements. The CEA is responsible for ensuring the Clean Water SRF Policy and IUP align with the State's Human Right to Water policy (access to sanitation), as well as the State Water Board's Racial Equity Action Plan.

### **C. ROLE IN POLICY INFLUENCE (continued)**

#### **13. What is the CEA position's scope and nature of decision-making authority?**

The CEA will typically have final decision-making authority on most issues requiring interpretation of State Water Board policies that apply to funding small community drinking water and clean water projects (see 26 above). This includes interpreting project and applicant eligibility, feasibility of the project, and whether the applicant has the capacity to operate and maintain the project for its useful life. The CEA, therefore, independently decides which of the hundreds of project funding applications move forward and which either need further work or will be denied funding. The CEA will also generally decide which projects fall outside of delegated authority or established policy and, therefore, are elevated to the Deputy Director, Executive Director and State Board for consideration. These decisions are made in consultation with colleagues in other parts of the Water Board and/or legal staff as needed.

The CEA will have primary decision making authority regarding procedures and best practices associated with the responsibilities of the Office of Sustainable Water Solutions Branch, including application review procedures and standards; review of technical deliverables; and review of reimbursement claims. The CEA will provide final approval for any new or revised funding application material; checklists; and program related changes to funding agreement templates.

The CEA has delegated authority to approve technical assistance work plans and work plan amendments (in the hundreds each year), as well as work plans associated with Administrators appointed to oversee water systems. The CEA also has delegated authority to approve amendments to existing funding agreements, including increasing allowable funding amounts.

The CEA will be the main point of contact and decision maker for identifying and resolving small community issues that involve both internal and external organizations, including, but not limited to: the Office of Chief Counsel, the Division of Drinking Water, the Division of Water Quality, the nine Regional Water Quality Control Boards, the Office of Public Participation, the Office of Legislative Affairs, the Office of Media Relations, the Department of Water Resources, technical assistance providers (including NGOs), Administrators appointed by DDW, and CV-SALTS Management Zone Groups.

#### **14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The CEA will be responsible for developing, interpreting, and implementing both existing and new policy related to the provision of billions of dollars in grants and loans to small, primarily disadvantaged communities. DFA is constantly receiving new funding allocations. As a result, DFA policy is revised and updated on a regular basis, through the adoption of new or amended funding guidelines, through the annual adoption of the Clean Water and Drinking Water State Revolving Fund Intended Use Plans, and through annual adoption of the Safe and Affordable Drinking Water Fund Expenditure Plan, which a key aspect of SAFER implementation. The CEA will also be the lead in developing policy recommendations and funding guidelines to address emerging contaminants, especially as those contaminants impact small, disadvantaged communities. The CEA has primary responsibility for developing and implementing funding policy to address drought and other emergencies, as well as programs supporting individual households with dry wells/no reliable water supply.