

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE RESOLUTION NO. R9-2017-0125 UPDATED

A Resolution Endorsing the San Diego Water Board's
2017 ENVIRONMENTAL JUSTICE ACTION PLAN

WHEREAS:

1. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board or Water Board) adopted Resolution No. [R9-2013-0153](#), A Resolution in Support of the San Diego Water Board's Practical Vision, entitled "*Healthy Waters, Healthy People*" on November 13, 2013; and
2. Chapter 4 of the Practical Vision, entitled *Proactive Public Outreach and Communication* is devoted to increasing the San Diego Water Board's community outreach, public participation, and collaboration; and calls for the development of a Community Outreach Strategy with an emphasis on outreach to environmental justice (EJ) and disadvantaged communities; and
3. The San Diego Water Board endorsed its 2016 Community Outreach Strategy pursuant to Resolution No. [R9-2016-0200](#) on November 9, 2016. The purpose of the 2016 Outreach Strategy is to guide the Board as it implements outreach that goes above and beyond its traditional regulatory outreach. The 2016 Outreach Strategy is structured around a set of outreach priorities, the first of which is outreach to the environmental justice and disadvantaged communities. The Board has previously identified that projects which benefit EJ communities will be given priority for funding pursuant to Resolution No. [R9-2015-0020](#). The 2016 Outreach Strategy directs the Executive Officer to conduct an initial public workshop in 2017 to identify priority EJ issues and explore novel approaches to address them; and

2017 Environmental Justice Symposium

4. The San Diego Water Board conducted its first Environmental Justice Symposium in the environmental justice community of Barrio Logan, San Diego County on Saturday June 10, 2017;¹ and
5. The San Diego Water Board's ultimate environmental justice goal is "to restore and protect waters in underserved areas and by doing so, make a positive difference in the health and lives of the local environmental justice community members"; and
6. The purpose of the EJ Symposium was to provide a unique opportunity for members of our local communities to voice their water quality concerns directly to the Water Board Members; and
7. Specifically, the Water Board was seeking community answers to the following three questions: (1) What are the most important water quality problems and needs in environmental justice communities? (2) What actions could the Water Board (in its traditional or nontraditional role) take to address these problems? and (3) What novel approaches could the Water Board and its partners undertake to

¹ The day of the week, time, and location were specifically selected to encourage as much participation from local EJ communities as possible. In addition to the listening session, a Water Board Open House was conducted in the adjacent room and featured participating NGO exhibits, a children's activity station, and refreshments.

- support environmental justice communities (including possible legislative proposals and potential funding sources)?; and
8. In attendance at the EJ Symposium to listen to community members were all six members of the San Diego Water Board as well as twelve local, State, and federal elected officials; eight in person and four represented by staff; in total 121 people attended the day-long “Listening Session”; and
 9. On review of all written and oral EJ Symposium comments, staff identified the following five problem areas as most important for potential Water Board follow-up actions in 2018 and 2019.
 - I. Tijuana River Valley Sewage, Trash and Sediment
 - II. Homeless Encampments (and Hepatitis A)
 - III. Trash and Dumping / Education and Outreach
 - IV. Chollas Creek, Paradise Creek, and the Wetlands, and Canyons Surrounding EJ Communities (South of I-8)
 - V. “Other”; and
 10. The purpose of this tentative Resolution No. R9-2017-0125 and companion draft 2017 Environmental Justice Action Plan (**Attachment A**) is to summarize the findings of the 2017 EJ Symposium and propose a set of recommended follow-up actions the San Diego Water Board may wish to take in 2018 and 2019; and

Problem I: Tijuana River Valley Sewage, Trash and Sediment

11. The most common and passionate issue raised at the 2017 EJ Symposium was the need for the San Diego Water Board to do more to address the continuing cross border flows of sewage, trash, and sediment into the Tijuana River Valley. Although the majority of sewage is now treated to secondary standards on the U.S. side, significant overflows of untreated sewage into the Tijuana River Valley are still common, largely due to failures of Mexican infrastructure or U.S. International Boundary and Water Commission (U.S. IBWC) canyon interceptors/collectors. Because of ongoing sewage, trash and sediment discharges, the health, property, and quality of life of Tijuana River Valley residents is chronically threatened. In addition, adjacent coastal beaches are frequently closed due to bacterial levels greatly exceeding recreational contact standards; and

Problem II: Homeless Encampments (and Hepatitis A)

12. On September 1, 2017, the [San Diego County Public Health Officer](#) declared a local public health emergency due to the ongoing hepatitis A virus outbreak. As of September 26, 2017 the County reported that the virus killed 17 people, hospitalized 315, and afflicted a total of 461 persons since last fall.² The majority, but not all, of the victims have been homeless or illicit drug users. Hepatitis A is a highly contagious virus that causes liver disease and is often, but not always, associated with significant gastro-intestinal symptoms. Hepatitis A can be fatal. Without access to restrooms, homeless persons use sidewalks, public rights of way, and rivers and creeks, etc. as toilets. The virus is spread when a person consumes food or drink that has been contaminated by the feces of an infected person. Experts report that the Hepatitis A virus has a remarkable ability to survive in the environment and for that reason, sanitation and vaccinations are key to turning the tide on the outbreak; and

² These counts do not include all reported cases in the county; only those that are related to the local outbreak.

13. According to the Union Tribune, the 2017 count of homeless people in San Diego County is 9,116, the fourth largest count in the nation, and a 5 percent increase from 2016. While the county-wide population increased by 5 percent, the number of people living on the streets of downtown San Diego spiked by 27 percent. Of the 9,116 homeless, 5,621 are “unsheltered”, a 14 percent increase over 2016; and

Problem III: Chollas Creek, Paradise Creek, and the Wetlands and Canyons Surrounding EJ Communities (South of I-8)

14. A prominent theme throughout the EJ Symposium was the need for, but lack of funding to restore and protect Chollas Creek, Paradise Creek, and the wetlands and canyons surrounding the EJ communities (south of I-8); and

Problem IV: Trash and Dumping / Education and Outreach

15. The second most commonly raised issue at the EJ Symposium was the abundance of trash and dumping that plagues local EJ communities. Symposium participants repeatedly spoke of the need for more household and public trash receptacles as well as the need for more frequent collection of trash in public parks and popular public areas. Profuse trash, over-flowing trash bins, and abandoned unwanted objects are common sights in EJ neighborhoods, waterbodies, parks, and canyons. Reasons cited for excessive trash and dumping in EJ communities include—the inadequacy of one trash bin for multiple or large extended families who live together in a single household; the need for timesaving convenient options because parents often work multiple jobs; education and income levels are relatively low, and language barriers exist; and

Problem V: “Other”

16. A wide range of other environmental justice issues were also raised at the Symposium.

THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board endorses the draft 2017 Environmental Justice Action Plan (**Attachment A**), the companion document to this resolution. The recommended actions listed below are more fully described in the EJ Action Plan and are largely based on what was learned from EJ Symposium participants; and

Action Plan I: Tijuana River Valley Sewage, Trash, and Sediment

2. To improve water quality and the quality of life in EJ communities with respect to the Tijuana River Valley, the San Diego Water Board will consider taking these follow-up actions in 2018 and 2019:
 - Provide an update on the Tijuana River Valley Recovery Team (TRVRT) Five Year Action Plan
 - Conduct outreach with elected officials and south San Diego County non-governmental organizations (NGOs) at the Tijuana River National Estuarine Research Reserve (TRNERR)
 - Investigate extent and magnitude of contamination throughout the Tijuana River Valley
 - Develop total maximum daily loads (TMDLs) for (1) pathogens/contaminated water; and (2) trash/solid waste in the Tijuana River Valley pursuant to anticipated 2018 Triennial Review Tier I Priorities³

³ Although the 2018 Triennial Review has not yet begun, based on past priorities, the development of TMDLs for the Tijuana River Valley will likely rank within the Tier 1 Priorities.

- Refocus Tijuana River Valley Recovery Team efforts
- Keep elected officials informed on the status of Tijuana River Valley issues

Action Plan II: Homeless Encampments (and Hepatitis A)

3. To improve water quality and the quality of life in EJ communities with respect to homeless encampments (and Hepatitis A), the San Diego Water Board will consider taking these follow-up actions in 2018 and 2019:
- Meet with sister State agencies regarding homeless encampments
 - Conduct outreach with San Diego County NGOs regarding homeless encampments
 - Conduct outreach with Riverside County elected officials/NGOs regarding homeless encampments
 - Agendize and discuss homeless encampments at San Diego Water Board meetings
 - Assist municipal emergency sanitary measures for street disinfection
 - Investigate public health risk of discharges from homeless population
 - Engage and collaborate with municipalities to reduce and eliminate human sources of wastes associated with homeless persons and encampments

Action Plan III: Chollas Creek, Paradise Creek and the Wetlands and Canyons Surrounding EJ Communities (South of I-8)

4. To improve water quality and the quality of life in EJ communities with respect to Chollas Creek, Paradise Creek, and the wetlands and canyons surrounding EJ communities (south of I-8), the San Diego Water Board will consider taking these follow-up actions in 2018 and 2019:
- Prioritize Chollas Creek, Paradise Creek and the wetlands and canyons surrounding EJ communities (south of I-8) for funding opportunities
 - Prioritize Chollas Creek, Paradise Creek and the wetlands and canyons surrounding EJ communities (south of I-8) for restoration opportunities
 - Support/partner with small non-profits dedicated to Chollas Creek, Paradise Creek and the wetlands and canyons in EJ communities (south of I-8); and

Action Plan IV: Trash and Dumping / Education and Outreach

5. To improve water quality and the quality of life in EJ communities with respect to trash and dumping / education and outreach, the San Diego Water Board will consider taking these follow-up actions in 2018 and 2019:
- Encourage municipalities to provide additional waste disposal services in EJ communities
 - Encourage municipal copermittees to provide additional education and outreach to EJ communities
 - Encourage municipal copermittees to request SDG&E provide targeted outreach to EJ communities

- Ensure municipal copermittees consider EJ when implementing the new Trash Amendments⁴
- Integrate EJ considerations into the renewal Regional Municipal Storm Water Permit; and;

Action Plan V: “Other”

6. To improve water quality and the quality of life in EJ communities with respect to “other” issues raised at the Symposium, the San Diego Water Board will consider taking these follow-up actions in 2018 and 2019:
 - Keep EJ communities informed and engaged, and continue targeted outreach
 - Keep elected officials informed and engaged, and continue targeted outreach
 - Keep EJ community leaders informed and engaged
 - Support/partner with small non-profits committed to environmental justice
 - Communicate with elected officials and municipal copermittees on drainage/flooding issues
 - When developing workplans for the Site Cleanup, 401 Certification, and Compliance Assurance Programs, evaluate EJ factors and consider giving high priority to EJ benefitting projects.
 - Initiate collaboration with California Air Board on issues that impact EJ communities
 - Support supplemental environmental projects (SEPs) benefitting EJ communities
 - Encourage school districts/colleges to give course credit for cleanups and other NGO events
7. The Water Board may also wish to encourage its partners or the Municipal Copermittees to take the following actions:
 - Plant vegetation everywhere possible to improve air and water quality and provide a limited visual and sound barrier between residential neighborhoods and industry
 - Consider providing land with clean soil for EJ community gardens
 - Provide owl and bat boxes for effective rodent and insect control (safe, fun, educational)
 - Support a legislative ban on styrofoam
 - Exchange styrofoam food packaging for paper packaging at local eateries
 - Consider exchanging a bag of fresh produce for a bag of “collected” trash
8. The San Diego Water Board commits to continuing its pursuit of the dedicated funding and staffing resources needed to implement the 2016 Outreach Strategy, this resolution, and the 2017 Environmental Justice Action Plan.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Diego Region on October 11, 2017.

TENTATIVE

David W. Gibson, Executive Officer

⁴Trash amendments to the Water Quality Control Plans for Ocean Waters of California and for Inland Surface Waters, Enclosed Bays, and Estuaries of California. These amendments are implemented for municipal storm water discharges in the San Diego Region pursuant to Order No. [R9-2017-0077](#)