

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 28-29, 2015
Prepared February 17, 2016

ITEM NUMBER: 18
SUBJECT: Environmental Justice Update for the Central Coast Region
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KEY INFORMATION

LOCATION: Region-Wide
THIS ACTION: Informational

SUMMARY

This is an informational item to update the Central Coast Water Board on environmental justice (EJ) activities in the Central Coast Region. The California Government Code defines “environmental justice” as the fair treatment of people of all ethnicities, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. In accordance with the law, the State Water Resources Control Board (State Water Board) and Regional Water Boards are required to conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all ethnicities, cultures, and income levels, including minority populations and low-income populations of the state.

In coordination with the State Water Board, the Central Coast Water Board continues to address EJ issues throughout the Central Coast Region by coordinating with EJ organizations and implementing outreach to local communities through multiple Water Board programs, including efforts to implement the Human Right to Water (HRTW) law consistent with the Governor’s direction. Priority issues that affect EJ communities in the Central Coast Region include safe drinking water, nitrate impacts to groundwater, subsistence fishing and exposure to mercury, PCBs and DDT, including activities that affect California Indian Tribes. This staff report provides an update on EJ activities.

Human Right to Water Law (HRTW)

On September 25, 2012, California became the first state in the nation to legislatively affirm the human right to water when the legislature passed and the Governor signed into law the human right to water, declaring that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes”, and requiring all relevant state agencies to consider the human right to water “when revising,

adopting, or establishing policies, regulations, and grant criteria” relevant to domestic water uses (Water Code Section 106.3).

On February 16, 2016, the State Water Board adopted a resolution which establishes the human right to water as a core value and provides direction and guidance to the Water Boards to ensure consistency in the manner in which the human right to water is considered in certain actions. For example, the resolution directs State Water Board staff, when submitting a recommendation to the board pertinent to the human right to water, to describe how the right was considered and how staff has conducted meaningful engagement of impacted communities, and the resolution encourages Regional Water Board staff to do the same when making pertinent recommendations to their boards.

In coordination with the State Water Board, the Central Coast Water Board continues to advance efforts to ensure implementation of the HRTW law consistent with the Governor's direction. At this time, the primary programs actively addressing the HRTW law are the Groundwater Assessment Program (GAP), the Irrigated Lands Regulatory Program (ILRP), and the Grants Program. These programs actively engage the EJ community in their outreach and incorporate EJ issues into program implementation. Other programs, such as the Site Cleanup Program and Total Maximum Daily Loads (TMDL) Program have also taken steps to integrate the HRTW law into program activities. For example, the Site Cleanup Program routinely prioritizes sites which impact public health, including drinking water such as the TCE pollution affecting drinking water wells near Buckley Road in San Luis Obispo, CA.

Environmental Justice Tour

On Monday, March 7, 2016, the Environmental Justice Coalition for Water (EJCW) will conduct a second EJ/Safe Drinking Water Tour for the Central Coast Region. EJCW invited State and Regional Water Board Members, as well as Water Board staff to participate in the tour and meet with EJ representatives and community members in the greater Salinas Valley and Monterey County.

Recognizing that residents of disadvantaged communities (DACs) often have great difficulty in attending Water Board hearings, workshops, and otherwise engaging in Water Board activities, one of the primary objectives of the EJ tour is to provide Water Board Members and staff with an opportunity to meet directly with the communities in a local and informal forum to hear their perspective on drinking water contamination and EJ issues. A Supplemental Sheet summarizing the March 7, 2016 EJ Tour will be included with this staff report pending completion of the tour and Vicente Lara, the Central Coast Program Coordinator for EJCW, will provide a brief overview of the tour as part of this item.

Status of Active Environmental Justice Projects

The following is a list of Central Coast Water Board activities where staff actively engage in EJ issues. Staff will continue to update the Board on the status of these projects and activities.

Project Title (Staff Lead)	Project Description and Status
State and Regional Board EJ Coordination (Angela Schroeter, Gita Kapahi – State Board)	<i>Description:</i> The State Water Board provides regular forums for State and Regional Board staff to coordinate regarding EJ activities. In addition, the State Water Board also provides outreach resources such as interpreters and translation services to assist the Regional Boards in engaging DACs.
Environmental Justice Outreach Events and Training	<i>Description:</i> Regional Board staff routinely assists, coordinates and/or participates in events and training related to EJ issues. <i>Status:</i> Staff coordinated with EJCW to conduct a second Central Coast Region EJ Tour for State and Regional Board Members on March 7, 2016 in the Salinas Valley, in part funded by the Central Coast Water Board's Safe Drinking Water Grant.
Central Coast Water Board Implementation of Human Right to Water Law (Angela Schroeter)	<i>See HRTW discussion above.</i>
Nitrate Water Treatment Project, Salinas Valley – UCLA Pilot Project (Diane Kukol/ John Robertson)	<i>Description:</i> UCLA has received funding from State Board's Cleanup and Abatement Account to select candidate sites in the Central Valley and/or the Central Coast regions to implement wellhead treatment (combination reverse osmosis [RO]) at three proposed DAC wells impacted with unsafe nitrate concentrations. With this pilot project, UCLA is attempting to demonstrate effective and economical pre-RO treatment methods and remote telemetry management such that multiple, limited resource communities can be managed collectively, thus reducing individual system technical operation and management costs. Phase 1 of the project identified and toured perspective candidate sites and is complete. Phase 2 of the project (specific wellhead/community selection, system design and implementation) was recently funded by the State Water Board and is in progress. <i>Status:</i> UCLA selected three sites in the Central Coast Region (Salinas Valley) for the nitrate treatment project. Staff

	<p>is coordinating with State Board Division of Financial Assistance regarding status of grant project and met with UCLA representatives on November 13, 2015. In addition, staff is coordinating with UCLA to assist project implementation, including waste permitting issues related to the treatment systems. Staff participates in periodic meetings with UCLA project staff with respect to EJ and permitting issues.</p> <p>More information on this UCLA project is located at: http://www.waterboards.ca.gov/board_info/agendas/2015/jan/012015_2.pdf</p>
<p>Safe Drinking Water Grant Project (Katie McNeill)</p>	<p><i>Description:</i> The Safe Drinking Water Grant Project provides approximately \$118,000 in PG&E settlement funds to grantees to assist individuals and small communities affected by nitrate in groundwater in the Salinas Valley in obtaining interim replacement safe drinking water. Funds are also used to conduct outreach to affected communities to ensure they are aware of risks of nitrate contamination in their drinking water/groundwater.</p> <p><i>Status:</i> EJCW and CURES are in the final year of their safe drinking water grant projects. EJCW conducted outreach and contracted with a water company to provide bottled water to 39 economically disadvantaged households in the Royal Oaks/Los Lomas Community of North Monterey County. Approximately 1,800 gallons of replacement water are provided each month. To date, approximately 19,765 gallons of water has been delivered totaling approximately \$16,500 in replacement water costs. Bottled water deliveries will continue while participants consider longer-term solutions. Grant work also includes funding for EJCW to lead environmental justice tours and forums, with an upcoming tour scheduled for March 7, 2016. The project end date is January 31, 2017. CURES has a two-year lease agreement with a water company to maintain their under sink reverse osmosis (RO) units in two households, and to provide bottled replacement water to another household, totaling approximately \$10,000 in RO installation and continued replacement water costs. CURES recently reached out to other economically disadvantaged households on agricultural lands who previously expressed interest in replacement water, and is conducting outreach to gain information on replacement water needs throughout the grower community. Their grant is scheduled for completion in March 2016. Replacement water services through both grants will continue for the two-year period.</p>

<p>Drinking Water Protection / Replacement Drinking Water Cases (Hector Hernandez, Diane Kukol and Angela Schroeter)</p>	<p><i>Description:</i> Staff is following up on cases where individuals or communities may not have safe drinking water associated with widespread nitrate pollution. The Central Coast Water Board role primarily relates to the discharge of waste and impacts to drinking water beneficial uses. Staff is coordinating with the State Water Board's Division of Drinking Water (DDW) and local public health agencies regarding specific cases and appropriate actions.</p> <p><i>Status:</i> Staff continues to identify, evaluate, prioritize and act on water quality cases where individuals or communities may not have safe drinking water. On November 13, 2015, staff held a Drinking Water Coordination Meeting with DDW, Monterey County Environmental Health, and UCLA reps implementing the Salinas Valley nitrate treatment pilot project; The meeting focused on nitrate treatment alternatives, including issues related to approval, permitting, and residual waste disposal. On January 26, 2016, staff met with DDW – Santa Barbara District and Santa Barbara County Environmental Health staff to discuss nitrate impacts to drinking water. Currently, staff is coordinating with DDW and County Environmental Health to prioritize investigations and follow-up of nitrate impacts to schools and other vulnerable drinking water systems in disadvantaged communities.</p>
<p>Central Coast Domestic Well Outreach and Sampling Project/CCAMP-GAP (Matthew Keeling)</p>	<p><i>Description:</i> The Central Coast Ambient Monitoring Program – Groundwater Assessment and Protection (CCAMP-GAP) effort is coordinating with the State Water Board for funding to implement a domestic well outreach and sampling project within the Central Coast Region with an emphasis on high-risk nitrate areas and DACs. The project is intended as a pilot to inform the implementation of similar projects in the State where there is significant groundwater pollution affecting drinking water and domestic wells.</p> <p><i>Status:</i> The Water Board released an invitation for bid for prospective applicants to implement field sampling, analytical testing and data management activities for the Domestic Well Sampling Project. Bids were received on April 27, 2015, and a drought exemption was pursued by staff and subsequently approved by the Division of Finance on July 10, 2015 to expedite the contracting process for this portion of the project. A contract agreement was ratified with the selected contractor, Tetra Tech, Inc., in October 2015. Staff is currently working with Tetra Tech on the development of the Quality Assurance Project Plan (QAPP) and it is anticipated that Tetra Tech will be able to launch the field sampling portion of the project early this spring.</p> <p>Due to a number of ongoing administrative obstacles, the State Water Board Office of Public Participation (OPP) and the</p>

	<p>Contracts Unit have been unable to initiate a bidding process for the separately funded DAC-focused outreach and education (O&E) portion of the project. In addition, EJCW, the primary go-to for this effort, has recently indicated that it will not be able to play as significant of an on-the-ground role for the DAC-focused O&E efforts. However, there is still the potential for them to participate in this effort to a lesser extent as a sub-consultant/contractor. State Board OPP and Central Coast Water Board staff are also in discussion with the UC Davis Center for Regional Change to see what role they may be able to play in the development and implementation of a DAC-focused O&E plan. To fill this void in the likelihood that a state initiated agreement is not in place to implement DAC focused O&E in concert with the field sampling work, staff is also coordinating with Tetra Tech to take on this portion of the project via a GAP-funded contract agreement. Staff is intending that the pending O&E portion of the project be part of a broader effort to increase EJ and DAC capacity and leverage other funding sources to provide administrative and technical support to DACs in the Central Coast for the implementation of both interim and long-term drinking water solutions (see table item below titled Increased DAC Capacity and Leveraging – CCAMP-GAP).</p>
<p>Increased DAC Capacity and Leveraging – CCAMP-GAP (Matthew Keeling)</p>	<p><i>Description:</i> A lack of capacity to identify and address the drinking water needs of DACs in the Central Coast exists. To address this need CCAMP-GAP is developing a project to increase outreach and technical assistance to DACs and leverage other funding sources to address interim and long-term drinking water needs, including the development of sustainable DAC capacity to manage drinking water systems. The program will be funded with GAP supplemental environmental project (SEP) funds. An emphasis will be on leveraging the services of other entities and programs to provide technical support and funding to identify and implement drinking water solutions. To effectively leverage this project, it will also be coordinated with existing regional and state funded efforts such as the Central Coast Domestic Well Outreach and Sampling Project, Salinas Valley Disadvantaged Community Integrated Drinking Water and Wastewater Plan, Safe Drinking Water Grant Project, etc.</p> <p><i>Status:</i> Staff has recently shifted its focus on coordinating with Tetra Tech instead of EJCW to develop the scope of work and budget and an associated a funding agreement to implement the project. Implementation of the project will consist of an initial piloting phase to gauge the effectiveness of increasing DAC-related capacities and leveraging of other services and funds. Increased funding will be considered based on the performance of the project.</p>

<p>Integrated Regional Watershed Management (IRWM) and Related Funding Programs (Katie McNeil)</p>	<p><i>Description:</i> The Central Coast Water Board is coordinating with the State Water Board and Department of Water Resources to support project opportunities related to safe drinking water for DACs.</p> <p><i>Status:</i> Current funding sources include Prop 1 Groundwater Sustainability, Drinking Water State Revolving Fund, Clean Water State Revolving Fund, Cleanup and Abatement Account Interim Emergency Drinking Water Fund, Waste Discharge Fund, Site Cleanup Subaccount Program, and Climate Relief Fund. In addition, DWR is administering Prop 1 IRWM funds, with \$43 million dollars allocated to the Central Coast Region. This includes projects that intend to provide direct water-related benefits to DACs. For more info, go to: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/</p>
<p>Salinas Valley Disadvantaged Community Integrated Drinking Water and Wastewater Plan (Matt Keeling)</p>	<p><i>Description:</i> As part of the Greater Monterey County IRWM, this project is implementing a comprehensive DAC needs and solutions assessment for the Salinas Valley with detailed project plans for high priority projects to be implemented with available funding. Central Coast Water Board staff participates on the Technical Advisory Committee (TAC) which includes community members, technical and industry professionals, regulatory agencies, funding agencies, and non-profit community-based organizations. The Greater Monterey County IRWM proposal includes projects to address critical drinking water and wastewater needs for disadvantaged communities within the region, including Alpine Court (failed septic system) and San Vicente Road (high nitrate in drinking water).</p> <p><i>Status:</i> The TAC is in the process of reviewing existing information about DAC drinking water and wastewater problems and potential solutions, identifying data gaps and gathering additional information, and developing criteria to rank the DAC needs and identify the most viable alternatives.</p>
<p>Outreach to California Indian Tribes (Various)</p>	<p>Statewide EJ efforts include coordinating with California tribal and indigenous populations and communities that potentially experience disproportionate environmental harm and risk due to exposures or cumulative impacts or greater vulnerability to environmental hazards, including discharge of waste to surface water or groundwater and resulting pollution.</p> <p><i>Status:</i> Currently, staff considers opportunities to enable local tribal interests to effectively participate in water quality decision-making processes which affect traditional Tribal lands, resources, Tribal members and/or the Tribal Nations</p>

	<p>themselves. These activities may include efforts related to waste discharge permitting, cleanup, restoration and pollution exposure reduction efforts. Currently, staff is working with Northern Chumash Tribal Council representatives and the State Water Board's Division of Drinking Water to expand recycled water use in the Santa Ynez area.</p>
<p>Governor's Drinking Water Stakeholder Group (Matt Keeling)</p>	<p>Description: In 2012, the Governor's Drinking Water Stakeholder Group was established to develop recommendations to address communities' challenges in dealing with nitrate contamination of drinking water supplies in the Tulare Lake Basin and Salinas Valley. The group was comprised of representatives from state and local agencies, water organizations, agricultural groups and environmental and consumer organizations. Central Coast Water Board staff and Board Member Monica Hunter participated on behalf of our region.</p> <p>Status: Completed. A summary and links to documents are available at: http://www.waterboards.ca.gov/water_issues/programs/groundwater/drinkingwater_stakeholders.shtml</p>

NEXT STEPS

Staff will continue to update the Board on the status of EJ activities in the Central Coast Region, including progress towards implementing the HRTW law. In addition, staff plans to coordinate with EJ representatives to provide additional opportunities for Board Members to participate in future EJ tours, pending Board Member interest and schedules.

EJ representatives have also requested the opportunity for the Central Coast Water Board to convene a Board Workshop focused on discussion of local and regional EJ issues, including the possibility for Board Members to attend a full screening of the film "Thirsty for Justice" which shares powerful stories of those who suffer from drinking water contamination in California.

For more information pertaining to water quality-related EJ issues and resources, go to:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/enviro_justice/enviro_justice.shtml