

MARCH 10 2015

JEANINE TOWNSEND, CLERK OF THE BOARD
STATE WATER RESOURCES CONTROL BOARD
1001 I STREET, 24TH FLOOR
SACRAMENTO CA 95814
commentletters@waterboards.ca.gov



Re: Comment Letter Imperial Irrigation District (IID) Petition

Dear Ms. Townsend:

On behalf of Comite Civico Del Valle, we submit these comments relative to the Imperial Irrigation District (IID) petition for change seeking modification of Revised Order WRO 2002-0013. Comite Civico is an environmental justice organization that focuses on land use, air quality and health of the Imperial/Coachella Valley's. Comite Civico represents disadvantaged communities that have not had a meaningful voice in decisions that affect their environment. Salton Sea community is predominantly low income Latino population, with a vast majority dependent on agriculture and tourism. Comite Civico submits these comments on behalf of our members and in support of the Imperial Irrigation District (IID) petition.

The QSA is causing detrimental harm to disadvantaged communities living in the Salton Sea Basin. The "harm" includes increased risks to public health, economic stress, depletion of consumable fish, reduced biodiversity and endangered species. ¹According to Barry Wallerstein, executive officer of the South Coast Air Quality Management District stated, "We now have solid evidence that clearly points to the Salton Sea as the source of a very large and unusual odor event". South Coast AQMD confirmed Salton Sea as the source of a widespread sulfur odor across more than 150 miles of the southland by air quality officials (9/11/12) AQMD News.

Air quality in both Imperial and Coachella Valley's already fail to meet Federal standards for clean air. Imperial County is disproportionately burdened by having the highest childhood asthma hospitalization rate in California. By 2017 the Salton Sea will have a rapid decrease of water inflows, the seabed has sediment from agricultural pesticide laden chemicals embedded in the seabed and are already being exposed. Combined with ozone precursors such as carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter (PM10, PM2.5), hydrogen sulfide (H₂S) and other harmful pollutants has resulted in a toxic hot spot. The majority of population is low-income Latino, who needs to be made aware of these impacts and be given the chance to have their voice heard.

The public health of the people in the Imperial/Coachella valleys will be critically affected from the State's failure to fully invest and support a restoration plan. The decline of water levels resulting from water transfers under the Quantification Settlement Agreement (QSA) will expose thousands of acres of lakebed to the air. Emissions from this exposed playa will significantly worsen our region's already-poor air quality and cause many residents 150 miles radius to suffer from heart disease, asthma, lung cancer, and other health problems. Both the direct financial costs (in the form of direct healthcare expenses and indirect costs associated with health care) and human costs (in terms of increased mortality, lost productivity, and so forth) will be substantial, and will be a major

burden on the families, communities, businesses and local government in the Imperial and Coachella valleys. That is the harsh reality facing our region. According to the ²California Department of Public Health, Border Asthma & Allergy Study, Imperial County has the highest rate of childhood asthma hospitalization admission in California. Nearly 85% of these hospital admission occurred among Latino children.

The California Water Action Plan

³The California Water Action Plan provides that the Natural Resources Agency, in partnerships with the Salton Sea Authority, will coordinate state, local and federal restoration efforts and work with local stakeholders to develop a shared vision for the future of the Salton Sea. Meanwhile, the Natural Resources Agency and the Salton Sea Authority are developing a roadmap for the Salton Sea that will evaluate additional restoration projects and identify economic development opportunities.

The California Water Action Plan also mentions the need to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate flows for fish and wildlife habitat. Comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning process. Protect key habitat of the Salton Sea through local partnership.

Environmental Justice and Public Participation

The QSA never included Environmental & Climate Justice or community capacity building, and accordingly, there has been very little public participation. ⁴The California Environmental Protection Agency (EPA) identifies community capacity building as efforts to engage disadvantaged population to help them better identify and meet the needs of their areas. It includes building on existing skills, providing education on issues and processes and helping them communicate effectively in the public realm. At any level capacity building refers to ensuring the State is responsive and accountable to all stakeholders, that all agencies involved in the QSA and officials are informed about issues of concern for their communities, and that communities are aware and informed of issues affecting them.

The Governor's Office of Planning and Research 2003 General Plan Guidelines ⁵ (http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf) provides recommendations regarding public engagement for environmental justice communities. These include: scheduling public meetings on key issues affecting the public at times and locations most convenient to community members, providing child care, and building community partnerships. It is key that translation and interpretation services are provided at public meetings on issues affecting populations whose primary language is not English. This includes any advertising and written background materials. If some documents are infeasible to translate in their entirety, the planning agency should consider translating an executive summary in the major languages spoken in the community. Translation time should not be taken from participants' time limits for comments.

CALIFORNIA LAW DEFINES ENVIRONMENTAL JUSTICE AS;

“The fair treatment of all races, cultures and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Government Code section 65040.12 and Public Resources Code section 72000). In conformance with this law, it is the⁶ California Natural Resources Agency’s policy that the fair treatment of people of all races, cultures, and income be fully considered in planning, decision-making, development, and implementation of all Natural Resources Agency programs, policies, and activities. The intent of this policy is to ensure that the public, including minority and low-income populations, are informed of opportunities to participate in the development of all Natural Resources Agency programs, policies, and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from environmental decisions (California Department of Water Resources [DWR] and California Department of [DFG]2007)

Double Jeopardy

⁷According to By Rachel Morello-Frosch, environmental health scientist New principles can stop us from dumping on minorities and the poor skin color and wealth remain pervasive fault lines in U.S. society, as best proved by the persistence of economically and racially segregated communities. People living in these places face excessive stressors, including poverty, substandard housing, malnutrition and lack of health care. Each of these inequalities is bad enough on its own. Yet the National Academy of Sciences’ Institute of Medicine describes this combined exposure as **“double jeopardy,”** because social stressors can impair an individual’s ability to fend off illnesses that pollution creates or aggravates. Indeed, studies show that air pollution is more likely to cause respiratory and cardiovascular diseases, as well as premature deaths, among people in lower socioeconomic groups. The combined threat is particularly hard on fetuses, infants and adolescents and on adults who have high blood pressure or diabetes. Individuals in poor rural areas, suffer disproportionately from childhood asthma, in part because of inadequate housing, deficient medical care and proximity to multiple sources of air pollution.

Climate Change

Climate Change presents new challenges for managing natural resources and protecting biodiversity, “pacific flyway” and endangered species at risk. Climate Change affects social development factors such as poverty and is particularly evident in disadvantaged communities such as Imperial County.⁸ Because climate change does not affect everyone equally, the adverse impacts of climate change are expected to disproportionately affect those who are socially and economically disadvantaged, including the poor, the elderly, children, traditional societies, agricultural workers and rural populations (OEHHA).

Public Health, Salton Sea Restoration and Economic Priority

The public health of the people in the Imperial Valley and Coachella Valley will be critically affected from the State’s failure to restore the Salton Sea. The decline of water levels and emissions from

this exposed seabed will significantly worsen our region's already-poor air quality and cause many residents of the Imperial and Coachella valleys to suffer from heart disease, asthma, lung cancer, and other health problems. Both the direct financial costs (in the form of direct healthcare expenses and indirect costs associated with health care) and human costs (in terms of increased mortality, lost productivity, and so forth) will be substantial, and will be a major burden on the families, communities, businesses and local government in the Imperial and Coachella valleys. That is the harsh reality facing our region.

The QSA was supposed to prevent this from happening. As IID explained in its petition, it has long been recognized that water transfers out of the Imperial Valley would be a major threat to the Salton Sea and the Imperial and Coachella valleys. These concerns almost derailed the entire QSA, but the agreements were signed after the State of California promised to restore the Sea. This promise was a matter of basic fairness and the QSA would not have been signed without it. The water transfers benefit the entire State, so the Legislature agreed that the entire State would bear the cost of addressing the effects of the transfers on the Salton Sea. It is fundamentally wrong for the residents of the Imperial and Coachella valleys—areas which already face significant public-health challenges—to be forced to bear the consequences of California's effort to reduce its usage of Colorado River water.

Almost no progress has been made on restoration more than a decade later. It is time for action. For the sake of public health in the Salton Sea region, we call upon the Board to approve IID's petition. The Board, the State, IID, and all stakeholders should cooperate to ensure that the Sea is restored before it is too late. We ask the Board to convene a collaborative process among these parties that will identify a specific restoration plan that can be implemented and funded in time to avert the looming crisis threatening our region and the entire State.

Thank you

Sincerely,

Humberto Lugo
Comite Civico Del Valle