

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
[TENTATIVE] RESOLUTION R8-2024-0029

CONDEMNING RACISM, XENOPHOBIA, BIGOTRY, AND RACIAL INJUSTICE AND
STRENGTHENING COMMITMENT TO RACIAL EQUITY, DIVERSITY, INCLUSION,
ACCESS, AND ANTI-RACISM IN THE SANTA ANA REGION

WHEREAS:

1. The Santa Ana Water Board stands with the State Water Resources Control Board (State Water Board) and other Regional Water Quality Control Boards (Regional Water Boards) and state agencies in accepting responsibility for confronting structural and institutional racism and advancing racial equity. In adopting this resolution and the resulting action plan, the Santa Ana Water Board acknowledges that this is an obligation shared by all staff, managers, the Board's Executive Team, and the Board members themselves.
2. The mission of the State Water Board and nine Regional Water Boards (collectively, Water Boards), including the Santa Ana Region (Santa Ana Water Board), is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses of water, and to ensure proper water resources allocation and efficient use for the benefit of present and future generations.
3. The Santa Ana Water Board is a member of the Government Alliance on Race and Equity (GARE) and has adopted GARE's definition of racial equity: racial equity occurs when race can no longer be used to predict life outcomes, and outcomes for all groups are improved. Because race intersects with many, if not all, other marginalized identities, prioritizing and addressing racial inequities improves outcomes for other marginalized communities.
4. The Porter-Cologne Water Quality Control Act (California Water Code, Division 7) was enacted in 1969 and is the primary law that governs water quality regulation in California. It was established to protect water quality for the use and enjoyment by the people of the state of California and achieve a unified and effective water quality control program. Pursuant to California Water Code Section 106.3, "*it is ... the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.*" Santa Ana Water Board Resolution R8-2019-0078, "*Adopting the Human Right to Water as a Core Value and Directing Its Implementation in Santa Ana Regional Water Quality Control Board Programs and Activities*" directed staff to implement tasks to ensure that the Santa Ana Water Board programs are equitably and consistently administered and are supportive of the Human Right to Water in all communities. The Santa Ana Water Board will continue this work and incorporate the tasks into the action plan developed for this resolution.

5. In Fall 2020, the State Water Board established a Racial Equity Team to establish a foundation of internal and external engagement that values listening and collaboration to drive action, draft a resolution on racial equity to be considered for adoption by the State Water Board, and to develop a subsequent racial equity action plan to implement the resolution and drive the Water Boards' efforts to institutionalize racial equity. Santa Ana Water Board staff served on the State Water Board's Racial Equity Working Group.
6. On November 16, 2021, the State Water Board adopted Resolution No. 2021-0050, Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access and Anti-Racism (State Water Board Resolution). The State Water Board Resolution acknowledged the role of the Water Boards in redressing racial inequities and dismantling institutional and systemic racism, committed to advancing racial equity within the Water Boards and the communities they serve, directed its staff to develop a racial equity action plan, and encouraged the nine Regional Water Boards to adopt similar resolutions. The Santa Ana Water Board, in adopting this resolution, affirms and endorses the State Water Board Resolution in its entirety.

Race as a Determinant of Environmental and Racial Inequities

7. Historically, decision-makers representing government agencies used race to establish structures and systems that continue to deliver disparate outcomes, including wealth, health, educational, and environmental inequities.
8. CalEPA's 2021 Pollution and Prejudice Story map ([Pollution and Prejudice \(arcgis.com\)](https://arcgis.com)) demonstrates that historically redlined neighborhoods are "generally associated with worse environmental conditions and greater population vulnerability to the effects of pollution today." In addition, Black, Indigenous, and -People of Color (BIPOC) are overrepresented in the neighborhoods that are the most environmentally degraded and are still experiencing severe racial wealth gaps caused by redlining and other land-use practices designed to oppress them. Many of these communities lack access to parks, open spaces, greenways, and green infrastructure, which provides natural flood protection, and groundwater recharge and replenishment.
9. The Office of Environmental Health Hazard Assessment's (OEHHA's) CalEnviroScreen ([CalEnviroScreen 4.0 | OEHHA](#)) mapping tool identifies communities that are disproportionately impacted by a combination of environmental stressors and socioeconomic disadvantages. The tool's 2021 update reveals that the top 10% of least-polluted neighborhoods are 67% white, and the top 10% of most-polluted neighborhoods are 90% BIPOC. Contaminated drinking water sources disproportionately burden low income and BIPOC communities throughout California, further exacerbating persistent inequities, which can be seen in data collected by the Human Right to Water Framework and Data Tool 1.0 (released January 2021).

10. In 2021, the State Water Board released the 2021 Drinking Water Needs Assessment, which (1) identifies California small water systems and domestic wells that are failing, or at risk of failing, to provide access to safe drinking water; (2) estimates the cost of interim and long-term solutions for these systems; and (3) determines the statewide funding gap and affordability challenges that may be barriers to implementing these solutions. There are approximately 345 systems that fail to meet these goals of the human right to water. In addition, the needs assessment identified 617 at-risk public water systems, 611 at-risk state small water systems, and 80,000 at-risk domestic wells. It also identified 13 federally regulated tribal water systems that failed to meet the goals of the human right to water and 22 at-risk tribal water systems.

Acknowledging Racism and Racial Inequities

11. Historically, the Water Boards' programs were established over a structural framework that perpetuated inequities based on race. These inequities persist, and prior to this resolution, the Santa Ana Water Board has not explicitly acknowledged the role racism has played in creating inequities in affordability and access to clean and safe water and in the allocation and protection of water resources. Toward reconciliation, the State Water Board now acknowledges:
 - a. White supremacy is a systemically and institutionally perpetuated system of exploitation and oppression of nations and people of color by white people for the purpose of maintaining and defending a system of wealth, power, and privilege. In the United States, white supremacy led to the genocide and forced relocation of Native American people to facilitate white resettlement and the enslavement of Native American and Black people for white economic gain. White supremacy has been served by many other government policies targeting people of color, including, for example, race-focused immigration restrictions, the internment of Japanese Americans, exclusionary housing and labor policies, and lack of investment in BIPOC communities. The impacts of federal, state, and local decision-making and policies made decades ago continue to impose challenges for BIPOC communities, who still grapple with the lasting effects of historical racial inequities stemming from those governmental decisions and policies.
 - b. With great courage and resilience, Native American people in the United States have resisted genocide, colonization and displacement and continue to maintain and adapt their unique and traditional ways of life. This genocide, colonization, and displacement have contributed to the loss of water resources and watershed management practices that supported Native American people's traditional food sources and ways of life. Historical land seizures, broken promises related to federal treaty rights, and failures to recognize and protect federal reserved rights have resulted in the loss of associated water rights and other natural resources of value, as well as cultural, spiritual, and subsistence traditions that Native American people have practiced since time immemorial. At this time, the majority of watersheds are managed through large-scale diversion of water for municipal, industrial, agricultural, and commercial beneficial uses to the detriment of traditional, local, and cultural uses and without compensation,

recognition, or replacement.

- c. As a result, California Native American Tribes continue to face barriers to defining, quantifying, accessing, protecting, and controlling their ancestral lands, water rights, instream flows, cultural resources, and beneficial uses. Redistribution of water has reduced or eliminated access to healthy ecosystems. Disconnection from traditional ancestral land and water and the unavailability of traditional foods have been linked to serious and pervasive health issues. In addition, low or non-existent instream flows, and associated water quality problems, impair or prevent water-related cultural, spiritual, and subsistence practices. These injustices are exacerbated by climate change and complex water resources and watershed management processes.
- d. The historical seizures of land from people of color have had, and continue to have, long-standing, oppressive impacts that extend beyond the loss of the land itself. These impacts include the loss of the associated water rights and other natural resources of value, lack of access to affordable and reliable governmental services, and forced relocation to areas with fewer or lower quality natural resources.
- e. In California, race predicts a person's access to governmental services and the quality and affordability of the services they receive. This includes the availability of safe drinking water and the collection, treatment, and reuse of wastewater. In fact, race is the strongest predictor of water and sanitation access.

Advancing Racial Equity and Environmental Justice

- 12. The evidence of past and persisting racism and racial inequity is compelling. On a community scale, race is strongly correlated with more severe pollution burdens. However, until recently, few of the Water Boards' policies, programs, or plans expressly considered or addressed racial inequities. As a government agency, the State Water Board recognizes the need to acknowledge racial inequity and to take action to address racial inequity within the agency and as part of the programs the Water Boards carry out for the communities we serve.
- 13. Over the last decade, the Water Boards have increasingly emphasized actions to address environmental injustices, including: (1) creating the Safe and Affordable Funding for Equity and Resilience (SAFER) Program, a comprehensive approach to implementing the state's commitment to the Human Right to Water by ensuring the estimated one million Californians being served contaminated water have solutions for safe, affordable drinking water; (2) improving engagement with California Native American Tribes and recognizing and protecting tribal beneficial uses; (3) developing a comprehensive response to climate change, including addressing disproportionate impacts on vulnerable communities; and (4) administering funding for projects that remediate the harm—or threat of harm—to human health, safety, and the environment caused by existing or threatened surface water and groundwater contamination. Much of

this funding is set aside or targeted for projects in disadvantaged and severely disadvantaged communities. The Water Boards recognize the need to further address environmental injustice and racial inequity.

Racial Equity and Environmental Justice Initiatives at the State and Regional Water Boards

14. To better represent and serve local communities, the Water Boards are working to address the connection between protecting and managing water resources and systemic and institutional racism while fostering greater workforce diversity, equity, and inclusion within the agency.
15. Since 2018, the Water Boards have been participating in GARE, an international network of governmental organizations working to achieve racial equity and advance opportunities for all. The GARE network utilizes a racial equity model of change comprising iterative stages of normalizing, organizing, and operationalizing.
16. Since 2018, Water Boards staff have been actively engaged in CalEPA's Racial Equity Team, which is implementing CalEPA's "Plan to Achieve Racial Equity" to: (1) improve access to data and information on racial equity; (2) improve communication with communities and partners; (3) improve language access; (4) advance racial equity trainings for the CalEPA workforce; and (5) improve workforce hiring, retention, and promotion practices to advance racial equity within the environmental protection role that each board, department, and office shares with CalEPA.
17. The Water Boards' workforce does not reflect the racial composition of the state. United States Census Bureau data collected via the 2019 American Community Survey (ACS) show that 37% of California's population is white, yet the Water Boards' workforce census data from 2020 show that 57% of the Water Boards' workforce and 69% of the Water Boards' management is white. Similarly, the 2019 ACS data show that 63% of California's population comprises BIPOC, compared to only 43% of the Water Boards' workforce and 31% of the Water Boards' management. In 2019, the Water Boards released the document, "Immediate Hiring Practices Action Plan for Advancing Workforce Diversity at the Water Boards," which aligns with CalEPA's "Practices to Advance Racial Equity in Workforce Planning." Both documents were developed to articulate the benefits of a diverse workforce and to identify practices to advance racial equity. The Water Boards' plan directs hiring managers and supervisors to take specific short-term actions to improve workforce diversity while a more holistic plan is being developed.
18. During its August 18, 2020 meeting, the State Water Board directed staff to advance racial equity. Executive Director Eileen Sobeck established the Racial Equity Steering Committee and Working Group. The Racial Equity Steering Committee's charge is to ensure leadership remains committed to furthering racial equity and to direct the Working Group's progress on implementing the following priorities: (1) establish a foundation of internal and external

engagement that values listening and collaboration to drive action; (2) draft a resolution on racial equity to be considered for adoption by the State Water Board and also steered the Regional Water Boards to adopt their own resolutions; and (3) develop racial equity strategies and action plans to drive the Water Boards efforts to institutionalize racial equity.

19. In November and December 2020, the Racial Equity Steering Committee and Working Group hosted four public listening sessions to solicit input on the challenges that BIPOC are facing and how the Water Boards can better facilitate equitable participation from these communities in their decision-making and policy development processes. Feedback from participants included several common themes, such as: a general distrust of government; feeling excluded from decision making processes that ultimately affect them; not feeling heard when presenting issues to the Water Boards or that participation results in a change; a desire for more evidence that state government is committed to providing safe drinking water to disadvantaged communities; and concern that the Water Boards' decision makers and staff do not reflect the diversity of the communities they serve.
20. In March 2021, the Racial Equity Steering Committee and Working Group hosted employee listening sessions to learn how the Water Boards can foster a workplace where all staff feel they belong and can contribute, and where the impacts of institutional racism are being recognized and addressed. To encourage honest, open discussion, each session was facilitated by professional racial equity consultants. Several common themes emerged during the sessions, such as: a general lack of opportunities to increase diversity and promote inclusion within the workforce; a need for mandatory training for all Water Boards staff in the areas of racial equity, racism, implicit bias, and cultural competence; the importance of allocating resources to support racial equity efforts; the need to bring a racial equity lens to the Water Boards' decision-making processes; and more meaningful opportunities for community involvement.

Racial Equity and Environmental Justice Initiatives in the Santa Ana Region

21. The Santa Ana Water Board's Executive Officer convened a Racial Equity Working Team composed of staff and managers volunteering to participate in the development of a region-specific resolution and action plan. The resolution was jointly developed by the Racial Equity Working Team and executive management based on information provided during internal listening sessions with the Region's staff.
22. The Racial Equity Goals were developed from the information provided by the State Water Board Resolution and their Racial Equity Action Plan from January 2023. The State's Racial Equity Action Plan includes four strategic objectives that the Santa Ana Water Board has considered in developing this resolution. The strategic objectives are as follows:

- a. Integrating Racial Equity, Measuring Impact: Infusing the racial equity resolution throughout the Santa Ana Water Board’s policies, programs, and practices; measuring progress toward goals and adapting when necessary.
 - b. Creating and Maintaining Spaces for Inclusion and Belonging: Addressing internal and external representation of BIPOC at the Santa Ana Water Board; elevating overall understanding of racial equity.
 - c. Activating BIPOC Community Wisdom: Fostering open communications for voices of BIPOC communities as well as; incorporating wisdom from BIPOC communities in our decision-making processes.
 - d. Sharing Power and Knowledge with Communities: Offering ongoing training and dedicated resources to raise awareness of the Santa Ana Water Boards’ role in managing the state’s water resources; cultivating authentic relationships that empower communities as partners for racial equity.
23. The Santa Ana Water Board will develop a Region-specific Racial Equity Action Plan that will provide actions that will be incorporated in all of the Region’s water quality programs to address racial inequities or environmental justice concerns.
24. Assembly Bill No. 2108 (AB 2108), “Water Policy: Environmental Justice: Disadvantaged and Tribal Communities,” added sections 189.7 and 13149.2 to the Water Code, to require the Water Boards to conduct “equitable, culturally relevant community outreach to promote meaningful civil engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities or tribal communities and ensure that outreach and engagement shall continue throughout the waste discharge planning, policy, and permitting processes.” (Section 189.7.) In addition, Basin Planning activities, regional permits, and individual permits, waste discharge requirements or waivers that include time schedules, alternative compliance paths for municipal permittees, must include findings “on potential environmental justice, tribal impacts, and racial equity considerations.” (Section 13149.2.) Several of the Santa Ana Water Board’s programs will be aligning their resources to meet these obligations. Consistent with Office of Chief Counsel recommendations, the Santa Ana Water Board construes AB 2108 broadly, which aligns with the Board’s ongoing commitment to incorporating an environmental justice lens into its work.

THEREFORE, BE IT RESOLVED THAT: The Santa Ana Water Board:

1. Condemns acts of racism, xenophobia, bigotry, white supremacy, and institutional and systemic racism; adopts racial equity, diversity, and inclusion as core values; and acknowledges the role of government agencies—including the Water Boards—in redressing racial inequities and dismantling institutional and systemic racism.
2. Commits to making racial equity, diversity, inclusion, and environmental justice central to our work as we implement our mission so that the access the Santa

Ana Water Board creates, and outcomes we influence, are not determined by a person's race and the benefits are shared equitably by all people.

3. Commits to centering our work and decision-making on BIPOC who are disproportionately represented in the most vulnerable communities and in unsheltered populations, while ensuring the full benefits of the Water Boards' programs for all people.
4. Reaffirms our commitment to California's human right to water law, upholding the Santa Ana Water Board's human right to water resolution, and demonstrating that every human being in California—including people from BIPOC communities—deserves safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.
5. Reaffirms our commitment to the protection of public health and beneficial uses of waterbodies in all communities, and particularly BIPOC communities disproportionately burdened by environmental pollution through: cleanup of contaminated soil, soil vapor and groundwater; control of wastes discharged to land and surface water; restoration of impaired surface waters and degraded aquifers; and promotion of multi-benefit water quality projects to increase access to parks, open spaces, greenways, and other green infrastructure.
6. Commits to expanding implementation of the State Water Board's Climate Change Resolution to address the disproportionate effects of extreme hydrologic conditions and sea-level rise on BIPOC communities, prioritizing: the right to safe, clean, affordable, and accessible drinking water and sanitation; sustainable management and protection of local groundwater resources; healthy watersheds; and access to surface waters that support subsistence fishing.
7. Reaffirms our commitment to improving communication, working relationships, and co-management practices with all California Native American Tribes, including seeking input and consultation on the Water Boards' rules, regulations, policies, and programs to advance decisions and policies that better protect California's water resources. The Santa Ana Water Board recognizes our parallel relationship to the people we serve and values Tribes' traditional ecological knowledge and historic experience with managing California's water resources since time immemorial.
8. Directs staff to normalize conversations about racial equity and foster a workforce that competently integrates racial equity into the Santa Ana Water Board's work including: training staff on racial equity, diversity, and environmental justice; educating staff about equal employment opportunity laws and policies; working with the Water Boards' in developing racial equity and diverse workforce policies; and partnering with other agencies to expand opportunities for community capacity building.
9. Directs staff to develop strategies for effectively reaching and meaningfully engaging with BIPOC communities; involving and partnering with Tribes, stakeholders, and other interested parties in our decision-making processes; providing accessible, open and transparent opportunities for people to participate

in our public meetings, hearings, and workshops; meeting people in their communities and spaces to seek out their perspectives; supporting communities with building capacity to advance racial equity and environmental justice; improving our communications by providing more plain-language materials; and addressing barriers to public participation, including language, digital, and time-of-day access.

10. Directs the staff to develop and implement a Racial Equity Action Plan for the Santa Ana Region that aligns with the action plan for the State Water Board and articulates a vision for racial equity and outlines specific actions the Santa Ana Water Board will take to advance racial equity and environmental justice.
 - a. The plan shall incorporate all Santa Ana Water Board branches, sections, and programs. It shall address all aspects of our work, including water quality control plans, policies, permits, enforcement, compliance assurance, contracting, funding, customer service, procurement, site remediation, and monitoring.
 - b. The plan shall include goals, objectives, actions, timelines, and metrics.
 - c. Staff shall advance transparency, accountability, and continuous improvement for our racial equity work by establishing metrics and using quantitative and qualitative data collection methods to measure and evaluate progress toward: implementing those metrics; equitizing our systems, practices, and policies; and diversifying the Water Boards' workforce.
 - d. Staff shall consult with California Native American Tribes consistent with the principles described in the *2020 California Environmental Protection Agency's Tribal Consultation Protocol* and *2019 California Water Boards' Tribal Consultation Policy* to inform the development of the Action Plan.
 - e. Staff shall seek out and consider input from Black, Indigenous, Latinx, Asian, and other people of color communities, as well as other underrepresented members of the Santa Ana Region public, to inform development of the Action Plan.
 - f. Staff shall develop a framework to analyze the impact of Santa Ana Water Board decisions and staff recommendations to the Santa Ana Water Board through a racial equity lens; ask impacted Black, Indigenous, Latinx, Asian, and other people of color communities how the actions we are considering may affect them, consistent with Resolve 10.e. above; address racist, xenophobic, and bigoted behaviors that interfere with an anti-racist work environment within the Santa Ana Water Board or are inconsistent with this resolution; and establish recommendations to modify our community engagement and decision-making processes, where necessary.
 - g. Consistent with the Water Boards' *Immediate Hiring Practices Action Plan*

for Advancing Workforce Diversity at the Water Boards, staff shall coordinate with State Water Board staff to develop a framework to evaluate and update existing internal procedures and expectations to ensure a racially equitable and diverse workforce. The framework shall address recruitment, hiring, retention, promotion, succession planning, mentorship, science, technology, engineering, and mathematics outreach to schools, and leadership development.

- h. Staff shall provide periodic updates to the Action Plan.
- i. Staff shall present the Action Plan to the Santa Ana Water Board no later than one year after adopting this Resolution and report on implementation progress periodically thereafter.

Certification:

I, Jayne Joy, 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, Santa Ana Region, on March 15, 2024.

Jayne Joy, PE
Executive Officer