

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

| Goal of Program | Description of existing EJ efforts | Statutory or regulatory requirements re EJ | What steps should Program take to incorporate EJ principles? | Assessment of any obvious Impacts Program has on EJ communities | Description of how any federal money is used in the Program |
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| State Water Board | | | | | |
| Division of Drinking Water | | | | | |
| Drinking Water Field Operations Branch: (FOB) The goal of the program is to assure the delivery of safe, wholesome and potable drinking water to all Californians and to enforce the State and Federal Drinking Water Standards. | The FOB has quarterly meetings with local EJ groups in the Fresno and Tulare area to discuss progress on funding projects. The FOB also provides local trainings for water systems which the EJ community groups are invited to attend. | None. | Continue to meet regularly with the EJ community and provide community outreach activities such as trainings and public meetings. The Division also funds disadvantage community water systems that do not meet current water quality standards. | The working relationship and partnership we have with the EJ community conducting public outreach and working with the local water systems has increased the speed of improvement projects for disadvantage water systems. | SRF funding is provided by EPA for water system improvement projects to obtain compliance with the SDWA requirements. |
| Recycled Water Program The purpose of the program is to regulate the treatment, distribution, and use of recycled water to protect public health. | Regulate the treatment, distribution, and use of recycled water to protect public health which could impact EJ communities. Monitor the recycled water industry to ensure that any negative concerns related to the use of recycled water do not fall disproportionately on smaller disadvantaged communities. | None. | Continue to regulate the treatment, distribution, and use of recycled water to protect public health by evaluating Title 22 engineering reports for potential projects which could impact EJ communities. | Indirectly, by regulating the treatment, distribution, and use of recycled water to protect public health, recycled water use continues to expand within EJ community areas. Continuing to review and approve new projects within EJ communities allows additional green belt areas at usually a lower cost to the community and provides available irrigation during times of drought. | N/A |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

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| Division of Financial Assistance | | | | | |
| <p>Small Community Wastewater Funding Program — Assists small disadvantaged communities with their wastewater needs by providing financial assistance (which is primarily available through the Clean Water State Revolving Fund [CWSRF] Program), and technical assistance.</p> | <p>The 2013 annual update to the Small Community Wastewater Strategy Details staff efforts to streamline application processes, increase marketing, make financing more affordable, provide more hours of technical assistance and expedite processing of payments for small, disadvantaged communities.</p> | <p>There are no relevant statutory or regulatory requirements. The Clean Water State Revolving Fund Policy provides overall program guidance.</p> | <p>The Program will continue to implement strategies to assist small disadvantaged communities with their wastewater needs.</p> | <p>The Program helps small disadvantaged communities with planning, design, and construction of wastewater collection, treatment, and disposal projects, to help them comply with regulatory requirements.</p> | <p>Funding for small community wastewater projects is provided primarily through the CWSRF Program, which is federally funded.</p> |
| Division of Water Rights | | | | | |
| <p>Water Quality Certification Program - This program involves the issuance of water quality certifications under Section 401 of the Clean Water Act to ensure the projects comply with water quality standards and other appropriate requirements of state law. The Division of Water Rights Water Quality Certification Program deals with certifications for Federal Energy Regulatory Commission (FERC) hydropower projects and certifications associated with</p> | <p>The public is notified of applications through posting of public notices on the program website and distribution of the public notices on the program Lyris list. Examples of existing tribal work includes: Klamath (Hoopa, Karuk, Resighini, Yurok, Quartz Valley, and ongoing correspondence); Upper North Fork Feather River (Maidu); and Pinecrest Lake Levels related to the</p> | <p>The State Water Board acts as lead agency for CEQA when the applicant is not a public entity. Staff considers the comments of stakeholders in the process including tribal interests. Consideration is given as to whether a project may cause additional impacts to communities that are affected by, or particularly vulnerable to, environmental impacts like air and water pollution.</p> | <p>Open and transparent communication with interested and potentially affected tribes and environmental justice communities. Note concerns early and communicate to management and Board members in briefings. Discussion of environmental justice impacts in environmental documents if appropriate.</p> | <p>Certifications must protect water quality and beneficial uses. Some beneficial uses specifically address tribal needs – cultural. Certifications for FERC projects establish requirements for 30 to 50 years.</p> <p>The water quality certifications issued by the Board provide conditions to ensure that the projects implemented by environmental justice communities protect water quality and beneficial uses.</p> | <p>Not Applicable.</p> |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

| | | | | | |
|--|---|--|---|---|-------|
| diversions of water. | Spring Gap-Stanislaus (Me-Wuk). Other environmental justice work performed by the program relates to providing certifications so that improvements can be made to drinking water systems of small communities (see assessments column for | | | | |
| 2014 Drought Assistance to communities at risk of running out of water supply – Division of Water Rights permitting and certification staff worked with a number of state and federal agencies and offices to resolve several disadvantaged communities drought situations (City of Montague, Willits). | Did not specifically address EJ in the Order and/or Certification but certainly assisted a EJ community (DAC identified using DWR’s IRWM Mapping Tool) | None specific to EJ. All drought related urgency changes receive expedited staff processing. | Open and transparent communication with interested and potentially affected tribes and environmental justice communities. | Assisted EJ communities in finding solutions to drought (continued supply of drinking water to their community) | None. |
| Division of Water Quality – Groundwater Protection Section | | | | | |
| Groundwater Ambient Monitoring & Assessment (GAMA) The main objectives of the GAMA Program are to improve statewide ambient groundwater quality monitoring and assessment and to increase the availability of information about groundwater quality to the public. | Implementation of the recommendations in the report, "Recommendations Addressing Nitrate in Groundwater." | None | Continue to assess shallow groundwaters which are generally sources of drinking water for EJ communities. | Indirectly, by making water quality information more accessible to EJ communities. | N/A |

California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1

| | | | | | |
|---|--|-------------|---|--|--|
| <p>Land Disposal Program The Land Disposal Program regulates the discharge to land of certain solid and liquid wastes. The wastes include municipal solid waste, hazardous waste, designated waste, and nonhazardous and inert solid waste.</p> | <p>Regulate the discharge of wastes to land to protect waters which may be sources of drinking water for EJ.</p> | <p>None</p> | <p>Continue to regulate the closure and post closure operations and maintenance of inactive or abandoned landfills to protect water quality.</p> | <p>Indirectly, by regulating agriculture to reduce salt and nutrient loading to sources of drinking water.</p> | <p>N/A</p> |
| <p>Irrigated Lands Regulatory Program The purpose of this program is to prevent the impairment of water bodies that receive discharges from farms.</p> | <p>Some EJ community groundwater supplies have been contaminated by nitrate from fertilizers used on farms. The ILRP is working to address this issue. The Water Boards are working with other agencies to provide compliance assistance, which is especially needed by small farmers in EJ communities.</p> | <p>None</p> | <p>The program should consider additional requirements to address groundwater contamination. It should continue to pursue its efforts to provide compliance and technical assistance.</p> | <p>The program is working to protect EJ community water supplies from being contaminated by agricultural operations. This includes drinking water supplies and waters used for fishing. When impairments are found, the program is requiring corrective actions to be taken.</p> | <p>The United State Department of Agriculture National Resource Conservation Districts are providing grants to help farmers meet water quality objectives.</p> |
| <p>Recycled Water Program The purpose of the program is to regulate the use of recycled water to protect public health and water quality.</p> | <p>Regulate the use of recycled water to protect public health and water quality which could impact EJ communities.</p> | <p>None</p> | <p>Continue to regulate the use of recycled water to protect public health and water quality which could impact EJ communities.</p> | <p>Indirectly, by regulating the use of recycled water to protect public health and water quality which could impact EJ communities.</p> | <p>N/A</p> |
| <p>Waste Discharge Requirements (WDR) Program The purpose of the program is to prevent waste discharges, not regulated by the National Pollutant Discharge Elimination System</p> | <p>Regulate the discharge of wastes to land to protect waters which may be sources of drinking water for EJ communities.</p> | <p>None</p> | <p>Continue to regulate the discharge of wastes to land to protect waters which may be sources of drinking water for EJ communities.</p> | <p>Indirectly, by regulating the discharge of waste to land to protect waters which may be sources of drinking water for EJ communities.</p> | <p>N/A</p> |

California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1

| | | | | | |
|---|--|------|--|---|--|
| (NPDES) or Land Disposal Programs, from adversely affecting the quality and beneficial uses of waters within the State. | | | | | |
| Division of Water Quality – Underground Storage Tank and Site Cleanup Programs | | | | | |
| Brownfields Program Cleanup soil/groundwater to a level acceptable for proposed use. | Public noticing of the owners and occupants of all parcels adjacent to impacted properties at the time of case closure. Some grant applications given preference based on EJ status. | None | EJ principles are currently incorporated into the program. | Temporary inconvenience during remediation activities followed by long term health benefits and increased property values. | Federal money is available in the form of grants and low interest loans. |
| Department of Defense Program (DSMOA) Cleanup of soil/groundwater to a level acceptable for current land use or proposed reuse. | Public noticing of the owners and occupants of all parcels adjacent to impacted properties at the time of case closure. | None | EJ principles are currently incorporated into the program. | Temporary inconvenience during remediation activities followed by long term health benefits and increased property values. | Federal money is used for all site work and regulatory oversight. |
| Site Cleanup Program Cleanup of soil/groundwater to a level acceptable for current land use or proposed reuse. | Public noticing of the owners and occupants of all parcels adjacent to impacted properties at the time of case closure | None | EJ principles are currently incorporated into the program. | Temporary inconvenience during remediation activities followed by long term health benefits and increased property values. | Cleanup and regulatory oversight is paid by the responsible party. Some sites may be Federal. |
| Underground Storage Tank (UST) Program Prevent/Cleanup petroleum contamination from UST sites to protect human health, safety, and the environment. | Public noticing of the owners and occupants of all parcels adjacent to impacted properties at the time of case closure | None | EJ principles are currently incorporated into the program. | Since 2010, U.S. EPA and the State Water Board have focused on the I-710 Corridor to cleanup contamination from old USTs. The sites are often associated with blight in the communities, reducing property values and preventing the area from being reused for the | Federal money is approximately 10% and state money approximately 90% of the funding used to implement the UST program. |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

| | | | | | |
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| | | | | economic benefit of residents. | |
| Division of Water Quality – Surface Water/Permitting Section | | | | | |
| Construction Storm Water Program A permit is required for projects disturbing more than one acre of soil (or less if part of a larger common plan of development). The permit requires the applicant to reduce or remove pollutants from their discharges of storm water associated with construction activity - largely, erosion and sediment controls. | The program does not really consider or address EJ principles. Permit prioritization is based on first-come, first served. | None | This program does not have strong nexus to EJ principles, as it is a temporal project, meaning the permit covers a brief period of time where the project can cause erosion and pollution, and then the permit is terminated. In some cases the project needing a permit triggers EJ issues but the CEQA and other approvals on that project are probably much better vehicles to address the issues than this temporal, specific permit. | In some cases the project needing a permit triggers EJ issues but the CEQA and other approvals on that project are probably much better vehicles to address the issues than this temporal, specific permit. | This program is largely funded by fees and some federal grant money, though it is not clear how much of that is going to continue. |
| Industrial Storm Water Program A permit is required for some, certain industrial facilities in California. The permit requires the applicant to reduce or remove pollutants from their discharges of storm water associated with industrial activity. The pollutants and controls depend very much on the specifics of the facility. | The program does not really consider or address EJ principles. Permit prioritization is based on first-come, first served. | None | This program needs to do a better job connecting to EJ principles in parts of the state. For example, there are very disadvantaged communities that also have industrial facilities nearby that emit or discharge pollutants regularly. Auto dismantlers in Pacoima, railroad yards in Santa Ana, etc. We should partner more with other agencies on other, related issues to provide a comprehensive enforcement-based solution to the communities' problems. | By failing to coordinate and partner well with other agencies we often perpetuate unfavorable conditions in these communities. Our permit aims to treat all auto dismantlers in CA essentially the same - though a cluster of them in close proximity to residences and disadvantaged communities should be treated differently. | This program is largely funded by fees and some federal grant money, though it is not clear how much of that is going to continue. |

**California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1**

| | | | | | |
|--|--|---|--|--|---|
| <p>NPDES Program The goal of the NPDES program is to reduce or eliminate discharge of pollutants to surface waters, thus protecting their beneficial uses, including the Municipal and Domestic Supply.</p> | <p>Use of mandatory minimum penalties for permit violations to be used for upgrading existing treatment facilities. Also the regional boards provide compliance schedules in enforcement orders, which protect small communities from exposure to mandatory minimum penalties. The length of the compliance schedules takes in account the reduced resources small disadvantaged communities have compared to other more economically-prosperous municipalities.</p> | <p>Water Code Section 13193.9 provides special financial assistance to disadvantaged communities for compliance with NPDES permits. There are no special considerations of compliance with federal and state regulatory requirements. As stated above, the regional boards may take action to protect these communities from exposure to mandatory penalties for a limited amount of time. Additionally, Water Code section 13385 (k) allows the State Water Board or the Regional Water Board to require publicly owned treatment works to spend an equivalent amount toward the completion of a compliance project proposed by the publicly owned treatment works in lieu of assessing all or a portion of mandatory minimum penalties.</p> | <p>Upfront identification of the disadvantaged communities involved. Additional Water Board staff effort to assure EJ representatives are knowledgeable of stakeholder input/involvement opportunities. Additional effort to facilitate communication and involvement, understanding that their resources for travel and paid consultants are limited.</p> | <p>The regional boards are doing a good job in balancing protection of water quality while concurrently working with professional associations to accommodate the additional needs and economic hardship of disadvantaged communities.</p> | <p>The State Water Board receives a 106 grant for staff services. Additionally, federal in-kind services are used to assist in developing NPDES permit renewals, and conducting compliance inspections, for permitted facilities.</p> |
| <p>Division of Water Quality – Total Maximum Daily Load (TMDL) Section</p> | | | | | |
| <p>California Water Quality Assessment Program This section develops the integrated report, which identifies water bodies that do not meet</p> | <p>Staff follow the public outreach requirements identified in state and federal statutes and State and Regional Board public</p> | <p>There are no statutory or regulatory requirements related to EJ that are unique to this program. However, the Clean Water Act requires that</p> | <p>The assessment unit should continue to explicitly consider Tribal Cultural and subsistence fishing uses wherever the Regional Water Boards</p> | <p>Water bodies that are listed as impaired for tribal cultural use, or subsistence fishing use provide EJ communities additional support in lobbying for additional</p> | <p>Federal Clean Water Act Section 106 Funding is used to pay for personnel who are working on water quality assessment</p> |

**California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1**

| | | | | | |
|---|--|--|--|--|--|
| <p>water quality standards and are not supporting their beneficial uses. Waters that do not support all beneficial uses are placed on the Section 303(d) List of Impaired Water bodies. The List identifies the pollutant or stressor causing impairment and establishes a schedule for developing a control plan to address the impairment.</p> | <p>participation strategies. This includes regular opportunities to discuss and address EJ Community concerns. In addition, assessments for water quality impacts within the North Coast watersheds explicitly includes consideration of Tribal Cultural and Subsistence fishing uses as this Board has defined and designated those uses in its water quality control plan.</p> | <p>assessments consider all beneficial uses, which include Tribal Cultural and Subsistence Fishing Uses.</p> | <p>determine such uses are appropriate</p> | <p>resources/actions to benefit their communities</p> | <p>work.</p> |
| <p>California Total Maximum Daily Load (TMDL) Program</p> | | | | | |
| <p>Placement of water bodies on the 303 (d) list triggers development of a pollution control plan called a TMDL for each water body and associated pollutant/stressor on the list. The TMDL serves as the means to attain/ maintain water quality standards for the impaired water body. This Program coordinates the development and implementation of Total Maximum</p> | <p>Staff follow the public outreach requirements identified in state and federal statutes and State and Regional Board public participation strategies. This includes regular opportunities to discuss and address EJ Community concerns.</p> | <p>There are no statutory or regulatory requirements related to EJ that are unique to this program. However, the Clean Water Act requires that TMDL's be developed for all impaired waters. This would include waters that are impaired for Tribal Cultural and Subsistence fishing use in the North Coast Region. NOTE: I DO NOT KNOW IF WE HAVE ANY LISTINGS</p> | <p>To the extent that EJ communities are disproportionately affected by higher rates of impaired waters, this program inherently supports addressing that disparity by developing programs to address the impairments. A higher level of funding especially within the area of TMDL implementation would accelerate addressing impairments that may be affecting EJ.</p> | <p>To the extent that EJ communities are disproportionately affected by higher rates of impaired waters, this program inherently supports addressing that disparity by developing programs to address the impairments.</p> | <p>Federal Clean Water Act Section 106 funding is used to pay for personnel who are working on TMDL Development and for contracts related to TMDL development.</p> |
| <p>California Planning, Standards and Implementation Program This program performs</p> | <p>Staff follow the public outreach requirements identified in state and federal</p> | <p>There are no statutory or regulatory requirements related to EJ that are unique to this</p> | <p>The Planning unit should continue the work related to development of defining tribal</p> | <p>The objectives and programs of implementation developed by planning unit staff support</p> | <p>Federal Clean Water Act Section 205(j) funding is used to pay for planning</p> |

**California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1**

| | | | | | |
|--|--|--|--|--|--|
| <p>foundational planning activities related to the protection of water quality including the development defining beneficial uses, water quality objective to protect those uses and, implementation plans necessary to meet those objectives.</p> | <p>statutes and State and Regional Board public participation strategies. This includes regular opportunities to discuss and address EJ Community concerns. In addition, the Mercury Fish Tissue Objectives project includes a couple of activities that are directed towards protection of Tribal and subsistence fishing. Specifically, included within our scoping meeting information was an alternative to define two new statewide beneficial use definitions, Native American Cultural Use, and Subsistence Fishing. Also, we have a contract in place to conduct a study of fish consumption within Native American tribes</p> | <p>program. However, State regulations require that Regional Boards develop water quality objectives and programs of implementation to achieve beneficial uses. Such programs of implementation would be required where Regional Water Boards determine that Tribal Cultural and Subsistence Fishing uses occur.</p> | <p>cultural and subsistence fishing uses and water quality objectives to support those uses.</p> | <p>achievement of beneficial uses, which is desirable for all communities including EJ communities.</p> | <p>personnel, for contracts related to TMDL development, for in-kind services provided by US EPA and some funds are passed through to local agencies that develop and conduct planning activities.</p> |
| <p>Certification and Wetlands Program - This program regulates the discharge of dredged and fill material to waters of the state, including wetlands.</p> | <p>Staff solicit input on all permit applications. The public are notified of permit applications through posting of public notices on the program website and distribution of the public notices on the program lyrics list.</p> | <p>When we act as lead agency for CEQA, staff must consider whether a project might cause additional impacts to communities that already are affected by, or particularly vulnerable to, environmental impacts like air and water pollution.</p> | <p>Coordination with city and county planners in regards to how the project may affect EJ issues should be incorporated as a standard practice in the permit review process.</p> | <p>Permitted projects may worsen environmental conditions of particular concern in some communities.</p> | <p>The program is eligible for U.S. EPA Wetland Development Grants which have been obtained in the past for policy development.</p> |

**California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1**

| | | | | | |
|--|---|---|--|--|--|
| <p>Non-Point Source (NPS) Program The goal of the CA Clean Water Act [CWA] 319(h) Sub-Grant Program (CWA 319 Program) is to provide funding for planning and implementation projects to address surface and ground water problems resulting from sources of NPS pollution.</p> | <p>The CWA 319 Program addresses EJ principles to the extent that the 25% match requirement for planning and implementation projects can be waived for projects directly benefiting a disadvantaged community (DAC). In addition, the CWA319 Program has demonstrated compliance with federal requirements through providing Limited English Proficiency (LEP) access, outreach, and education efforts in developing and implementing agricultural regulatory programs, and reporting on these efforts in annual reports.</p> | <p>In receiving the annual CWA 319 Grant from USEPA, the State must agree to specific conditions. Grant Condition No. 9 requires compliance with Civil Rights Act Title VI). The specific language is "all recipients of EPA financial assistance have an affirmative obligation to implement effective Title VI compliance programs and ensure that their actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral.</p> | <p>The CWA 319 Program currently meets the Title VI statutory federal requirements for EJ/DAC considerations in awarding sub-grants. USEPA - Region 9 (San Francisco) is in the process of developing more specific requirements (USEPA Strategy 2014) that may have numerical performance measures for addressing EJ/DAC.</p> | <p>As previously stated, the impacts of the CWA 319 Program are: (1) waiving of the 25% funding match requirement for planning and implementation projects that directly benefit DAC and (2) funding has been LEP access, outreach, and education efforts in developing and implementing agricultural regulatory programs.</p> | <p>The CWA 319 Program is a federally funded program so the previous response answers this question.</p> |
| <p>Office of Information Management Analysis-</p> | | | | | |
| <p>California Water Quality Monitoring Council Web portals</p> <ul style="list-style-type: none"> Improve the efficiency and effectiveness of water quality and associated ecosystem monitoring, assessment, and reporting through fostering collaboration between the | <p>Provide information to a variety of audiences, including the general public, regarding water quality and associated ecosystem health in a manner that is readily understandable and that directly addresses users' questions:</p> | <p>Water Code Section 13167. (a) The state board shall implement, with the assistance of the regional boards, a public information program on matters involving water quality, and shall place and maintain on its Internet Web site, in a format accessible to the general public, an information</p> | <p>This is a relatively new program that has no dedicated funding. Emphasis to date has been on coordinating the monitoring, assessment, and reporting efforts of state and federal governmental agencies and a few non-governmental organizations with the intent of developing</p> | <p>Provides or will provide information regarding the safety of drinking California's waters, swimming in our waters, eating fish from our waters, and the health of our aquatic ecosystems. Provides information that allows citizens to make informed choices about their activities in order to protect</p> | <p>The Monitoring Council has one full-time and one half-time Coordinators who work to implement the Monitoring Council's strategy, coordinating monitoring, assessment, and reporting among governmental and non-</p> |

**California Water Boards
EJ Inventory with Organizational Submittals
October 2014
Part 1**

| | | | | | |
|--|---|---|--|---|---|
| <p>monitoring programs of governmental and non-governmental organizations.</p> <ul style="list-style-type: none"> • Ensure that the resulting data and information are made available to decision makers and the public via the Internet. | <ul style="list-style-type: none"> • Are our waters safe to drink? • Is it safe to swim in our waters? • Is it safe to eat fish and shellfish from our waters? • Are our aquatic ecosystems healthy? <p>Provides monthly webinars to educate citizen monitoring groups regarding methods for monitoring their waters, assessing impacts, and managing their data.</p> | <p>file on water quality monitoring, assessment, research, standards, regulation, enforcement, and other pertinent matters.</p> <p>(b) . . . The state board, in consultation with the regional boards, shall ensure that the information is available in single locations, rather than separately by region, and that the information is presented in a manner easily understandable by the general public.”</p> <p>Water Code Section 13181.</p> <p>(a) (4) The monitoring council shall review existing water quality monitoring, assessment, and reporting efforts, and shall recommend specific actions and funding needs necessary to coordinate and enhance those efforts.</p> <p>(5) (A) The recommendations shall be prepared for the ultimate development of a cost-effective, coordinated, integrated, and comprehensive statewide network for collecting and disseminating water quality information and ongoing assessments of the health of the state’s waters and the effectiveness of programs to</p> | <p>answers to public and management questions regarding our water resources. Additional outreach to EJ communities could be included in the future to gauge whether these efforts are meeting their needs.</p> | <p>themselves from harm and to protect their environment. Provides tools to help citizen groups play a role in monitoring the health of their waters and aquatic resources.</p> | <p>governmental organizations. Roughly half of the PY that funds the full-time Coordinator comes out of USEPA Clean Water Act Section 106 grants to the State. Small amounts of federal funding have been used to develop web portals of water quality and aquatic ecosystem health information and their underlying data management systems.</p> |
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California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

| | | | | | |
|---|--|---|--|--|--|
| | | <p>protect and improve the quality of those waters.</p> <p>...</p> <p>(6)(A) Reduce redundancies, inefficiencies, and inadequacies in existing water quality monitoring and data management programs in order to improve the effective delivery of sound, comprehensive water quality information to the public and decision makers.</p> <p>(b) The monitoring council shall report, on or before December 1, 2008, to the California Environmental Protection Agency and the Resources Agency with regard to its recommendations for maximizing the efficiency and effectiveness of existing water quality data collection and dissemination, and for ensuring that collected data are maintained and available for use by decision makers and the public.</p> | | | |
| Office of Enforcement | | | | | |
| To ensure that violations of orders and permits result in firm, fair and consistent enforcement through direct actions. It also develops policies and guidance on enforcement | The Water Quality Enforcement Policy (effective May 2010), describes our strategy for EJ. In addition, when prioritizing enforcement | The Water Quality Enforcement Policy is a regulation that has been adopted by the State Water Board and approved by OAL. In addition, the Water Boards pursue enforcement | The steps are described in the Water Quality Enforcement Policy. | Enforcement actions, such as Clean-up and Abatement Orders, and replacement water orders have a direct impact on EJ communities. | |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

| | | | | | |
|--------------------------------|---|---|--|--|--|
| issues. | actions, we take EJ considerations into account. | that is consistent with the goals identified in Cal-EPA's Intra-Agency Environmental Justice Strategy, August 2004. | | | |
| Office of Chief Counsel | <p>Do you know of any programs that specifically consider EJ/DAC in their prioritizations and actions (other than the DFA Small Community Strategy). I am attempting to look at all our programs to see what, if any, provisions apply to EJ and what elements could make them more effective.</p> <p>At this point in time, the only place I'd say it's systematic is DFA; however, both the Central Valley and Central Coast are increasingly building EJ/DAC prioritization in when it comes to permitting and enforcement. Largely that has built off the various nitrate reports. However, all the regions try to be responsive to DACs.</p> <p>What have we done to meet our obligations related to the federal funding we receive? Do we prioritize our permitting obligations or other regulatory actions based on DAC/EJ. We are specifically talking about the Civil Rights Act (Title VI).</p> <p>Yes our programs are subject to Title VI, and while it has been a long time since we were the subject of a Title VI petition to EPA, we still potentially could be. The reality, though, is that our obligations under Title VI are no different than our obligations under state law to be non-discriminatory. Or more correctly, our state-law obligations are even broader than Title VI.</p> | | | | |
| Regional Water Boards | | | | | |
| Region 1 – North Coast | <ol style="list-style-type: none"> 1. Re tribal trust issues, we regularly consult with the tribes in the region on actions expected to affect them. In particular, the 5 tribal entities on the Klamath River in CA are fully integrated into the water quality investigation and protection efforts underway on the Klamath, including actions related to nutrient management, temperature, blue-green algae, monitoring, and other activities. 2. We consider the nature of the communities that may be affected by cleanup sites when designing outreach programs and cleanups. The best example of this is the McMinn Superfund site in southwest Santa Rosa. 3. The CWA 319(h) process gives specific credit for disadvantaged communities proposing projects. 4. The assessment of mandatory minimum penalties for NPDES dischargers has special provisions for dischargers representing or located in disadvantaged communities with respect to allowing fines to be directed to treatment plant improvements. Region 1 regularly works with NPDES dischargers in such communities to identify and implement what are known as Compliance Projects in lieu of paying fines. 5. We have been involved in several studies involving characterization of mercury levels in fish tissue, including in some waterways where it is known | | | | |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

| | |
|-------------------------------------|---|
| | that members of minority communities practice subsistence fishing. The Laguna de Santa Rosa would be an example. |
| Region 2 – San Francisco Bay | We consider EJ issues as they emerge and address them accordingly. There’s nothing specific in our workplans. |
| Region 3 – Central Coast | <p>Consistent with AB 685 – Human Right to Water, the Central Coast Water Board is working to increase efforts in all programs to effectively outreach to EJ groups and disadvantaged communities (DACs) to improve accessibility and meaningful engagement in relevant water quality issues affecting EJ communities. Vice Chair Dr. Monica Hunter serves on the Governor’s Drinking Water Stakeholder Group and provides regular updates on environmental justice to fellow Board Members at Board Meetings.</p> <p>Irrigated Lands Regulatory Program: We are implementing our Ag Order, which includes requiring groundwater data from Ag wells and domestic wells. Approximately 2883 wells have been sampled to date, and we are actively following up on that data where drinking water is contaminated. Some of these cases are farm labor camps, and we are directing farmers and landowners to notify users and to provide replacement water. Approximately 285 drinking water notifications have been issued warning well users of unsafe drinking water. ILRP documents are provided in English, Spanish, and Chinese, and staff works with translators to provide outreach to non-English speaking farmers and rural residents impacted by nitrate contamination.</p> <p>Groundwater Cleanup We are also investigating groundwater contamination cases parallel to implementing the Ag Order. These are individual cases where we have indications or data showing that domestic or municipal wells are contaminated. An example is the community of San Lucas (about 300 low-income farm workers) in the Salinas Valley, where we issued a CAO requiring replacement water. We are evaluating additional similar cases, and we are fast realizing that the number of cases where communities’ drinking water is impacted is overwhelming. We lack basic information on where these communities and labor camps are, and how many people are affected. We are coordinating with EJ groups to obtain more information and we have toured DACs and met with DAC property owners and community leaders to learn about the DACs’ water quality problems and discuss replacement drinking water options.</p> <p>Nitrate Treatment Pilot Test In coordination with Monterey County and EJ groups, staff is working with UC researchers interested in conducting a 3-year nitrate treatment pilot test at various DACs in Salinas Valley.</p> <p>Groundwater Assessment and Protection (GAP) Program We recently developed a groundwater assessment and protection program (GAP), where we work with local agencies and water districts to use GAMA/GeoTracker to create a comprehensive regional groundwater database. The GAP region-wide domestic well project includes emphasis on DAC</p> |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

focused outreach & education to make sure the most at-risk and in-need communities are informed of nitrate pollution risks and available programs. This effort is predicated on coordination with OPP and grass roots EJ organizations to ensure DACs are appropriately targeted for outreach and education. As part of this project, staff are attempting to map out DAC and potential DAC areas for targeted outreach by grass roots EJ groups. The Water Board staff is currently evaluating the use of GAP funds to leverage additional state funds for DAC focused funding efforts in the Central Coast (e.g., \$500K Greater Monterey County IRWM DAC project, CAA Interim Emergency Replacement Water grants, etc.). The GAP program recently compiled and evaluated groundwater nitrate data collected from wells over the last 2 to 4 years. Staff use these data to inform the general public and local officials about the significance of the drinking water nitrate pollution conditions in the Central Coast and the need to better identify the drinking water needs of small and disadvantaged communities who often get their drinking water from private wells or small, unregulated water systems. GAP program staff regularly communicate with statewide and local EJ groups (these groups are currently limited in number, size and capacity) and ask them to participate in our efforts and to help provide information, and to help us communicate with DACs.

CAA Interim Replacement Water Funding

We are coordinating with local EJ groups to identify DACs that qualify for short-term and long-term replacement water funding. In addition, we've been coordinating with EJ groups to apply for and/or administer projects to provide replacement water on behalf of Salinas Valley DACs. We are also working with local EJ groups to identify DACs that do not qualify for existing grants and loans, and have been exploring options for these DACs to obtain safe drinking water.

Grants Program/IRWM

The Central Coast Water Board prioritizes DACs with respect to grant funding. For example, the Central Coast Water Board is implementing a grant project that provides technical assistance to limited-resource growers in the Greater Salinas Valley to implement water quality improvement practices in accordance with the Ag Order. Additionally, in May 2014, the Central Coast Water Board adopted Resolution No. R3-2014-0030 that allocates approximately \$118,000 to fund the Safe Drinking Water Project. The goal of the Safe Drinking Water Project is to provide interim safe drinking water to affected individuals and small communities, conduct outreach to affected communities to ensure they are aware of risks of nitrate contamination, and implement projects to reduce nitrate loading to groundwater. We are meeting with IRWM grantees and emphasizing the DACs in their areas and that IRWM projects must address DAC issues. . We are also working to assist DACs in accessing additional grant programs, such as 319(h) and Prop 84 Stormwater.

Region 4 – Los Angeles

UST program: The Los Angeles Regional Board has been partners working with USEPA Region 9 on its Initiative on I-710 Corridor project, which aims to bring the impacted underground storage tank (UST) sites along the I-710 freeway to site closure. The sites impacted in the past by the leaking USTs need to be cleaned up and can then be used for local redevelopment. The Regional Board actions include case selection, file review, decisions on site assessment requirements, and approval of work plans for field work for site assessment and remediation. Efforts are also devoted to find federal and state funding for

site cleanup. The impacted sites along the I-710 Corridor are mostly located in economical disadvantaged and low income areas. Many sites are vacant and/or underdeveloped.

State funding for UST impacted sites includes the UST Cleanup Fund, and is available through the State Emergency, Abandoned, and Recalcitrant (EAR) account. This EAR funding can be used for site assessment and cleanup. Los Angeles Regional Board staff has been nominating candidate sites each year for sites in the I-710 Corridor area and other underdeveloped areas. Once the EAR funding is approved by the State Board, Regional Board staff will provide regulatory oversight for the site assessment and remediation. In addition to the funds above, the State also offers Orphan Site Cleanup Fund (OSCF) to abandoned UST sites.

Remediation Program: Remediation staff are using public outreach to address public concerns regarding site impacts to the surrounding community, environmental justice concerns, work notices, CEQA, dissemination of information about cleanups, etc. As staff progresses through the cleanup process on their individual sites, decisions are made regarding the level of public outreach to conduct at each site, and the method that will be used to disseminate the information. Staff are encouraged to require responsible parties to evaluate, prepare, and implement public outreach plans under Regional Board direction. Information centers are also set-up to provide the communities with access to important documents, and community meetings and workshops have been held when deemed appropriate. The use of fact sheets and updates to inform the public of Regional Board actions and upcoming opportunities for public participation has been expanded.

Enforcement and Stormwater Compliance Section: Enforcement Units: Staff from the two Enforcement Units participate in regular Environmental Crimes Task Force meetings held by local, county and federal agencies including the City of Los Angeles, the Los Angeles County District Attorney, the Ventura County District Attorney and the US EPA. Cases located in low income and minority areas or Environmental Justice (EJ) cases, are a major focus of these Task Forces. Information on cases in EJ areas is shared among the participating agencies, and enforcement staff participate in multi-agency inspections and enforcement follow up.

Stormwater Compliance and Enforcement Unit: The Stormwater Compliance Unit's inspection prioritization takes into account sectors located in EJ areas. These include areas of concentrated industrial operation such as the Alameda Corridor, Wilmington, Sun Valley in L.A. County and the Mission Rock Road area in Ojai. Most of these facilities include auto dismantlers, fabricated metal operators and recyclers and oil and gas producers. The Stormwater Compliance Unit's staff perform inspections, conduct outreach and compliance assistance, and take enforcement actions as appropriate. The Regional Board's Stormwater Program collaborates with the public and with citizen groups, including the LA Waterkeeper in areas of mutual concern, such as ensuring that facilities that are required to be enrolled in, and complying with, the requirements of the General Permit for Storm Water Discharges Associated with Industrial Activities.

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

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| | <p>Regional Programs (TMDL and Basin Planning): The TMDL and Basin Planning programs address environmental justice concerns by protecting subsistence fishermen. For example, TMDLs, such as the Machado Lake Toxics TMDL and the Los Angeles and Long Beach Harbors Toxics TMDL, contain protective limits for carcinogenic pollutants, such as DDT and PCBs, which bio-accumulate in fish and pose a risk to humans who eat the fish.</p> <p>The Irrigated Lands Regulatory Program regulates pollutant discharges from farms and nurseries, including small family-owned facilities along the 710 and 605 freeway corridors. Staff in this program actively pursue and oversee funding to implement the requirements.</p> <p>Public Participation: In March of 2014, the Los Angeles Regional Board hired a Public Participation Specialist whose duties include working with the local Environmental Justice community. The PPS attends the regional EJ monthly meetings, and is developing relationships with the EJ representatives and other state and federal agencies. Issues and concerns identified at the EJ meetings are shared with Executive Management. Regional Board staff has requested orientation and training to begin using CalEnviroScreen 2.0 as a tool in establishing priorities for community outreach efforts. The Regional Board has also hired a consulting group from UCLA, paid for by the Responsible Party, to work on community assessment, messaging, strategy, communications and public outreach for the Carousel Tract (KAST) site.</p> |
| <p>Region 5 – Central Valley</p> | <p>We attempt to include EJ/DAC/tribal interests in all our efforts, but the degree of actual outreach and ultimate involvement depends on the specific project. For some projects, like the Irrigated Lands Regulatory Program and Dairies, there is considerable EJ/DAC participation because these communities are interested in both the water quality and jobs/economic impacts of the programs. We identify EJ/DAC groups and representatives and have specific outreach to them (both formally and informally) to help them participate in the process. The groups participate not just at board meetings, but also in technical and policy workgroups.</p> <p>Similarly for Basin Planning/TMDL work, we attempt to identify EJ/DAC/tribal interests, including them on mailing lists and making direct outreach if appropriate. For some TMDLs, such as mercury, there are significant EJ/DAC/tribal issues, so there is significant participation and parts of the ultimate decision (such as human health exposure reduction for mercury) are directly related to EJ/DAC/tribal concerns. For other TMDLs, such as organo phosphate pesticides, there are no particular EJ/DAC/tribal issues, so their participation is commensurately less.</p> <p>For individual permitting and enforcement actions, where we can identify interested groups, we include them in mailing lists and, again, with direct outreach if there seems to be a need for that.</p> <p>There were several programs areas where we had had notable EJ/DAC community projects within the last year. Those EJ projects include, but are not limited to:</p> <ul style="list-style-type: none"> ✓ a non-15 food processor discharger in Tulare County found in violation of waste charge requirements, which led to the discharger voluntarily providing the funds for an alternate water supply for the farm labor camp (about 30 homes), ✓ a resolution that pre-approved 14 water quality projects to benefits DACs, |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

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| | <ul style="list-style-type: none"> ✓ an effort to digitize and tabulate monitoring data from a Community Water Center, ✓ collaboration with the Department of Toxics Substances to implement an SEP program, and ✓ there was an effort to target water quality concerns in low-income Fresno area, with an industrial storm water inspection done as a multi-agency, multi-media effort. <p>In addition, we held off-site board meetings and public workshops in EJ/DAC communities providing accessibility for public participation. Lastly, in 2013, we began webcasting our Board meetings.</p> |
| <p>Region 6 - Lahontan</p> | <p>A June 2014 workshop for our Board on Environmental Justice (1) provided an opportunity to hear from the State Board’s Office of Public Participation on statewide EJ efforts (2) provided a discussion on EJ efforts by the Water Board in the Lahontan Region, and (3) heard the results of two Integrated Regional Water Management Program groups programs identifying and assisting disadvantaged communities in the Region.</p> <p>Drinking Water. An ongoing high priority for the Region is ensuring the public has safe drinking water. For several areas in our Region where we have encountered water pollution affecting individual domestic supply wells, we have required bottled water or other replacement water, including near four dairies and the City of Barstow with high nitrates. We are also using CAA funds to provide replacement water to two properties affected by perchlorate in Barstow. Additionally, through our work and involvement with Integrated Regional Water Management planning efforts, we have identified several disadvantaged communities where drinking water supply is affected by natural contaminants such as arsenic and continue to work collaboratively with our partners to assist in obtaining funding for treatment and infrastructure improvements.</p> <p>Public Participation. Our Board holds its monthly meetings in the areas most affected by its decisions, with meetings generally alternating between the north and south parts of the Region. Agenda items are scheduled at times, including evenings, that are most convenient for those who may participate in the item, especially for the general public who may have difficulty taking time off work to attend a daytime meeting. Most meetings in the southern part of the Region have simultaneous Spanish translation to assist meeting participation by the high number of Spanish speakers in that part of the Region.</p> <p>Supplemental Environmental Projects. Our Board feels strongly that penalties do the most good when they are returned to the community in the form of Supplemental Environmental Projects that improve or preserve the environment. Our Board would like the SEP maximum of 50 percent of the penalty to be removed from the State Water Board’s Enforcement Policy, especially for disadvantaged communities.</p> <p>Enforcement. Our Board has developed a policy, similar to the State Water Board’s Enforcement Policy provisions, of using the lowest level of enforcement possible for most violations, with compliance assistance coming first, followed by oral or written notification, and lastly formal enforcement including administrative civil liabilities. During ACL hearings, our Board is very sensitive to the ability of a person or entity to pay penalties. The Board weighs that factor along with the other factors required by law in determining an appropriate penalty.</p> |
| <p>Region 7 – Colorado River Basin</p> | <p>The Board staff is currently involved in several EJ efforts in the Coachella Valley. The primary focus of staff is on collaborating with various governmental agencies and community groups to correct deficiencies in onsite wastewater treatment and disposal systems serving low income mobile home parks</p> |

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

(MHPs), primarily in the eastern Coachella Valley.

Water Board staff serves as the “Governmental Chair” for the “Environmental Justice Enforcement Task Force – Eastern Coachella Valley”, which meets once a month to address environmental issues brought to the Task Force’s attention by the environmental issue reporting web site IVAN (<http://ivan-coachella.org/>) as well as by various meeting attendees. Water Board staff also serves as the “governmental problem solver” for the IVAN web site, meaning that we verify reports registered on the IVAN site, and then refer them to the appropriate governmental agency(s) for resolution.

Staff regularly attends the Riverside County Housing Review Committee meetings, whose focus is on addressing low income housing issues in the Coachella Valley. This committee is made up of multiple community organizations, local utilities, tribal representatives, and governmental entities.

Staff is also participating in the Coachella Valley’s Integrated Regional Water Management, Disadvantaged Community (DAC) effort. The IRWM DAC group is planning to expend resources building multiple on-site wastewater treatment systems intended to serve as templates, demonstrating the proper way to design, construct, and maintain Mobile Home Park wastewater infrastructure.

Water Board Staff continues to attend various local EJ related meetings as they occur. For example, on May 24, 2014 staff participated in the Environmental Health Leadership Summit with keynote speeches from State Assemblyman Manual Perez and U.S. Congressman Raul Ruiz. Staff participated in the IVAN plenary portion of the event, focused on the history and practical application of the IVAN model.

In addition to the Coachella Valley EJ Task Force, we also continue to participate in the Imperial Valley EJ Taskforce, which is chaired by DTSC (El Centro CUPA Office). The taskforce meets monthly to discuss and address multimedia issues, including water quality issues.

Region 8 – Santa Ana

We have some DAC areas (Quail Valley, Enchanted Heights, Beaumont trailer parks) that are DAC pockets located within larger communities and are connected to public water supply systems. These neighborhoods, however, are comprised of very small lots served by poorly-performing septic systems that contribute to water quality and public health problems. The challenge for these communities has been identifying funding sources to allow them to be connected to sewer systems. We have had some success working with involved agencies to resolve these problems. A sewerage project is under construction in Enchanted Heights, grant funds were recently made available for Quail Valley, and the City of Beaumont is actively working with the trailer parks to identify funding.

Some of our groundwater cleanup projects (Rialto perchlorate plume, South Archibald TCE plume) involve groundwater basins that serve DACs. These projects have been high priority for staff and our cleanup requirements have resulted in alternate water supplies being provided to these communities while the cleanups progress.

California Water Boards
 EJ Inventory with Organizational Submittals
 October 2014
 Part 1

As part of the renewal of MS4 permits for Riverside and San Bernardino Counties, staff will review the public education and outreach requirements of these permits to ensure that the programs implemented by the two counties effectively address the needs of DACs.

The Middle Santa Ana River in Riverside and San Bernardino Counties is an important and heavily-utilized recreational resource for DACs in the Inland Empire. The River is currently listed as impaired due to high bacteria levels. The Board has adopted a bacteria TMDL for the River and is implementing the TMDL through the counties' MS4 permits. The counties have developed Comprehensive Bacteria Reduction Plans and by implementing those plans are improving the quality of the River, thereby reducing public health risks associated with recreational use of the River.

Through an association with the Water Resources Institute at CSU San Bernardino, Board staff has been working with stakeholders to facilitate paid internships (with grant funding that WRI receives from USDA) for students from agricultural communities, and those seeking careers in agriculture, to work on water quality issues that affect local agriculture. A current intern project about to begin includes analysis of changes in agricultural land uses and conversions of ag land uses to urban land use that can be used to help implement the Regional Board's planned ag waiver, and to assess the environmental and socioeconomic effects of these conversions on nearby DAC communities.

Board staff is working with a local DAC advocate to craft a grant proposal to benefit a predominantly Hispanic DAC and the city where this DAC is located. The proposal will likely include elements of water use efficiency (landscape conversion on privately and publicly owned land) and associated energy efficiency (i.e., reduced water demand reduces the energy needed to meet the demand) and retrofitting public infrastructure with LID BMPs for stormwater runoff quality improvement and groundwater recharge, and perhaps community gardens (on converted landscapes) to improve the DAC's access to healthy, low cost foods.

Region 9 – San Diego

We generally consider EJ as a prioritization consideration in most of our programs (TMDLs, enforcement, cleanups, etc.). For example, in prioritizing cleanup cases including USTs we consider whether or not a disadvantaged or minority community is affected. For permitting programs, we consider EJ issues when weighing whether the project is consistent with the maximum benefit to the people of the State (anti- degradation analysis), and in the CEQA process by incorporating mitigation measures in permits to lower significant impacts to less than significant levels. EJ issues are also weighed if a Statement of Overriding Considerations must be adopted for impacts that cannot be mitigated to less than significant levels. Further, we have recently begun discussions with USEPA on how best to incorporate/consider EJ issues in all manner of storm water permits.