

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

STAFF REPORT FOR REGULAR MEETING OF JANUARY 29, 2021

Prepared on January 7, 2021

ITEM NUMBER: 7

SUBJECT: Annual Update of Environmental Justice Activities in the Central Coast Region

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ACTION: Information/Discussion

SUMMARY

At the Central Coast Water Board, environmental justice (EJ) remains an important component to inform regulatory program prioritization, guide implementation to effectively protect water quality for all residents of the Central Coast Region and support meaningful engagement with the community. Section Manager, Angela Schroeter, acts as the Central Coast Water Board EJ coordinator to help support EJ initiatives and facilitate EJ projects, and Board Member, Dr. Monica Hunter, is the EJ liaison to the Board. Since 2013, Central Coast Water Board staff and partners have presented annual EJ updates to the Board.

To respond to the increasing workload and lack of dedicated funding to support EJ activities at the regional boards, the Central Coast Water Board's primary strategy to address EJ issues and implement the human right to water (HRTW) in the Central Coast Region is to increase internal regulatory program alignment to more effectively prioritize EJ and disadvantaged communities (DACs), and to leverage external partnerships to increase local EJ capacity and support community engagement.

This agenda item provides updated information regarding the Central Coast Water Board's EJ activities consistent with legislative mandates and state policy including a summary of progress made during 2019/2020 and tasks planned for 2020/2021, To further this discussion, staff also invited several EJ partners to provide presentations to the Board discussing the status of specific EJ projects.

Guest speakers include:

- Adriana Renteria, Director, Office of Public Participation (OPP), State Water Board
- Brian Kidwell, P.E., Safe and Affordable Funding for Equity and Resilience (SAFER) Program, Division of Drinking Water, State Water Board

- Brandon Bollinger, Organizing Manager, and Reyna Gabriel-Peralta, Community Organizer, Community Water Center
- Dr. Yoram Cohen, Professor, Chemical and Biomolecular Engineering Department and Madelyn Glickfeld, Director of Partnerships, UCLA Water Resources Group

DISCUSSION

Background

California statute defines environmental justice (EJ) as the fair treatment and meaningful involvement of all people regardless of ethnicity, color, national origin or income, in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural surroundings, and the places people live, work, play, and learn.

The State and Regional Water Boards (collectively referred to as Water Boards) are committed to the equitable treatment of all Californians and the implementation of an EJ Program to meaningfully involve California Native American Tribes, DACs and other stakeholders in decision-making processes and provide open and transparent opportunities for people to participate in public meetings, hearings, and workshops that may affect their environment and health.

Beyond the fair treatment called for in California statute, the aim of the Water Boards' EJ Program is to engage those individuals and communities disproportionately impacted by pollution and to lift the unfair burden of pollution from those most vulnerable to its effects.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that 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 sanitation purposes." Among the Water Boards' highest EJ priorities is to implement the HRTW law. The Central Coast Water Board's HRTW Resolution No. R3-2017-0004¹ affirms the realization of the HRTW and the protection of human health as the Central Coast Water Board's top priorities. The resolution directs staff to prioritize regulatory programs to prevent and address discharges that threaten human health by causing or contributing to pollution or contamination of drinking water sources; and to promote achievement of the HRTW through effective prioritization, implementation, outreach and participation, performance monitoring and reporting, and through building strategic partnerships.

¹ Resolution R3-2017-0004,
https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2017/2017-0004_hrtw_fnl.pdf

State Water Board – Office of Public Participation

The State Water Board created the Office of Public Participation (OPP) to coordinate and support the Water Boards' efforts to involve the public in decision-making processes and to respond to public inquiries, especially related to EJ and the HRTW. Additionally, OPP provides assistance to design and implement effective stakeholder involvement processes to ensure all interested parties can participate in Water Board activities. OPP also provides specific services, including oral interpretation and written translation language services to assist with the Water Boards' public input and outreach efforts.

Water Quality Issues Facing Disadvantaged Communities

In the Central Coast Region, the highest priority EJ issue is ensuring a healthy environment for all people, especially as it relates to safe drinking water for DACs affected by agricultural and industrial contaminants. In some areas of the region, nearly 40% of drinking water wells exceed safe drinking water standards for nitrate, and other pollutants including 1,2,3-Trichloropropane (1,2,3-TCP), perchlorate, hexavalent chromium, and arsenic. Domestic drinking water wells and small water systems serving DACs are especially vulnerable to pollution because they are relatively unregulated and lack resources to implement routine monitoring and necessary drinking water treatment.

An additional water quality issue that may affect DACs includes indoor air quality and risk to human health from the effects of vapors from volatile chemicals intruding into businesses, residences, and other buildings (i.e., vapor intrusion). Exposure to contaminated fish tissue in areas where DACs may practice subsistence fishing is also a risk to human health; data on subsistence fishing is lacking for the Central Coast Region, however existing limited data indicates elevated concentrations of metals and pesticides in sand crabs and fish tissue in local estuaries, coastal areas, and lakes in the Central Coast Region.

A significant challenge to implementing EJ activities is effectively engaging and providing technical assistance to DACs impacted by pollution to ensure that they have the information necessary to reduce exposure and protect the health of their families, and to promote their meaningful participation in all phases of the environmental and land use decision-making process. Attachment 1 provides a list of DACs identified in the Central Coast Region.

Approach to Addressing Environmental Justice Issues and Implementing the Human Right to Water in the Central Coast Region

In an effort to maximize the benefit using limited resources, staff's primary strategy to address EJ issues in the Central Coast Region is to increase internal regulatory program alignment to support EJ and DACs and to support and encourage external partnerships to increase local EJ capacity and community engagement to support EJ and DACs. Similarly, staff's primary strategy to implement the HRTW in the Central Coast Region is also to increase internal regulatory program alignment and to leverage

external partnerships to advance community engagement to support drinking water well testing, emergency replacement water, and long-term drinking water solutions.

To advance this strategy, staff works to achieve the following specific objectives outlined below, with actions described from fiscal year 2019/2020 and workplan tasks identified for 2020/2021. In many cases, actions, outcomes, and tasks apply to multiple objectives, but are only reported once. Additionally, due to a reliance on activities that involve in-person engagement with the public, much of the progress in 2020 was affected by the COVID-19 pandemic and social distancing requirements.

Objective 1: Train all Central Coast Water Board staff regarding (a) the fundamentals of environmental justice, and (b) California's HRTW law and Resolution R3-2017-0004.

2019/2020 Actions/Outcomes:

- Coordinated with regulatory programs to implement the Central Coast Water Board EJ and HRTW internal guidance. (Note: actions and tasks for the objectives below preceded with an asterisk are associated with implementing the internal guidance.)

2020/2021 Tasks:

- Continue implementation of the Central Coast Water Board EJ and HRTW internal guidance, update as needed, and conduct associated all-staff training.
- Attend EJ Roundtables

Objective 2: Ensure public participation and outreach methods effectively engage all stakeholders, including DACs and California Native American Tribes.

2019/2020 Actions/Outcomes:

- *Coordinated with OPP to obtain support and additional resources related to Water Board outreach activities (e.g., translation services, materials, etc.).
- *Described HRTW and DAC issues for every Board agenda item to increase visibility and opportunity for public input.
- Implemented the Water Board's Tribal Consultation Policy related to Ag Order 4.0 and wastewater permits for the Santa Ynez Band of Chumash Indians.
- Provided Spanish interpretation and translation services for Ag Order 4.0 Board agenda items.

2020/2021 Tasks:

- Continue actions described above.
- *Coordinate with OPP to consider improving general accessibility and methods for DACs to provide public input to Board decisions, especially related to non-English speakers.
- *Develop and implement regulatory program-specific outreach plans to maximize DAC and/or tribal participation in the Board's decision-making processes, including any needed flexibility with meeting location or time, early outreach and education, translation services, etc.

Objective 3: Effectively implement regulatory activities to address water quality issues that impact DACs, so that the effects of the pollution are not disproportionately borne by those populations and communities. Do this by prioritizing programs and activities to a) prevent and/or address discharges that could threaten human health by causing or contributing to pollution or contamination of drinking water sources, and (b) include findings and requirements to minimize loading to attain the highest water quality which is reasonable in all discharge permits regulating activities in groundwater basins with existing impairments of drinking water standards.

2019/2020 Actions/Outcomes:

- Shared CCAMP-GAP drinking water well testing program² data with regulatory programs to inform program prioritization (e.g. Irrigated Lands Program and Site Cleanup Program).
- *Prioritized Site Cleanup Program (SCP) cases that impact drinking water sources (e.g., Buckley Road, Tecknit, Goleta Bardex/Neal Feay/Raytheon).
- Included requirements in draft Ag Order 4.0 to monitor groundwater contaminants in agricultural areas, including nitrate, 1,2,3-TCP.
- Included requirements in draft Ag Order 4.0 to address drinking water pollution caused by agricultural fertilizers, including draft fertilizer nitrogen application limits and nitrogen discharge limits to reduce nitrogen loading to groundwater.
- Implemented monitoring and reporting requirements for UCLA Salinas Valley Distributed Drinking Water Treatment Pilot Project - to evaluate potential impacts from the discharge of drinking water treatment system residual waste.
- *Prioritized grant projects to support innovation to reduce waste discharge impacts and provide benefits to DACs (e.g. bioreactors).
- *Included HRTW and DAC findings and criteria in permits, orders, TMDLs and grant projects, as well as associated analyses/discussions in all staff reports as appropriate.

2020/2021 Tasks:

- Continue actions described above.
- *Identify regulatory program staff leads for documenting facilities/projects in regulatory programs that affect DACs or California Native American Tribes (either as an RP or as an affected community or neighbor, or key stakeholder).
- *Confirm highest priority regulatory projects/facilities that impact DACs and identify strategies to reduce pollutant loading and threat to human health.
- Hire dedicated staff to support DAC involvement to obtain effective wastewater services, as authorized by Senate Bill 1215.³
- Coordinate with statewide fish tissue sampling project to evaluate potential impacts to subsistence fishing beneficial uses in the Central Coast Region and coordinate with the State Water Board, Office of Environmental Health Hazard

² A summary of the drinking water well program status is included in Attachment 2.

³ Senate Bill 1215 authorized the Regional Water Boards to require a city, county, or special district wastewater treatment system to provide sewer services to all or part of a DAC if the DAC is served by septic tanks that have the reasonable potential to pollute waters of the state. It also requires the State Water Board, as necessary and appropriate, to make funds available to the city, county, or special district to pay for the costs of providing the sewer services to the DAC.

Assessment (OEHHA) and local public health programs to provide timely and accessible health advisory notifications.

Objective 4: Increase EJ capacity in the Central Coast Region, and actively engage and provide technical assistance to individuals and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision-making process

2019/2020 Actions/Outcomes:

- Completed final year of EJ Capacity grant project by the Community Water Center (CWC) to engage DACs struggling with drinking water contamination and wastewater challenges and work toward community-driven solutions. CWC coordinated Comite' groups, held community in-person and virtual Platicas (during COVID-19). CWC enrolled community members in drinking water well testing and bottled water programs and provided technical assistance to communities to support long-term drinking water solutions. CWC secured \$5 million of SAFER funding to continue work to support DACs in the Central Coast Region and other parts of the state.

2020/2021 Tasks:

- *Ensure all individuals and communities impacted by waste discharge and pollution are informed about water quality projects that affect them and provide the opportunity to participate in all phases of regulatory and decision-making process (e.g., orders, permitting, site investigation, monitoring, risk assessment, remediation, etc.).
- Continue to support drinking water well testing and replacement water programs that benefit DACs, and share information and data with stakeholders.
- Continue to support EJ capacity projects with partners (e.g., CWC and others) to identify and address EJ and DAC issues in the Central Coast Region and maximize DAC participation in relevant Water Board programs (e.g., drinking water well testing, replacement water, Irrigated Lands Program, Site Cleanup Program).
- Continue to support DAC involvement in the SGMA process to protect domestic wells and ensure safe drinking water.
- Continue to engage in the Integrated Regional Water Management (IRWM) Disadvantaged Community Involvement (DACI) projects to conduct DAC needs assessments, community outreach and education, provide technical assistance, and implement projects to meet DAC drinking water and wastewater needs. A summary of the Central Coast Region IRMW DACI project status is included in Attachment 3.

Objective 5: Implement free drinking water well testing programs to fill data gaps and assess drinking water quality, especially domestic drinking water wells and small water systems.

2019/2020 Actions/Outcomes:

- Coordinated with Office of Public Affairs (OPA) and OPP to improve outreach materials and methods to maximize participation in drinking water well testing program (e.g., press releases, social media, bilingual radio, etc.).
- Tested 77 drinking water wells, in coordination with CWC, county environmental health agencies and local nongovernmental organizations (formal launch in Santa Cruz County was delayed due to COVID-19). To date, the program has sampled a total of 326 domestic wells primarily in San Luis Obispo, Monterey, and San Benito Counties (not including 190 domestic wells tested as part of the San Luis Obispo County Pilot Project).

2020/2021 Tasks:

- Launch drinking water well testing program in Santa Cruz County tentatively planned for Spring 2021
- Launch drinking water well testing program in Santa Barbara County tentatively planned for Summer 2021.

Objective 6: Implement emergency and interim replacement water programs to address risk to human health until long-term drinking water solutions are identified.

2019/2020 Actions/Outcomes:

- Participated in year four of the Interim Replacement Water Settlement Agreement with the Salinas Basin Agriculture Stewardship Group (SBASG) and State Water Board to provide replacement bottled water to domestic well and small water system users in the Salinas Valley who are impacted by nitrate pollution. As of October 1, 2020, SBASG is providing replacement bottled water to 41 small water systems and 55 individual domestic wells impacted by nitrate pollution. Agenda Item 8 provides a detailed update on the progress by SBASG to date.
- Collaborated with CWC and Division of Financial Assistance (DFA) to develop and implement the Central Coast Regional Bottled Water Program⁴ which currently provides safe drinking water to 116 households.
- Collaborated with the CWC and DFA to develop and implement the Emergency Bottled Water Grant for the Pajaro Sunny Mesa CSD⁵ which currently provides safe drinking water to approximately 67 households.
- Facilitated three informal drinking water replacement settlements between responsible parties and affected parties to resolve impacts to drinking water wells caused by nitrate pollution associated with agricultural discharges.

⁴ State Water Board Cleanup and Abatement Account Fund awarded \$909,964 to the Community Water Center to implement the Central Coast Regional Bottled Water Program to assist DACs region-wide from 7/1/2019 – 2/28/2022.

⁵ State Water Board Cleanup and Abatement Account Fund awarded \$532,565 to the Pajaro Sunny Mesa CSD to provide emergency bottled water to the community from 10/01/2019- 9/30/2022.

2020/2021 Tasks:

- Continue actions described above.
- Coordinate with SBASG to complete funding for installation of point of use treatment devices to address nitrate pollution at Mission Union School.
- Coordinate with regulatory programs to pursue replacement water in cases where responsible parties are identified.

Objective 7: Support efforts to pursue long-term drinking water solutions for the Central Coast Region, in coordination with local environmental health agencies and State Water Board's SAFER Program.

2019/2020 Actions/Outcomes:

- Coordinated with UCLA, Division of Drinking Water, Division of Financial Assistance and Monterey County to implement UCLA Pilot Project (see description below).
- Participated in HRTW Working Group with DDW, DFA, and Monterey County to track priority projects to ensure safe drinking water for DACs.

2020/2021 Tasks:

- Continue actions described above, including collaborating with external agencies and organizations to pursue long-term drinking water solutions.
- Participate in innovative pilot projects to identify potential drinking water solutions and develop lessons learned.

Objective 8: Minimize impediments to data access and maximize the availability and accessibility of data and information regarding drinking water quality to support the development of solutions and inform all stakeholders, including communities that lack adequate, affordable, or safe drinking water.

2019/2020 Actions/Outcomes:

- *Uploaded all drinking water quality data to the State Water Board's Groundwater Ambient Monitoring and Assessment Groundwater Information System (GAMA GIS).
- Collaborated with OPP to develop outreach materials to maximize the accessibility of drinking water well testing program information and data to the public, including DACs.
- Provided drinking water well testing results to program participants in a timely manner.
- Shared drinking water well testing results with local environmental health agencies and community partners.

2020/2021 Tasks:

- Continue actions described above.
- Update and maintain EJ and drinking water well testing program websites.

Objective 9: Inform and support policies and practices that promote racial equity and avoid racial discrimination in the workplace.

2019/2020 Actions/Outcomes:

- Attended relevant EJ and racial equity training provided by the Water Boards Academy (e.g., Implicit Bias).
- Expanded staff recruitment to diverse hiring outlets, colleges and universities, and professional organizations.

2020/2021 Tasks:

- Continue staff attendance at relevant EJ and racial equity training.
- Participate on the Water Boards' Racial Equity Working Group in support of the Water Boards' Racial Equity Initiative.⁶
- Continue efforts to expand staff recruitment to diverse hiring outlets, colleges and universities, and professional organizations.

Climate Change

The Central Coast Region faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, staff has developed the Central Coast Water Board's Climate Action Initiative, which identifies how our work relates to climate change and prioritizes actions that promote adaptation and mitigation to improve resilience and protect beneficial uses. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012. The Climate Action Initiative recognizes that the effects of climate change are expected to disproportionately affect DACs in Santa Cruz, San Luis Obispo, Santa Barbara and Monterey Counties, and coordination with the EJ activities is needed to prioritize Water Board activities that promote resilience in these vulnerable populations. As climate change affects drinking water quality and supplies, staff will work with partners to address the community's changing drinking water needs.

GUEST SPEAKERS

As part of this agenda item, the following invited guest speakers will provide presentations regarding the specific EJ projects described below.

1. **Office of Public Participation - Adriana Renteria, Director**, will make a presentation to the Board about the principles of EJ and the goals of the State Water Board's EJ Program, as well as the support the State Water Board can offer to the regional boards.

⁶ There is an intrinsic relationship between racial equity and environmental justice, and it is anticipated that the Water Boards' Racial Equity Initiative effort will result in modified statewide guidance and policies for the implementation of the Water Boards' EJ and HRTW initiatives.

2. *Safe and Affordable Funding for Equity and Resilience (SAFER) Program – Brian Kidwell, P.E., Division of Drinking Water, State Water Board*

In July 2019, Governor Gavin Newsom established the Safe and Affordable Drinking Water Fund which provides \$130 million each year through 2030. The primary purpose of the SAFER program is to advance EJ and address the continuing disproportionate environmental burdens in the state by creating a fund that will support safe drinking water projects in vulnerable communities. SAFER funds help water systems provide a safe, accessible, and affordable supply of drinking water to communities in both the near and long term by accelerating implementation of short- and long-term drinking water solutions, moving water systems to more efficient modes of operation, providing short-term operation and maintenance support as a bridge until long-term sustainable solutions are in place, and providing long-term operation and maintenance support when necessary. Mr. Kidwell will discuss statewide priorities of the SAFER Program and specific projects and activities benefitting the Central Coast Region.

3. *Community Water Center Central Coast Update – Brandon Bollinger, Organizing Manager, and Reyna Gabriel-Peralta, Community Organizer, Community Water Center.*

The Community Water Center (CWC) is nearing completion of a two-year contract funded by the Central Coast Water Board's CCAMP-GAP Program to establish a Watsonville Office to build EJ capacity in the Central Coast Region. CWC works alongside community residents and leaders to advance community-driven solutions for low-income communities struggling with drinking water contamination and wastewater challenges. In their first two years on the Central Coast, CWC has made a substantial positive impact to increase regional EJ service capacity in the Central Coast Region and to serve as a center that engages communities and connects them with language appropriate support and resources, technical assistance, and funding sources. Among their activities, CWC supports domestic well users to participate in the Central Coast Water Board's domestic well testing program and then connects participants with unsafe drinking water to the Central Coast Regional Bottled Water Program. Additionally, CWC works to connect communities with long term drinking water and wastewater solutions by engaging in SAFER, IRWM, and SGMA. Mr. Bollinger and Ms. Gabriel-Peralta will present a summary of CWC's achievements to provide services to DACs in the Central Coast Region.

4. *Salinas Valley Distributed Drinking Water Treatment Project Update – Dr. Yoram Cohen, Professor, Chemical and Biomolecular Engineering Department and Madelyn Glickfeld, UCLA Water Resources Group*

The University of California, Los Angeles (UCLA) received approximately \$2.5 Million in funding from the State Water Board's Cleanup and Abatement Account to implement nitrate drinking water treatment based on centrally managed water purification systems (combination reverse osmosis) at small community water systems impacted by nitrate pollution. The goal of the pilot project is to demonstrate effective and economical treatment methods and remote telemetry management such that multiple, limited resource communities can be managed collectively, thus reducing individual system technical operation and management costs. The project

targets treatment for three well systems that serve DACs in the Salinas Valley: Blue Rock Apartments, Pryor Farms and Santa Teresa Park (San Vicente Water System). To address potential impacts from the discharge of treatment system residual waste, Central Coast Water Board staff issued monitoring and reporting requirements to UCLA in August 2017 and is now evaluating the monitoring results to inform future requirements for residual waste discharges from future similar treatment systems as anticipated proliferation of this virtual consolidation strategy occurs. In August 2020, the project achieved a major milestone towards safe drinking water when Monterey County formally approved the drinking water system at Blue Rock Apartments and lifted the bottled water order. This virtual consolidation of small drinking water systems is one of several strategies for ensuring safe drinking water in nitrate-challenged groundwater basins. Dr. Cohen and Ms. Glickfeld will present a progress update on the UCLA pilot project and discuss next steps.

CONCLUSION

Central Coast Water Board staff is continuing to adapt and implement its EJ strategy to increase internal regulatory program alignment and leverage external partnerships to more effectively prioritize EJ and DACs, implement the HRTW, and to advance community engagement in drinking water well testing, emergency replacement water, and long-term drinking water solutions. To maximize benefit and manage limited resources, staff remains focused on the long-term implementation of the specific objectives described above and partnering with various entities and agencies with specific expertise to assist us in effectively implementing a comprehensive EJ strategy.

Initiating and improving these partnerships to coordinate and leverage EJ expertise and associated resources is a significant component of staff's strategy to support our regional EJ and HRTW priorities. In particular, staff will continue to collaborate with the Community Water Center and similar EJ/DAC focused nongovernmental organizations, local county health and drinking water agencies, and various State Water Board offices and divisions such as the Division of Financial Assistance, Division of Drinking Water, Office of Public Participation, and Office of Public Affairs.

Staff will continue to grow and modify our EJ strategy as needed to improve our effectiveness and will provide annual and project specific updates to the Board on our collective progress at implementing the HRTW and various EJ projects. As part of these updates, staff will evaluate our actions and associated outcome, address necessary changes in strategy and direction, and report on the effectiveness of our efforts.

ATTACHMENTS

1. List of Disadvantaged Communities in the Central Coast Region
2. Central Coast Drinking Water Well Testing Program - Status Update
3. Integrated Water Resources Management Disadvantaged Community Involvement Grant for the Central Coast Funding Area – Status Update