

# **San Francisco Bay Regional Water Quality Control Board**

## **Racial Equity and Environmental Justice Action Plan**

September 2023



## OVERVIEW

The San Francisco Bay Regional Water Quality Control Board supports and implements the State of California’s commitments to racial equity and environmental justice. We prioritize program activities to protect water quality and beneficial water uses in communities that have experienced historical environmental racism or environmental injustice, which we refer to as environmental justice communities, and recognize that the effects of past and current discrimination can be amplified by climate change. In addition, we seek to reflect the diversity of the communities we serve in the San Francisco Bay Area in our staff, because we recognize that we are better able to carry out our mission when our workforce comprises people of many backgrounds, perspectives, and lived experiences.

*Photo below: San Francisco Bay Water Board staff at the former naval air station in Alameda*



Racial equity and environmental justice actions are a key component of our March 2023 Strategic Workplan (Workplan). The Workplan communicates our priorities and, below, we outline the racial equity and environmental justice actions we have taken and are implementing, along with relevant targets and milestones. Our actions are informed by and aligned with State Water Resources Control Board (State Water Board) efforts including [Resolution No. 2021-0050](#), condemning racism, xenophobia, bigotry, and racial injustice, and strengthening our commitment to racial equity, diversity, inclusion, access, and anti-racism.

This document first describes actions that are being completed office-wide: Relationship Building, Work Prioritizing, and, Workforce Development, followed by actions taken in the four Workplan categories: Plan and Assess; Regulate; Clean Up; and Enforce.

## RELATIONSHIP BUILDING

We strive to implement both the formal requirements and the spirit of Assembly Bill 2108 (2022) (AB 2108). AB 2108 sets expectations regarding communication and coordination with environmental justice communities, such that there is equitable, culturally relevant, meaningful civic engagement with those communities as part of the Water Boards’ regulatory programs.

### ESTABLISHING RELATIONSHIPS

We work to establish and maintain relationships with community groups in historically excluded racial groups and environmental justice communities. This includes:

- Sponsoring and coordinating environmental justice and racial equity efforts at an executive management level.
- Establishing a Tribal Coordinator to facilitate communication with Bay Area tribes.
- Participating in the Water Boards’ Equity and Justice statewide roundtable, which is a collaboration between all of the Water Boards’ regions, divisions, and offices.

### COMMUNITY IDENTIFICATION

We identify the communities with whom we should be coordinating as part of our racial equity and environmental justice work:

- To identify Bay Area tribes and tribal contacts, we use existing resources;
- To focus our communication and help prioritize our regulatory work, we use tools like the Department of Water Resources’ Disadvantaged Community Mapping Tool, Cal EnviroScreen, historical redlining maps, knowledge of community demographics and past and ongoing discrimination, and direct outreach to other agencies, municipalities, and communities to identify communities for attention and coordination.
- To further identify interested parties and environmental justice advocates, we utilize the State Water Resources Control Board’s Office of Public Participation’s external contact list.



## RELATIONSHIP BUILDING

### ENGAGING WITH COMMUNITIES

We show up, listen, and respond to community concerns. This is a broader and ongoing effort that involves our case managers, and the State Water Board's Office of Public Participation to advise, support, implement, and adapt:

- We track and share community engagement activity across the region.
- We communicate in ways that reach affected groups and support their involvement, such as by coordinating with existing community groups; holding meetings in affected communities or online at times when community members are more able to attend; and developing written documents accessible to the community, including via translation.
- We consider ways to evaluate the effectiveness of our community outreach and coordination efforts, such as surveys, suggestion boxes, web/email feedback, and ongoing dialogue.
- We provide language access services, when requested, for people with limited English proficiency or needs for sign language interpretation.
- We consider linguistic isolation of project areas and provide language access services for community members where appropriate.

*Photo to below: Water Boards staff meet with Urban Tilt, a community environmental group, for training on measuring flow in a creek*



### COORDINATING WITH OTHER AGENCIES

We coordinate with others who are engaged in racial equity and environmental justice work:

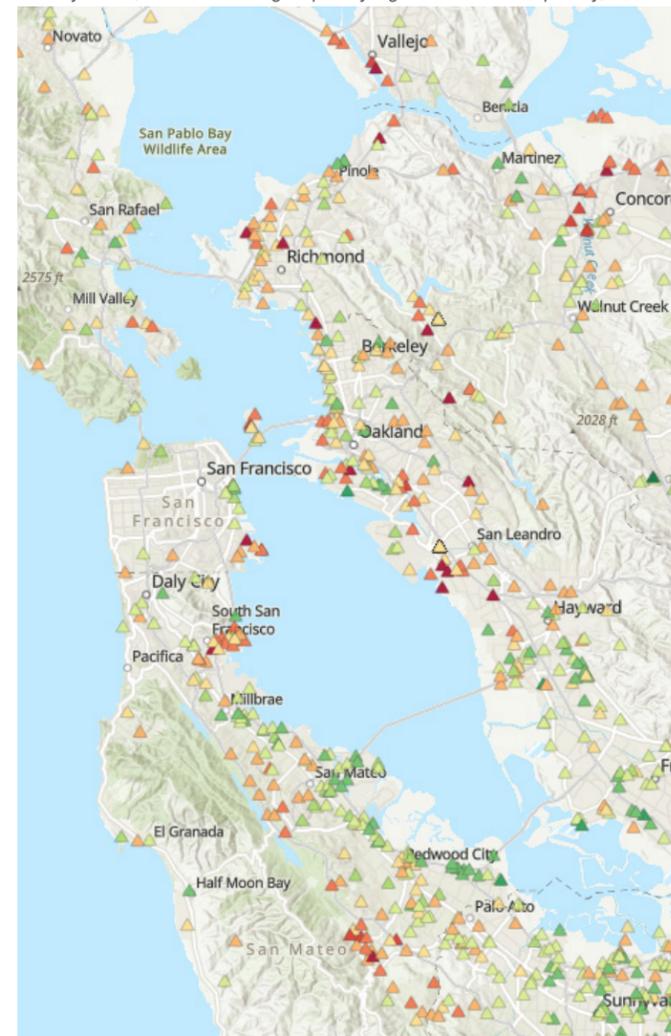
- We participate in multi-agency efforts to adapt to rising tides and consider their effects on historically impacted communities.
- We participate in coordinated multi-agency efforts, such as task forces organized by U.S. EPA, CalEPA, and municipal staff.



## IDENTIFYING AND PRIORITIZING WORK

We use existing tools and evaluate new information, allowing us to consider racial equity and environmental justice as we prioritize work.

*Photo below: A map used to prioritize construction sites. The darkness of the icon indicates the priority score, based on environmental justice communities and other factors (dark indicates higher priority, light indicates lower priority).*



### PRIORITIZATION

- We apply the community identification work we have done to focus attention on facilities in those communities, as appropriate.
- We use tools like Cal EnviroScreen, lists of facilities under regulation or that may need to have regulatory oversight, and public input as a prioritization tool.

### CLIMATE CHANGE

We develop or identify information allowing us to understand and consider the effects of the changing landscape resulting from climate change. This includes, for example, understanding groundwater rise and the potential for soil and groundwater contamination to move, and understanding how rising tides and changes in precipitation depth, frequency, and duration may impact water resources like tidal marshes, creeks, public access, and associated infrastructure.



## PLAN AND ASSESS

### TOTAL MAXIMUM DAILY LOAD (TMDL) AND BASIN PLANNING

- In the Basin Planning Triennial Review process, we use environmental justice as a weighting factor for prioritizing TMDL and Basin Planning Projects.
- We assess current and upcoming TMDL and Basin Plan projects that have direct effect on community health and are in environmental justice communities.
- We develop and implement engagement plans to comply with AB 2108 where TMDL and Basin Plan projects have a potentially significant effect on an environmental justice community.
- We are developing a Basin Plan Amendment to adopt Tribal Beneficial Uses, such as Tribal Subsistence Fishing.

### SURFACE WATER AMBIENT MONITORING PROGRAM

We bolster relationships with environmental justice communities by conducting East Bay pathogen sampling and community partnership trainings.



Photo to right:  
Fishers at the Bay Trail in Richmond

Photo courtesy of Laszlo Green (MTC)



## REGULATE

### CREEK, WETLAND, & BAY HABITAT PROTECTION PROGRAM

- We consult with tribes and environmental justice community representatives consistent with AB 2108 on 401 Certification projects that have potential tribal and environmental justice impacts.
- We use the San Francisco Bay Restoration Regulatory Integration Team (BRRIT) as an agency coordinating tool on shoreline restoration projects in environmental justice communities (e.g., Heron's Head Park in SF).
- We consider BRRIT/Policy Management Committee coordination and outreach to tribes on cultural resources being exposed by shoreline changes relating to sea level rise.

### INDUSTRIAL AND CONSTRUCTION STORMWATER PROGRAM

We incorporate CalEPA disadvantaged community status and CalEnviroScreen scores into industrial and construction stormwater site prioritization and continue to refine this tool to help recognize and address potential impacts to environmental justice communities.

### WASTEWATER TREATMENT PLANTS

Plants have the potential to adversely affect neighboring communities, for example by odors. We consider and address those issues as a part of plant inspections.

As treatment plants and associated infrastructure are modified in response to climate change, we consider potential effects on environmental justice communities and work with the wastewater agencies to ensure those are incorporated into the adaptation process.

### MUNICIPAL STORMWATER PROGRAM

- We work with Permittees on a regional best management practices guidance document for intra- and inter-agency coordination and to address discharges associated with unsheltered homelessness, including trash and sewage.
- We work with Permittees submitting Trash Direct Discharge Control Plans on plan review, acceptance, and implementation, including inter- and intra-agency coordination on unsheltered homelessness and coordinating clean water actions with the work.
- We coordinate with Caltrans and MS4 permittees to address unauthorized discharges, including dumping, trash and sewage associated with unsheltered homelessness.
- We support the Contra Costa Clean Water Program's implementation of a countywide alternative compliance program, which is expected to focus work in underserved West County communities including Richmond and San Pablo.

### LAND DISPOSAL PROGRAM

As landfills and other waste management units are affected by and adapt to climate change, we consider potential effects on environmental justice communities and work with the dischargers to ensure those are incorporated into the adaptation process.



## CLEAN UP

### SITE CLEANUP PROGRAM

Our goal is to implement the following priority actions for cases in environmental justice communities:

- Confirm the current case status.
- Determine if the case is stalled and why.
- Close cases that are eligible for closure.
- Develop and begin implementing a regulatory path forward for cases where human health exposure and/or groundwater contaminant migration is uncontrolled or unknown.

We will also be implementing community engagement improvements, including:

- Review our existing internal Site Cleanup Program guidance for public participation and identify ways to enhance outreach and engagement activities for cleanup sites in environmental justice communities.
- Track community meetings and public notices for cleanup cases in environmental justice communities and include environmental justice community advocates.
- Consider ways to evaluate our outreach effectiveness, such as surveys, suggestion boxes, web/email feedback, and one-on-one meetings.
- Coordinate with the State Water Board and the Department of Toxic Substances Control to provide information to environmental justice communities about cleanup funding opportunities, such as Site Cleanup Subaccount Program Grants and Equitable Community Revitalization Grants.

Since 2021, we have undertaken efforts to view our Site Cleanup Program through the lens of racial equity and environmental justice. Last year, we identified that 170 of our 871 active Site Cleanup Program cases are in environmental justice communities. We have prioritized these cases for review with the goal of ensuring that cases are moving forward so that possible health and environmental exposures are identified and addressed as quickly as possible based on the potential risk they pose to the community and water quality.

We can prioritize and work on some otherwise unfunded cases in environmental justice communities using funds provided by the Site Cleanup Subaccount Program established by Senate Bill 445 in 2014.

*Photo below: A community meeting regarding cleanup at the former Clorox facility in East Oakland*



## ENFORCE

We recognize that progressive enforcement, including requirements to prepare and submit technical information, cleanup orders, and monetary penalties can be a significant tool to support actions that benefit water quality. We incorporate environmental justice community concerns into our enforcement actions, including with respect to considering when we take enforcement, what type of enforcement we take, and how enforcement may affect environmental justice communities. When possible, we negotiate supplemental environmental projects that benefit environmental justice communities. We also recognize that the State Water Board may allocate monetary penalties remitted to statewide funds to benefit environmental justice communities throughout California.

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