

**State of California
California Regional Water Quality Control
Board Santa Ana Region**

June 19, 2020

ITEM: 12

SUBJECT: Executive Officer's Report

1. COVID-19 Requests for Regulatory Relief - Update

In my May 8, 2020 Executive Officer's Report, I provided information on staffing actions and regulatory relief requests as a result the COVID-19 pandemic. I wanted to keep the Santa Ana Water Board updated on regulatory relief requests.

As a reminder, timely compliance by the regulated community with all Santa Ana Water Board and/or State Board orders and other requirements is generally considered to be an essential function during the COVID-19 response. As a result, the Water Boards consider compliance with board-established orders and other requirements to be within the essential activities, essential governmental functions, or comparable exceptions to shelter-in-place directives provided by local public health officials. The State Board and Regional Boards have developed a consistent statewide approach for addressing requests relief from regulatory requirements. This approach is reviewed on a weekly basis by State Water Board and regional boards' management.

As of June 1, 2020, the Santa Ana Water Board has received 39 requests for relief from regulatory requirements for public outreach efforts, field investigations, inspections, monitoring, and reporting. Out of these 39 requests, 19 requests were approved, 19 requests were denied or withdrawn (in most cases additional information to support the request was requested), and 1 request is pending a response from the Santa Ana Water Board. These requests will continue to be evaluated as they are received.

2. Dairy Permit/Facility Status Report

The Santa Ana Water Board adopted the Confined Animal Feeding Operations General permit (CAFO or Dairy Permit) at the December 2018 Regional Board meeting ([Order R8-2018-0001](#)); the permit became effective March 17, 2019. The Dairy Permit requires that Annual Reports be submitted by Dairy operators by January 15 of each calendar year. Per the Dairy Permit Annual Reporting requirements, Dairy operators must provide a tabulation of animals, the total amount of manure produced, and the amount of manure spread on cropland or hauled away.

An analysis of 2019 annual report data shows that the dairy industry in the Santa Ana Region continues to see a steady decline in the number of facilities and number of animals. Currently, 95 dairy facilities are reported left in the region compared to 99 facilities in 2018. Chino Basin accounts for 65 of the 95 remaining dairies and the rest are in the San Jacinto watershed and Riverside/Corona area. The current animal count in the region is reported to be 122,000 (64,000 animals in Chino basin and 58,000 animals in the San Jacinto watershed and Riverside/Corona area) as compared to 126,000 in 2018. This number is comprised mainly of milking & dry cows, and heifers & calves.

Total manure produced in 2019 was just over 400,000 tons, with approximately 230,000 tons of manure produced in the Chino Basin and 176,000 tons was produced in the San Jacinto watershed.

Data showed that approximately 94,000 tons of manure was spread on local croplands and about 82,000 tons of manure was transported to various composting facilities. Further, about 116,000 tons of manure was hauled to croplands in San Bernardino County, 68,000 tons to croplands in Riverside County, 31,000 tons in Imperial County, and about 8,300 tons of manure was hauled to Kern County.

3. Mid-Year Report on Human Right to Water Resolution R8-2019-0078

In December 2019, the Santa Ana Water Board adopted [Resolution R8-2019-0078](#), acknowledging the Human Right to Water as a core value. The Resolution directed staff to implement a 2-year Work Plan with specific tasks to ensure that the Santa Ana Water Board programs are equitably and consistently administered and are supportive of the Human Right to Water in all communities. Task 4 of the Work Plan requires this mid-year report of staff's implementation of the work plan.

Tasks 1 and 2: Staff has obtained and/or compiled maps that identify the locations of Tribes, Disadvantaged Communities and Environmental Justice Communities in the Santa Ana Region. In addition, Staff compiled maps with individual layers showing the proximity of regulated facilities, permitted cannabis operations, illegal cannabis grows and impaired waterbodies within the Santa Ana Region. Mapping of the general locations of homeless encampments is still underway. Preparation of additional maps will continue as the program assessments are carried to completion.

Task 3: Staff performed an internal assessment of all Santa Ana Water Board programs during April and May 2020 to evaluate the equity of distribution of staff resources to all communities. The Program Assessment is intended to identify any adverse impacts to Tribal, Disadvantaged and Environmental Justice communities as a result of our staff's program implementation strategies. The full results from the Program Assessment will be completed in conjunction with an evaluation of the maps and overlays, to discern possible relationships between Staff's activities and the Human Right to Water.

Task 4: As mentioned, the Program Assessment was conducted in April and May, and completed in the first week of June 2020. Although the evaluation of the survey results is still in progress, Staff's initial conclusions from the internal Program Assessment are as follows:

- Many communities whose right to water is threatened are reasonably presumed to be disadvantaged. Relating disadvantaged communities to contaminated groundwater supplies is an acceptable method to protect their right to water.
- Private well owners and operators do not always share information about contaminated wells. This sometimes prevents Staff from getting information needed to protect water resources and support the human right to water. Staff will continue efforts to develop and enhance relationships with private well owners and operators to encourage sharing of groundwater quality data.
- The Santa Ana Water Board has clear authority to protect water quality so that water is "clean" and "safe" pursuant to Water Code section 106.3; but the Board's responsibility to consider that water is "affordable" and "accessible" is not supported by clear authority or policies. Thus, Staff may observe potential inequities regarding access to clean affordable water and must collaborate with other agencies and organizations to seek solutions for those communities.

Task 5: Staff is engaged in ongoing collaboration with the State Water Board, Division of Drinking Water staff to identify locations of impaired drinking water systems in Disadvantaged and Environmental Justice communities within the Santa Ana Region. Future discussions will include advance planning for funds to support emergency response for repair of water systems after natural disasters.

Next steps: Some impaired drinking water systems may be eligible for inclusion on the Santa Ana Water Board's Supplemental Environmental Projects (SEP) list and/or eligible for State grants under Proposition 1 or SB 200 Safe and Affordable Drinking Water funds. A tabulation will be developed under Tasks 6 and 7 of the Work Plan.

Additional comments and conclusions from Staff's Program Assessment efforts will be provided in the End of Year 2020 Human Right to Water presentation to the Board (as specified in Task 8 of the Work Plan).

4. Impacts to Timing of Public Engagement and Field Activities for the former Ford Aeronutronics Site in Newport Beach due to COVID-19

Santa Ana Water Board staff was scheduled to host two community meetings on May 28, 2020 regarding the volatile organic compounds (principally trichloroethene [TCE], a carcinogen) present in soil vapor beneath some residential and commercial properties at the former Ford Aeronutronics site in the City of Newport Beach. However, due to the current COVID-19 pandemic, the May 28, 2020 community meetings were cancelled. The public was notified via a letter mailing which included a survey designed to assess how to best proceed with community outreach and communications during these challenging times.

The survey could be completed online or mailed in. The primary objective of the survey was to evaluate what type of public outreach the community was interested in during the COVID19 pandemic. Below is a summary of the responses. Overall, the community is still very involved and interested in this project and regular community engagement is warranted. We will be taking this information into consideration as we prepare information and arrange the next community outreach event.

- Of the 1,787 contacts who received the survey, 79 community members responded (a 4.4% response rate).
- 66% of the respondents felt that now was still a good time to engage with the Water Board on the project, while 30% of the respondents did not feel now was a good time.
 - Of those who wanted to wait, 17% wanted to wait until COVID-19 is no longer an issue, 6% wanted to wait 2-3 months, and 5% said to wait until the fall/winter.
- Of the ranked choices for how to receive information, 33% ranked a series of newsletters/facts sheets as their #1 method for receiving information and 28% ranked a live-broadcast meeting as their #1 method.
 - 22% ranked a webpage repository as their second favorite choice and 19% preferred small group electronic meetings as their second choice.
 - A select few of the respondents also suggested the use of email, U.S. mail, social media options, texting, and outside/on-site meetings as additional means for communicating project information to the community.
- 37% listed Zoom as their preferred electronic meeting technology; the remaining options all had limited interest (no more than 7% of respondents selecting them).
- 42% felt the survey was appropriate and appreciated the check-in.
- Additional comments received through the survey ranged from:
 - Not wanting to delay the project.
 - Complaints that the survey was a waste of time or deflecting from action being done on the project; the project needs to be finished.
 - Questions regarding indoor air sampling results and testing, as well as property values.

Staff will continue to provide the Board with further updates as plans for public outreach and communication proceed, and as the soil vapor and water sampling, and the indoor air assessments continue.