

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

December 10, 2021

ITEM: 18

SUBJECT: Executive Officer's Report

1. Human Right to Water Resolution R8-2019-0078 Annual Report

In 2012, the California legislature adopted Water Code Section 106.3 establishing the Human Right to Water (HRTW) policy which states that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The State Water Resources Control Board adopted Resolution 2016-0010, identifying the HRTW as a core value and affirmed the State Water Board's commitment to advancing the HRTW in 2016.

In December 2019, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution R8-2019-0078](#), acknowledging the Human Right to Water (HRTW) as a core value. The Resolution directed staff to implement a 2-year Work Plan which includes 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.

Staff completed Work Plan Tasks 1 through 8, identified for Year 1 (2020). Staff continues with its ongoing activities implementing Tasks 1 through 5, and Task 7, which were identified for Year 2 (2021) of the Work Plan.

The mid-year 2021 report of staff's implementation of the Work Plan was presented to the Board in June 2021, thereby completing Task 6, Year 2. This status report completes Task 8, Year 2 of the Work Plan.

On August 6, 2021, as allowed under Provision 6 of the Resolution, the Executive Officer of the Board extended the timeline for completion of the ongoing tasks identified in the Work Plan. The timeline now continues through December of Year 3 (2022). The revised tasks and due dates will ensure that the HRTW effort will continue to be coordinated with stakeholders and will also ensure that timely updates to the Santa Ana Water Board will be provided.

An updated summary of staff's activities in 2021 is presented below.

2021 – Task 1

Staff continues working on the following projects that were initiated in Year 1 (2020):

- Updating and evaluating maps with individual layers showing regulated facilities, permitted cannabis operations, illegal cannabis grows, Site Cleanup projects, and impaired waterbodies within the Santa Ana Region. The maps also identify the locations of Tribes, Disadvantaged Communities and Environmental Justice Communities in the Santa Ana Region. Maps include locations of some (but not all) unsheltered communities and encampments in the Inland Empire area of the Region.
- Further interpretation of results from the Internal Program Assessment. Next step is to initiate public outreach and explore regulatory framework for protecting and ensuring the Human Right to Water.
- Ongoing collaboration with the Division of Drinking Water (DDW) staff to identify locations of impaired drinking water systems in Disadvantaged and Environmental Justice communities within the Santa Ana Region. Follow up on availability of funds in fiscal years 2021-2022 and 2022-2023 to support emergency response for repair of water systems after natural disasters.
- Ongoing review of impaired drinking water systems 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.

2021 – Tasks 2, 3, 4, 5, 6, 7, 8

Staff continues to collaborate with Chino Basin Watermaster, DDW, local water purveyors and others to:

- Update the GIS database and create maps identifying private water supply wells that are in proximity to known areas of groundwater contamination in the Santa Ana Region.
- Create/compile and update maps that depict areas of groundwater contamination, in comparison with impacts to private supply wells; prioritize Disadvantaged and Environmental Justice communities.
- Work with the Division of Financial Assistance to explore funding opportunities for replacement water for any identified impacted small water systems/private wells, and to assist with project implementation.

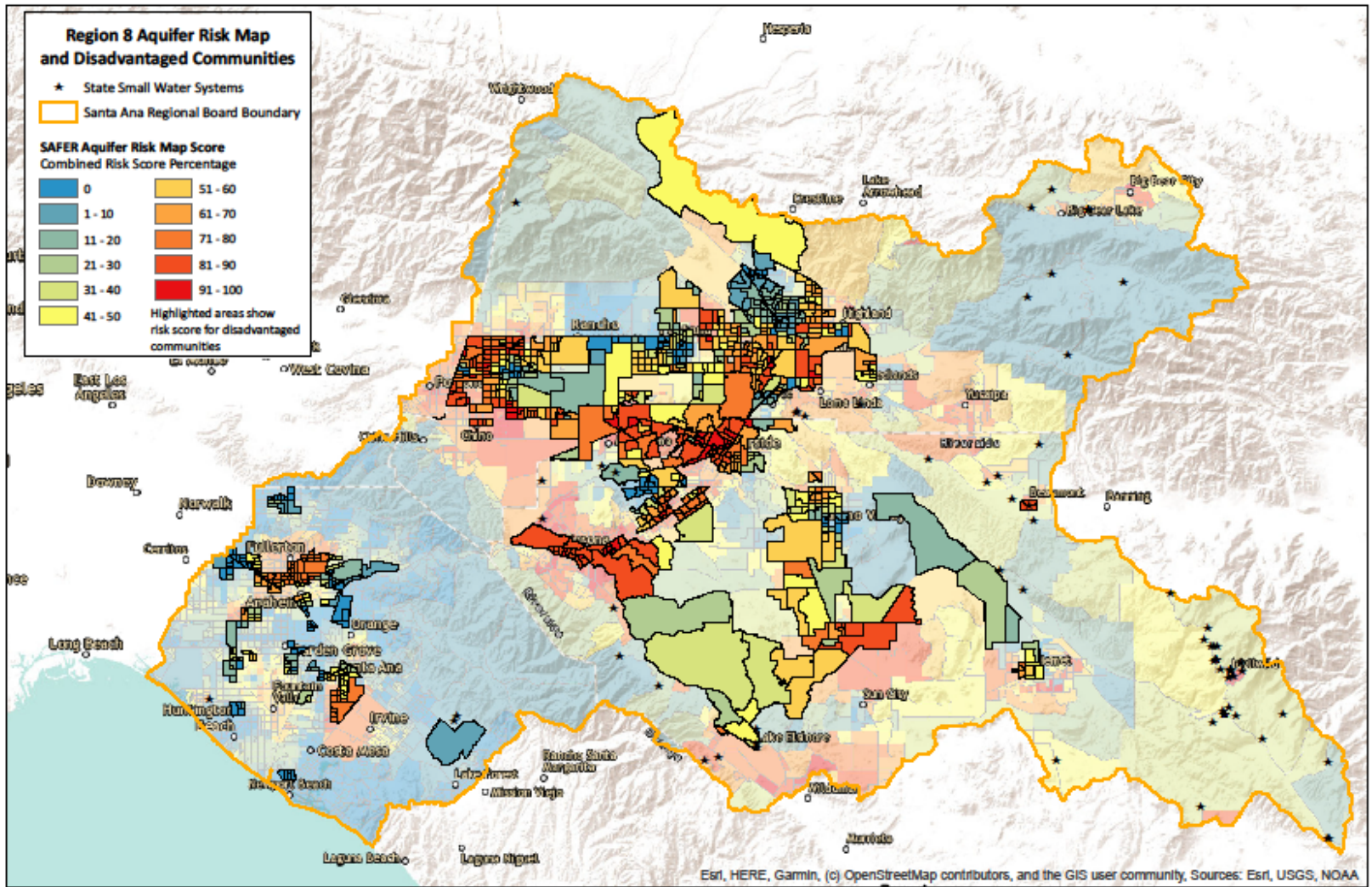
As presented in the June 2021 update, resulting from the above collaborations, staff have completed the following:

- Coordinated with Chino Basin Watermaster to obtain regional water quality data including contaminant plume data and recent PFAS data
- Received updated GIS data for the South Archibald trichloro-ethylene (TCE) groundwater plume
- Updated regional state small water systems maps
- Drafted regional aquifer risk maps using Safe and Affordable Funding for Equity and Resilience (SAFER) project data (Figure 1)
- Presented mid-year 2021 and (this) end of year 2021 HRTW status reports.

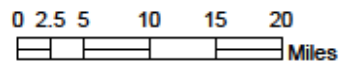
2022 Tasks- 1 Year Extension

- Staff will continue to coordinate with DDW, Chino Basin Watermaster and others to identify potential impacts to private wells.
- Staff will update Regional GIS databases to include new CalEnviroscreen 4.0 results, released in October 2021.
- Staff will continue using GIS data, including updated data, to complete HRTW program assessments.
- Identify and engage with DAC and underserved communities.
- Identify private wells that are used for drinking water supplies in DACs, Tribal and EJ communities in the Santa Ana Region.
- Create one or more maps with the overlay of DACs and EJ communities, showing all known private wells, and indicating which wells may be impacted.
- Coordinate with State and local agency staff to identify projects that would assist with replacement water or rehabilitation of impaired wells in DACs, Tribal and EJ communities.
- Complete program assessments and compile a HRTW report with results.
- Mid-Year 2022 present an update on the status of implementation of the Year 1 and Year 2 (2020 and 2021) projects and efforts in the Executive Officer's Report
- End of Year 2022 present annual update of the Human Right to Water program

The following figure shows the aquifer risk map for Region 8 using the SAFER Aquifer Risk Map (SWRCB, 2021). The aquifer risk map is a tool intended to help identify areas where domestic well users and state small water systems may be accessing groundwater that does not meet primary drinking water standards. The relative risk of groundwater in an area not meeting primary drinking water standards is ranked by percentile; groundwater with lowest risk is shown as blue, groundwater with highest risk is shown as red. These maps identify potential groundwater contamination and are a tool for Region 8 staff and Board members to use during the decision-making process.



Santa Ana Regional Water Quality Control Board
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Region 8 Aquifer Risk Map (SWRCB, SAFER)

Executive Officer's Report Update- Human Right to Water Resolution

Figure 1

2. Oil Spill Pipeline Incident P00547

On October 1, 2021, crude oil was released from a crack in the pipeline located on the ocean floor from the BETA Offshore's Elly Platform in federal waters to Long Beach. BETA Offshore is a subsidiary of Amplifying Energy. BETA Offshore has re-estimated that 24,696 gallons of crude oil was released from the broken pipeline. A Unified Command (UC) was formed, comprised on the US Coast Guard (USCG), California Department of Fish and Wildlife's Office of Spill Prevention and Response (CDFW-OSPR), and BETA Offshore. Water Boards staff has been following the activities and will ensure that the beneficial uses of the coastal marine protected areas within our region are restored.

The UC is leading the cleanup of the visible oil on the ocean and along the coasts from Huntington Beach to Mexico. Here are the updates as of November 17, 2021:

- In accordance with the Pipeline Hazardous Materials Safety Administration (PHMSA) corrective action order, Amplify Energy through their subsidiary, Beta Offshore, has secured the pipeline from leaking. Amplify Energy is actively working with metallurgists and engineers to prepare a repair plan for submittal to PHMSA for review and approval. Inspections of the pipeline have been performed as a necessary first step in obtaining PHMSA approval for a temporary repair in order to re-pressurize the pipeline for de-oiling operations. The planned next steps include proposing repair plans to PHMSA, securing approval for same, and then mobilizing to complete that phase of the work.
- Reported totals are that 5,544 gallons of free product have been recovered as well as 13.6-barrels of tar balls. Additionally, 547,926-lbs of oily sand and debris have been collected from the shoreline.
- While total amount of tar balls removed is trending down, new tar balls were discovered over the past weekend that are described as glossy, gooey, and aromatic in nature. Samples have been taken to determine if they are consistent with the source material.
- A total of 40 bins of waste have been removed. Waste streams are going to McKittrick Waste Landfill and Kettleman Hills Hazardous Waste Facility. Twelve bins are still waiting transport to the disposal facilities.
- To date, Source Cleanup and Assessment Teams have cleaned 634-miles of shoreline and assessed 513-miles. Shorelines may be assessed and cleaned multiple times as product washes ashore day after day.

- Approximately 139 total response personnel (107 field, 24 remote, and 8 ICP) are currently working on recovery efforts. The UC continues to move towards a remote posture, and demobilizing field personnel.
- Initial Seafood Safety sampling is complete, and all samples have been shipped to the lab for analysis. Based on analysis timelines, the earliest OEHHA could potentially make a recommendation for re-opening would be the end of November. If OEHHA's assessment determines there is a risk to human health from seafood consumption, further testing will be required, and the closure will remain in place.
- Vessel decontamination centers continue operations in Long Beach, Huntington Beach, and Newport Beach. UC reported 86 vessels cleaned and 147 vessels privately cleaned or declined.
- The last remaining bird (a Snowy Plover) was released on November 16, 2021. No live animals remain in care, so wildlife operations have demobilized. For the latest wildlife information visit <https://owcn.vetmed.ucdavis.edu/pipeline-p00547-incident>

3. Status of the Huntington Beach Desalination Permit (Order No. R8-2021-0011)

Order No. R8-2021-0011 is the NPDES permit for the proposed Huntington Beach Desalination Facility to be located adjacent to the AES Huntington Beach Generating Station, and it will produce 50 million gallons per day (MGD) of potable drinking water. The permit establishes the intake and discharge requirements for the facility, and the facility will intake about 106 MGD of seawater and discharge about 56 MGD of concentrated seawater.

Since the adoption of permit, the discharger has submitted the following list of plans: *the Coordination and Communication Plan for the Marine Life Mitigation Plan, the Effluent Characterization Study Workplan, the Discharge Plume Tracking Workplan, the Biological Surveys Workplan, and the Toxicity Reduction Evaluation Work Plan*. The Water Boards staff are reviewing these submittals.