

California Water Boards EJ Program Inventory October 2013

Goal of Program	Description of Existing EJ Efforts	Statutory or Regulatory Requirements re EJ	What Steps Program Should 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
State Water Board					
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 issues.	The Water Quality Enforcement Policy (effective May 2010), describes our strategy for EJ. In addition, when prioritizing enforcement actions, we take EJ considerations into account.	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 that is consistent with the goals identified in Cal-EPA's Intra-Agency Environmental Justice Strategy, August 2004.	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.	N/A
Office of Information Management Analysis-California Water Quality Monitoring Council Web portals					
<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 monitoring programs of governmental and non-governmental organizations. Ensure that the resulting data and information are made available to decision makers and the public via the Internet. 	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: <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? 	Water Code Section 13167. <p>(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 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</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 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.	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 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.	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-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.

	<ul style="list-style-type: none"> • Are our aquatic ecosystems healthy? Provides monthly webinars to educate citizen monitoring groups regarding methods for monitoring their waters, assessing impacts, and managing their data. 	<p>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.” Water Code Section 13181. (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. (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 protect and improve the quality of those waters. . . . (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</p>			<p>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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		public and decisionmakers. (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 decisionmakers and the public.			
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
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.	Regulate the discharge of wastes to land to protect waters which may be sources of drinking water for EJ.	None	Continue to regulate the closure and post closure operations and maintenance of inactive or abandoned landfills to protect water quality.	Indirectly, by regulating agriculture to reduce salt and nutrient loading to sources of drinking water.	N/A

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<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 (NPDES) or Land Disposal Programs, from adversely affecting the quality and beneficial uses of waters within the State.</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>

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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 economic benefit of residents.	Federal money is approximately 10% and state money approximately 90% of the funding used to implement the UST program.

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Division of Water Quality – Surface Water/Permitting Section					
<p>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.</p>	<p>The program does not really consider or address EJ principles. Permit prioritization is based on first-come, first served.</p>	<p>None</p>	<p>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.</p>	<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>The program does not really consider or address EJ principles. Permit prioritization is based on first-come, first served.</p>	<p>None</p>	<p>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.</p>	<p>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.</p>	<p>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.</p>

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<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>

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Division of Water Quality – Total Maximum Daily Load (TMDL) Section					
<p>California Water Quality Assessment Program This section develops the integrated report, which identifies water bodies that do not meet 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>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. 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>There are no statutory or regulatory requirements related to EJ that are unique to this program. However, the Clean Water Act requires that assessments consider all beneficial uses, which include Tribal Cultural and Subsistence Fishing Uses.</p>	<p>The assessment unit should continue to explicitly consider Tribal Cultural and subsistence fishing uses wherever the Regional Water Boards determine such uses are appropriate</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 resources/actions to benefit their communities</p>	<p>Federal Clean Water Act Section 106 Funding is used to pay for personnel who are working on water quality assessment work.</p>

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<p>California Planning, Standards and Implementation Program This program performs 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>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. 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>There are no statutory or regulatory requirements related to EJ that are unique to this 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>The Planning unit should continue the work related to development of defining tribal cultural and subsistence fishing uses and water quality objectives to support those uses.</p>	<p>The objectives and programs of implementation developed by planning unit staff support achievement of beneficial uses, which is desirable for all communities including EJ communities.</p>	<p>Federal Clean Water Act Section 205(j) funding is used to pay for planning 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>

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<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>
<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>

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Division of Financial Assistance –					
Small Community Wastewater Funding Program - Promotes strategies to assist small disadvantaged communities with their wastewater needs, with a focus on financial assistance (which is primarily available through the Clean Water State Revolving Fund [CWSRF] Program), and technical assistance.	The 2008 Small Community Wastewater Strategy provides an overview of the problems faced by small communities, and proposed solutions to address those problems. Since 2008, many improvements have been implemented to help make funding more affordable and accessible to small DACs, for example: provision of grants/principal forgiveness, planning financing agreements, extended term (30-year) financing, new technical assistance contract.	There are no relevant statutory or regulatory requirements.	The Program will continue to implement strategies to assist small disadvantaged communities with their wastewater needs. An annual update on Program efforts to date, and potential future actions is provided to the Board on an annual basis.	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.	Funding for small community wastewater projects is provided primarily through the CWSRF Program, which is federally funded.
Clean Beaches Initiative Grant Program - Provides funding for projects that restore and protect coastal beaches from bacterial pollution	The program requires the grantee to provide a minimum funding match based on the total project capital cost. The funding Guidelines include provisions to reduce the funding match for projects that directly benefit eligible disadvantaged communities.	There are no relevant statutory or regulatory requirements.	The program will continue to accept applications for projects with funding match reductions from DACs.	N/A	Federal funds may be used as match by a grantee.

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<p>Proposition 84 Areas of Special Biological Significance (ASBS) Grant Program- Provides matching grants to local public agencies to assist in compliance with the discharge prohibition into ASBS contained in the California Ocean plan.</p>	<p>The program requires the grantee to provide a minimum funding match based on the total project capital cost. The funding Guidelines include provisions to reduce the funding match for eligible disadvantaged communities.</p>	<p>There are no relevant statutory or regulatory requirements.</p>	<p>The program will continue to accept applications for projects with funding match reductions from DACs</p>	<p>N/A</p>	<p>Federal funds may be used as match by a grantee.</p>
<p>Proposition 84 Stormwater Grant Program (SWGPs) – Provides matching funds to local public agencies for Planning and Monitoring and Low Impact Development (LID) implementation projects to assist with stormwater management and related water quality improvements.</p>	<p>The program requires the grantee to provide a minimum funding match based on the total project capital cost. The funding Guidelines include provisions to reduce the required funding match for eligible disadvantaged communities.</p>	<p>There are no relevant statutory or regulatory requirements.</p>	<p>The program will continue to accept applications for projects with funding match reductions from DACs. Scoring criteria for future applications award bonus points to projects that directly benefit DACs.</p>	<p>During Round 1, the SWGP provided \$27 million to 20 projects that directly benefited a DAC.</p>	<p>Federal funds may be used as match by a grantee.</p>
<p>Orphan Site Cleanup Fund - The purpose of the program is to provide financial assistance to eligible applicants to cleanup petroleum contaminated brownfields where there is no financial responsible party</p>	<p>Preference priority points given to grantees located in EJ communities.</p>	<p>Regulatory requirements provide EJ priority points.</p>	<p>EJ principles are currently incorporated into the program.</p>	<p>Indirectly and directly by cleaning up brownfield sites impacted by petroleum allowing for redevelopment in EJ communities.</p>	<p>N/A</p>

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<p>Office of Operator Certification (OOC) To ensure that operators of wastewater treatment facilities in the State of California meet the minimum level of competence; thereby, protecting the public health and the environment.</p>	<p>The State Water Board has revised its regulations (in chapter 26 of division 3 of title 23 of the California Code of Regulations), regarding wastewater treatment plant classification, operator certification, and contractor registration for the Wastewater Treatment Plant Operator Certification to address small disadvantaged communities.</p>		<p>Amended regulations already developed to specifically address the small / disadvantaged communities' needs. For example, the State Water Board recognizes states other than California, territories, or Indian tribes that certify or register operators performing duties at a facility that treats wastewater. See next column.</p>	<p>1. Exemption, Class I Wastewater Treatment Plants (WWTP) – An owner may apply to OOC for an exemption from reporting requirements if the WWTP could not, due to operator error, violate water quality objectives. The WWTP would be exempt from the requirement of employing a certified operator at the plant. 2. Provisional Operator – An owner who has demonstrated difficulty hiring certified operators, despite due diligence, may apply to use a provisional operator to operate the WWTP. The operator must complete an approved training program prior to being solely responsible for the plant operation. 3. Examination Waiver –This provision recognizes the operators work experience gained at an Indian tribe WWTP and provides more opportunities to operators by allowing them to become duly certified. Operator’s examination and fee is waived. In addition, this allows them to operate more than one WWTP and provide assistance to multiple small / disadvantaged communities.</p>	<p>N/A</p>

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Division of Water Rights					
Frost Protection Regulations	Did not specifically address EJ in the CEQA document but certainly met EJ goals. The frost regulations had ample public participation before and after consideration of a regulation, and the regulation is applied consistently and fairly to all frost diverters in the watershed. Staff does not recall hearing from EJ or DAC during the workshops or hearing.			The Economic and Fiscal Impact Statement (Std.399) does mention that vineyard and orchard workers would be among those impacted by the regulations. However, the EIR does not provide details.	
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 diversions of water.	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 (visited five tribes in Klamath region in April 2013 – Hoopa, Karuk, Resighini, Yurok, Quartz Valley, and ongoing correspondence); Upper North Fork Feather River (Maidu); Pinecrest Lake Levels related to the Spring	The State Water Board acts as lead agency for CEQA when the applicant is not a public entity. Staff considers interested stakeholders in the process including tribal interest. 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.	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.	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.	Not Applicable.

	<p>Gap-Stanislaus (Me-Wuk); and Eagle Mountain Pumped Storage Project (environmental document included a discussion of environmental justice).</p>				
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<p>Office of Chief Counsel</p>	<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>
<p>Regional Water Boards</p>	<p>In preparation for a discussion at the June MCC, I would like to know what, if anything, your Region does to incorporate Environmental Justice into your work plans. I believe that the Central Coast and Central Valley are increasingly building EJ/DAC prioritization in when it comes to permitting and enforcement, but would like more information from all of you as I develop my presentation.</p>
<p>Region 1 – North Coast</p>	<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.

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	<p>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.</p> <p>5. We have been involved in several studies involving characterization of mercury levels in fish tissue, including in some waterways where it is known that members of minority communities practice subsistence fishing. The Laguna de Santa Rosa would be an example.</p>
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>We are implementing our Ag Order, which includes requiring groundwater data from Ag wells and domestic wells. Hundreds of growers have submitted the data, 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, and they are doing it.</p> <p>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 have many other cases developing, and we are fast realizing that we have only seen the tip of the iceberg. EJ groups are providing information to us regarding some of these cases and it is apparent that there has been a firewall between these DAC groups and us and the health departments. We lack basic information on where these communities and labor camps are, and how many people are effected.</p> <p>We are also trying to get funding from the CAA and/or the discretionary funds to sample domestic wells to help us identify risks and prioritize cases. Our CAA request is scheduled for an August State Board meeting.</p> <p>We are also prioritizing DACs with respect to grant funding. We are meeting with IRWM grantees and emphasizing the DACs in their areas and that they need to address DAC issues.</p> <p>We are also developing a groundwater assessment and protection program (GAP), where we work with local agencies and water districts to use GAMA/Geotracker create a comprehensive regional groundwater database.</p> <p>We are also reaching out to EJ groups more than we ever have, asking them to participate in our efforts and to help provide information, and to help us communicate with DACs. The barriers are extraordinary.</p>
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 workplans 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 is available through the State Emergency, Abandoned, and Recalcitrant (EAR) account. This funding can be used for site assessment and cleanup. Los Angeles Regional Board staff nominate 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.

Remediation Program:

The Remediation staff are using the public outreach approach 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 encourage to require responsible parties to evaluate, prepare, and implement public outreach plans in conjunction with Regional Board staff. Information centers are also set-up to provide the communities with the information.

Enforcement and Stormwater Compliance Section

Enforcement Unit: Unit staff 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: Stormwater Compliance Unit’s inspection prioritization takes into account a focus on sectors located in EJ areas. These include areas of concentrated industrial operation such as the Alamida 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. The Stormwater Compliance Unit’s staff perform inspections, conduct outreach and compliance assistance, and take enforcement actions as appropriate.

Public Participation/EJ:

The Los Angeles Regional Board recently 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. Issues and concerns identified at the EJ meetings are shared with Executive Management.

Region 5 – Central Valley

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.

	<p>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>Region 6 - Lahontan</p>	<p>Our Board members indicated an interest in our region working with disadvantaged communities during our first annual discussion of water board priorities. We don't have it specifically identified as a priority in our workplans or our priorities discussion document for this year. However, we do have as our ongoing high priority to ensure 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. So, in our region, currently, we have PG&E, three or four dairies and the City of Barstow providing replacement water to well owners with either high chromium or high nitrates and/or salts. We are also using CAA funds to provide replacement water to two properties affected by perchlorate. 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>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 (MHPs), primarily in the eastern Coachella Valley.</p> <p>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. EJ Task Force agenda items typically include community updates on the Western Environmental clean-up, the Cal Biomass facility closure, and health and safety issues related to low-income MHPs.</p> <p>Staff regularly attends the Riverside County Housing Review Committee meetings, whose focus is on addressing low income housing issues in the Coachella</p>

	<p>Valley. This committee is made up of multiple community organizations, local utilities, tribal representatives, and governmental entities.</p> <p>Staff is also participating in the Coachella Valley’s Integrated Regional Water Management, Disadvantaged Community (DAC) effort. The DAC recently completed a survey of MHP’s in the eastern Coachella Valley and has geo-located over 170 permitted and unpermitted MHPs. As part of the survey effort, community members were employed to knock on doors and gather housing and infrastructure related information. IRWM stakeholders and Water Board staff are currently seeking opportunities to leverage the remaining DAC resources into a comprehensive solution to address MHP wastewater infrastructure deficiencies.</p> <p>Water Board Staff attends various local EJ related meetings as they occur. For example, on May 24, 2013 staff attended a Housing Forum organized by State Assemblyman Manuel Perez which focused on affordable housing and the stabilization of MHP’s in the Coachella Valley. As a follow-up to this meeting, several workgroups are being formed to address topics such as Streamlined Permitting, Title 25 Mobile Home Park Permitting, and Infrastructure Funding.</p> <p>In addition to the Coachella Valley EJ Task Force, we also 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. The Taskforce is planning on having an EJ Leadership Summit next month. One of the main topics for the Summit will be the restoration efforts for the Salton Sea. Our office will play a supportive role for the Summit.</p>
<p>Region 8 – Santa Ana</p>	<p>We have not incorporated EJ issues into our program work plans in a comprehensive way. We have focused some resources on EJ/DAC issues in other ways, however. In particular, we have some DAC areas (Quail Valley, Enchanted Heights, Beaumont trailer parks) that 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) have also raised EJ issues. But the high priority of those projects was really driven more by the magnitude of the water quality problems.</p>
<p>Region 9 – San Diego</p>	<p>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.</p>
