

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

**STAFF REPORT FOR REGULAR MEETING OF DECEMBER 5 – 6, 2013**

Prepared on November 12, 2013

**ITEM NUMBER:** 27

**SUBJECT:** Environmental Justice in the Central Coast Region

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**KEY INFORMATION:**

Location: Regionwide

**THIS ACTION:** Informational

**SUMMARY**

The State Water Board's established the following Environmental Justice goals consistent with legislative mandates:

1. Integrate Environmental Justice considerations into the development, adoption, implementation and enforcement of Board decisions, regulations and policies.
2. Promote meaningful public participation and community capacity building to allow communities to be effective participants in Board decision-making processes.
3. Work with the Office of Environmental Health Hazard Assessment to improve research and data collection in communities of color and low-income populations.
4. Ensure effective cross-media coordination and accountability when addressing environmental justice issues.

The Central Coast Water Board is engaged with Environmental Justice issues and organizations throughout the Central Coast Region and implements outreach and coordination through multiple programs.

**Activities and Projects**

The most significant recent work done by the Central Coast Water Board in terms of environmental justice issues in the 2012 Ag Order. Water Board staff proactively invited environmental justice groups to participate in the Ag Order renewal process, including inviting environmental justice groups to make presentations to the Board. Environmental justice groups fully participated in the renewal process and the petition process before the State Water Board.

Water Board staff also works with environmental groups to identify disadvantaged communities who are at risk due to nitrate contamination of drinking water. Staff then determines appropriate follow up actions, which may include grant funding assistance or regulatory follow up to obtain replacement water. For example, staff worked with the Center for Rural Legal Assistance (CRLA) to improve replacement water deliveries at San Lucas, where the Regional Board has issued a Cleanup and Abatement Order requiring replacement water for the community due to nitrate contamination.

Staff has also worked with CRLA to identify other disadvantaged communities and labor camps at risk of nitrate contamination. CRLA and the Environmental Justice Coalition for Water provided staff with their report *Greater Monterey County Integrated Regional Water Management Disadvantaged Community and Tribal Needs Assessment* (2012) to help staff understand the needs of our disadvantaged communities and Central Coast Native Americans (See Attachment 1). Water Board staff is working with the State Board's Office of Enforcement to identify nitrate contamination cases and pursue replacement water options. This process starts with a voluntary approach and may progress to regulatory or enforcement action if necessary.

Staff is also working with environmental justice groups to implement the Central Coast Water Board's Groundwater Assessment and Protection (GAP) program. One of the highest priorities in the GAP program is to sample domestic wells and to provide education and outreach to well owners regarding the nitrate health risk issue. Another high priority for the GAP program is to map nitrate risk areas. Staff is working with environmental justice groups and the State Water Board on both of these issues.

Central Coast Water Board staff, Board members, and environmental justice groups also participate on the Governor's drinking water task force to identify actions to address drinking water issues in disadvantaged communities.

Central Coast Water Board staff also prioritizes disadvantaged communities in the Board's grants program and provides support to disadvantaged communities in applying for grants. Staff relies on environmental justice groups to help identify potential grant projects. This is one of the most challenging issues for disadvantaged communities because they lack the expertise to apply for and implement these grants.

On September 25, 2012, the Governor signed into law Assembly Bill 685 – making California the first state in the nation to legally recognize the human right to water. Under AB 685, all relevant state agencies have an ongoing obligation to consider the human right to water in executing policy, budgetary, and programmatic duties. On November 12, 2013, the UC Berkeley International Human Rights Law Clinic, in coordination with the Governor's Office, convened a meeting with state agencies to discuss implementation of AB 685. State Board Members and staff and Regional Board staff participated in the meeting. Angela Schroeter represented the Central Coast Water Board. During the meeting, State Board Chair Felicia Marcus and Board Members Tam Doduc and Frances Spivy-Weber all affirmed the State Water Board's commitment to implement AB 685 as one of the Board's highest priorities. In

coordination with other state agencies, Central Coast Water Board staff plans to identify and evaluate opportunities for the Central Coast Water Board to implement AB 685.

### **Outreach and Engagement with Native Americans**

Central Coast Water Board staff engages with Native Americans and their organizational representatives in several programs and projects. Construction projects in the region (e.g., wastewater treatment plants) must have a tribal representative at the site or on call if the development is in an area with the potential to uncover native american artifacts. Fred Collins, tribal administrator for the Northern Chumash Tribal Council, has been onsite for many projects that the Water Board has permitted.

The Site Cleanup Program staff has interacted with Native American cultural monitors. For example, we interacted with Fred Collins of the Northern Chumash Tribal Council during excavation activities for the Nipomo Creek Pipeline and Venoco Carpinteria Oil and Gas Processing Facility cleanup projects. Staff also has and will have oversight by Native American monitors during excavation activities at the Guadalupe Oilfield and the Avila Tank Farm cleanup projects. More information is available on GeoTracker (<http://geotracker.waterboards.ca.gov/>) on these projects. Staff has also provided public notice to the Salinan tribal group for cleanup projects.

The Total Maximum Daily Load (TMDL) Program staff has interacted with Native Americans for several TMDL projects. When beginning a TMDL project, we develop an interested parties list by identifying potential implementing parties, people who may have any interest in the project, and people who expressed interest in past projects. We also provide a current-projects area on our TMDL webpage with staff contact information. Through these efforts, we have interacted with Native Americans when developing the Santa Maria River watershed bacteria TMDL, the Santa Maria River watershed nutrients TMDL, and the Pajaro River watershed nutrients TMDL. Currently, we have tribal member contacts on our interested parties list for the Pajaro River watershed nutrient TMDL and the Pinto Lake algae TMDL.

During renewal of the Agricultural Order, staff sent out public notices to a list of local tribes early in the process - asking them to sign up on our electronic interested parties list. Fred Collins of the Northern Chumash Tribal Council stayed involved in the public process until the Order was adopted by the Water Board.

USEPA directly permits the Chumash's wastewater facility in Santa Ynez. USEPA also has developed a protocol how they work with the tribal representatives that can be found at their Tribal Program page <http://www.epa.gov/region9/tribal/>.

### **Environmental Screening Tools and Regional Board Priorities**

The California Environmental Protection Agency (Cal/EPA) and the Office of Environmental Health Hazard Assessment (OEHHA) recently announced their [California Communities Environmental Health Screening Tool: CalEnviroScreen 1.1](#). CalEnviroScreen is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. A report on this screening tool is available here: <http://www.oehha.org/ej/pdf/CalEnviroScreenVer11report.pdf>

The CalEnviroScreen identifies several indicators used to score exposure risk to communities in each zip code. Many of the indicators used to score each community use the same data Water Board Programs are using to identify high priority watersheds or groundwater basins in the Central Coast Region. The CalEnviroScreen tool does not offer new water quality information but it does corroborate water quality assessments and Water Board priorities which align with communities (zip codes) identified by OEHHA as High Risk. Monitoring conducted by CCAMP, CCAMP/Gap and regulatory programs, like the CMP and groundwater monitoring for the irrigated lands regulatory program, will continue to increase the amount of high quality data available to determine beneficial use support and prioritize Water Board actions.

More specifically, the CalEnviroScreen scores zip code areas or communities in the Central Coast Region as high risk, driven by high scores for the following three indicators: pesticide risk (based on Department of Pesticide Regulation (DPR) pesticide use application data), impaired waterbodies (based on the State's Clean Water Act Section 303(d) list) and groundwater threats (based on data in GeoTracker). Central Coast Water Board Staff essentially scores waterbodies, watersheds and groundwater basins using the same indicators. The DPR data in combination with data in the State's California Environmental Data Exchange Network (CEDEN) database- data from Central Coast Ambient Monitoring Program (CCAMP) and the Cooperative Monitoring Program (CMP) for Agriculture- assess the severity and location of pesticide pollution in surface water and inform risk assessments to groundwater. In addition, data from these two programs are the primary sources of data used to assess water body beneficial use impairment due to pollutants for the Clean Water Act Section 303(d) list of impaired water bodies and the Section 305(b) water quality condition report. The Central Coast Region has the most comprehensive assessment of beneficial use support in the State. Groundwater threat scores in the CalEnviroScreen tool are based entirely on data in the GeoTracker database. This includes public drinking water wells and cleanup sites that are also used by Central Coast Water Board staff to identify high risk areas. The Central Coast Water Board's groundwater monitoring and assessment program, CCAMP/GAP, will enhance the current data available in GeoTracker and drive our future prioritization to address water quality issues in groundwater. Central Coast Water Board staff is currently participating in the State's Nitrate Hazard/Risk area mapping effort. As our data collection and assessments efforts expand, more information will be available to OEHHA and other agencies conducting risk and prioritization assessments for water quality and public health.

## **ATTACHMENTS**

1. *Greater Monterey County Integrated Regional Water Management Disadvantaged Community and Tribal Needs Assessment (2012)*