

STATE WATER RESOURCES CONTROL BOARD

BOARD MEETING MINUTES

WEDNESDAY, JULY 26, 2023

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/.

CALL TO ORDER

Chair Joaquin Esquivel called the meeting to order on Wednesday, July 26, 2023, at 9:07 a.m. with a physical meeting at the Lahontan Regional Water Quality Control Board Annex Office, Hearing Room, 971 Silver Dollar Avenue, South Lake Tahoe, CA 96150.

BOARD MEMBERS PRESENT

Chair E. Joaquin Esquivel; Vice Chair Dorene D'Adamo; Member Sean Maguire; Member Laurel Firestone; Member Nichole Morgan

STAFF PRESENT

Eileen Sobeck, Executive Director; Michael A.M Lauffer, Chief Counsel; Jonathan Bishop, Chief Deputy Director; Eric Oppenheimer Chief Deputy Director; Deputy Director Darrin Polhemus; Director of Enforcement Yvonne West; Deputy Director Erik Ekdahl; Deputy Director Karen Mogus; Deputy Director Joe Karkoski; Director of Communications Nefretiri Cooley; Director for Public Participation Adriana Renteria; Director of Press Affairs Jackie Carpenter; Director of Legislative Affairs Ana Melendez; Director of ORPP James Nachbaur, Deputy Director Kathy Owen; Assistant Deputy Director Eric Lau; Delta Watermaster Jay Ziegler, Meredith Thompson; Jessica Bean; Laura Fisher

MEMBERS OF THE PUBLIC PRESENT

Jared Voskuhl, CASA

ANNOUNCEMENTS

- *Introductions and instructions for emergency evacuation were provided.*
- *More detailed meeting minutes will be prepared for this meeting and posted online.*

BOARD MEETING

Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

(Approximately 30 minutes at the beginning of Board Meeting and any remaining speakers at the call of the Chair)

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Resources Control Board's jurisdiction provided the matter is not on the agenda or pending before the State Water Board or any California Regional Water Quality Control Board.

No Action Taken

Commenters

None

BOARD BUSINESS

1. Welcome

LAHONTAN WATER BOARD EXECUTIVE OFFICER – Welcome to the Lahontan Region, and noted that the State Water Board was visiting at a time of renewed clarity in Lake Tahoe.

CHAIR ESQUIVEL – Extended a welcome and expressed appreciation for staff for pivoting so quickly and effectively between drought and unprecedented precipitation. Noted that post-COVID staff and members have made an extended effort to get out in the regions. Today is a good opportunity to reflect on where the Board is on the strategic workplan and its implementation. There will be no decisions today, but the hope is staff will take feedback from Board Members to inform their work in updating the strategic workplan later this year.

2. Review of State Water Board Priorities

Water Rights

EXECUTIVE DIRECTOR SOBECK –Discussed the handout <https://www.waterboards.ca.gov/board_info/calendar/docs/2023/wr2023_worloadtables.pdf> showing progress on completed items. Will use that to receive feedback from Board Members. There are areas where we will have increased bandwidth coming out of the drought (water rights, drinking water,

OPP/comms), but will have bandwidth challenges for water quality in the wake of the U.S. Supreme Court's *Sackett* decision.

Starting with drought. The Division of Water Rights has backlogged work that accumulated during the drought.

DEPUTY DIRECTOR EKDAHL – Walked through the handout < https://www.waterboards.ca.gov/board_info/calendar/docs/2023/strategic%20workplan_midyear_update_2023.pdf> showing the past priorities and workload coupled with anticipated priority projects under way, with a discussion of the priorities within the 2023 workplan. The handout was built out with consideration of feedback from the employee engagement survey, and the Division recognize the challenges staff face.

Page 1 outlines the Permitting, Petitions, and Enforcement identifying priorities within this program area and how petitions and enforcement staff were redirected to address drought response. For example, 2021-2022 saw a record number of transfer requests that required processing by the petitions unit. Likewise, enforcement staff were re-directed to address curtailment needs.

Moving forward, there is new workload to take over the drought work. Trailer bill legislation will require additional work for underground storage permits. Meanwhile, the petitions unit will work to reduce a backlog of hundreds of petitions. There will still be immediate, short-term transfer needs that must be addressed.

MEMBER MAGUIRE – The Division has received a number of augmentations over the years, so where the Division has grown and what bandwidth does it have.

DEPUTY DIRECTOR EKDAHL – Blue rows in chart show new effort. Staff increases come from two areas. UPWARD saw the Division receive six new staff, but that didn't increase the Division's capacity for existing workload. In 2022, the Division received 14 new staff in enforcement. Those positions were not fully staffed until January 2023.

MEMBER MAGUIRE – Based on past experience, thinks it's really important to keep staff within their programs focused on completing that work. Permitting and petitions is incredibly important. These are core workloads that need to continue moving forward.

CHIEF DEPUTY DIRECTOR OPPENHEIMER – 2014-2016 drought paused a lot of permitting activities. It is difficult to put a finger on the precise size of the backlog because many applications are not being processed because the

applicants have not pursued the projects. We did not pause permitting during the 2019-2021 drought, but did not make progress on reducing the backlog.

With respect to drought, we are not set up to handle droughts efficiently. We have to pivot resources back and forth. This creates great inefficiencies. But at least the Board has made progress in developing standard tools that can be re-used in future droughts. At the same time, staff still need to move around and resources shift in response to future droughts.

MEMBER D'ADAMO – Do we consider actions to develop drought resiliency in communities and has enforcement increased from prior droughts?

DEPUTY DIRECTOR EKDAHL – Yes to both.

DIRECTOR WEST – OE received three limited term positions for the drought, which the Board will be losing next year. As a result, the Board would need to stand up new positions in the next drought.

DEPUTY DIRECTOR EKDAHL – In petitions, there is an emerging issue on extending State Water Project permits. It could be a significant resource commitment. Enforcement actions will have a long tail to complete hearings and litigation. Clear Lake enforcement has seen a recent uptick, along with an effort on the Merced River to investigate potential unlawful diversions along the river.

Moving to Bay-Delta, it is a large program area (about 45 people out of 200 division staff), but there are a lot of tasks within the program area. In addition, it takes about five years to get new staff fully trained up because of the interconnectivity and complexity of the issues. Working to begin long-term instream flows for Deer and Mill, based on the habitat value of the streams and lessons learned from emergency drought regulations. This work builds on a past drought BCP, which identified long-term flows and a strategy for managing long-term drought.

The final classification in the table concerns water quality certifications and cannabis. Propose a redirection of some of the Water Action Plan staff since the Board has not received some of the recommendations required to proceed under the Water Action Plan. Instead, those staff may be tasked with long-term solutions in the Scott and Shasta River basins. Similar work may be done for cannabis instream flows.

Other outstanding issues include Cal-AM's diversions from the Carmel River and the associated efforts to develop alternate local supplies, which will create additional work on the Monterey Peninsula. In addition, there has been an extraordinary amount of legislative analyses this year and a number of court references.

MEMBER D'ADAMO – Would Deer and Mill Creek work be focused on drought years?

DEPUTY DIRECTOR EKDAHL – It will depend on the request from the California Department of Fish and Wildlife. It may request action in all water year types. Regardless, the Division anticipates any staff recommendation would build off prior drought work.

MEMBER D'ADAMO – If the Division shifts to Scott/Shasta work, it would be useful to build off the minimum drought flows to build community consensus.

MEMBER MAGUIRE – Would Mill/Deer work include Antelope, which would be new?

DEPUTY DIRECTOR EKDAHL – Believes that the California Department of Fish and Wildlife will ask for work on Antelope.

MEMBER MAGUIRE – Should consider how Mill, Deer, and Antelope interface with the Bay-Delta Plan and potentially VAs. Becomes an opportunity to realize efficiencies.

CHIEF DEPUTY OPPENHEIMER – Agree, we should look at opportunities to sync up Bay-Delta work and instream flow work. Need to be strategic, and look at the priorities in totality. There may be lessons to be learned from the cannabis policy, but it may be too coarse and not useful for broader application.

MEMBER FIRESTONE – Need to avoid scrambling after shiny objects. Need a thoughtful process for developing instream flows. Should consider tribal and other racial equity concerns as a lens to prioritize some of the flow work. We see this already in Scott/Shasta and Clear Lake, but perhaps may be useful around Mono Lake. These are long processes that we need to be able to see them through to completion.

DEPUTY DIRECTOR EKDAHL – With respect to Mono Lake, the Division could begin a more-focused hearing that could potentially wrap up within 18 months, since CEQA is already completed. There remain capacity limitations.

MEMBER MORGAN – Mono Lake need not be an immediate priority, but still should be on the Board's priority actions in the coming years.

MEMBER MAGUIRE – Interested in moving Mono Lake to a conclusion point sooner rather than later because of the time it will take to complete and the work already put into it. Recognize constraints in OCC, the Division of Water Rights, and the Administrative Hearings Office.

DELTA WATERMASTER ZIEGLER – Believes that with respect to in-stream flows, there will be opportunities for support from water agencies, but each system has its own tricky issues. When recommendations come in from the Department of Fish and Wildlife, the Board will need to consider those issues. And there are good opportunities to increase stream gaging.

EXECUTIVE DIRECTOR SOBECK – Pinch points in management and executive management will be a real challenge with all the big policy issues moving forward in the Bay-Delta and around the state over the next few years. Getting projects completed in a timely way is important for staff satisfaction and performance of the Board.

MEMBER ESQUIVEL – Completing these projects and staying committed on resources is important to the members; it also demonstrates that the staff and Board gets things done. It's important for us to protect the staffing resources so they can be used for completion.

EXECUTIVE DIRECTOR SOBECK – What is important to Board Members for staff to consider as the strategic workplan gets updated?

MEMBER FIRESTONE – Support completing tools to build capacity in the Division and for the Board. On the enforcement side, we need to complete the on-going efforts. And in-stream flows will be important to build foundations for future droughts. Even if those projects are not completed before the next drought, they can provide information to support the drought actions. Likewise, Mono Lake should be a priority, in part because of racial equity issues. Again, though, the Board needs to prioritize work through a racial equity lens.

DEPUTY DIRECTOR EKDAHL – Racial equity is a part of our prioritization, but we need to be more explicit about it at the Division level.

MEMBER MORGAN – Supports staff proposal and wants to ensure that workloads are structured so deliverables are achieved in a managed and thoughtful way.

DIRECTOR WEST – Enforcement had an unprecedented field presence during the drought, but that work continues. There are proceedings queued up and they will take years to complete.

CHIEF COUNSEL LAUFFER – Enforcement and drought regulatory actions also have a long litigation tail. The AG's Office and the OCC are increasingly resource constrained and some of the drought augmentations will not be there as the litigation drags on. It involves tremendous staffing in the Division of Water Rights and OCC to support these lengthy actions. In addition, the

AG's Office may not be able to take on all new cases given the demands from existing cases across their client agencies.

MEMBER D'ADAMO – Effective enforcement and follow-through of curtailments is important to send the signal that curtailments are fairly enforced. The Board cannot abandon those effects because it sends the wrong signal to those who comply and feel there may be scofflaws.

MEMBER FIRESTONE – Does the engagement and voluntary management processes cut down on litigation?

DEPUTY DIRECTOR EKDAHL – It tends to be watershed specific, but we do see some benefits, for example in the Russian River and Scott/Shasta.

CHIEF COUNSEL LAUFFER – We do see some benefits, but despite tremendous engagement and progress with the Delta Curtailment Methodology, the Board was still sued on Delta Curtailment regulations. We also are defending two other drought-related proceedings. This litigation will continue for a number of years.

Water Quality

CHIEF DEPUTY BISHOP – Biggest impact moving forward for the Division of Water Quality is the fallout from the U.S. Supreme Court's *Sackett* decision.

DEPUTY DIRECTOR MOGUS – Five big resource gaps following *Sackett*.

First, there is a need for waste discharge requirements under the Porter-Cologne Water Quality Control Act to cover the gap created by the U.S. Army Corps of Engineers losing federal jurisdiction. This is easier for the State Water Board because the Executive Director can issue waste discharge requirements for this purpose. In contrast, the regional water boards will need to consider waste discharge requirements as board actions.

Second, there is a need for delineation work for aquatic resources that has traditionally been done by the Corps under Section 404 of the Clean Water Act. The Water Boards will need to step up and identify resources and expertise to undertake that work.

Third, the Water Board will need to consider stormwater discharges and whether to permit stormwater discharges under the Porter-Cologne Act to cover for stormwater discharges in areas that have lost federal protection.

Fourth, the Water Boards will need information technology support to manage wetlands mapping and jurisdictional determinations. Current tools are not well-suited to address these needs.

Fifth, the Water Boards will need staff to enforce these requirements.

Looking to shift resources within Paul Hann's existing section. Will need to defer and to delay ongoing work within that group. And for the long-term need to evaluate resource needs.

Immediate term to adopt general WDRs that mirror the existing general WDRs, which the Division of Water Quality hopes to complete within one year. Not a lot of ability to re-direct resources given on-going, high-priority projects. Looking at a few options within DWQ.

DIRECTOR WEST – Already seeing arguments that the enforcement action is ill-grounded because there is no federal jurisdiction. We need to rethink some enforcement strategies. In addition, relying on state authorities can be more onerous because of different enforcement authorities.

CHIEF COUNSEL LAUFFER – OCC will need to support the Division of Water Quality and the regional water boards in a host of new permitting actions. This will require some creativity to streamline the effort. There are not a lot resources to plug the gaps, and the gaps extend across a wide swath of our regulatory areas. In addition, it will require using authorities at times that have been largely untested because of the clear federal authority that previously existed.

MEMBER D'ADAMO – Are there opportunities for resource sharing with the feds and training?

CHIEF DEPUTY BISHOP – The Corps does not have resources to spare, but we do expect them to assist with training up our staff.

MEMBER D'ADAMO – Look at opportunities for outsourcing to the applicants some of the delineation work. Should we look at opportunities to seek additional resources for restoration because of the overlay with wetlands protection.

MEMBER FIRESTONE – Is delineation piecemeal or can we consider a statewide effort?

CHIEF DEPUTY BISHOP – The delineation work depends on the specific projects, and will come to us in patchwork way requiring immediate resolution to process the application.

MEMBER FIRESTONE – How will storm water be addressed?

CHIEF DEPUTY BISHOP – That will be described in potential long-term actions.

MEMBER FIRESTONE – How will racial equity be addressed?

CHIEF DEPUTY BISHOP – We will integrate racial equity considerations into the process of developing new orders.

DEPUTY DIRECTOR MOGUS – Racial equity will be integrated in the actions, but reprioritization of wetlands work may have costs to the Division’s on-going capacity-building with respect to racial equity.

MEMBER FIRESTONE – How will the data piece be prioritized?

DEPUTY DIRECTOR MOGUS – The QA/QC additions will need to be a long-term, but looking at how immediate changes will be used to help identify projects that need to move from the federal jurisdictional coverage to state coverage.

CHIEF DEPUTY BISHOP – Some of the triage changes for immediate protections DIT will be able to cover through maintenance contracts, but the longer term actions are necessary.

For the longer-term we may need to divert resources and de-prioritize other actions, so would be helpful to hear from Board Members for future strategic workplan efforts.

DEPUTY DIRECTOR MOGUS – To be clear, more information will flow to the Board over the next six months.

MEMBER D’ADAMO – Could we re-divert work on the general permits in an expedited manner by speeding up the construction general stormwater permit re-issuance and holding the industrial stormwater permit.

CHIEF DEPUTY BISHOP – There are several complex embedded issues, including what constitutes a water of the United States and whether the Board adopts one permit that covers both state and federal waters.

CHIEF COUNSEL LAUFFER – There are myriad legal and policy issues that need to be worked through in deciding how to fill the gap. Creating regulatory certainty may create legal challenges. In addition, when issuing general permits solely under state law for stormwater, the Water Board will need to prepare a CEQA document, since the general NPDES permits have been exempt from CEQA.

MEMBER MAGUIRE – Need to consider the impacts on the regional water boards.

CHIEF DEPUTY BISHOP – The regions will have a significant burden, but we have been coordinating with them and integrating them into our statewide needs analysis.

CHAIR ESQUIVEL – The Board should support the capacity-building for regions to fill these gaps and needs. This morning, I'll be participating in a panel convened by Congresswoman Napolitano to discuss state responses to the *Sackett* decision.

Farewell to Nefretiri Cooley

CHAIR ESQUIVEL –Nefretiri Cooley has been a tremendous resource for the Water Boards and recently announced her elevation to CalEPA. The Board will miss her and appreciates the tremendous work she has completed and her accomplishments at the Water Board.

Drinking Water

DEPUTY DIRECTOR POLHEMUS – Crossed a significant milestone getting the hex chrome MCL out on the street for consideration later this year. The Division of Drinking Water has a number of huge, high-level actions coming in the coming years. Since the Drinking Water Program moved from the Department of Public Health, the Division has had some structural challenges that have made it difficult to address some of the highest priorities.

First, relative attainment of public health goal remains challenging. OEHHA has a new public health goal (PHG) headed toward the Water Board. In addition, the Division is supposed to consider how close existing maximum contaminant levels (MCLs) are to the established PHGs. That's an on-going effort and re-evaluation. Next the Division considers the population affected—how many people. Next consider the health impacts associated with a constituent. Sometimes these health comparisons are not like-to-like. Instead, they requires value judgments. Next level is vulnerable populations affected by a constituent. Next level is thinking about the alternative pathways of exposure.

How can the Division then group these efforts, such as like health effects or common treatment technologies. For example, granular activated carbon for 1,2,3-TCP removal has the potential to solve the entire suite of volatile organic compounds (VOCs) and reduce the body-burden on customers. Another option to think through is related treatment concerns, such as disinfection by-products (DBP). Don't want to scare people away from the better of two options by making a solution sound scary.

Finally, there is a need to consider the costs associated with these actions and how they impact the systems and the customers.

Potential Priorities include:

Arsenic MCL because it has the highest population impacted around the nation. U.S. EPA set its MCL at 10 parts per billion (ppb), while some states have gone lower to 5 ppb. Continuing impacts in disadvantaged communities. If California were to propose a lower MCL, it would be expensive since it is so widespread.

PFOA/PFAS has a pending federal action, but how should California consider something that has longevity. In other words, can we think about an approach that would be enduring across the suite of related compounds.

MEMBER D'ADAMO – What technology is looking most promising for PFOA/PFAS?

DEPUTY DIRECTOR POLHEMUS – In California, most systems are using ion exchange, which has some benefit in allowing resin to be changed and optimized over time. In other states, GAC has been used more extensively because land is cheaper. There may be disadvantages of GAC with respect to shorter chain molecules, but that science is still uncertain.

MEMBER MAGUIRE – Huge proponent of trying to group constituents so that one treatment approach solves a host of problems and allows for better planning by local water systems.

MEMBER FIRESTONE – As the list comes together, try to ensure the Division is considering the disparate impacts of constituents present in disadvantaged communities. The Division should figure out how the methodology takes these into account and impacts specific communities.

DEPUTY DIRECTOR POLHEMUS – The Division is working across the Water Boards to ensure we use common demographic tools to satisfy those needs.

MEMBER MAGUIRE – We need to be mindful about the trust lost over the years by communities who do not believe their drinking water is safe. Regulatory action to protect human health is important, but we need to message and help promote the message that local water is safe—where it is—so people have restored trust.

DEPUTY DIRECTOR POLHEMUS – Communicating risk is a challenge and bottled water, which does not have the same public health protections, is a classic example. There is more certainty that drinking water served by most systems is safer than bottled water.

MEMBER MORGAN – Communicating that manganese levels are safe when the water is brown erodes trust in government.

MEMBER FIRESTONE – Hard to overcome these trust issues, because there have been so many instances where there are visible problems with systems or the cumulative impacts of exposure have adverse impacts. And over time, we have not tested for compounds that are legacy and are known to be in the water served by communities. So when talking about priorities, it is important to talk about constituents we need to “catch up” for vulnerable communities who have longer-term and cumulative exposures. If we are seeing arsenic as something that needs to have a lower MCL, then we should focus on common treatment systems to address co-occurrence.

DEPUTY DIRECTOR POLHEMUS – 1,4-Dioxane and manganese are on the Division’s priority list, but manganese creates a challenge. First, it is transitioning from a secondary to a primary MCL. Second, manganese may need a scheme to test at point of use, rather than point of entry into the distribution system. This latter point creates a more complex regulatory package because it is more than the number; it is about testing within the distribution.

N-nitrosodimethylamine (NDMA) and other DBPs will also present challenges, because they all come from chlorination processes. But there are subtle differences between the DBPs, and there’s not good information about the relative impacts of different DBPs. They involve lots of tradeoffs.

MEMBER MAGUIRE – So it seems the Division is looking for the priority and ordering of the constituents. At the same time, the Division has resource constraints.

DEPUTY DIRECTOR POLHEMUS – Looking for direction from the Board Members on what will be the singular next priority task from a drinking water MCL regulatory perspective. In other words, what MCL should follow hex chrome? Direct potable reuse is separated from this effort. In the past, all were tagged as important and so efforts shifted between projects. All are important, but the Division will be looking for feedback on what singular effort should follow hex chrome. There are opportunities to more easily incorporate a federal MCL, but it still takes work to incorporate the federal MCL into the California Safe Drinking Water Act requirements.

MEMBER FIRESTONE – Supports using the treatment technique and common constituent approach to prioritize. Would there be an opportunity to align manganese and lead from a sampling and distribution perspective.

DEPUTY DIRECTOR POLHEMUS – The opportunities are not terrific for integration because manganese would not be pulled at the customer’s endpoint. Also, the lead effort will be somewhat disconnected from larger MCL efforts without impacting staffing.

MEMBER MAGUIRE – It would be helpful to get feedback from disadvantaged communities and water systems to hear from them about which would be highest priority in their minds.

EXECUTIVE DIRECTOR SOBECK – We have about a year before the next priority list will be considered and this will give time to consider the Members' feedback.

Comms

DIRECTOR COOLEY – Comms is emerging from drought and pleased to be in a better place to support all the programs and advance media engagement, environmental justice, and building up racial equity. Currently in a position to pick up foundation issues that support Comms generally.

Want to get the house in order so there is capacity to serve the Water Boards. Shifting to developing a creative, integrated communication team. Want to build space for writing, social media, and graphic design to integrate as a team to convey the Water Boards' messages. Integrated communications will have a manager, a digital communications strategist, and two writers. The digital strategist will look at analytics and attempting to track and improve digital presence, as well as wholistic overview of the website. The writers will build a messaging library of talking points, backgrounders, etc., to allow the Water Boards to effectively and consistently communicating. Two additional positions will support the Sustainable Groundwater Management Act (SGMA) implementation in an integrated manner.

EXECUTIVE DIRECTOR SOBECK – This foundational work is important. So much of the work in Comms is reactive to crisis, so establishing foundational materials and staffing better positions the office to respond to crisis. And it better positions the Water Boards.

MEMBER FIRESTONE – Focusing on website updating should be a highest priority, because it is our public face and the access point. Too often people inform her that they cannot find things on the Board's website.

CHIEF DEPUTY DIRECTOR BISHOP – Website redesign may not be realistic, but is there a way to structure better search tools. Different people have different needs and we have a large, diverse set of programs. So need tools that help all those users.

MEMBER D'ADAMO – Will this person be able to require program staff to update the site when there are stale materials.

EXECUTIVE DIRECTOR SOBECK – The effort may be unrealistic for the one person. Consultants have told us we maintain too much on our website and the website should not be a filing cabinet.

MEMBER D'ADAMO – There's value in the older information because it provides context, but having the person empowered to trigger updates would be a low-cost option.

DIRECTOR COOLEY – One risk of down-prioritizing social media is that for many people it is how they are aware of the Water Boards' actions and it is their entry point into the Water Boards.

MEMBER FIRESTONE – But the people we often need to reach are not going to be on social media, and we should look for other ways to reach them. But the website is the store front where people choose to interact with the Water Boards.

MS. BEAN – Social media has been very effective in partnering and drawing in stakeholders around the Clear Lake issues.

MEMBER FIRESTONE – Clear Lake may not be the best example because it is a focused action with clearly identifiable local partners. Larger statewide initiatives, especially around environmental justice, is much harder because the audience is ill-defined.

DIRECTOR COOLEY – All of the pieces are interconnected and important. Comms looks at which tool is effective for particular audiences.

MEMBER FIRESTONE – Need to work on tools to manage our constituent contacts and relationships. So need tools to determine whether we are reaching the right constituents with the tools the Board is deploying.

DIRECTOR CARPENTER – Drought was all-hands-on-deck for media interaction and so now the office is switching to process improvements (including policies and procedures). Twitter is our most mature platform in terms of existing relationships, although not clear on reaching specific audiences. Communications is a challenge for a statewide agency, though.

During the drought, we were able to develop close relationships with a variety of water media around the state. It helps us with communicating about the upcoming priorities. This creates space for framing and relationships with individual reporters because they are taking the time to dig into unique issues, as opposed to all speaking about drought. It also gives us additional time to engage with individual reporters. Media is also using us, even when the Board is not the centerpiece of the article. Now willing to use the Board in a support role. It is an evolving relationship.

With respect to proactive communications, the press release subjects have changed over the last several years. About one-third have been enforcement-related, and the releases have become more narrative storytelling. The enforcement press releases often occur in disadvantaged communities, so now the releases help capture that context. The other part of the portfolio is about major regulatory efforts. Beginning to spend more time focusing on accomplishments in infrastructure or SAFER work. The relative percentage has grown substantially over the last two years.

MEMBER FIRESTONE – Comms team has been doing an amazing job on media and releases. The relationships have improved, as has the messaging. We are telling stories we did not tell before.

EXECUTIVE DIRECTOR SOBECK – Looking at the infrastructure work DFA supports, it was unfortunate we did not do a better job earlier communicating this important work that supports clean water and safe drinking water. This helps feed not only a public narrative, but also feeds into the Administration’s legislative initiatives.

MEMBER FIRESTONE – The press releases, especially the accomplishment releases, are very effective talking points.

OFFICE OF PUBLIC PARTICIPATION (OPP)

DIRECTOR RENTERIA – OPP has been hiring with two new positions to advance statewide racial equity initiatives. One will be a high-level advisor to look at all aspects of the employee experience to help advance a more diverse and inclusive workforce. Will work closely with DAS, OCC, and OE to ensure activities are carried out consistent with personnel laws and regulations. The second will assist with coordinating the external racial equity actions to ensure we have a cohesive statewide approach. These have been challenging positions to fill.

OPP has also adjusted tribal work. Historically, there was little support. The key tribal positions have been reclassified to reflect the specialized nature of the work, but the Water Boards need to continue developing capacity.

OPP hiring has been challenged with the state civil service classifications. The classifications prioritize engineers and environmental scientists, but disadvantages some of the social science expertise that would be helpful for racial equity and tribal initiatives.

Environmental Justice/Racial Equity Actions

The roundtable has been an important opportunity for accountability. Last month was the first in-person environmental justice roundtable in the last

three years. It took place at Clear Lake, and it provided an excellent opportunity for sharing and working with local tribal representatives. It created a better connection between office-based staff and the communities that we support. It was impactful to show up with a strong presence. Helps shift the perception that the Water Board expects people to come to the Board rather than celebrates and engages with local communities.

We have been using the roundtables to solicit feedback on the racial equity action plan progress. Planning Board Member briefings toward the end of the year. Need feedback from the Board Members on whether to engage with Members earlier in the fall, in the event there is a desire for a workshop. Alternatively, the briefs could occur later in the fall and closer to the January Board Meeting. Second issue is the extent to which program staff should be engaged and convened for the Board Member briefings.

MEMBER ESQUIVEL – OPP has been critical and there has been tremendous leadership from Director Renteria in bringing OPP online and making it effective. In general, support earlier engagement on the racial equity action plan update.

MEMBER FIRESTONE – OPPs updates on the racial equity action plan have been helpful. Recommends that those updates continue, and that the updates be an opportunity to flag priorities and solicit feedback from the Members. That will make the process more interactive and productive for staff and Members. Concerned about the inability to hire new staff for the positions we have. It creates strains on the existing resources and hinders our ability to implement effectively the racial equity action plan.

MEMBER MAGUIRE – Prefer earlier briefings from the racial equity team, especially since there are resource challenges and this is a new program. Early provides a feedback loop before the Board Meeting. Also, broadly support bringing the program staff in to support the briefing.

DEPUTY DIRECTOR MOGUS – Perhaps need a more focused briefing in which only key actions where there has been good progress and those where we are not meeting preliminary expectations are discussed.

DIRECTOR COOLEY – Perhaps Board Members could provide feedback in advance to OPP to know what issues they would like to be the focus of individual Member briefings.

MEMBER FIRESTONE – Interested in the foundational work such as the AB 2108 toolkit and the data team's work to allow overlay of appropriate data to support the work of programs and divisions.

DEPUTY DIRECTOR KARKOSKI – Need to make sure the Water Board is consistent across organizations as it looks at appropriate measures to advance racial equity and that it remains in compliance with evolving state and federal laws.

Open Discussion

MEMBER D'ADAMO – Did anything get removed from the strategic workplan list?

CHIEF DEPUTY BISHOP – No, items were tagged that are likely to be completed during this year and will likely come off the next workplan.

MEMBER D'ADAMO – Need to be cautious not to load up the next work plan, because need space/bandwidth to adjust to evolving circumstances.

MEMBER MAGUIRE – Important to recognize that the more comprehensive priority lists already have a lot of projects within various program areas that are prepared to fill the void.

CHIEF DEPUTY BISHOP – Nonetheless, items with asterisks are the highest priority items selected previously by the Board Members, and staff will reallocate resources to meet those priorities.

MEMBER MAGUIRE – Greatly appreciates the tremendous progress by staff and recognizes the value in the members convening annually to go over these priorities.

EXECUTIVE DIRECTOR SOBECK – For the first time in a long time, the executive support team led by Meredith Thompson is fully staffed. They are now, especially Ms. Thompson and the Clerk Courtney Tyler, developing more consistent procedures. They are thinking wholistically about improving Water Board briefing and meeting processes.

MEMBER ESQUIVEL – Testament to the executive support team that they stepped up with the departure of Jeanine Townsend. Tremendous work across the Board by Meredith and Courtney in the face of a tremendous loss.

ADJOURNMENT

The Board adjourned at 1:53 p.m.