

2023 Strategic Work Plan

Midyear update to “starred” and Water Supply Strategy items

1.2.1 * Chrome VI. Adopt a Maximum Contaminant Level for hexavalent chromium; advance regulation package for adoption early 2023. [DDW]

- Update: Formal APA regulation process started. Board workshop tentatively scheduled for August 2, and comment period closes August 4. Adoption hearing will be set based on number of comments received and time needed to review them.

2.1.1 * Drought emergency flows and other actions to protect public trust resources. Where the California Department of Fish and Wildlife or another fisheries or wildlife government agency has submitted emergency recommendations to protect fisheries, wildlife, habitat, or other public trust resources, engage in a public outreach process to evaluate the impacts of implementing measures through an emergency or voluntary process. develop drought emergency regulations to implement emergency flows, as necessary and authorized by law. Consider impacts to Black and indigenous people of color communities, tribal beneficial uses and cultural resources, and related ecosystems, when developing, implementing, and enforcing instream flow requirements, consistent with all applicable laws and requirements, including those related to water rights, basin planning, public trust resources, and endangered species. [Division of Water Rights]

- Update: The emergency drought proclamation for the Russian River and Delta watershed (outside Clear Lake) has been cancelled, and curtailments are no longer in effect. The drought proclamation for the Klamath is still in effect, and the emergency regulations adopted for the Scott and Shasta Rivers remain in effect until July 31st. While curtailments are currently suspended given high flows, staff are proposing to *not* readopt the emergency regulation at this time, but discussions are ongoing.
- Propose to modify this item to reflect changed hydrology, and pivot towards longer-term efforts and maintaining momentum from drought e-regs.

2.1.2 * Clear Lake Hitch. Engage in collaborative and, where necessary, regulatory efforts to protect the Clear Lake Hitch by protecting instream flows, evaluating regulatory compliance with existing water right requirements, and enforcing on illegal diversions and unlicensed cannabis cultivation. Develop collaborative and voluntary actions to help preserve streamflows and ensure best management practices for water diversion and use are followed. [Division of Water Rights]

- Update: Division staff have identified five priority tributaries, and are coordinating regularly with Tribes, state and federal agencies, Lake County, agricultural interests, and other interested parties to prioritize actions and next steps. Staff

have issued 10 Notices of Violation and 61 Potential Notices of Violation and are actively investigating illegal diversions and unlicensed cannabis cultivation. Staff are also evaluating water use and streamflow data, and using drought funds to procure equipment and engage technical consultants to help collect, manage, and analyze data. No proposed changes to this item.

2.1.3 * Temperature management for fisheries. Improve management of surface water temperatures to reduce fish mortality and improve watershed and ecosystem health in the Bay-Delta watershed, with a focus on the Sacramento River and Water Rights Order 90-5 compliance and emphasis on development of robust modeling and data to inform decisions, early and transparent planning, collaborative solutions, and where appropriate, consideration of additional, voluntary options that balance multiple beneficial uses. [Division of Water Rights]

- Update: Temperature management remains an ongoing priority, but will not be as significant a challenge this year due to changed hydrologic conditions. Temperature considerations are also included in Bay-Delta WQCP update.
- No proposed changes recommended at this time, but evaluating need to update Order 90-5 in future.

3.1.1 * Implement water rights modernization efforts. Use staff and resources gained in Fall 2022 to initiate a telemetry pilot project, expand the Division of Water Rights drought planning capabilities (including refinement of methods and models for curtailments and water unavailability and development of new methods and models), enforce water rights during times of limited water availability, and expand drought and curtailment modeling into additional watersheds. Establishing and implementing these programs will help plan for future droughts and prepare for drought response. [Division of Water Rights]

- Update: Fully staffed, contracts are either approved or with DAS (have met DAS timelines) and under review.
 - Telemetry: initiated pilot project with volunteer diverters (18 participants have elected to join), initiated contract with California Water Data Consortium to develop recommendations on data management and governance, contract for pilot installation and data development underway.
 - Water Supply and Allocation: Additional resources for expanding Russian River-type curtailment tools (water allocation tool) and models was allocated in August 2022. Process has three steps: demand data clean up, hydrologic modeling, integration of demand data and hydrologic model. A contract to initiate modeling work in additional watersheds is underway, staff are developing roll-out plan to identify watersheds and interested parties. Also received additional staff and contract resources to expand curtailment modeling capabilities in the Delta (create SacWAM curtailment model). Staff have executed contract with USGS and SEI to develop model, work is ongoing but will be several years before complete.

- Drought planning: Additional staff and contract resources allocated in August 2022 to focus on longer-term drought planning, including updating existing regulations and developing additional (permanent) regulations for drought response (i.e., curtailments). Staff developing request for qualifications for contracting resources for future CEQA work for future regulations. Staff have begun work on reviewing SB88 (metering and measurement regulations) by reaching out to existing reporters, asking for input. Proposing public workshops in early August 2023 to solicit public feedback and suggestions; public events in Clear Lake, development of SB88 templates for small diverters. Also evaluating next steps in Mill, Deer, and Antelope Creeks and whether to propose adoption of permanent instream flows in those watersheds (Board briefings pending feedback from CDFW, expected July 2023).
- Drought enforcement: dozens of NOVs and other enforcement actions, focus on Clear Lake and Merced watersheds. No proposed changes to this item.

3.1.2 * TUCPs. Respond to requests for changes to water quality requirements through review and consideration of temporary urgency change petitions (TUPCs). Respond to challenges to any approved or denied petitions in a timely manner. [Division of Water Rights]

- Update: Have responded to numerous TUCPs, most recently petitions for reconsideration on 2022 temperature management plan (Order dismissing petitions adopted at the June 20 Board meeting). As this is largely a drought action, propose removing this item from the next update. It will still be a priority if the need arises, but we do not anticipate receiving additional drought-related TUCPs this next year.

3.1.3 * Drinking water drought response program. Collect technical information from water systems to ensure they are implementing resiliency measures and that may have drought impacts to track their status. Follow-up for water systems that experience an outage, have a water shortage, or have a water shortage anticipated. Connect water systems to the resources they need to build drought resilience for future years. Implement strategy for water systems that do not meet source capacity requirements in conjunction with the implementation of the requirements of Senate Bill 552 (2021). Support water system source capacity planning studies, infrastructure enhancements, and where appropriate, actions such as mandatory consolidations or source water investigation orders. [DDW]

- Update: Drought and Conservation reporting portal rolled out January 2023 to all community water systems and schools that are non-transient non-community water systems. Public workshop on July 13th to collect public input and feedback on current features and potential enhancements. Data quality review is underway to reduce the duplicative reporting in the Monthly Conservation Reporting Portal.

3.1.4 ■ Emergency urban water conservation. Develop short-term efficiency-based water conservation targets for Urban Retail Water Suppliers based on unique service area characteristics (e.g., climate zone, water demand, residential landscape area, and population) to be used if needed to address future drought conditions. [ORPP]

- Update: The Board readopted the non-functional turf irrigation ban for commercial, institutional, and industrial properties. The wasteful uses prohibitions remain in effect until December.
- Propose removing this action as a priority and focus on establishing long-term water use efficiency regulations described in 3.2.3

3.2.1 * ■ Direct potable reuse supply. Develop Direct Potable Reuse Regulations by the December 2023 statutory deadline. Assembly Bill 574 (2017) requires the State Water Board to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation on or before December 31, 2023. These efforts will support statewide source control and wastewater pretreatment programs for emerging contaminants of concern to protect recycled water uses, including direct potable reuse. [DDW, DWQ]

- Update: DPR APA process began July 11 with proposed regulations published July 21. Board workshop scheduled for September 7, and comment period closes September 8. DDW and DWQ staff continue to coordinate on implementation aspects of the draft DPR Criteria that address enhanced source control requirements to support development of strategies, plans, and procedures for streamlined approval and compliance oversight of new local enhanced pretreatment programs. Staff are collaborating with the U.S. EPA on the enhanced source control planning via a water quality planning grant to develop a state-specific approach that aligns with the National Water Reuse Action Plan (WRAP) (Draft) (Action 2.2.4).

3.2.2 * ■ Infrastructure funding programs. Implement State Water Board priorities for the \$2.0 billion in State General Fund infrastructure programs and for the federal Bipartisan Infrastructure Law/State Revolving Fund funds: (1) drinking water (including PFAS/emerging contaminants funding), (2) wastewater, (3) groundwater cleanup, (4) water recycling, and (5) cross-border water quality. By June 30, 2023, amend drinking water and clean water State Revolving Fund policies to help streamline processes and amend priorities, to support the Water Supply Strategy's water recycling and stormwater capture goals. By June 30, 2023, establish a new expedited funding program for small community drinking water projects. [DFA]

- Update: Board adopted expedited drinking water grant funding program in March 2023. The Clean Water and Drinking Water State Revolving Fund proposed policy changes will be taken to the Board in the fall. In April 2023, the Board adopted a new Site Cleanup Subaccount resolution to focus on disadvantaged and environmental justice communities. In May 2023, the Board adopted changes to the Prop 1 Groundwater Grant program guidelines to provide

more funding to disadvantaged communities. In May 2023, the draft Clean Water and Drinking Water SRF Intended Use Plans were released for public comment. For cross border water quality, an agreement was executed with the Department of Water Resources for the New River project and staff are working with other project applicants to complete agreements.

3.2.3 * ■ Urban water use efficiency framework. Adopt urban efficiency regulation applying to urban retail water suppliers to implement the Making Water Conservation a California Way of Life laws (Senate Bill 606 and Assembly Bill 1668, 2018). [ORPP]

- Update: Pre-rulemaking workshop and other stakeholder meetings held in 2023. The Board plans to initiate formal rulemaking in summer 2023 and bring the “making conservation a way of life” regulation to the Board for consideration for adoption in 2024.

3.2.4 * ■ Water Storage Investment Program (WSIP). Implement the State Water Board’s parts of the Proposition 1 (2014) Water Storage Investment Program. State Water Board staff will process new water right applications and petitions, hold necessary hearings, and develop public benefit contracts needed to support WSIP projects. [Division of Water Rights, ORPP]

- Update: The Board contracted with the first WSIP project, the Harvest Water Program being implemented by the Sacramento Regional County Sanitation District, in June. The Board publicly noticed the Sites Reservoir water rights application on June 2, 2023.

3.2.5 * ■ Develop new water supplies (desalination, recycled water, and stormwater capture). Identify recycled water projects that can be brought online by 2030 and convene a strike team to resolve permitting and funding obstacles. Identify brackish groundwater desalination projects that can come online by 2030 and consider grant and loan programs to fund planning and building of desalination projects. Evaluate groundwater basins impaired by salts and nutrients and determine the volume of brackish groundwater available for desalination. Develop criteria for siting desalination facilities along the coast and identify mitigation sites to facilitate approval of desalination projects. [DWQ]

- Desalination Update: Division of Water Quality staff developed a draft Seawater Desalination Siting and Streamlining Report to Expedite Permitting (draft Report) to fulfill one action in the Governor’s Water Supply Strategy. Staff plans to release the draft Report for public comment in June 2023. The draft Report identifies criteria for siting seawater desalination facilities where they are cost-effective and environmentally appropriate, to streamline and facilitate approval under existing regulatory requirements, as well as potential changes to the requirements. The draft Report also identifies actions that could be implemented by project proponents and permitting agencies to better facilitate approval of seawater desalination projects given additional resources and regulatory or process improvements. The draft Report has no regulatory force or effect, and

solely serves to identify potential streamlining pathways and actions consistent with existing laws and regulations.

- **Recycled Water Update:** Division of Water Quality staff convened a recycled water strike team on January 31, 2023, comprised of representatives from each of the nine regional water boards, Department of Water Resources, as well as State Water Board staff from Division of Water Quality, Division of Financial Assistance, Division of Drinking Water, and Division of Water Rights. Representatives from WaterReuse California, California Association of Sanitation Agencies, and California Coastkeeper Alliance also attended to provide preliminary input on the strike team's charge to identify and resolve permitting and funding obstacles for recycled water projects under development. Staff is developing a charter for the strike team's activities and honing a list of recycled water projects planned to be operational by 2030.
- **Stormwater Capture Update:** Division of Water Quality staff is contracting with the Office of Water Programs at California State University Sacramento to estimate the volume of stormwater captured statewide. This project will support efforts to track progress towards the statewide stormwater goals for 2030 and 2040. The contract is expected to be executed by April 2024 and the project completed in 2026.

3.3.1 * ■ SGMA. Implement the Sustainable Groundwater Management Act (SGMA). Advise Board Members on placing basins that come into the State Water Board's jurisdiction into probationary status. Provide tools, resources, and incentives to encourage long-term drinking water solutions and water quality planning. Coordinate with the Safe and Affordable Funding for Equity and Resilience (SAFER) Drinking Water Program, the Recycled Water Policy program, CV-SALTS, and the Irrigated Lands Regulatory Program, where appropriate. [ORPP]

- **Update:** DWR found 6 basins have inadequate plans and the team is moving those basins towards probationary hearings. The budget gave the Board 19 new positions, including a new CEA to lead the new Sustainable Groundwater Management Office. This position, and the creation of the new office, must be processed by CalHR. Probationary hearings for six basins tentatively scheduled through 2024.

3.3.2 ■ Process water rights permitting for underground storage. Prioritize water rights applications for underground storage, including 180-day and 5-year temporary permits, standard water rights applications, and applications that pursue the Board's recently developed streamlined pathway for capturing high flow events. Continue to coordinate with the Department of Water Resources to facilitate applications, conduct outreach and education, and assist applicants in accordance with the Water Supply Strategy. Evaluate opportunities for additional streamlining. [Division of Water Rights]

- **Update:** The Board has approved nine temporary water rights and one TUCP authorizing over 1 million acre-feet of underground storage since January 1, 2023. Division staff are actively coordinating with the Department of Water

Resources on developing temporary permits and providing technical assistance to new applicants, and in recording information submitted as recent Executive Orders on groundwater recharge.

3.4.1. * Forest health. Promote sustainable forest health through General Order for Utility Operations and Maintenance Activities Related to Wildfire Mitigation. [DWQ]

- Update: Water Boards' staff has partnered with other federal, State, and local agencies to develop and implement strategies to improve:
 - Wildfire prevention through general permitting for vegetation on state lands and programmatic vegetation management and system hardening for linear projects, such as electrical utility companies and Caltrans. Caltrans programmatic permitting is in effect and the draft Utility General Order was released for public comment in May 2023.
 - Wildfire response to active fires by deploying the Emergency Management Program to assist with communication, coordination, and BMP deployment, and
 - Wildfire recovery through emergency BMP deployments, post-fire water quality monitoring, oversight of recovery activities (permitting debris/hazard tree removal and disposal), coordination and streamlining permitting for post-fire restoration projects, and ongoing participation in multi-agency task force meetings and working groups
 - Inter-agency coordination to support the Key Actions in the Governor's Wildfire and Forest Resilience Action Plan through participation in the Wildfire and Forest Resilience Task Force, and Assembly Bill 1492 Leadership Team Meetings.

3.5.1 * Site-specific objectives guidance for copper and zinc. Adopt guidance for Regional Water Boards to develop site-specific water quality objectives for copper and zinc using a metal bioavailability model (e.g., biotic ligand model) that includes receiving water body characteristics and monitoring data. The implementation of more accurate site-specific water quality objectives will reduce the cost of compliance for municipal stormwater permittees, while protecting beneficial uses. [DWQ]

- Update: Division of Water Quality staff is developing a proposed Draft Policy for the Development of Site-Specific Objectives for Copper and Zinc in Freshwaters of California. Staff had numerous meetings with stakeholders, including modelers, regional boards, US EPA, stormwater permittees, and Non-Governmental Organizations. A workshop for regional water boards to discuss implementation details is planned for July 2023. Public release of the proposed Draft Policy is expected in December 2023.

3.5.2 * Cost of municipal stormwater permit implementation. Adopt requirements for standardized cost reporting for the implementation of NPDES municipal separate storm sewer system (MS4) permits as part of the stormwater cost of compliance.

Information and data will be used by State and Regional Water Boards when issuing new permits. [DWQ]

- Update: Division of Water Quality staff developed a proposed Draft Policy for Standardizing Cost Reporting in Municipal Stormwater Permits and will release the proposed Draft Policy and associated staff report for public comment in July 2023. A Board Workshop is scheduled for August 2, 2023. In addition, several municipal separate storm sewer system (MS4) permittees are currently volunteering to perform beta testing of the proposed categories and reporting tool. Beta testing will continue throughout the public comment period and wrap up in November 2023. Feedback will be integrated into the proposed final Policy and used to develop a reporting Help Guide and Frequently Asked Questions document.

3.5.3 ■ Stormwater: infiltration. Develop requirements for siting, design, and monitoring criteria for urban stormwater capture and infiltration systems. Incentivize local agencies to develop stormwater capture projects. Execute a contract to estimate current stormwater capture statewide. [DWQ]

- Update: Division of Water Quality staff has met with Office of Chief Counsel staff to explore regulatory mechanisms to encourage large-scale infiltration of urban stormwater while ensuring the protection of groundwater drinking water resources. Staff also met with regional water board staff and targeted stakeholders throughout the year to discuss project scoping.

3.6.1 * Bay-Delta Plans. Implement the San Joaquin/Southern Delta Bay-Delta Plan, including the consideration of voluntary agreements. Complete the Sacramento/Delta update to the Bay-Delta Plan, including consideration of voluntary agreements. Consult with tribal governments during development of Bay-Delta Plan update. [Division of Water Rights]

- Update: The Division released several Biological Goals drafts, held numerous Stanislaus, Tuolumne Merced (STM) meetings; adoption of Biological Goals for San Joaquin proposed in September 2023. The Division also released an updated draft Scientific Basis report evaluating proposed voluntary agreements for the Sacramento/Delta portion of the plan update. A Staff Report (public review) and updated Scientific Basis Report (for peer review) are anticipated for release in Summer of 2023. No proposed changes to this item.

3.6.2 * ■ Delta conveyance. Implement the State Water Board's responsibilities for processing water rights change petitions and water quality certifications related to the proposed Delta conveyance project, including providing public notice of petitions and conducting and overseeing any necessary water rights hearing. [Division of Water Rights]

- Update: Staff continue to meet with DWR on recommend analysis to facilitate petition processing, but a petition has not yet been submitted.

4.3.1 * ■ Modernize water rights data. By July 2023, develop stakeholder engagement process, release vendor solicitation, and secure vendor to implement the “Updating Water Rights Data for California” (UPWARD-California) project. UPWARD-California will modernize the state’s water rights data management system, digitize paper records, and create a 21st century data system to help California respond to drought and ensure long-term water resilience. [Division of Water Rights]

- Update: Executed contract with Deloitte to develop new system. The Discovery phase concluded in June 2023, and the first development Spring started on July 6th. With passage of FY 2023-24 budget, secured additional \$31.5 million to complete development. The overall project is on schedule.

4.4.1 * Racial equity. Implement the Racial Equity Action Plan to address systemic, institutional, and individual racism at the State and Regional Water Boards. Track success through meaningful targets and metrics. [Executive Office, Racial Equity Team]

- Update:
 - ORPP hired a position largely dedicated to racial equity and training.
 - OPP coordinates the Water Boards Facilitation and Training Pool, which offers training to staff on facilitation, training, and public engagement, including a racial equity train-the-trainer program. Last year, 10 staff were certified to deliver our Advancing Racial Equity at the Water Boards training. To date, 160 Water Boards staff have participated in training. This year, we expect to train up to 500 staff.
 - The State Board adopted Resolution 2023-0011, which establishes a new methodology for selecting projects to be funded under the Site Cleanup Subaccount Program. The new methodology provides greater weighting to projects in economically disadvantaged and environmental justice communities.
 - OIMA and OPP have convened the first cohort of Racial Equity Data Action Plan team members, focusing on building the guidance and best practices and first generation of racial equity data catalogs, resources and tools.
 - Through a new process, the Environmental Justice Roundtable coordinates Water Boards’ updates on environmental justice and racial equity efforts, including progress toward the State Water Board’s Racial Equity Action Plan. Equity and Justice Coordinators submit a quarterly update for their region, division, or office at least one week before the Environmental Justice Roundtable meeting that quarter. Updates are then used to create a quarterly report document.
 - OPP has implemented a new form for the public to request language services. It is housed on the homepage of the website, and it also is promoted through other communication touchpoints.

- OPA has expanded its outreach to “ethnic” media by tapping into a state-funded resource that includes these contacts. Through discussions with specific media, the team is learning which types of stories most resonate with the media outlets’ respective audiences and evaluating how to promote these.

4.4.3 * Fi\$Cal. Implement additional workflow processing changes in the Accounting Branch to improve use of California’s new financial management system, Fi\$Cal. Planned changes include additional staff training and development and preparation of written procedures to increase our adeptness with FI\$Cal. These changes are intended to improve the timeliness of payment processing and help meet external due dates for monthly and end of year reporting commitments to the Department of Finance and the State Controller’s Office. Complete year-end close-out for fiscal year 2021-22 by January 2023. Complete necessary activities to become “current” in FI\$Cal processing by April 2023, to allow year-end close-out for fiscal year 2022-23 in September of 2023. [DAS]

- Update: For the first time since the Water Board went live in Fi\$Cal in July 2018, we are caught up to the point that we are transacting in the current fiscal year (FY 2022-2023). We are closing one period (month) every two weeks, approximately. We anticipate that we will be fully caught up in late Summer, and close year end for FY 2022-2023 in early Fall. Once caught up we will be able to provide program staff with current expenditures for various projects; we will have better data to help us evaluate revenues and expenditures for potential fee changes; and we will be better able to meet reporting deadlines for the State Controller’s Office and the Department of Finance.

4.4.4 * DFA process improvements. Implement additional process improvements to streamline and simplify the processes for applying for and receiving funding for drinking water and clean water projects. Implement additional process improvements to streamline and simplify the processes associated with disbursing funds in the drinking water, clean water, stormwater, and groundwater programs. For process improvements that can be made now, procedure manuals will be updated, and training will be provided to staff by June 30, 2023. For process improvements that depend on policy changes by the State Water Board, procedure manuals will be updated, and training will be provided by December 31, 2023. [DFA]

- Update: DFA has implemented an additional sixteen (16) process improvements in the first half of this calendar year. The process improvements include full implementation of the recommendations outlined in the State Auditor’s Report focusing on drinking water funding. To highlight a few notable process improvements, DFA established key performance indicators for application milestones, streamlined financial review procedures, established expedited funding program, updated online application status tools, and developed technical assistance processes and procedures.