

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2022-0067

AFFIRMING THE CENTRAL VALLEY WATER BOARD'S COMMITMENT TO STATE WATER BOARD RESOLUTION NO. 2021-0050 (RESOLUTION CONDEMNING RACISM, XENOPHOBIA, BIGOTRY AND RACIAL INJUSTICE AND STRENGTHENING COMMITMENT TO RACIAL EQUITY, DIVERSITY, INCLUSION, ACCESS, AND ANTI-RACISM), AND ESTABLISHING WATER QUALITY PROGRAM GOALS IN SUPPORT OF RACIAL EQUITY

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) finds that:

Affirmation of the Central Valley Water Board's History and of State Water Board Resolution No. 2021-0050

1. The Central Valley Water Board's jurisdiction includes the most productive agricultural lands in the world, several of the fastest growing communities in the Western United States, and growing agricultural, manufacturing, pharmaceutical, and information technology industries. However, the bounty of the Central Valley has never been equitably shared by the communities that have contributed to the valley's wealth and prosperity.
2. The Central Valley of California has a legacy stained by a history of racially exclusive policies, xenophobia, bigotry, and racial injustice. To this day, race predicts the availability of safe drinking water and the collection, treatment, and reuse of wastewater. To progress towards a future where race can no longer be used to predict life outcomes, the Central Valley Water Board must acknowledge that the Board itself, and the authority that it wields, was established over a structural framework that perpetuated inequities based on race.
3. Since 2012, California law (Wat. Code, § 106.3) has declared that every person in the state has a right to clean, safe, and affordable drinking water. Ensuring that every person in California has access to clean, safe, and affordable drinking water requires first acknowledging that many of California's most critical current water quality problems find their roots in policies that intentionally disadvantage communities of color, including a historic lack of investment in drinking water and wastewater infrastructure within these communities.
4. The Water Boards are a member of the Government Alliance on Race and Equity (GARE) and have adopted its definition of racial equity: racial equity occurs when race can no longer be used to predict life outcomes, and outcomes for all groups are improved. Because race intersects with many, if not all, other marginalized identities, prioritizing and addressing racial inequities improves outcomes for all marginalized communities.

5. Public Resources Code section 30107.3 defines environmental justice as, “the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Similarly, the United States Environmental Protection Agency defines environmental justice as, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.” As used within this document, environmental justice communities are those communities that have historically received disparate treatment in the development, implementation, and enforcement of environmental laws, regulations, and policies based on the race, culture, income, or national origin of the people living within those communities.
6. In fall 2020, the State Water Board established a Racial Equity Team, which was directed to establish a foundation of internal and external engagement that values listening and collaboration to drive action, draft a resolution on racial equity to be considered for adoption by the State Water Board, and to develop a subsequent racial equity action plan to implement the resolution and drive the Water Boards’ efforts to institutionalize racial equity. Central Valley Water Board staff have served as members of the Racial Equity Working Group since it was established and continue to be active participants.
7. On November 16, 2021, the State Water Board adopted Resolution No. 2021-0050, Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism (State Water Board Resolution). The State Water Board Resolution acknowledged the role racism has played in creating inequities in affordability and access to clean and safe water, committed to advancing racial equity within the Water Boards and the communities they serve, directed its staff to develop a racial equity action plan, and encouraged the nine Regional Water Quality Control Boards to adopt similar resolutions.
8. The Central Valley Water Board, in adopting this Resolution, affirms and endorses the State Water Board Resolution in its entirety. The Central Valley Water Board stands with the State Water Board and other Regional Boards and state agencies in accepting responsibility for confronting structural and institutional racism and advancing racial equity. This is an obligation shared by all staff, managers, the Board’s Executive Team, and the Board members themselves.

Description of Portfolio Management Process and Rationale for Establishing Racial Equity Goals

9. Following the State Water Board’s adoption of the State Racial Equity Resolution, the Central Valley Water Board’s Executive Officer convened a Racial Equity

Resolution Team composed of staff and managers drawn from throughout the Region who expressed an interest in participating in this effort. The regional resolution was jointly developed by the Racial Equity Resolution Team, executive management, and the Board's Program Managers.

10. The Central Valley Water Board has established a Portfolio Management Framework to create a transparent process where each of the Board's 19 water quality programs establish program priorities, allocate limited resources, and ensure accountability for core work and special projects. The Portfolio Management Framework specifies roles for the Board's Executive Management Group, Program Managers, Senior and Supervisory Managers, and Staff. Under the framework, each of the water quality programs develops annual workplans based off the State's fiscal year (starting July 1), and program priorities are set in a public forum in the preceding December. The goals set forth in this resolution will be incorporated into the water quality program annual workplans for FY 22/23 and beyond.
11. The Board will help ensure accountability for the goals set forth in this resolution by convening a Racial Equity Accountability Team that will periodically meet with the Board's Program Managers to assess progress in achieving the Board's Racial Equity goals.
12. In October of 2021, the Central Valley Water Board completed a Strategic Plan that established four strategic objectives that would apply to all the Board's Programs. Two of those objectives specified strategies for enhanced engagement with underserved and underrepresented communities and internal process improvements to achieve greater efficiency, higher employee engagement, and racial equity. The Board hereby finds that this resolution is consistent with the strategic objectives developed and established as part of the Central Valley Water Board's Strategic Plan.
13. The goals developed and described herein are intended to be "SMARTIE" goals, which are goals that are Strategic, Measurable, Achievable, Realistic, Time-bound, Inclusive, and Equitable.
14. During the pendency of the development of this Resolution, a package of legislative changes was signed by Governor Newsom creating new obligations to advance racial equity goals at the State Water Board and at the Regional Boards. Among the changes brought about by the new legislation, in particular AB 2108, were changes to the Water Code that require the Boards to conduct "equitable, culturally relevant community outreach to promote meaningful civil engagement from potentially impacted communities" for "board planning, policy, and permitting processes." In addition, the Water Code now requires Basin Planning activities, Regional Permits, and Permits that have associated time schedules must include findings "on potential environmental justice, tribal impacts, and racial equity considerations." Several of the Board's programs will be aligning their resources to meet these obligations.

15. In addition to using translation services provided by the Office of Public Participation, culturally relevant community outreach can be enhanced when administrative and technical staff at the Central Valley Water Board are certified in languages spoken by community members. As the Board strives to conduct engagement that provides communities with meaningful opportunities to participate in the decisions that will affect them, the Board will seek opportunities to prioritize multi-lingual proficiencies at all levels of our organization.

Racial Equity Goals for Water Quality Programs

16. The Central Valley Water Board Permitting Programs:

- a. **NPDES Program:** The Clean Water Act's National Pollution Discharge Elimination System (NPDES) program is a federal program delegated to the State of California. This program protects beneficial uses by regulating point source discharges of pollutants to surface waters. Staff resources for the NPDES Program (25.7 PYs¹) is allocated for permitting (15.4 PYs), compliance/enforcement (7.8 PYs), and management/support (2.5 PYs).

Racial Equity Goal: The Program will develop a process to broaden contact with tribal groups when sending out notices for permitting actions, including Draft Orders and enforcement actions. This will require periodic reviews of mailing lists to ensure regional and local tribal groups and their representatives receive notices, as well as a commitment to designate a NPDES permitting staff person to periodically liaise with the Regional Tribal Liaison and to attend, as necessary, tribal group meetings.

- b. **Waste Discharge to Land Program (Non-15 Program):** The Waste Discharge to Land Program protects groundwater quality by regulating facilities whose discharges do not fall within the jurisdiction of the federal NPDES Program or other special permitting programs. This Program is the oldest state water quality control program, covering wastewater (sewage) treatment facilities, food processing industries (including wineries), wastewater recycling, sand and gravel mines, and other industries that discharge non-hazardous wastes. The Program currently regulates over 1,400 facilities in the Central Valley. There are currently 25 PYs in the Program. Approximately 7 PYs are dedicated for compliance and enforcement and miscellaneous cleanups, 2 PYs are dedicated to the wastewater consolidation program, leaving a little over 15 PYs for general permitting obligations.

Racial Equity Goal: Program staff, working in collaboration with the Board's Executive Team and legal counsel, will immediately form a work group to develop a strategy for enhanced outreach for all regional permitting actions that meets the requirement under AB 2108 for the Board to conduct "equitable, culturally relevant community outreach to promote meaningful civil engagement

¹ Resources are described as "personnel years" or PYs, which are equivalent to the number of hours a full-time staff person would work over the course of a year.

from potentially impacted communities” for “board planning, policy, and permitting processes.” In addition, the work group will also evaluate all General Orders currently being drafted as well as future permitting activities that will have associated time schedules (including those that will be undertaken to meet the requirements of the Nitrate Control Program) and will develop a strategy to develop findings “on potential environmental justice, tribal impacts, and racial equity considerations” for these permitting activities.

- c. **Water Quality Certifications Program:** The Water Quality Certification program regulates removal or placement of materials in wetlands and waterways in the state. Examples of such projects include navigational dredging, flood control channelization, levee construction, channel clearing, fill of wetlands for development, installation and/or repair of bridge piers and docks, and habitat restoration projects. These projects generally require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (Corps), and the state’s Water Quality Certification certifies that the projects will be constructed in a manner that is protective of water quality. The Central Valley Water Board has approximately 13 PYs to implement the program, with resources distributed between the region’s three offices.

Racial Equity Goal: Program staff will develop a process flow chart that details the permitting process and enhance noticing for public participation in permitting processes. Enhanced noticing may include, but will not be limited to, engaging with tribes beyond currently applicable legal requirements, referencing CalEnviroScreen or similar tool to better understand cumulative environmental burdens faced by the communities in which the development subject to the certification will be occurring, and translating notices into languages spoken by stakeholders.

- d. **Storm Water Program:** The Storm Water Program implements NPDES requirements established by the State Water Board to regulate the discharge of pollutants in storm water to waters of the U.S. The program is divided into three main areas of activity: construction (including Caltrans projects), industrial, and municipal. The permits require implementation of Best Management Practices (BMPs) and other program elements and controls to minimize the discharge of pollutants and requires visual and chemical monitoring. Board staff review monitoring and other program reports, conduct compliance inspections and audits, and conduct enforcement activities as needed. The Board has 12.75 PYs to implement the program. Since many of the industrial facilities that are regulated by the Stormwater Permitting Program are found in disadvantaged communities and communities of color, much of the work of the Stormwater Program currently focuses on enforcement within environmental justice communities.

Racial Equity Goal 1: The Storm Water Program will develop a tool (e.g., table or map) to help assess and prioritize regulated sites based in part by CalEnviroScreen scores. Disadvantaged communities (DACs) and Black,

Indigenous, and People of Color (BIPOC) communities tend to have high CalEnviroScreen scores and are often overburdened by cumulative effects of pollution.

Racial Equity Goal 2: Many dischargers regulated by the Storm Water Program struggle with compliance due to language access barriers. When appropriate, materials used to help dischargers understand the path to compliance (e.g., handouts, power points, webpages, applications, etc.) should be available in multiple languages. In FY 23/24, program staff will work with State Water Board staff and other regions and shall review outreach materials and assess which materials should be available in multiple languages and shall disseminate translated materials within affected communities.

17. Planning, Monitoring and Assessment Programs

- a. **Basin Planning and Total Maximum Daily Loads (TMDL) Programs**: Water Quality Control Plans or “Basin Plans” provide the foundation for all Central Valley Water Board regulatory actions. Basin Plans identify beneficial uses of surface and ground waters, water quality objectives to protect those uses, implementation actions to achieve objectives, and describe monitoring and surveillance program to ensure implementation actions are effective. There are two Basin Plans for the Central Valley Region, one for the Sacramento and San Joaquin River Basins, and one for the Tulare Lake Basin. The resources for this program are 9 PYs, 5 PYs of which are allocated to the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) Program, 1 PY for the Tribal Beneficial Uses project, 1 PY for biostimulatory projects and assessments, and the remaining for program management, permitting support, and other projects.

Further, Clean Water Act section 303(d) requires States to develop a list of surface water bodies that do not meet water quality standards (called the 303(d) list), and to establish programs, such as TMDLs, that will reduce pollutant loading to achieve water quality standards. In California, TMDLs must include implementation plans to achieve pollutant load reductions. The TMDL Program has 9.5 PYs allocated that include 3 PYs for developing the 303(d) list and other federal water quality reporting and 3 PYs and 2 PYs for Mercury and Pesticide TMDLs, respectively. The remaining PYs are allocated to program management, permitting support, staff training and implementation of existing TMDLs.

Racial Equity Goal 1: The Basin Planning Program shall propose, as part of the triennial review process, a project to update the Basin Plans to add references to the California Communities Environmental Health Screening Tool (CalEnviroScreen) and the State Water Board’s Racial Equity Resolution.

Racial Equity Goal 2: The Program shall continue to prioritize the designation of tribal beneficial uses within the region, and shall develop processes to conduct, “equitable, culturally relevant community outreach to promote meaningful civil

engagement from potentially impacted communities” in accordance with the requirements of AB 2108.

- b. **The Delta Program:** The objectives of the Delta Program are to improve and protect water quality in the Sacramento San Joaquin River Delta through Central Valley Water Board actions and coordination with other agencies that include development and implementation of total maximum daily load control programs and assessment of data relative to water quality objectives. Actions are guided by the Central Valley Water Board’s 2014 Delta Strategic Work Plan and the Delta Nutrient Research Plan. There are 3 PYs allocated to the Delta Program, mostly allocated to the Delta Regional Monitoring Program and the Delta Nutrient Research Plan.

Racial Equity Goal 1: The Delta Program will increase and track participation with disproportionately burdened BIPOC communities impacted by HABs and nutrients. These efforts will include continuing to develop collaborations and partnerships with citizen scientists and BIPOC communities and track progress.

Racial Equity Goal 2: The Program will request that the Delta RMP add an EJ member to the program Board of Directors or Steering Committee by 2024.

Racial Equity Goal 3: Central Valley Board staff will endeavor to use CalEnviroScreen, and related vulnerability tools developed by the Office of Environmental Health Hazard Assessment, to create separate data analyses records when reviewing preliminary and final DRMP data, starting with the annual report due Feb 1, 2023. These analyses may be considered to inform FY 2023/24 monitoring priorities for the Delta RMP.

- c. **Central Valley Salinity Alternatives (CV-SALTS) Program:** The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative is a stakeholder-driven effort that developed a regulatory framework to address legacy and ongoing salt and nitrate accumulation. In 2018, the Board established the Salt and Nitrate Control Programs. Implementation of the new nitrate regulations began in May 2020 and implementation of the new salinity regulations began in January 2021. The CV-SALTS program has approximately 5 PY dedicated to maintaining and implementing the Nitrate and Salt Control Programs.

Racial Equity Goal: See ILRP Racial Equity Goal.

- d. **Surface Water Ambient Monitoring Program (SWAMP):** The SWAMP program was created to coordinate surface water quality monitoring conducted by the State and Regional Water Boards. The SWAMP program conducts water quality monitoring directly and through collaborative partnerships, and provides numerous reports, fact sheets and tools, all designed to support water resource management in California. SWAMP monitoring projects assess overall water quality status and trends, identify water quality problems and potential sources,

and evaluate program effectiveness. The SWAMP program has 5 PY shared between 7 staff in the Rancho Cordova office, 1 staff in the Redding office, and 3 staff in the Fresno office. One of these PYs is dedicated to implementing the statewide Freshwater Harmful Algal Bloom (FHAB) program.

Racial Equity Goal 1: In recognition that many BIPOC/EJ communities within the Central Valley are reliant on natural swimming places for recreational opportunities, particularly in hot summer months, collaborate with the State Water Board on the development of a process to solicit input from community members on monitoring priorities for the SWAMP Program, including areas where additional funding is necessary to monitor and protect recreational areas of high value to EJ communities.

Racial Equity Goal 2: Broaden availability of water quality monitoring data by translating public-facing map tools into languages spoken by visitors and by creating a video that explains, in accessible language, how tools such as the E. coli indicator bacteria maps can be used by the public.

Racial Equity Goal 3: Add measures to internal operating procedures and field safety documents to enhance protections and support for at-risk staff, including women and people of color.

- e. **Nonpoint Source Program:** Nonpoint source pollution is the leading cause of water quality impairments in California. The primary nonpoint sources in the Central Valley include runoff and percolation from land use activities related to agriculture, timber harvests, cannabis cultivation, abandoned mines, recreation, and urban and rural development. This Program works to leverage limited resources to restore waters impacted by NPS pollution and protect unimpaired water bodies by assessing problem sources and implementing management programs consistent with the statewide California Nonpoint Source Program Implementation Plan for 2020-2025 (Six-Year Implementation Plan). NPS Program activities funded by federal 319(h) resources are implemented by three different sections spread across all three offices in the Region. For FY22/23, 3.3 PY are allocated amongst eleven staff positions.

Racial Equity Goal: Identify communities that have suffered disproportionate socio-economic burdens and racial inequality and advocate for the prioritization of implementation efforts in the Six-Year Implementation Plan for communities based on racial equity and environmental justice concerns and promptly prioritize funding for controlling human health exposure.

- 18. **Administrative Program:** The Central Valley Water Board's Administrative Program serves to support the Region's mission, initiatives, and priorities by providing constant, reliable administrative assistance to our customers, both internally and externally, while applying the highest standards and ethics. A total of 18 personnel years (PYs) has been allocated between all three offices in the Central Valley Region.

Racial Equity Goal: The Central Valley Water Board's Administrative Program, as the program most directly responsible for the Region's efforts to create a more diverse workforce through recruitment, retention, and advancement, will continue to coordinate with the State Water Board on the development and implementation of the State Water Board's Racial Equity Work Plan.

Racial Equity Goal 2: The program will continue to facilitate training and education of managerial staff in conducting interviews, with a particular focus on implicit bias and equity considerations relevant to the Board's work.

Racial Equity Goal 3: Continue ongoing racial equity training and development for staff and leadership.

Racial Equity Goal 4: As the Board adapts to a hybrid work environment that is more dependent on shared spaces rather than individually assigned office space, the Administrative Program will work to ensure that rooms can be made available to facilitate affinity groups as well as individual staff persons' religious and cultural practices.

19. Special Permitting Programs

- a. **Irrigated Lands Regulatory Program**: In the Central Valley region, there are approximately 30,000 irrigated agricultural operations on over 6 million acres of land. The Irrigated Lands Regulatory Program (ILRP) regulates these operations to protect beneficial uses of surface and groundwater. Growers who are part of a third-party group (coalitions) are regulated under one commodity-specific and seven geographic General Orders. There are 14 coalitions assisting growers comply with the General Orders. Resources for 18.3 full-time staff are distributed between the three offices of the Central Valley Water Board.

Racial Equity Goal: The CV-SALTS Program has developed a prioritized Nitrate Control Program to address nitrate pollution within areas of the region where communities have been most heavily impacted by nitrate pollution. In Priority I areas, permittees are working to provide drinking water to affected communities while nitrate reduction efforts are underway. This involves substantial outreach efforts, as well as the development and implementation of expansive drinking water well sampling programs. Meanwhile, the ILRP has developed a drinking water well sampling program that has, to date, resulted in the sampling of over 11,000 domestic wells on farm parcels. For FY 23/24, the CV-SALTS and ILRP programs will integrate the domestic well sampling efforts currently being undertaken by Management Zones under the Nitrate Control Program and those efforts being undertaken by growers under the ILRP to ensure persons whose domestic wells are contaminated with nitrates in Priority I areas are provided with options to obtain free, safe drinking water.

- b. **Oil Fields Program**: Most California oil production occurs in the Central Valley. Formation water produced with the oil, known as "produced wastewater,"

comprises the largest volume of waste generated by oil production. Produced wastewater is typically saline, and disposed of by land application, primarily ponds, or by underground injection. Some is recycled and reused for irrigation of crops. Other oil field (OF) wastes include drilling muds, solids, and sludges generated when tanks and equipment are cleaned. The program employs 23 PY to regulate produced wastewater disposal to land (ponds) and reuse, underground injection control (UIC) practices, and well stimulation practices (SB4) to ensure the protection of water quality.

Racial Equity Goal 1: While most of the OF sites are in remote areas used almost exclusively for oil and gas production, some are located near residential areas. Generally, underlying groundwater quality in OF sites is naturally poor and domestic use water must be brought in from an outside source. Oil Field sites often have high CalEnviroScreen scores, driven by multiple factors (e.g., air and water quality). In FY 23/24, program staff will assess which sites are in proximity to residential areas and compare these areas to CalEnviroScreen scores and identify sites for program work prioritization. Even where impacts to drinking water are not a program consideration, prioritizing work (e.g., closing ponds, ensuring site compliance, enforcing best practices) can help lower a CalEnviroScreen score, and positively impact communities situated near program sites, many of which are DACs or BIPOC communities.

Racial Equity Goal 2: In addition to this, program staff will work to increase outreach to DACs and BIPOC communities. A part of this outreach will be for program staff to host informational meetings, where staff will broadly discuss work being done in the OF program. In FY 23/24, OF program staff will begin planning meetings, with a general goal of holding two meetings in FY 24/25.

- c. **Land Disposal Program:** The Land Disposal Program regulates the land discharge of solid and liquid wastes to prevent water quality impacts. These wastes include municipal solid waste, hazardous wastes, designated wastes (such as petroleum-impacted soils), and nonhazardous and inert solid wastes. In general, these wastes cannot be discharged directly to the ground surface without impacting groundwater or surface water and, therefore, they must be contained at facilities that prohibit the wastes from migrating to groundwater. The facilities are regulated pursuant to Title 27 (nonhazardous wastes) or Chapter 15 of Title 23 of the California Code of Regulations (hazardous wastes). A total of 14.26 PYs are allocated to the program with 6.00 PYs directed to compliance and enforcement activities and 8.26 to permitting.

Racial Equity Goal 1: In prioritizing permit renewals, consider impacts that facilities may be having on local communities by incorporating EnviroScreen score into prioritization matrix.

Racial Equity Goal 2: Preceding permit renewals and revisions, site cleanup staff will be proactive on requiring dischargers/ consultants create fact sheets that include environmental burdens. Using EnviroScreen census data, the fact sheet

can be translated into different languages accordingly. A three-year goal is set to provide the framework for language translation of factsheets.

- d. **Confined Animal Facilities Program:** The Central Valley is home to a variety of agricultural operations that rely on animals (cows, steers, sheep, goats, pigs, and poultry). Confined Animal Facilities (CAFs) are ranches where livestock are held and provided food for a significant part of the time, as opposed to grazing, where livestock eat forage that grows in pastures or rangeland. Most CAFs in the Central Valley are dairies. There are also a significant number of feedlots (beef cattle and support stock for dairies) and poultry facilities. There are 12 PY working full time in the CAF Program, supplemented by 3 other staff with a percentage of their time dedicated to the Program, for a total of about 14 PYs.

Racial Equity Goal: The Board's 2013 Dairy General Order is currently being reviewed by the State Water Board in response to a water quality petition filed by environmental and environmental justice organizations. It is expected that the State Water Board will remand the 2013 Dairy General Order to the Central Valley Water Board for reconsideration in 2023. In FY 23/24, this program will be tasked with developing a revised Dairy General Order and will ensure that development of this order includes "equitable, culturally relevant community outreach to promote meaningful civil engagement from potentially impacted communities." The revised order will also include findings that consider impacts on potential environmental justice, tribal impacts, and racial equity considerations that shall be developed in collaboration with affected communities.

- e. **Mines Program:** Central Valley Water Board staff have identified 106 mine sites with features known to, or that have the potential to, impact water quality. This is a subset of the 47,000 abandoned mine sites with physical and/or environmental hazards identified throughout California by the Department of Conservation. Most mine sites regulated by the Central Valley Water Board are closed and abandoned mines that have not operated for decades, at a minimum, with some mines inactive for more than 100 years. During FY 22/23, a total of 6.8 PY has been allocated towards Mines Program oversight, of which 5.25 PY is directed towards permitting, compliance and enforcement.

Racial Equity Goal: Program staff will prioritize mine cleanup or oversight in consideration of threat to water quality and disproportionate environmental burdens faced by disadvantaged communities and tribes. Each mine project selected for the racial equity goal in the Mines FY 23/24 Workplan will require the development of individual action plans because of their unique and often complex site characteristics causing or contributing to water quality impairments. Individual action plans will be developed and implemented through enhanced public outreach and tribal engagement. Each project will include a succinct summary that describes opportunities for public participation and provides updates regarding project progress.

- f. **Cannabis Program:** The Central Valley Water Board’s Cannabis Regulatory Program regulates waste discharges associated with cannabis cultivation and related ground disturbance activities. The Program is implemented through the Principals and Guidelines for Cannabis Cultivation (Policy) and the statewide Cannabis Cultivation General Order. Board staff engage in coordinated multi-agency efforts for permitting actions, compliance inspections, and if necessary, targeted enforcement actions against cultivators who fail to comply with permitting requirements. Cannabis Regulatory Program staff regularly coordinate with the Department of Cannabis Control, California Department of Fish and Wildlife, local regulatory agencies, and state and local law enforcement agencies. The Central Valley Water Board’s Cannabis Regulatory Program is currently supported by 7 PY in technical staff and 1.5 PY managerial staff.

Racial Equity Goal: Translate important information, including the implementation of best management practices, into languages other than English to increase awareness of the regulatory program among BIPOC communities, including within counties where cannabis cultivation may still be banned. Translate module-by-topic presentations into Spanish by the end of 2023.

- g. **Forest Activities Program:** California's forested lands produce most of the state’s highest quality waters. However, activities in forested lands can lead to non-point source pollution, the leading cause of water quality impairments in California, if not properly mitigated. The Forest Activities Program focuses regulatory efforts and grant funding on land use and restoration activities across 16 million acres of federal and non-federal lands within the Central Valley Region. The Forest Activities Program has 17 PY across all three offices.

Racial Equity Goal: Conduct staff training on CalEnviroScreen tools by the end of 2023. Staff will consider CalEnviroScreen, and related vulnerability tools developed by the Office of Environmental Health Hazard Assessment in prioritizing work near vulnerable communities. Where appropriate, staff will conduct “equitable, culturally relevant community outreach to promote meaningful civil engagement from potentially impacted communities” in connection with the adoption of the Federal Permit. Make findings within the Federal Permit consistent with the requirements of AB 2108.

20. Enforcement and Cleanup Programs

- a. **Compliance and Enforcement Program:** The State Water Resources Control Board and the nine Regional Water Quality Control Boards protect the waters of the state by ensuring compliance with clean water laws and taking enforcement actions when violations occur. The Water Boards have authority under the Water Code to regulate and enforce any activity or factor that may affect the quality of the waters of the state. The Water Boards’ compliance and enforcement actions are guided by the State Water Board’s 5 October 2017 Enforcement Policy. 57 PYs work in C/E (14 PYs in Fresno; 12 PYs in Redding; and 31 PYs in Sacramento).

Racial Equity Goal 1: The State Water Board's Racial Equity Resolution found that violations of clean water laws and regulations disproportionately impact DACs/ BIPOC communities. Although the Enforcement Program currently prioritizes sites based on whether violations have the potential to impact a source of drinking water, or a source of water used by a Tribal Nation, during FY 23/24, program staff will also assess how violations impact DACs and communities of color using tools, including CalEnviroScreen.

Racial Equity Goal 2: Program staff will include a tally of high CalEnviroScreen score sites receiving formal enforcement in quarterly Executive Officer's reports. The Enforcement Program will continue to prioritize Class A priority violations which are those violations that potentially pose an immediate and substantial threat to beneficial uses and/or that have the potential to cause significant detrimental impacts individually or cumulatively to human health or the environment. When appropriate, Executive Officer's reports may also include summary statements about specific sites, and how these violations impact DACs/ BIPOC communities, and the enforcement actions taken.

- b. **Site Cleanup Program:** The Site Cleanup Program (SCP) regulates and oversees the investigation and cleanup of contaminated sites. Staff overseeing investigation and cleanup actions at sites that have been impacted by releases of pollutants to soil, soil gas, groundwater, surface water, sediments, and indoor air. SCP sites include large industrial facilities, military bases, oil refineries, factories, and smaller facilities such as dry cleaners and plating shops. Many properties are in urban areas and environmental justice communities and cleanup often results in contaminant removal, reduced impact to water and economic growth. The types of pollutants encountered at SCP sites are diverse and include fertilizers, heavy metals, solvents, and many others. 30 PY are divided amongst the regulatory oversight of Private, Military, and Department of Energy (D.O.E.) sites.

Racial Equity Goal 1: Program management will ensure that program staff have been trained on the availability and use of GeoTracker tools and layers presenting CalEnviroScreen scores and demographics of communities surrounding SCP sites. Using these tools, SCP staff will record the CalEnviroScreen scores and GeoTracker site status to evaluate cleanup progress relative to burdened communities.

Racial Equity Goal 2: Site Cleanup and UST program staff, in collaboration with the State Water Board's Office of Public Participation, will develop revisions to public outreach guidelines to incorporate "equitable, culturally relevant community outreach to promote meaningful civil engagement" from those communities where remedial action plans and site closures are going to be considered by the Board, consistent with the requirements of AB 2108.

- c. **Underground Storage Tank (UST) and Aboveground Storage Tank (AST) Program:** The Underground Storage Tank (UST) and Aboveground Storage

Tank (AST) Program address leak prevention, oversight of leaking underground tank cleanups, and reimbursement to responsible parties conducting cleanups. Board staff is primarily involved with the oversight of cleanups. Currently, Board staff is actively directing the cleanup work at approximately 289 leaking underground tank sites. Since inception of the program, over 3,000 UST releases have been investigated, remediated, and closed at the direction of the Board.

Racial Equity Goal 1: Develop a means of prioritizing efforts to move stalled cases toward closure where cases are located within environmental justice communities.

Racial Equity Goal 2: Site Cleanup and UST program staff, in collaboration with the State Water Board's Office of Public Participation, will also develop revisions to public outreach guidelines to incorporate "equitable, culturally relevant community outreach to promote meaningful civil engagement" from those communities where remedial action plans and site closures are going to be considered by the Board, consistent with the requirements of AB 2108. Specific to the UST program, outreach efforts shall acknowledge that a large percentage of UST/gas station sites are owned and operated by the South Asian community, and therefore "culturally relevant community outreach" will include language assistance will be provided in languages spoken by this community.

Regulatory Findings

21. Public Notice: The Central Valley Water Board provided notice of its intention to consider this matter at a public meeting and provided an opportunity for interested persons to comment on the tentative resolution and its attachments. The draft resolution and its attachments were mailed to the interested persons and regulatory agencies and posted on the Board's website.
- 22.34. Public Hearing: The Central Valley Water Board, at a public meeting, heard and considered all comments pertaining to this matter.

THEREFORE, BE IT RESOLVED THAT the California Regional Water Quality Control Board, Central Valley Region, adopts the goals for inclusion in Programmatic Workplans for FY 23/24 and beyond.

I, Patrick Pulupa, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 8 December 2022.

PATRICK PULUPA, Executive Officer

14 December 2022
Date