ENVIRONMENTAL JUSTICE COALITION FOR WATER

California Water Plan Update 2009
Implications for Environmental Justice Communities

Submitted by the Environmental Justice Coalition for Water
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Overarching Environmental Justice Elements Missing from the Water Plan 2009 Update

1) A strategy and measureable objectives to provide every Californian with safe, affordable drinking water.
2) A strategy and measurable objectives to ensure that Californians that rely on fish as part of their subsistence diet have access to fish that is safe to feed to their families.
3) A strategy and measurable objectives to protect water resources necessary both to protect human health and to support tribal cultural uses of California's water resources for recognized and unrecognized tribes.
4) A strategy and measureable objectives to educate and mobilize all Californians to take action to protect, conserve, and restore California's water resources starting with the protection and restoration of the watersheds that are a necessary pre-requisite of healthy water systems.

Suggested Amendments to existing Objectives

Objective 1 - Promote, improve, and expand Integrated Regional Water Management

- Add the following action "*identify disadvantaged communities and their water related needs, and ensure equitable distribution of benefits to disadvantaged communities, in particular prioritizing projects that protect public health and safety*"
- "require that all IRWMP decision-making bodies include representation from diverse constituents including NGOs and disadvantaged communities.

Objective 2 - Increase water use efficiency, recycling, and reuse to help meet future water demands and adapt to climate change

- Related Action #1 – new bullet - *By 2010, Urban Water Management plans should include information identifying disadvantaged communities within the service area, and efforts to target conservation activities towards these communities*.
- Revised Action #4 –As part of their IRWM, ~~*urban*~~ communities should invest in facilities to capture, treat and reuse XXXX acre-feet per year statewide of urban storm water runoff, such as underground storage beneath parks, small surface basins in drainages, *domestic storm water capture systems,* or the creation of catch basins or sumps downhill of development. Depending on the source and application, captured storm water may be suitable for use without additional treatment, or it may be blended with recycled water to augment local supplies.
- Revised action #7 – "By XXXX, the legislature should authorize and fund new incentive-based programs to promote the widespread and mainstream adoption of aggressive water conservation, recycling and reuse by urban and agricultural water systems and their users. *These programs should include a monitoring plan that will*

1201 MARTIN LUTHER KING BLVD., PRESERVATION PARK, OAKLAND, CA 94612
(T) 510.286.8400 • (F) 510.440.2502 • WWW.EJCW.ORG

allow agencies to track the effectiveness of the programs, and the extent to which they provide equitable benefits to disadvantaged communities."

- New Action #9 – We need something on gray water, but nothing comes to mind – maybe it can just be included in the presentation.

Objective 4 – Protect and restore surface water and groundwater quality to safeguard public and environmental health and secure California's water supplies for their intended uses.

- Consider adding a bullet to Action #1 – *Take action to ensure that public health is protected throughout the implementation of TMDLs by investing in risk reduction strategies that reduce exposure to contamination (such as through subsistence fishing)*
- Consider adding amending the second bullet on Action #4 - Increase the acceptance and promote the use of recycled water and the reuse of storm water *and gray water* as locally available, sustainable water supplies

Objective 6 - Promote and practice Integrated Flood Management to provide multiple benefits for better emergency preparedness and response, higher flood protection, more sustainable flood and water management systems, and enhanced floodplain ecosystems

- Consider the following addition to Action #3 - All at-risk communities should develop, adopt, practice, and regularly evaluate formal flood emergency preparedness, response, evacuation, and recovery plans. *The State should provide financial and technical assistance to help disadvantaged communities located in flood plains prepare for and recover from flood emergencies.*

Objective 7 – Practice sustainable management of the California Delta with the Delta ecosystem and a reliable water supply for California as co-equal goals and by recognizing the Delta as a unique and valued area.

- Addition to the title – Objective 7 – Practice sustainable*, equitable* management of the California Delta…
- New proposed action #19 – *Ensure that community impacts of Delta actions are mitigated, including the needs to transition community economies as land retirement and fallowing programs are implemented.*
- New proposed action #20 – Evaluate and adjust management decisions to avoid negative impacts on disadvantaged communities and maximize equitable benefits to those communities.

Objective 9 – Reduce the energy consumption of water and wastewater management systems to mitigate greenhouse gas emissions

- Addition to action 3, bullet 3 - By XXXX, the California Energy Commission, in collaboration with the WETCAT, will develop tools and protocols to evaluate, measure, and verify the energy impacts of water system and end use conservation and efficiency activities/programs. *This evaluation model will include the ability to determine the equity and effectiveness of conservation and efficiency activities/programs in serving disadvantaged communities, both urban and rural.*
- *Correction to Action 4* - As part of their IRWM plans, urban*, and where feasible, rural* communities should invest in facilities to capture, treat and reuse XXXX acre-feet per year statewide of urban storm water runoff ……

- Action 6 amendments - By XXXX, State government will establish a public goods charge for funding investments in water efficiency (and potentially other IRWM management strategies) that will lead to reductions in greenhouse gases. As noted by the Economic and Technology Advancement Advisory Committee, a public goods charge on water can be collected on water bills and then used to fund end-use water efficiency improvements, system-wide efficiency projects and water recycling. Depending on how the fee schedule is developed, a public goods charge could generate $100 million to $500 million annually to invest in further efficiency improvements. *As part of implementing such a charge, the State will investigate the feasibility of exempting low-income ratepayers from such a charge, and will develop a monitoring and assessment program to track the distribution of the funds collected to ensure equitable benefits.*

Objective 10 - Improve and expand monitoring, data management, and analysis to support decision-making in light of uncertainties that support Integrated Regional Water Management and statewide flood and water resources management systems.

- Addendum to Action #5 - By 2009, DWR, the Water Boards, the Department of Public Health, and the California Bay-Delta Authority will complete a feasibility study for a water use measurement database and reporting system. Information on water use is currently limited and often unreliable. Accurate measurement of water use can facilitate better water planning and management, especially in the context of managing aquifers more sustainably, and is necessary for the development of sound hydrologic budgets. *This database should be able to identify systems with water quality and supply challenges, as well as the median household income of the communities served by these systems, to the extent that such data has been collected by coordinating agencies.*
- Addendum to Action #8 - In 2008, DWR completed the Integrated Water Resources Information System as a working prototype of the Water Planning Information Exchange (Water PIE). IWRIS facilitates sharing data and networking existing databases and Web sites, among State, federal, regional, and local agencies and governments and citizen monitoring efforts. This information exchange system will improve analytical capabilities and develop timely surveys of statewide land use, water use, and estimates of future implementation of resource management strategies. By XXXX, DWR will expand the number of IWRIS partners (information providers) by XXXX and its users by XXXX, *and will incorporate information gathered by DWR and other state agencies on the existence and water-related needs of the state's disadvantaged communities*

Objective 11 - Identify and fund focused research on new water technology to help carry out water programs and better manage water systems

- Add Action #4 – *The state will prioritize research into cost-effective water treatment technology for small water systems, including but not limited to treatment techniques for nitrates and arsenic.*

Objective 12 – Increase Tribal participation and access to funding for water programs and projects to have more sustainable Tribal water resources

The CWP –AC has included a Tribal Water Advisory Committee to advise on tribal issues. We defer to the Tribal Water Advisory Committee's recommendations as long as they include tribal water concerns for all tribes both federally recognized and non-federally recognized tribes.

Additional Objective

Objective 13 *– Increase the inclusion of disadvantaged communities in state processes and programs, and achieve both the equitable distribution of benefits and the mitigation of impacts from the implementation of state programs and policies, and particularly ensure that state programs and policies are designed to address the most critical public health threats in disadvantaged communities.*

Water Plan Update 2005 recommended that DWR and other State agencies must invite, encourage, and assist representatives from disadvantaged communities and vulnerable populations, and the local agencies and private utilities serving them, to participate in statewide, regional, and local water planning processes and to get equal access to State funding for water projects. State policy establishes social equity and environmental justice as a State planning priority to ensure the fair treatment of people of all races, cultures, and income, in particular those having experienced significant disproportionate adverse health and environmental impacts.

To enforce the fair treatment clause, four key requirements must be met:

- *Disadvantaged and disproportionately impacted communities must be identified and engaged;*
- *The water – related needs of these communities must be identified and potential solutions developed and funded – we provide several existing issues that should be incorporated substantively into the state water plan;*
- *The impact of water management decisions on these communities must be considered and mitigated.*
- *All State programs must be evaluated to document progress.*

One of the challenges that state agencies and water systems have expressed about trying to address the needs of disadvantaged communities is simply the #s question – who are they? Where are they? It is not difficult to address, but agencies are often hampered by their insistence on defining communities strictly through a water lens. In some cases local colleges and universities, or the local public health agency, may already have this information assembled in a useful format that takes into account pollution sources and health indicators in addition to income and race information. The State Water Plan can provide guidance and tools for identifying disadvantaged and environmental justice communities.

It is vitally important, but not sufficient, merely to identify community needs. Most water projects are not developed for these communities; yet still have some impact. An important thing to understand is that even projects that convey "general" public benefit may not benefit EJ or disadvantaged communities proportionally. For example, conservation programs that are heavily dependent upon toilet and washing machine rebates will have greater penetration in middle and upper class communities than they will on poorer communities that purchase less frequently and cannot afford the initial outlay for the fixture. These problems are generally pretty easily resolved by taking community concerns into account during the project design phase in order to ensure equitable benefits.

Another concept that plays into the measurement of impacts is the cumulative effect of a project. It is understandable that water agencies would simply look at other water projects in determining the impact of their project, but that ignores the reality of these communities –that they live with so many stressors that one more, from any source, is one more than they can handle.

Finally, while not strictly necessary, it makes sense when developing a project to determine whether you can provide additional benefits. This is particularly true in already impacted communities. For example, if an agency is developing a flood control project in an EJ community, it makes sense to look at ways of developing that project that will not just take care of flooding, but which may provide open space, habitat or recreation for the community, or that will take care of local flooding issues that are not the primary object of the project.

Related Action #1 - ***Increase Disadvantaged Community Participation in Planning***

- *DWR and the State Water Board will incorporate environmental justice issues of precautionary applications, cumulative health impact reductions, public participation, community capacity building and communication, and meaningful participation into current and future California Water Plan Update processes and other their respective programs.*
- *DWR will require that grant and loan recipients conduct outreach to disadvantaged communities and vulnerable populations and their advocates seeking their participation in water planning programs, including the California Water Plan Update and Integrated Regional Water Management Plans and other local water planning processes.*

Related Action #2 - ***Increase Disadvantaged Community Access to Funding***

- *DWR will work with disadvantaged communities and vulnerable populations and their advocates to review DWR funding programs and develop guidelines that make funding programs equally accessible to disadvantaged and environmental justice communities.*
- *DWR will work with disadvantaged communities and vulnerable populations and their advocates to develop a technical assistance program to provide resources, expertise and information to disadvantaged and environmental justice communities to enable them to actively and equally participate in planning processes and access funding sources.*

Related Action #3 – ***Collect and Maintain data on EJ and Disadvantaged Communities***

- *DWR, in coordination with the appropriate State and federal agencies, will review its current monitoring and regulatory programs to identify and address gaps in available data and monitoring programs that impact disadvantaged communities and vulnerable populations.*

Related Action #4 – ***Develop Water Plan Goals and Measureable Objectives to Resolve Water-related Public Health Issues in Disadvantaged Communities.***

- *DWR will develop plan goals and objectives to ensure that all Californians have access to safe drinking water.*
- *California Tribes, both recognized and unrecognized, will provide goals and objectives to protect tribal uses of water, especially those that impact the health of tribal members.*
- *DWR will develop statewide goals and objectives for the provision of safe fish for communities that rely on fish as part of their subsistence diet.*
- *DWR, in consultation with other state agencies, including the Department of Conservation, and community groups, will develop goals and objectives to restore and protect watersheds making use of existing community-based watershed councils and groups that are an under-utilized tool in maintaining and restoring California's water resources.*