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Objective is from the California Water Plan, Update 2013 Volume 1, Chapter 8 – Roadmap for Action

Objective 13 — Ensure Equitable Distribution of Benefits

Increase the voice of small and disadvantaged urban and rural communities in State processes and programs to achieve fair and equitable distribution of benefits. Provide access to safe drinking water and wastewater treatment for all California communities and ensure programs and policies address the most critical public health threats in disadvantaged communities.

Update 2005 recommended that DWR and other State government departments and agencies should 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 (EJ) as State planning priorities 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 affected communities must be identified and engaged.
- The water-related needs of these communities must be determined and potential solutions developed and funded.
- The impact of water management decisions on these communities must be considered and mitigated.
- All State programs must be evaluated to document progress.

A number of efforts to better address EJ and economically disadvantaged community concerns have advanced since Update 2005.

In 2008, the California Public Resources Code, Section 75005(g), was added to define a “disadvantaged community” (DAC) as a community with a median household income of less than 80 percent of the statewide average. A “severely disadvantaged community” is one with a median household income of less than 60 percent of the statewide average.

The current DWR guidelines for IRWM funding, allocated through voter-approved Propositions 84 and 1E, identify statewide priorities among which is a goal to “ensure equitable distribution of benefits.” For implementation grants, DWR has prioritized proposals that:

- Increase the participation of small communities and DACs in the IRWM process.
- Develop multi-benefit projects with consideration given to affected DACs and vulnerable populations.
- Address safe drinking water and wastewater treatment needs of DACs.

In 2012, California Water Code Section 106.3 was added to declare that the established policy of the State recognizes every human being as having the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. All relevant State agencies, including DWR, SWRCB, and CDPH, are required to consider this State policy when revising, adopting, or establishing

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policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section.

Other initiatives have also moved forward, including:

- Final Report to the Governor’s Office August 20, 2012, Governor’s Drinking Water Stakeholder Group, Agreements and Legislative Recommendations.
- CDPH’s Small Water System Program Plan.
- SWRCB’s Small Community Wastewater Grant Program.

Even with all these efforts, one of the challenges that State agencies and water systems express about trying to address the needs of DACs is simply answering these two questions: “Who are DACs?” and “Where are DACs?”

The CWP can provide guidance and tools for identifying disadvantaged and EJ communities. It is vitally important to identify community needs. Many water, wastewater, and flood projects are not developed for these communities, and yet they can affect them. It is important to understand that even projects that convey “general” public benefit may not proportionally benefit EJ communities or DACs. For example, conservation programs that depend heavily on toilet and washing machine rebates will have greater penetration in middle- and upper-income communities than they will in poorer communities that purchase less frequently and cannot afford the initial outlay for the fixture. These problems are resolved by taking community concerns into account during the project design phase to ensure equitable benefits.

Another concept that plays into the measurement of impacts is the cumulative effects and incremental burden of a project. It is understandable that water agencies would look at other water projects in determining the impact of their project, but that practice ignores the reality of DACs. That is, these communities endure so many challenges on a daily basis, that one more, from any source, only adds to what may already be an excessive burden.

Finally, planners should develop multi-benefit projects with consideration given to affected DACs and vulnerable populations. This is particularly true in already affected communities. For example, if an agency is developing a flood management project, it would be prudent to look at developing the project in ways that will provide flood protection, as well as open space, wildlife habitat, and/or recreational opportunities, to DACs and vulnerable populations.

In addition, performance measures, lead entities, current funding status, and whether legislation is required to complete the related actions below have been identified. This supporting information is presented in a table in Volume 4, *Reference Guide*, titled “California Water Plan Related Actions and Performance Measures,” and will be used to track the future progress of each related action.

Related Actions

13.1 Ensure implementation of the policy goals of California Water Code Section 106.3 (Assembly Bill [AB] 685), which state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

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- 13.1.1 State agencies should ensure that the goals established by the policy — safe, clean, affordable, and accessible water adequate for domestic uses — are reflected in agency planning.
 - 13.1.2 State agencies should give preference to actions that advance the policy and strive to avoid taking actions that adversely affect the human right to water.
 - 13.1.3 State agencies should track actions undertaken to promote the policy and make information relevant to the human right to water available to the public.
 - 13.1.4 Governor’s Office of Planning and Research (OPR) should provide access to resources defining public participation best practices to State agencies, through its local government roundtable and the OPR Web site. State agencies should implement best practices, within available resources, for public participation in agency decision-making by California’s diverse population.
 - 13.1.5 State agencies should facilitate access by rural and urban disadvantaged communities (DACs) and California Native American Tribes to state funds for water infrastructure improvements.
 - 13.1.6 State agencies should ensure the effectiveness of accountability mechanisms protecting access to clean and affordable water.
 - 13.1.7 In consultation with State agencies, OPR should provide guidance and/or guidelines to inform and assist State agencies in implementing California Water Code Section 106.3 (AB 685).
 - 13.1.8 State agencies are encouraged to review their policies, regulations, and funding criteria for consistency with California Water Code 106.3 (AB 685).
- 13.2 Increase environmental justice (EJ) and DAC participation in State agency water-related planning, programs, processes, and projects.
- 13.2.1 The California Department of Water Resources (DWR) and the other California Water Plan (CWP) State Agency Steering Committee members should incorporate EJ issues of precautionary applications, cumulative health impact reductions, public participation, community capacity building and communication, and meaningful participation in current and future CWP update processes and other programs.
 - 13.2.2 DWR grant and loan recipients should demonstrate participation by DACs and vulnerable populations and their advocates to seek their participation in water planning programs, including the CWP update and integrated regional water management (IRWM) plans and other local water planning processes.
- 13.3 Support financial mechanisms to facilitate improved and sustainable wastewater removal systems.
- 13.3.1 The State Water Resources Control Board (SWRCB) and DWR should establish incentives for substandard septic or small wastewater systems to connect with municipal, regional, or other upgraded wastewater systems.
 - 13.3.2 Local and regional agencies should be encouraged to establish introductory, then graduated, wastewater rates to allow a period of adjustment for new and affordable rates.
 - 13.3.3 DWR, the California Department of Public Health (CDPH), SWRCB, the California Public Utilities Commission (CPUC), and other State agencies should evaluate and create a consistent metric for water affordability.
- 13.4 Remove barriers to local and regional funding for water projects conducted to support DAC and EJ communities.

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- 13.4.1 The SWRCB, CDPH, DWR, and other State agencies should work with DACs and vulnerable populations and their advocates to review State government funding programs and develop or revise guidelines that make funding programs more accessible to DACs and EJ communities.
 - 13.4.2 The SWRCB, CDPH, DWR, and other State agencies should implement and expand technical assistance programs developed in collaboration with DAC/EJ communities and their advocates to provide them with resources, expertise, and information leading to more successful access to funding.
- 13.5 Provide incentives for the consolidation, acquisition, or improved management of small water systems.
- 13.5.1 CDPH should establish incentives for large water systems to consolidate with small water systems or others without access to safe drinking water.
 - 13.5.2 CDPH should encourage drinking water providers and other governmental and non-governmental entities to conduct outreach and education for customers and shareholders regarding proposed consolidations.
 - 13.5.3 CDPH should support efforts to improve licensing and training options for small water system operators.
- 13.6 CDPH should continue to implement its Small Water System Program Plan to assist small water systems (especially those serving DACs) that are unable to provide water that meets primary drinking water standards.
- 13.6.1 CDPH should share the Small Water System Program Plan with relevant federal, State, and local agencies, as well as stakeholders, to foster additional opportunities for funding, coordinate construction projects in communities, and assist in local and regional planning efforts.
 - 13.6.2 CDPH should utilize geographic information system (GIS) tools to identify large water systems in close proximity to targeted small water systems, and conduct targeted outreach to these large water systems to encourage them to consolidate the small systems into their service area.
 - 13.6.3 CDPH should work with stakeholders to identify obstacles to consolidation (including financial, legal, and local issues) and develop possible actions to address these obstacles.
 - 13.6.4 Relevant State agencies should cooperate with local agencies in efforts to specifically determine and address the water infrastructure needs of individual domestic well users and small water systems with less than 15 connections.
 - 13.6.5 CDPH should seek input from other states and the federal government on innovative, successful efforts to address the needs of small water systems, and should share its results on implementation of its Small Water System Program Plan.
- 13.7 State and federal agencies should coordinate to better address water-related problems in DACs and vulnerable populations.
- 13.7.1 State and federal agencies should coordinate to better collect and maintain data on EJ communities and DACs.

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- 13.7.2 The SWRCB, CDPH, DWR, and other State and federal agencies should coordinate their review of current monitoring and regulatory programs to identify and address gaps in available data and monitoring programs that affect DACs and vulnerable populations.
- 13.7.3 CDPH, DWR, and SWRCB should initiate more data collection, study, and analysis to develop options, recommendations, strategies, and programs to assist DACs.