

About the California Water Boards

CalEPA Tribal Advisory Committee (TAC)
December 2017



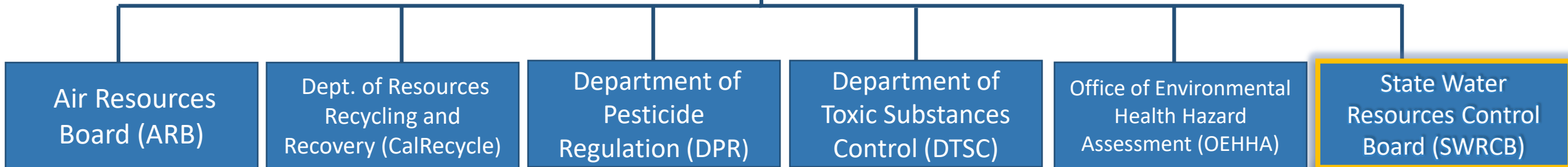
CAL EPA



Governor
Edmund G. Brown Jr.



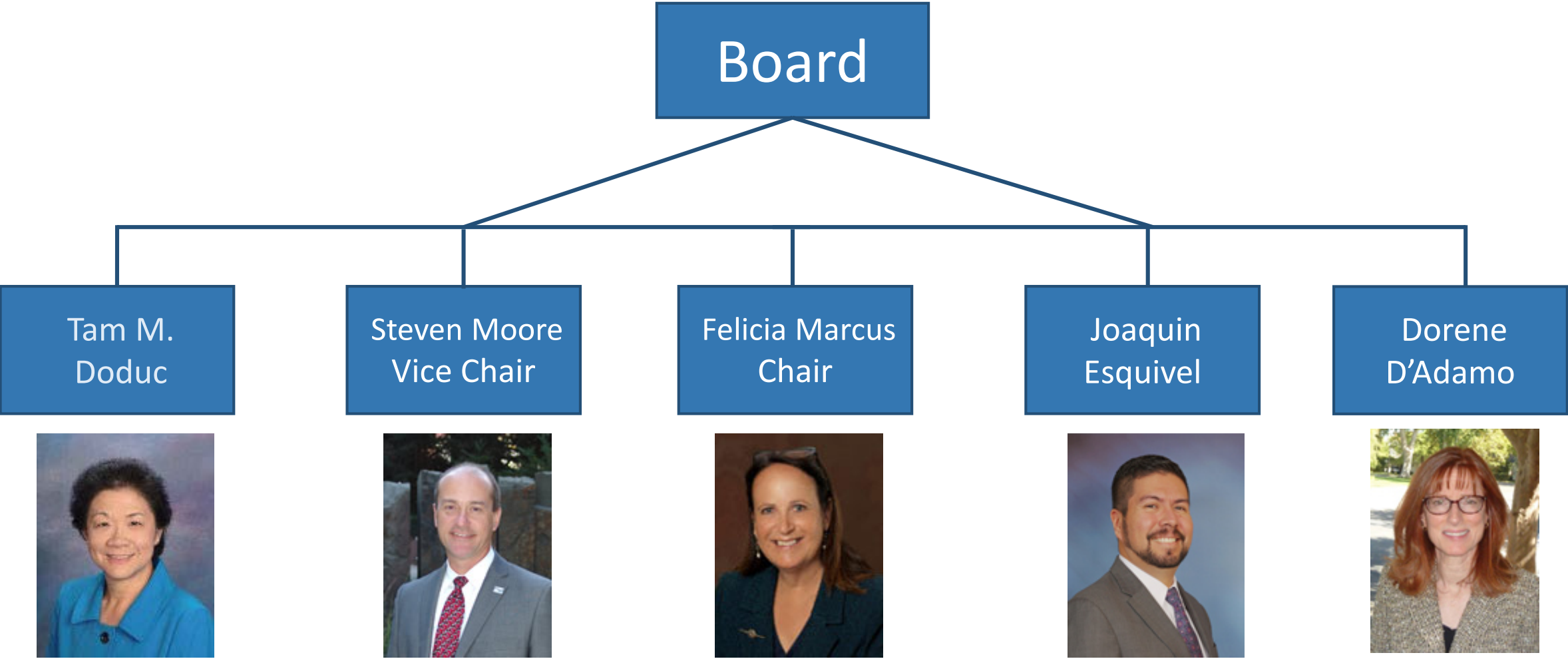
CalEPA



State Water Resources Control Board (SWRCB)

BOARD (SWRCB)
WATER RESOURCES CONTROL


STATE WATER BOARD STRUCTURE





WHAT DO WE DO?

“To preserve and enhance the quality of California’s water resources, and ensure their proper allocation and efficient use of water for the benefit of present and future generations”



Porter-Cologne Water Quality Control Act
Federal Clean Water Act (CWA)
Sustainable Groundwater Management Act (SGMA)
Federal and State Safe Drinking Water Act (SDWA)

Legal Framework

CALIFORNIA WATER

- nearly 1.6 million acres of lakes
- 1.3 million acres of bays and estuaries
- 211,000 miles of rivers and streams, and
- about 1,100 miles of exquisite California coastline.

For a population of:

- Over 39,000,000 million



CALIFORNIA WATER BOARDS

- One State Water Board
- Nine Regional Water Boards
- Regional Board boundaries generally based on watersheds
- About 2,000 employees statewide

- 1 – North Coast Region
- 2 – San Francisco Bay Region
- 3 – Central Coast Region
- 4 – Los Angeles Region
- 5 – Central Valley Region
- 6 – Lahontan Region
- 7 – Colorado River Basin Region
- 8 – Santa Ana Region
- 9 – San Diego Region



STATE & REGIONAL WATER BOARDS

- Created by the State Legislature in 1967
- **The State Board** sets statewide policy, coordinates and supports the Regional Water Board efforts and reviews petitions that contest Regional Board actions
- **The nine Regional Water Boards** develop “basin plans” for their hydrologic areas, issue waste discharge permits, take enforcement action against violators and monitor water quality

FUNDING OF WATER BOARD PROGRAMS

- Fees
- Federal funding
- Special funds
- General funds
- 94 different fund sources

DIVISION OF WATER QUALITY

Regulate, monitor, enforce, and develop water quality objectives

Surface Water

- Nonpoint Source Pollution Control Program
- National Pollution Discharge Elimination Sys. (NPDES)
- Water Quality Plans TMDLs
- 303(d)/305(b)

Ground Water

- Ground Water Monitoring and Assessment (GAMA)

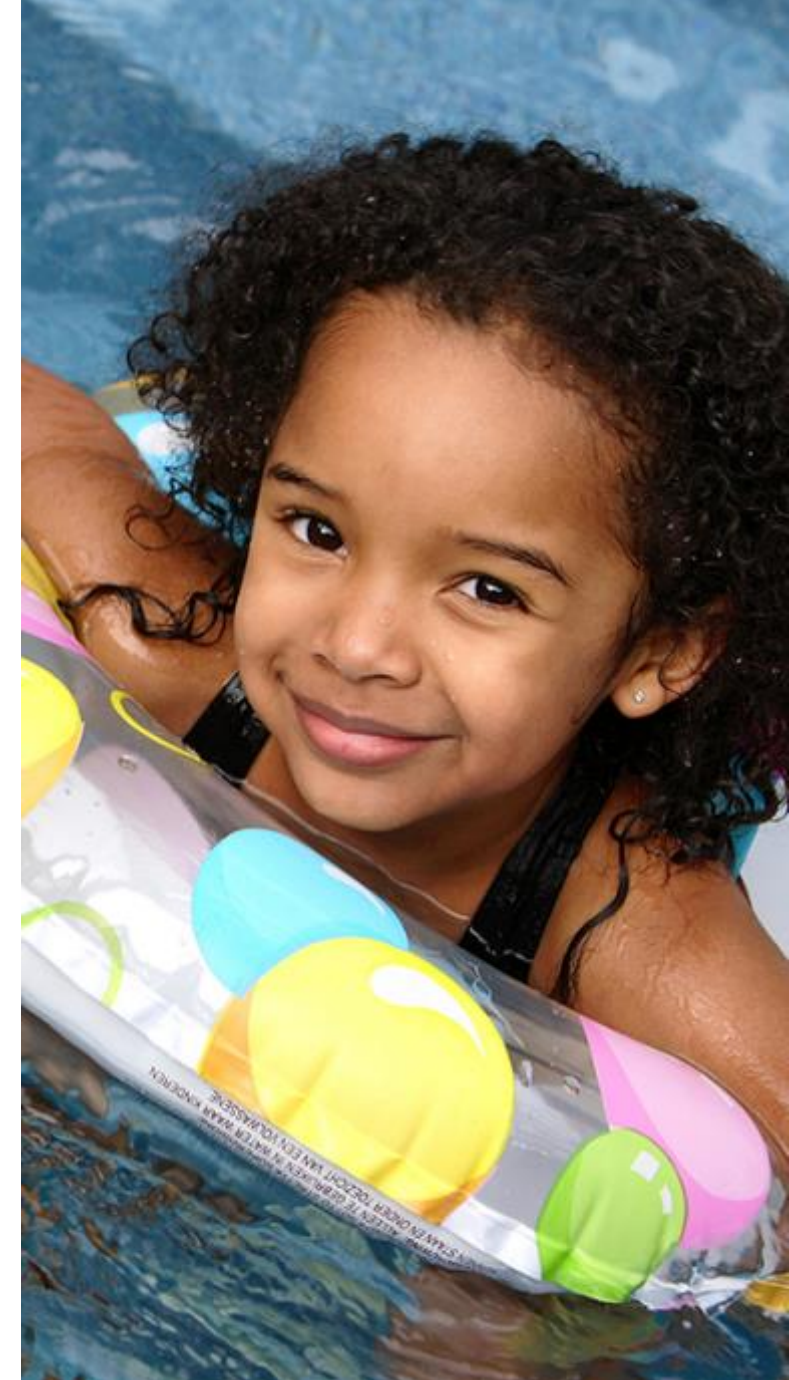
Ocean



DIVISION OF WATER RIGHTS

Water Rights allocates surface water and permits subterranean streams

- Water is a “public trust”
- Individuals, groups, business or government agencies can obtain the right to reasonable amounts of water for specific purposes
 - Via permits, licenses, and registrations
- Must be used for a beneficial purpose (domestic use, industrial use, municipal or agricultural)



DIVISION OF DRINKING WATER

- 24 Districts – 13 offices across the state
- DDW oversight of 7,500 Public Water Systems (PWS)
 - Assure the delivery of safe drinking water to all users
 - Oversees water recycling projects
 - Permits water treatment devices
 - Supports and promotes water system security
- SB 88 requires certain water systems that consistently fail to provide safe drinking water to consolidate with another PWS.
 - Voluntary consolidations



DIVISION OF FINANCIAL ASSISTANCE

Provides loans and grants to protect the sources of California's Waters

- Construction of municipal sewage and water recycling facilities
- Remediation for underground storage tank releases
- Watershed protection projects
- Nonpoint source pollution control projects
- Pollution prevention
- Cleanup activities

Funding (depending on source) are available to cities, counties, Tribes and non-profits agencies

[Funding for Tribes Brochure here!](#)



OFFICE OF ENFORCEMENT

- Legal staff help bring administrative liability actions before the Water Boards and help prepare cases for referral to outside prosecutors
 - Investigative staff
 - 1) Special Investigation Unit (SIU)
 - 2) the Underground Storage Tanks (UST)
 - 3) Cannabis Cultivation Enforcement Unit
 - 4) Fraud, Waste and Abuse Prevention Unit (FWA)

Supplemental Environmental Projects (SEPs) – RP can agree to undertake a project in settlement of up to 50% of penalty cost



Data & Databases

- Compliance & Enforcement
- Contaminants
- Facilities
- Funding
- Groundwater
- Surface Water
- Drinking Water
- Water Conservation
- Open Data and Maps

For a quick link to the Water Boards databases click here!

https://www.waterboards.ca.gov/resources/data_data_bases/site_map.html



Photo by Erick Burre

Electronic Water Rights Information Management System (eWRIMS)

- Search water right permits and licenses
- Information on statements of water diversion and use that have been filed by water diverters
- Registrations, certificates, and water right permits and licenses that have been issued by the State Water Resources Control Board and its predecessors

For assistance with eWRIMS Help Center, or contact the Division of Water Rights at (916) 341-5300 or ewrims@waterboards.ca.gov

Water Right (13)

Points of Diversion					
36950	S010558	01	0	S	0
39400	S001785	01	8	S	31
45122	S007755	01	0	S	0

Groundwater Ambient Monitoring and Assessment Program (GAMA)

- GeoTracker GAMA system consists of groundwater sampling data and water level information.
- Well construction details are also available for State and Regional Water Boards (regulated sites).
- The GeoTracker GAMA displays water quality data from various sources on an interactive Google-based map and is searchable by chemical or location.

For assistance, contact the Help Desk at GAMA@waterboards.ca.gov or 916-341-5577

For GAMA click here: <http://geotracker.waterboards.ca.gov/gama/>

GeoTracker

- GeoTracker is a data system for managing sites that impact water quality in California
- Contains record of sites that require cleanup (Leaking Underground Storage Tanks, Department of Defense Site, Cleanup Program Sites)
- With SWRCB contact information
- Also unregulated projects and permitted facilities including; irrigated lands, oil and gas production, operating permitted USTs and Land Disposal Sites

For general assistance contact the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028

The screenshot displays the GeoTracker interface for the PG&E TOPOCK COMPRESSOR STATION (SL0607161506). The header features the CA.GOV logo and the STATE WATER RESOURCES CONTROL BOARD GEOTRACKER title. A navigation bar includes links for Home, Tools, Reports, UST Case Closures, and Information. The main content area shows the site name with a map link and a sign-up for email alerts. The address is I-40 & PARK MOABI ROAD, NEEDLES, CA 92363, SAN BERNARDINO COUNTY. It is identified as a CLEANUP PROGRAM SITE and provides links for associated environmental projects, printable case summaries, and CSM reports. Cleanup oversight agencies listed include the Colorado River Basin RWQCB (Region 7) and the Department of Toxic Substances Control. A navigation menu offers options like Summary, Cleanup Action Report, Regulatory Activities, Environmental Data (ESI), Site Maps / Documents, Community Involvement, and Related Cases. The Regulatory Profile section includes a link to the printable case summary, cleanup status (OPEN - REMEDIATION AS OF 7/15/2010), and details on potential contaminants and media of concern. A table lists file locations, user-defined beneficial uses (NONE SPECIFIED), designated beneficial uses (MUN, AGR, IND), DWR groundwater sub-basin names (Needles Valley (7-044)), and Calwater watershed names (Homer - Dead Mountains (713.30)). The Site History section provides information links to the site's website and a 'whats-new' page.

Link here: <http://geotracker.waterboards.ca.gov/> or by county; http://geotracker.waterboards.ca.gov/sites_by_county.asp

FAA\$T

- View and download proposals submitted to the Financial Assistance Application Submittal Tool
- Water Board's online loan and grant system

For assistance, please contact
[FAAST Admin@waterboards.ca.gov](mailto:FAAST_Admin@waterboards.ca.gov) or
(866) 434-1083

The screenshot shows the 'Public Proposal View' page for the FAA\$T program. At the top, there is a header with the 'FAA\$T' logo and the text 'FINANCIAL ASSISTANCE APPLICATION SUBMITTAL TO'. Below the header, the page title is 'Public Proposal View'. A paragraph explains that the page allows viewing the application as submitted by the applicant, showing the funding program(s) applied for, but does not show eligibility information. A red text line indicates the application status: 'Pin No: 32484 - Chemehuevi Indian Tribe - Havasu Landing - ASSIGNED', followed by a 'Back to Search Screen' button. The 'Application Overview' section is highlighted and contains the following details:

- RFP/Survey Title:** Groundwater Quality Funding Programs - SCAP
- Submitting Organization:** SCS Engineers
- Submitting Organization Division:**
- Project Title:** Chemehuevi Indian Tribe - Havasu Landing
- Project Description:** The Site is located at the Havasu Landing located on Lake Havasu within the Chemehuevi Indian Reservation, San Bernardino County, California. Three 10 underground storage tanks (USTs) provided fuel for sale at the Havasu Landing Resort hardware store. Trends in the tank inventory measurements indicate release, and a tank tightness test was performed on March 29, 2010 to determine whether a release had occurred. The central UST (Tank 2) failed the tank tightness test. Gilbert Parra, Environmental Director of the Chemehuevi Indian Tribe (Tribe), called the U.S. Environmental Protection Agency (EPA) to report this failed tank same day. Following that call, Tank 2 was emptied of its contents (unleaded gasoline) to prevent further release. On April 9, 2010, EPA sent a letter to the Tribe to determine the nature and extent of the release be investigated.
- Water System ID:**
- District Office:**

Below the overview, there is a section for 'APPLICANT DETAILS' with the following information:

- Applicant Organization:** Chemehuevi Tribe
- Applicant Organization Division:**
- Applicant Address:** P.O. Box 1976 , Havasu Lake , CA - 92363

At the bottom, there is a 'PROJECT LOCATION' section with the following coordinates:

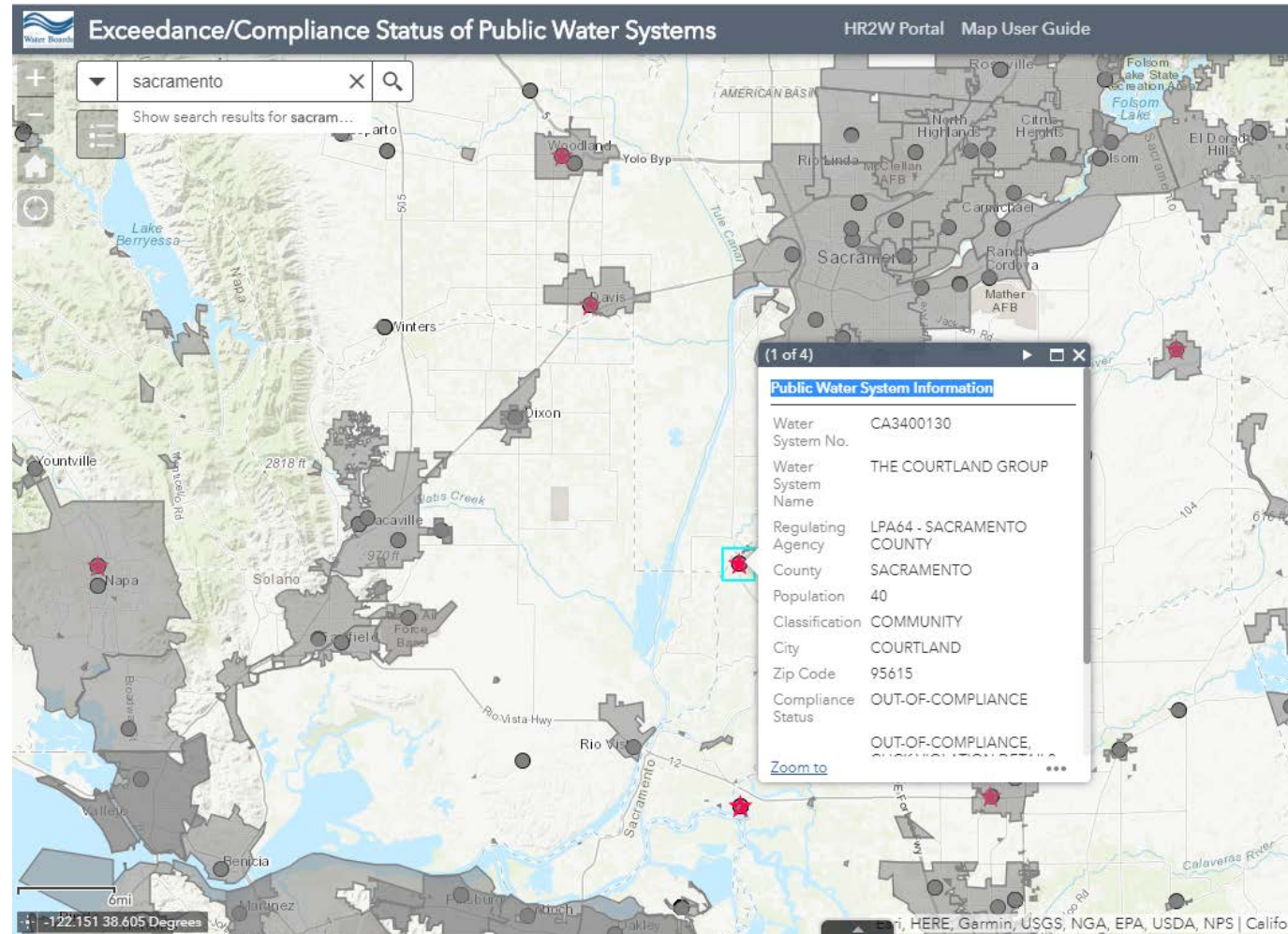
- Latitude :** 34.151526
- Longitude:** -114.416059

Link here: http://faast.waterboards.ca.gov/Public_Interface/PublicPropSearchMain.aspx

Human Right to Water Portal (HR2W)

- Data on more than 3,000 community, schools and daycare public water systems (PWS) in California
- Users look up their water system and see whether it complies with federal drinking water standards
- Interactive map that shows the locations of 292 public water systems that are currently out of compliance with federal standards for contaminants (such as nitrate and arsenic)

For help, contact hr2w@waterboards.ca.gov or (916) 449-5158



Link here: <https://waterboards.maps.arcgis.com/apps/webappviewer/index.html?id=573c97635cc747b8bb73cf1c8706fc22&mobileBreakPoint=480>

2015/2016 Fiscal Year Facts

- Almost 42,000 facilities regulated
- Almost 7,000 inspections conducted
- Almost 4,500 permitting actions
- Nearly 31,000 water rights holders regulated
- Over \$1billion in Clean Water State Revolving Funds allocated
- Almost 5,000 enforcement action



PUBLIC INVOLVEMENT

- Meetings, workshops, stakeholder groups
- Program outreach efforts
- Top listserve (Lyris)
- Filing of complaints

GENERAL INTERESTS

- The State Water Board's Home Page...

- Board Meetings
- Board Workshops
- Cannabis Cultivators
- CEDEN - California Environmental Data Exchange Network
- Environmental Laboratory Accreditation Program (ELAP)
- Environmental Justice - OPP
- Fee Regulations - Water Quality
- Groundwater Management
- Groundwater Workplan
- Performance Report - Performance Management - Targets
- Regulations - General
- Strategic Planning Update 2007
- Tribal Matters
- Water Affordability (AB 401)
- Water Conservation Regulations

- Monitoring Council Workgroups & My Water Quality Portals...

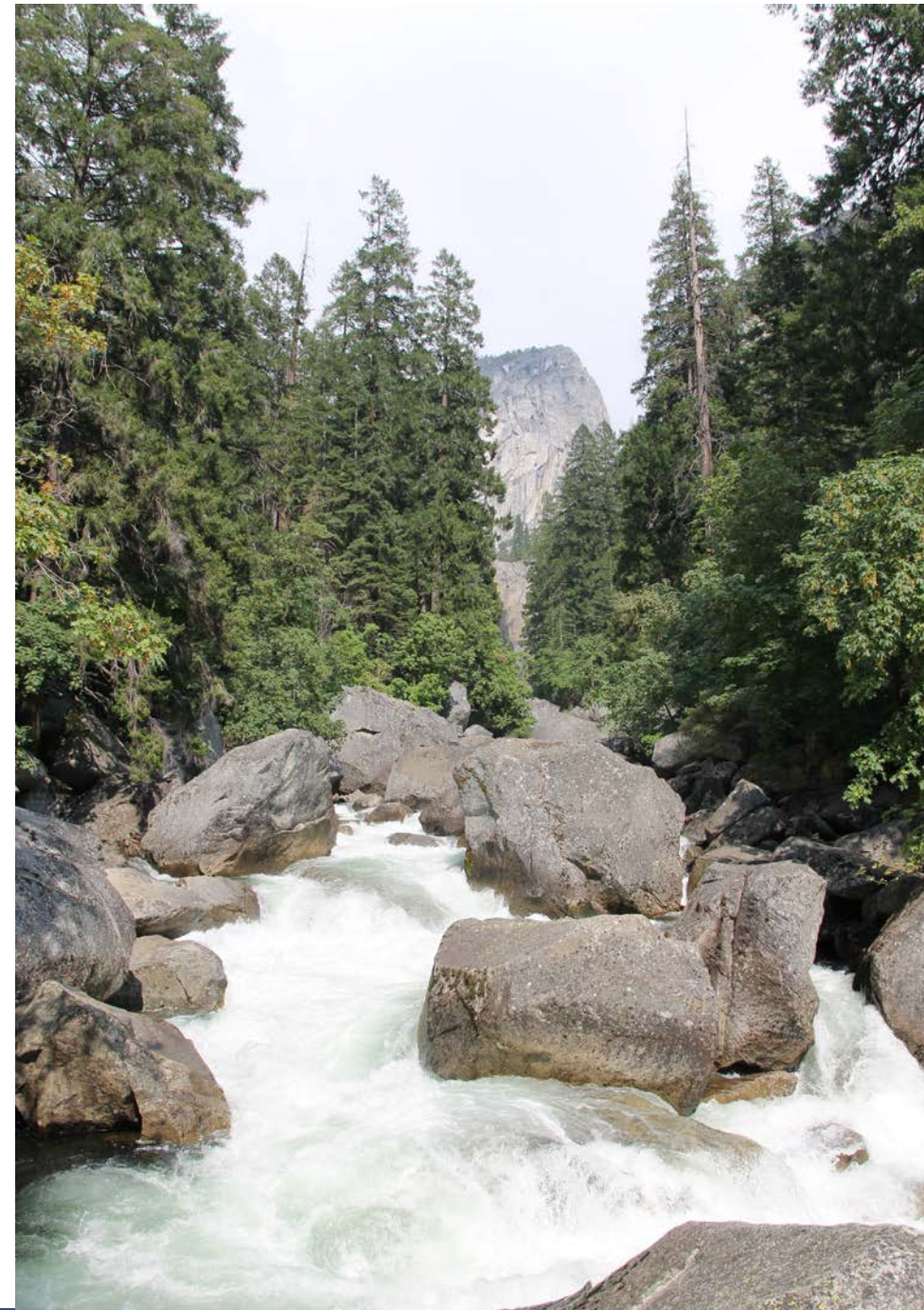
- Bioaccumulation Oversight Group (BOG)
- California Cyanobacteria and Harmful Algal Bloom (CCHAB) Network
- California Environmental Flows Workgroup
- California Estuary Monitoring Workgroup
- California Healthy Watersheds Partnership
- California Safe Drinking Water Workgroup

Link to email listserves: https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

GET INVOLVED IN DECISION MAKING

Examples of Board Decisions:

- Adopt new regional and statewide water policies, plans, or regulations
- Issue permits to those planning to discharge into the state's waters
- Take enforcement action against water quality violators
- Review applications for the use of surface water, and
- Make funding decisions regarding water quality grants and loans

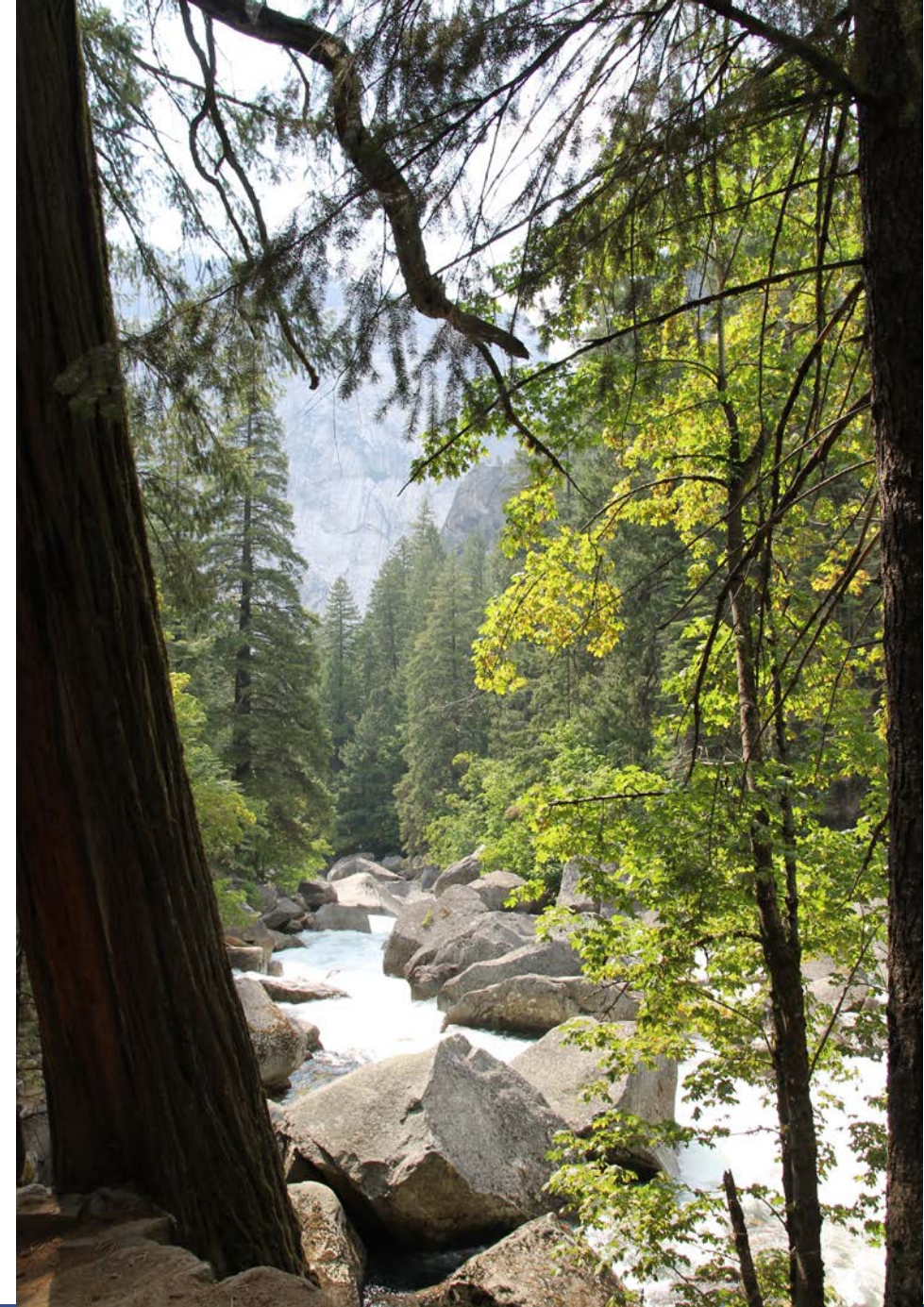


PARTICIPATE

- Attend meetings, workshops and hearings
- Make presentations before the Boards
- Mail Letters
- Send E-mails
- Submit written comments on reports and findings
- Call staff
- Schedule appointments to visit Board staff
- Participate as a member of a stakeholder group or advisory committee member
- Schedule Consultations as needed

CURRENT WATER BOARD/ TRIBAL CONVERSATION

- Tribal Consultation (AB 52 and other)
- Water Rights Assistance for Drought Stricken Communities
- Human Right to Water
- Impacts of Cannabis Cultivation on/near Tribal lands
- Tribal Beneficial Uses



RESOURCES

- **Citizen's Guide to Working with the California Water Boards**

https://www.waterboards.ca.gov/publications_forms/publications/general/docs/citizenguide.pdf

- **California Water Boards 2016 Accomplishments Report**

https://www.waterboards.ca.gov/publications_forms/publications/general/docs/accomplishments_report2016.pdf

- www.waterboards.ca.gov

- **Office of Public Participation**

- Gita Kapahi, Tribal Liaison (916)341-5501
- Angela Rabe (916) 322-4266
- Moises Moreno-Rivera (916) 341-5261



INFORMATION ABOUT SUPPLEMENTATION ENVIRONMENTAL PROJECT (SEPS)

Matthew Buffleben

Matthew.Buffleben@waterboards.ca.gov

(916) 341-5891

https://www.waterboards.ca.gov/water_issues/programs/enforcement/sep.html

What is a SEP?

- environmentally beneficial projects
- settling party agrees to undertake in the settlement of an action
- To offset a portion of a civil penalty (up to 50%)
- Projects meet the criteria specified in the [SEP Policy](#)
- The Water Boards are currently seeking ideas and proposals for potential SEPs to be reviewed for eligibility and then compiled into a statewide proposed SEP list
 - Updated on a quarterly basis
- SEP list is provided to those issued ACLs

SEP POLICY

On December 5, 2017

- The State Water Board adopted Resolution 2017-0074
 - Amends the Policy on SEPs

https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/seps/20180503_sep_policy_amd.pdf

HOW TO SUBMIT A SEP?

Please utilize CalEPA's SEP Proposal web-based form below;

[CalEPA SEP Proposal Form](#)

Dr. Matthew Buffleben at Matthew.Buffleben@waterboards.ca.gov can also assist in connecting you with the appropriate Regional Water Board or State Water Board Division contact

If you are not sure your SEP is appropriately suited for the Water Boards you can also contact Chris Tiedemann at Chris.Tiedemann@calepa.ca.gov

BENEFICIAL USES

Beneficial uses are the cornerstone of water quality protection and reflect the goals of a water body. They are intended to protect both potential and existing uses of a water.

- California defined beneficial uses are treated the same as federally designated uses.
 - Federal – Federal Clean Water Act Sections 101(a)(2) and 303(c)(2), 40 CFR 131.3(e)
 - California – California Water Code Section 13050

STEP 1 – DEFINE THE USE

- Most beneficial uses are defined in individual regional water board basin plans and the definitions can vary from one region to another.
- However, beneficial uses can be defined in statewide Water Quality Control Plans which provides consistency across the regions.
- For examples, the statewide Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries includes the definitions for tribal tradition and culture (CUL), tribal subsistence fishing (TSUB), and subsistence fishing (SUB) beneficial uses.

STEP 2 – DESIGNATE THE USE

- The Regional Water Boards identify updates and priorities for their individual Basin Plans during the triennial review process. This would include updating the designated beneficial uses for waters within the region.
 - The schedule for triennial reviews varies by region.
 - During the triennial review process or at any other time an interested party can present a request to the regional water board.

STEP 2 – DESIGNATE THE USE

- To support a use designation there has to be substantial evidence indicating the action is supported.
 - The CUL use designation also requires confirmation by a California Native American Tribe.
 - There is no limit on the number of beneficial uses a water may have, and the uses must be supported even if no specific objectives exist to protect those uses.

STEP 2 – DESIGNATE THE USE

- Updating the Beneficial Use tables in a Regional Basin Plan would require a Basin Plan Amendment and constitutes a standards action.
 - This process requires Regional Water Board, State Water Board, Office of Administrative Law, and U.S. EPA approval
 - Multiple administrative procedures must be followed for public participation etc.
 - Process takes a minimum of 1-2 years.

STEP 3 – DEVELOP WQOS TO PROTECT THE USES

- Water Quality Objectives are designed to support beneficial uses and are different than effluent limitations.
 - Water Quality objectives apply directly to the water body itself, such as a stream or a reservoir
 - Effluent limitations apply to discharges and generally apply to effluent at the outfall.

STEP 3 – DEVELOP WQOS TO PROTECT THE USES

Two types of Water Quality Objectives narrative and numeric.

- Narrative objectives are generally qualitative in nature. For example, “The concentration of toxic substances in the water column, sediments or biota shall not adversely affect beneficial uses.”
- Numeric water quality objectives set a specific numeric limit, generally for a specific contaminant and are generally limiting in nature. For example, waters designated with the WARM beneficial use shall not have a dissolved oxygen level below 5 mg/L.

STEP 3 – DEVELOP WQOS TO PROTECT THE USES

- Numeric water quality objectives are generally more difficult to develop, as the limits must be supported by peer reviewed science.
 - Developing and promulgating numeric water quality objectives can take several years.
- In many cases an objective developed to protect one beneficial use will be protective of other beneficial uses as well. For example, a water quality objective for copper designed to protect aquatic life beneficial uses can also be protective of wildlife and human health beneficial uses.

STEP 4 – WATER QUALITY ASSESSMENT

- To assess a waterbody for support of beneficial uses requires an applicable beneficial use and an associated water quality objective or evaluation guideline.
- The process for assessing a waterbody as impaired is outlined in the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (commonly referred to as the Listing Policy)
- https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf

QUESTIONS?

- Contact information:
- Rebecca Fitzgerald, Chief of the Water Quality Standards and Assessment Section
rebecca.fitzgerald@waterboards.ca.gov
916-341-5775

BACTERIA OBJECTIVES

- The proposed Bacteria Provisions were developed to update the water quality objectives for waters designated with the Water Contact Recreation (REC-1) beneficial use.
- The State Water Board sent letters dated May 10, 2016 to 14 tribal communities which included all of the California tribes registered to receive Assembly Bill 52 notices.
- One response for consultation was received from the United Auburn Indian Community of the Auburn Rancheria.
 - The consultation was subsequently cancelled by the Cultural Resource Manager

BACTERIA OBJECTIVES

- CEQA scoping held in January and February of 2015.
- June 30, 2017 draft documents released for public review and comment.
- July 10, 2017 – staff led workshop held.
- August 1, 2017 – State Water Board Public Hearing held to receive oral comments.
- August 16, 2017 – written comment period ended at 12:00pm.
- August 7, 2018 – State Water Board Meeting to consider adoption.

More information here: <https://www.waterboards.ca.gov/bacterialobjectives/>

BACTERIA OBJECTIVES

- Several comment letters received including letters from:
 - The Quartz Valley Indian Reservation
 - The Karuk Tribe
- Staff is currently responding to the comments received and making associated changes to the Bacteria Provisions and supporting documentation in response to the comments. Those documents will be posted in January.
- <https://www.waterboards.ca.gov/bacterialobjectives/>

QUESTIONS?

- Contact information:
- Nick Martorano, Chief Water Quality Assessment Unit nicholas.martorano@waterboards.ca.gov
(916) 341-5290

THANK YOU!

Gita Kapahi

Tribal Liaison

(916) 341-5501

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Water Boards

STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS