

House Committee on Transportation & Infrastructure
Subcommittee on Water Resources and Environment
The Clean Water Act at Fifty: Highlights and Lessons Learned from a Half Century of Transformative Legislation
Tuesday, September 20, 2022, 10:00 A.M. Eastern/7:00 A.M. Pacific
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(Chair Esquivel:)

- Good morning Chair and Committee Members, and thank you for this opportunity to participate and reflect on the Clean Water Act in on its fiftieth anniversary. My name is Joaquin Esquivel and I have the honor to Chair the State Water Resources Control Board for the State of California.
- California, and the State Water Resources Control Board in particular, has a unique relationship with the Clean Water Act.
- The State Water Board, as we refer to it, came into its present form in 1967 when the existing State Water Board and the State Water Rights Board were consolidated.
- The State Water Board and the nine Regional Water Quality Control Boards (Regional Water Boards) have regulatory responsibility for protecting the water quality of nearly 1.6 million acres of lakes, 1.3 million acres of bays and estuaries, 211,000 miles of rivers and streams, and approximately 1,100 miles of coastline.
- The federal Clean Water Act and the state's Porter-Cologne Water Quality Control Act are the twin foundations of water quality control in California.

WATER QUALITY DATA AND METRICS

- As we celebrate fifty years of the Clean Water Act, California continues the work to protect and restore watersheds, marine waters, and ecosystems.
- Our Strategic Work Plan outlines our objectives, to ensure river and stream flows support fish, wildlife, recreation and other beneficial uses.
- The Work Plan is ambitious and wide-reaching, focusing on items such as:
 - Developing timely Clean Water Act Section 401 water quality certifications for large hydropower projects,
 - Improving models, tools, and data needed to evaluate the interconnection between streamflow and other beneficial uses,

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- Improving management of surface water temperatures to reduce fish mortality and improve watershed and ecosystem health,
 - Amending our state's Ocean Plan to address ocean acidification and hypoxia, and to align the Ocean Plan with toxicity policies,
 - Implementing statewide harmful algal bloom strategies,
 - Implementing a recently-adopted permit for large habitat restoration projects
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- California is geographically and hydrologically complex, and any effort to apply a statewide water quality standard must begin with an understanding of the many hydrological regimes that can be found from our high deserts to our temperate rainforests.
 - As our collective understanding of the causes of, and contributions to, water quality impacts grows, so does the work required to ensure a healthy environment for all Californians.
 - This work begins with our Water Quality Planning and Standards Program, which establishes designated water uses, sets water quality criteria to protect those uses, and develops antidegradation planning to keep waters clean and to protect existing uses.
 - To give some idea as to the complexity of water quality issues in our state, I would turn your attention to the 2020-2022 California Integrated Report.
 - The Integrated Report is an inventory and assessment of waters of the state that the State is required to update and submit to the U.S. Environmental Protection Agency every two years.
 - California rotates which regions are required to update their inventory, and our Central Coast, Central Valley, and San Diego Regions updated their inventory this year.
 - In the 2020-2022 report, we evaluated nearly 4.6 million rows of data for over 1,600 waterbodies and made nearly 25,000 waterbody-pollutant decisions.
 - We're learning more and more each year about water in our state, how it is connected to every facet of our lives, and how our changing

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climate is affecting water in ways that are surprising and unanticipated.

- It takes a great deal of time and effort to determine whether a waterbody is impaired (i.e., not meeting standards), but that is only the beginning of our work.
- For each waterbody and pollutant combination, we then establish a level – a total maximum daily load, known as a TMDL – necessary to restore the water body and protect its beneficial uses.
- Sometimes multiple pollutants can be addressed in a single TMDL, and sometimes a TMDL can cover multiple waterbodies in a watershed, but each TMDL takes a lot of time and careful consideration.
- TMDLs are not casually undertaken, and the State and Regional Water Boards are currently in the process of developing more than 120 TMDLs.
- Once a TMDL is completed and adopted, that State and Regional Water Boards update water quality control plans.
- Each of the nine regions has a water quality control plan for their jurisdiction, and the State Water Board has water quality control plans for particular areas such as the San Francisco Bay and Sacramento/San Joaquin River Delta, Oceans, Inland Surface Waters, and Enclosed Bays and Estuaries.
- Once a TMDL is incorporated into a water quality control plan, the Water Boards can readopt various NPDES permits to ensure that permitted activities no longer contribute to water quality impairments.
- For pollution sources that do not have a specific point of discharge, the State Water Board's Nonpoint Source Program takes a watershed-level approach, collaborating with state and federal agencies and local governments to control hard-to-pin-down sources of water quality impairments.
- And finally, the State Board's Surface Water Ambient Monitoring Program and the Constituents of Emerging Concern Program improve the state's knowledge and understanding of emerging pollutants, and develop and implement a comprehensive, flexible, statewide management strategy.

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- These are the programs that will help us better understand pollutants such as microplastics or Per and Polyfluoroalkyl Substances like PFOA or PFOS, that are becoming major sources of water quality impairment.
- Our state faces many challenges to ensuring that Californians have access to a clean and healthy environment.
- California is no stranger to the tangible and real effects of ongoing climate change.
- As we experience our most extreme drought on record, we know that we will have to change our approach towards maintaining water quality.
- We're experiencing an epidemic of harmful algal blooms across the state, and our aquatic wildlife is struggling to breathe in oxygen deprived waters from Clear Lake to Lake Merritt in Oakland, and in a myriad of swimming holes that our small rural communities rely on to escape the extreme heat.
- Our forests – the ecosystems that are the foundation of headwaters critical to our water system – are suffering as the frequency and intensity of catastrophic wildfires increases.
- This additional threat to our State has required an immediate and swift change to vegetation and forest management practices and wildfire resilience projects.
- That is why the State Water Board has adopted its Vegetation Treatment General Order to significantly streamline the permitting and approval processes of non-commercial vegetation management projects, without sacrificing water quality.
- We also continue to work with our sister agencies such as CalFIRE, the Department of Conservation, and the Department of Fish and Wildlife, to implement the Forest Practices Act which governs the regulation of commercial timber activities on private and state lands, to ensure that timber harvest plans do not have negative environmental impacts.
- These holistic approaches are important as the Water Board makes strides to address the environmental justice inequities that have

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occurred from past, institutional and outdated decision-making governance structures.

ENVIRONMENTAL JUSTICE, RACIAL EQUITY, AND TRANSPARANCY

- We seek to meaningfully involve everyone affected by the decision we make, and provide open and transparent opportunities for people to participate in public meetings, hearings, and workshops that may affect their environment and health.
- We strive to include those who have been disproportionately impacted by pollution in decision-making processes through outreach and engagement approaches, and the development of multi-language, plain-speaking informational materials.
- In that spirit, the Water Boards have declared that meaningful engagement with our state's Native American Tribes is fundamental to our mission.
- Working with Native American Tribes holds a special value at the Water Boards because of our parallel relationship to the people we serve, and because of Tribes' historic knowledge and experience managing California's water resources since time immemorial.
- The State Water Board, working with our tribal partners, recently developed and defined statewide Tribal Beneficial Uses for water quality purposes, and those beneficial uses are even now being incorporated into the state's water quality plans, acknowledging the importance of traditional ecological knowledge and the unique concerns and needs of Tribes.
- Most notably, in 2021, the State Water Board adopted its Racial Equity Resolution and publicly acknowledged that the historical effects of institutional racism must be confronted through government, and we have condemned racism, xenophobia, bigotry, and racial injustice.
- We are taking action to develop and implement a Racial Equity Action Plan, which will include specific actions the State Water Board will take to address racial inequities, as well as metrics to measure our progress.

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- With this action plan, we envision a sustainable California where race no longer predicts where clean water is available or who has access to it.
- I want to thank Chair Napolitano and the other members of the Committee for this opportunity to provide a Californian perspective on the Clean Water Act, the progress we have made, and the challenges we face in ensuring everyone in our state has access to clean water.
- Thank you.