



# Santa Clara Valley Water District

**File No.:** 18-0068

**Agenda Date:** 2/27/2018

**Item No.:** 4.3.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Environmental Justice Policy Discussion.

### **RECOMMENDATION:**

Discuss and consider three Proposed Environmental Justice Policy Recommendations from the Board Policy and Planning Committee:

- A. Discuss and Consider a Proposed Environmental Justice Policy Statement;
- B. Discuss and Consider a Proposed Environmental Justice Legislative Guiding Principle; and
- C. Discuss and Consider a Proposed Executive Limitation on Environmental Justice Implementation.

### **SUMMARY:**

**INTRODUCTION:** At the Board Policy and Planning Committee (Committee) meeting on January 22, 2017, the Committee requested that staff present a proposed Environmental Justice Policy Statement, Legislative Guiding Principle, and Environmental Justice Implementation Framework for consideration. The Committee also asked staff to provide examples of District projects that could implement Environmental Justice, and to provide the status on Environmental Justice policies in other Water Resources Associations. Accordingly, the following memorandum has been prepared for the Board's consideration. The memorandum includes: 1) a brief definition of Environmental Justice, 2) the three proposed Environmental Justice policy recommendations from the Committee, 3) four examples of District projects, and 4) the status on Environmental Justice policies within Water Resources Associations.

**DEFINITION OF ENVIRONMENTAL JUSTICE - FEDERAL STANDARD:** At the federal level, the Environmental Protection Agency (EPA), the Executive Order on Environmental Justice authorized by President Clinton in 1994, and the White House Council on Environmental Quality (CEQ), collectively define Environmental Justice. As per the EPA, Environmental Justice is "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." The CEQ issued guidance to federal agencies by advising them to "develop effective public participation strategies and assure meaningful community representation in their decision-making process" when forming their Environmental Justice policies and programs."

**PROPOSED RECOMMENDATIONS FOR BOARD CONSIDERATION:**

**A. Discuss and Consider the Proposed Environmental Justice Policy Statement**

Since the EPA is the highest governing federal environmental protection agency in the country, by aligning with the national standard of Environmental Justice defined above, the Board can establish a credible framework to guide the District when implementing Environmental Justice for its Disadvantaged Communities within Santa Clara County. Accordingly, the Board may wish to discuss and consider adding the following Environmental Justice Values Statement to its Board Governance Policies that states:

“We are committed to upholding Environmental Justice for Disadvantaged Communities in Santa Clara County (including low-income, minority, immigrant, tribal, and Limited English Proficiency residents), and will strive to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to our projects and programs.”

**B. Discuss and Consider the Proposed Environmental Justice Legislative Guiding Principle**

The Board may wish to discuss and consider adding a Legislative Guiding Principle that states that: “The District supports federal, state, and local legislation that promotes Environmental Justice for Disadvantaged Communities.”

**C. Discuss and Consider the Proposed Executive Limitation on Environmental Justice Implementation**

The Board may wish to discuss and consider the proposed Executive Limitation on the Implementation of Environmental Justice which can be included in the Board Governance Policies. The following Executive Limitation is proposed:

“The Board-Appointed Officers (BAO) shall promote practices, principles, and programs that support Environmental Justice for Disadvantaged Communities, and shall consider Environmental Justice objectives where appropriate and possible.”

**EXAMPLES OF DISTRICT PROJECTS THAT ILLUSTRATE ENVIRONMENTAL JUSTICE:**

Staff selected four project examples in the Watersheds, Water Utility, External Affairs, and Administration Division that illustrate how Environmental Justice can be implemented:

**1. Watersheds Division-Upper Penitencia Creek Project:** This Project is in its early planning phase and a portion of the Project is intended to be near the Berryessa Flea Market in the East San Jose neighborhood where pockets of Disadvantaged Communities reside. Staff can uphold Environmental Justice by directly incorporating these Disadvantaged Communities into the decision-making process of the Project’s planning, design, construction, and post-construction phases by creating an Advisory Committee that represents the needs of the Disadvantaged Communities. The Advisory Committee

can be comprised of a cross-section of members who can advocate for these Disadvantaged Communities. For example, the Advisory Committee can consist of Disadvantaged Community residents who live in the area where the project will be located, representatives from a Neighborhood Association or Community-Based Organization that works closely with residents in those neighborhoods, and elected officials such as the City Council Member and the County Supervisor who represent that geographic area. Consequently, by creating such a committee, these Advisory Committee members can be the voice of the Disadvantaged Communities at the Upper Penitencia Project planning, design, construction, and post-construction meetings. Furthermore, in addition to creating an Advisory Committee that can be present and advocate for these Disadvantaged Communities at all Project Meetings, staff can also seek the public participation of these Disadvantaged Communities by holding an Upper Penitencia community meeting in the actual East San Jose neighborhoods where the residents live so that they themselves can directly engage in dialogue about the Upper Penitencia Project, provide input about it, and be an active part of making Project decisions alongside District staff.

**2. Water Utility Division-Water Supply Master Plan Planning Objectives:** Staff can implement Environmental Justice into its Water Supply Master Plan Planning Objective process by incorporating it into its water supply planning strategy. Staff can promote Environmental Justice by adding a sub-objective dedicated to Disadvantaged Communities under the “Community Benefits” Section of the Water Supply Master Plan Planning Objectives. The additional sub-objective can state that “community benefits can incorporate the public participation and meaningful representation of Disadvantaged Communities that may be impacted by the plan” as part of the planning criteria. By doing so, the Division is taking into account the voices of Disadvantaged Community members and making an effort to include them in the water supply planning process.

**3. External Affairs Division-Civic Engagement - The Safe Clean Water Grants Program:** This Program can implement Environmental Justice by including language that promotes Environmental Justice in the Minimum Requirements and Evaluation Criteria sections of the FY 2018 Standard Grant Guidelines. For example, the following language can be included as one of the minimum requirements for grant funding: “that the proposed grant project directly recruit the public participation and meaningful representation of Disadvantaged Communities in the project if it is in a location that directly affects Disadvantaged Communities.” Similarly, Civic Engagement staff can also include such language in the “Evaluation Criteria” section of the Standard Grant Guidelines by stating that “the Project shows evidence of public participation and meaningful representation of Disadvantaged Communities.” Staff can also use its grant tracking data to keep a detailed record of how the Environmental Justice goals were achieved.

**4. Administration Division - Human Resources:** Staff can address Environmental Justice by memorializing it as one of the District’s values that upholds its dedication to Diversity. Staff can incorporate Environmental Justice into its employment training program for the District workforce by educating employees on the importance of Environmental Justice. For example, as part of its New Employee Orientation or a Diversity program, staff may consider creating an Environmental Justice Values Statement that states that “the District recognizes the value of incorporating the perspectives of indigent, minority, immigrant, Limited English Proficiency, and tribal populations as it relates to Environmentally-based projects and programs that the District promotes, and therefore recognizes

the importance of this key District priority.”

**ENVIRONMENTAL JUSTICE POLICY WITH WATER RESOURCES ASSOCIATIONS**

Staff inquired into whether or not other water resources associations had Environmental Justice policies. Staff contacted the Association of California Water Associations (ACWA), the Association of Metropolitan Water Agencies (AMWA), and the American Water Works Agencies (AWWA). ACWA, AMWA, and AWWA confirmed that they do not have any published Environmental Justice policies on record at this time. Staff recommends that the District continue to work with these agencies as Environmental Justice policy opportunities (that are consistent with the future position of the Board) arise.

**CONCLUSION:** Environmental Justice policies can empower Disadvantaged Communities with their right to a healthy environment in which to live, learn, and work. Consequently, and based on staff’s analysis of the Proposed Environmental Justice Policy Statement, the Legislative Guiding Principle, and the Executive Limitation on Environmental Justice Implementation, it is recommended that the Board discuss and consider the proposed recommendations put forth in this memorandum.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action is a ministerial action and thus is not subject to the requirements of CEQA.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

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