



EPA Accepts Civil Rights Complaint Against California State Water Board

Washington, D.C. - The U.S. Environmental Protection Agency has issued a [decision](#) accepting for investigation a civil rights complaint filed by a coalition of tribes and environmental justice organizations over the California State Water Resources Control Board's discriminatory mismanagement of water quality in California's San Francisco Bay/Sacramento-San Joaquin Delta watershed.

This is the first Title VI complaint to be filed with the EPA against the California State Water Resources Control Board and the first time the EPA has accepted a complaint alleging discrimination in the management of water against a California state or regional agency.

The complaint was filed by the Shingle Springs Band of Miwok Indians, Winnemem Wintu Tribe, Little Manila Rising, Restore the Delta, and Save California Salmon. The complainants are represented by the Stanford Environmental Law Clinic.

Tribes and Communities Harmed

The [complaint](#), filed on December 16, 2022, alleges that the State Water Board has discriminated against California tribes and communities of color in the Bay-Delta region by failing to update water quality standards and by intentionally excluding tribes and Black, Asian, and Latino residents from participating in policymaking processes.

In particular, the complaint alleges that the out-of-date water quality standards – last updated in the mid-1990s – have allowed a proliferation of harmful algal blooms, collapse of native fish species, and loss of native riparian vegetation. All of this results in particularly severe impacts for Bay-Delta tribes by impairing their practice of culture, ceremony, religion, and subsistence, which are intimately tied to the waterways. And for

communities of color, especially in and around the South Stockton area, who are exposed to the annual toxic algal blooms and alienated from the stagnant and unhealthy waterways flowing near their communities.

“Tribes and communities of color have been systematically excluded from water rights by state-sponsored genocide, broken treaty promises, and discriminatory laws and policies,” explained Stephanie Safdi, a supervising attorney and lecturer with the Stanford Environmental Law Clinic. “Although the State Water Board has acknowledged this history and promised repair, it is instead carrying this discrimination into the present by granting favored access to water rights holders in policymaking processes and letting outdated water quality standards languish. We applaud the EPA for opening this investigation and look forward to reforms that create real equity in both decision-making processes and outcomes.”

Civil Rights Act – Title VI

The Title VI complaint traces the current discrimination facing Native tribes and communities of color in the Bay-Delta back to the beginnings of California statehood. Congress adopted Title VI of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, or national origin under any program or activity receiving Federal funding. Under longstanding federal regulations, Title VI’s prohibitions prevent agencies like the State Water Board that receive federal funds from both intentionally discriminating and adopting policies or practices that create outsized harms for protected groups, including Native tribes and persons of color. By accepting the complaint for investigation, EPA has determined that the alleged discrimination would violate Title VI and the EPA’s civil rights regulations and that it meets other conditions for EPA to exercise jurisdiction.

What Happens Next?

EPA’s rules give the agency 180 days to investigate the allegations in the complaint and make preliminary findings. The complainants and the State Water Board will also have an opportunity to enter informal dispute resolution. Under EPA’s decision, the investigation will focus on two issues:

- (1) whether the State Water Board’s administration of its water quality standards in the Bay-Delta, including delays in updating standards, discriminates against Native tribes and Black, Asian, and Latino residents of the Bay-Delta region, and
- (2) whether the State Water Board has procedural safeguards in place to ensure meaningful public participation in decision-making processes.

Support for Inquiry

Several tribes, community groups, environmental organizations, and policymakers have weighed in in support of the Title VI complaint. These include the Buena Vista

Rancheria Band of Me-Wuk Indians, San Francisco Baykeeper, Golden State Salmon Association, Defenders of Wildlife, the Stockton Chapter of the NAACP, the Catholic Charities Diocese of Stockton, and others.

Statements by the Parties:

Malissa Tayaba, Vice Chair, Shingle Springs Band of Miwok Indians

Our ancestral homelands span Sacramento, El Dorado, Amador, Sutter, Yolo, Placer, and Yuba counties. Since the beginning of time, we have taken care of the land, the rivers, the streams, the plants, animals, and our traditional resources. The Sacramento Bay-Delta is the heart of my tribal community and holds vital resources that have sustained the many indigenous communities that are touched by its influence. Poor water quality now affects the plant and animal resources of the Delta region as well as the Tribe's cultural practices, and ability to carry on our cultural traditions.

Gary Mulcahy, Government Liaison, Winnemem Wintu Tribe

It's pretty bad when California Indians have to file a complaint with the Federal Government so that the State doesn't violate our civil rights.

Artie Valencia, Community Organizer, Restore the Delta

Recreational users and fishermen who depend on the fish here are particularly affected by harmful algal blooms. A friend who got rashes from water skiing in the Delta this past summer will never go into the waterways again after learning about the Delta's harmful algal blooms. I see Stockton residents, mostly immigrants and people of color, fishing in Stockton waterways often for sustenance. For fishermen, the fish that once thrived in the Delta become fewer and fewer in number every year.

Dillon Delvo, Executive Director, Little Manila

As long as the state upholds historic water rights, that we all know to be racist and unfair, we will continue to have first- and second-class California communities.

Kasil Willie (Paiute/Pomo/Wailaki/Wintu), Staff Attorney, Save California Salmon

Environmental Racism is not a thing of the past in California, and it deeply impacts all aspects of life for California's Native American communities. This decision is a major step towards repairing the years of harm to Tribes, communities of color, and environmental justice communities caused by the State Water Board's neglect of its responsibilities to protect our water. We are cognizant of how rare it is for the EPA to find it has jurisdiction and accept discrimination cases and we are grateful the agency

has done so here. We hope that the investigation into the matter will resolve some of the inequities caused by California's water policies and management in the Bay Delta and throughout California.

DOCUMENTS

[TITLE VI COMPLAINT AND PETITION FOR RULEMAKING FOR PROMULGATION OF BAY- DELTA WATER QUALITY STANDARDS](#) 12/16/22 (Complaint)

[EPA ACCEPTANCE OF ADMINISTRATIVE COMPLAINT](#) File No. 01RNO-23-R9 (Response) letter to the California State Water Resources Control Board 8/8/23