

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

RESOLUTION NO. R3-2017-0004

**Adopting the Human Right to Water as a Core Value and Directing Its Implementation
in Central Coast Water Board Programs and Activities**

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds that:

1. With the enactment of Water Code section 106.3, on September 25, 2012, California became the first state in the nation to recognize legislatively the human right to water, following two other state's recognition of the right in their respective constitutions.
2. On February 16, 2016, the State Water Resources Control Board (State Water Board) adopted a resolution that identified the human right to water as a top priority and core value of the state and regional Water Boards, and affirmed the State Water Board's commitment to consider how its activities impact and advance the human right to safe, affordable and clean water to support basic human needs. (Resolution No. 2016-0010.)
3. Water Code section 106.3 provides, in full:
 - (a) *It is hereby declared to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.*
 - (b) *All relevant state agencies, including the [D]epartment [of Water Resources], the state board, and the State Department of Public Health, shall consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section.*
 - (c) *This section does not expand any obligation of the state to provide water or to require the expenditure of additional resources to develop water infrastructure beyond the obligations that may exist pursuant to subdivision (b).*
 - (d) *This section shall not apply to water supplies for new development.*
 - (e) *The implementation of this section shall not infringe on the rights or responsibilities of any public water system.*
4. Effective July 1, 2014, the State's Drinking Water Program was transferred from the California Department of Public Health to the State Water Board.
5. To reflect the expanded scope of the State Water Board's public health responsibility, on February 3, 2015, the State Water Board clarified and revised its mission statement as follows: "To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment,

public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.”

6. The Central Coast Water Board recognizes that a wide range of its activities and projects may involve the human right to water, as defined in Water Code section 106.3, subdivision (a).
7. Preventing and/or addressing discharges that could threaten human health by causing or contributing to pollution or contamination of drinking water sources of waters of the state, are the Central Coast Water Board’s highest priorities. Such discharges should be regulated to attain the highest water quality which is reasonable, considering all demands being made on those waters and the total values involved. (Wat. Code, §§ 13000, 13050, subds. (i)-(m), 13240, 13241, 13263.)
8. The Federal Water Pollution Control Act Amendments of 1972, as amended (33 U.S.C. § 1251 et seq. (Clean Water Act)), and the Porter-Cologne Water Quality Control Act (Wat. Code, Div. 7, § 13000 et seq.) require the Central Coast Water Board to protect all beneficial uses of water, including municipal or domestic water sources (MUN) to ensure their suitability for those uses in water quality control planning and permitting actions. (Wat. Code, §§ 13241, 13263, subd. (a), 13050, subds. (f) and (h).)
9. The State Water Board’s Sources of Drinking Water Policy (Resolution No. 88-63) as incorporated into the Central Coast Water Board’s water quality control plan, establishes a presumption that all surface and groundwaters of the state are “suitable, or potentially suitable, for municipal or domestic water supply.”
10. The Central Coast Water Board administers the Sources of Drinking Water Policy through its water quality control plan by designating water bodies as suitable, or potentially suitable, for municipal or domestic water supply (MUN).
11. The State Water Board’s Anti-Degradation Policy (Resolution No. 68-16), establishes the policy of the state to regulate disposal of wastes into surface and groundwaters “to achieve the highest water quality consistent with maximum benefit to the people of the State.”
12. Considerations relevant to the affordability of water for human consumption, cooking, and sanitary purposes include economic and cost factors, water supply operation and maintenance expenses, and household incomes.
13. Central Coast Water Board staff routinely provide status reports to the Central Coast Water Board on environmental justice activities, including implementation of the human right to water in disadvantaged communities with impacted groundwater. On February 27, 2015 and March 7, 2016, Central Coast Water Board Members participated in environmental justice tours to meet with community members to discuss their successes and challenges associated with drinking water contamination.
14. In consideration of the legislative enactment of the human right to water and the Water Board’s ongoing efforts to consider or promote attainment of that right, it is appropriate for

the Central Coast Water Board to provide clear guidance to staff in administering programs that affect the human right to water.

THEREFORE BE IT RESOLVED THAT:

The Central Coast Water Board:

1. Adopts the human right to water as a core value and adopts the realization of the human right to water as a top priority.
2. Will promote achievement of the human right to water through effective prioritization, implementation, outreach and participation, performance monitoring and reporting, and partnership.
3. Will continue to consider the human right to water in all activities that could affect existing or potential sources of drinking water, including, but not limited to, revising or establishing water quality control plans, policies, non-point source programs, permitting, site remediation, monitoring, and enforcement. However, this resolution does not expand the legal scope of the human right to water as described in Water Code section 106.3, alter the Central Coast Water Board's authority and obligations under applicable law, or impose new requirements on the regulated community.
4. Will promote policies that advance the human right to water and discourage actions that delay or impede opportunities for communities to secure safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

PRIORITIZATION

5. Directs Central Coast Water Board staff to assist the State Water Board and relevant stakeholders to, as resources allow, develop new or enhance existing systems to collect the data needed to identify and track communities that do not have, or are at risk of not having, safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
6. Directs Central Coast Water Board staff to prioritize regulatory programs and activities to prevent and/or address discharges that could threaten human health by causing or contributing to pollution or contamination of drinking water sources of waters of the state.

IMPLEMENTATION

7. Directs Central Coast Water Board staff to regulate discharges to minimize loading to attain the highest water quality which is reasonable, considering all demands being made on those waters and the total values involved. (Wat. Code, §§ 13000, 13050, subds. (i)-(m), 13240, 13241, 13263; State Water Board Resolution No. 68-16.)
8. Directs Central Coast Water Board staff to consider affordability and avoid transfer of costs to communities affected by drinking water contamination, when implementing regulatory programs and conducting enforcement activities.

9. Directs Central Coast Water Board staff to provide, when feasible and as resources allow, technical and compliance assistance to disadvantaged communities to develop the capacity of the recipient community to evaluate solution(s) and select a sustainable approach that supports the human right to water.
10. Directs Central Coast Water Board staff to consider existing law and policies that may be relevant to assessing water safety, cleanliness, affordability, accessibility, adequacy, and sustainability, such as those referred to in recitals 6-11, when considering the human right to water.
11. Directs Central Coast Water Board staff to consider policies that allow for and incentivize local and regional efforts for protecting drinking water and providing replacement water where appropriate while long-term water quality solutions are developed and implemented, including related to the Sustainable Groundwater Management Act.
12. Directs Central Coast Water Board staff to prepare, implement, and regularly update a work plan that includes specific actions and time schedules to ensure the human right to water is achieved throughout the Central Coast Region.

OUTREACH AND PARTICIPATION

13. Directs Central Coast Water Board staff, as resources allow, to engage meaningfully with communities that lack adequate, affordable, or safe drinking water, including providing community outreach.
14. Directs Central Coast Water Board staff to provide opportunities for communities that lack adequate, affordable, or safe drinking water to engage in Water Board activities and provide meaningful input to Water Board decisions that affect their communities.
15. Directs Central Coast Water Board staff to evaluate the extent to which a proposed project, plan, decision, or action, pertinent to the human right to water, has been developed with meaningful engagement of impacted communities.
16. Directs Central Coast Water Board staff to eliminate impediments to data access, and Work with the State Water Board and other appropriate agencies to maximize the availability and accessibility of data and information regarding drinking water quality to support the development of solutions and inform all stakeholders, including communities that lack adequate, affordable, or safe drinking water.

PERFORMANCE MONITORING AND REPORTING

17. Directs Central Coast Water Board staff to describe how the right was considered, when submitting a recommendation to the Water Board pertinent to the human right to water.
18. Directs Central Coast Water Board staff to assist the State Water Board and relevant stakeholders in the development of performance measures for the evaluation of the Water Board's progress towards the realization of the human right to water, evaluate that progress, and explore ways to make that information more readily available to the public.

19. Directs Central Coast Water Board staff to provide regular progress reports to the Water Board regarding implementation of the human right to water, and incorporate that information into the Executive Officer's annual report. The report will provide the status of work plans and their implementation, performance measures and outcomes, and successful strategies that achieved progress in attaining the human right to water and opportunities to address continuing challenges.

PARTNERSHIP

20. Directs Central Coast Water Board staff to explore opportunities, and when practical, in partnership with other governmental agencies or organizations, non-profit organizations, impacted communities, and private businesses, to work toward realizing the human right to water within the Central Coast Water Board's programs and projects.

I, JOHN M. ROBERTSON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region on 26 January 2017.

JOHN M. ROBERTSON, Executive Officer