

Resolution R3-2017-0004

Human Right to Water

Item 7

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Central Coast Water Board Meeting

January 26, 2017

Purpose

Item 7 recommends approval of the Human Right to Water Resolution R3-2017-0004, which adopts the human right to water as a core value and directs its implementation in Central Coast Water Board programs and activities.

Outline

- Human Right to Water Law (HRTW)
- Water Board Coordination
- Drinking Water in the Central Coast Region
- Proposed Human Right to Water Resolution
- Public Comments
- Staff Recommendation

Protecting Drinking Water

Water Code Section 106.

“ It is hereby declared to be the established policy of the State that the use of water for domestic purposes is the highest use of water...”

(Enacted by Stats. 1943, Ch. 368.)

Human Right to Water Law

Water Code Section 106.3

“ 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....”

The law requires relevant agencies to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria.

(Enacted by Stats. 2012, Ch. 524.)

Water Board Coordination

- **State Board Office of Public Affairs** – Coordinates with Regional Boards to ensure effective implementation of the HRTW law.
- **February 2016** – State Board adopted Resolution No. 2016-0010
- **April 2016** – Central Valley Water Board adopted Resolution R5-2016-0018
- **March 2016** – Central Coast Water Board directed staff to develop a resolution for Board consideration that includes specific actions and timeframes.

Drinking Water in the Central Coast Region

- **Water Board has primary responsibility for protecting drinking water from pollution.**
- Many communities are 100% reliant on groundwater for their drinking water supply.
- Protection of drinking water sources is essential.
- **Pollution of drinking water and impacts to communities is significant challenge.**
- 2013 Report to Legislature identified communities whose primary source of drinking water is contaminated groundwater.
- Nitrate, arsenic, perchlorate, PCE, and TCE.
- 90 large community water systems in region rely on a contaminated drinking water source, serving ~250,000 people.
- Hundreds of state and local small community water systems also impacted.
- In some areas, ~40% of domestic drinking water wells sampled are contaminated.



July 2013 – Farm Labor Community, Salinas Valley

Human Right to Water Resolution R3-2017-0004

- Provides an opportunity for Board to memorialize the human right to water as a top priority, integrated into decision making throughout all programs.
- Gives clear direction to staff and transparency to stakeholders regarding the Board's intentions to implement the human right to water.
- Builds upon resolutions adopted by State Board and Central Valley Water Board, adding detail to inform implementation.

Prioritization, Implementation, Outreach & Participation, Performance Monitoring & Reporting, and Partnership

Examples...

PRIORITIZATION (Resolved Par. 5-6)

Par. 6 – “Directs 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..”

IMPLEMENTATION (Resolved Par. 7-12)

Par. 8 – “Directs staff to consider affordability and avoid transfer of costs to communities affected by drinking water contamination, when implementing regulatory programs and conducting enforcement..”

Par.12 – “Directs staff to prepare, implement, and regularly update a workplan that includes specific actions and time schedules to ensure the human right to water is achieved ..”

OUTREACH AND PARTICIPATION (Resolved Par. 13 - 17)

Standard good governance intended to promote opportunities for stakeholder engagement in decision-making, especially for those impacted by drinking water pollution and underrepresented.



Feb. 2016 – Community Meeting, Los Lomas

Prioritization, Implementation, Outreach & Participation, Performance Monitoring & Reporting, and Partnership

Examples continued...

PERFORMANCE MONITORING AND REPORTING (Resolved Par. 17-19)

Intended to promote accountability and transparency regarding the success of our efforts to implement the human right to water law.

PARTNERSHIP (Resolved Par. 20)

Par. 20 – “Directs 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..”



July 2013 – EJCW and San Jerardo Cooperative

Summary

- Wide range in drinking water source quality in region. Sources of drinking water in some areas are in poor condition and impacts to communities are significant.
- Water Board has primary responsibility and authority to protect drinking water sources and we must improve our program implementation.
- Identifies human right to water as the top priority and ensures human right to water is considered in broad range of activities and projects.
- Does not expand legal scope of human right to water law, does not impose new requirements on regulated community, and does not expand any obligation of the Water Board to provide water or alter existing law.

Public Comments

- 30-day public comment period (December 6, 2016 - January 6, 2017)
- Staff received four comment letters from the following organizations and individuals (Attachment 4):
 - 1) Environmental Justice Coalition for Water (EJCW),
Community Water Center, Clean Water Action, San Jerardo Cooperative, Johnson Road Community Residents, Food and Water Watch, Carpe Diem West, Environmental Working Group, Otter Project and Monterey Coastkeeper, Comite Civico del Valle, Water Flows Free, Sol Communications, Tri Valley, CARES, Khalid Kadir – UC Berkeley Lecturer, and Food Empowerment Project (**SUPPORT**)
 - 2) Fresnans Against Fracking, submitted by Ronald J. Martin, PhD. and Laura Rosenberger (**SUPPORT**)
 - 3) Laura Rosenberger-Haider (**SUPPORT**)
 - 4) Grower-Shipper Association of Central California (GSA)

Recommendation

Adopt Resolution No. R3-2017-0004 as proposed, incorporating the Human Right to Water as a core value and directing its implementation into Central Coast Water Board programs and activities.



QUESTIONS