
North Coast Regional Water Quality Control Board

RESOLUTION NO. R1-2019-0024

ADOPTING THE HUMAN RIGHT TO WATER AS A CORE VALUE AND DIRECTING ITS IMPLEMENTATION IN NORTH COAST REGIONAL WATER BOARD ACTIVITIES AND AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF MUTUAL UNDERSTANDINGS WITH THE NORTH COAST RESOURCE PARTNERSHIP

WHEREAS, The North Coast Regional Water Quality Control Board (hereafter Regional Water Board) finds:

1. On February 16, 2016, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2016-0010 declaring the Human Right to Water as a core value and directing its implementation in Water Board programs and day-to-day activities. The resolution directs State Water Board staff and encourages Regional Water Boards, as resources allow, to meaningfully engage with communities that lack adequate, affordable, or safe drinking water, including providing community outreach, technical assistance and financial resources, as part of the Water Boards' administration of programs or project funding pertinent to the human right to water.
2. California Water Code (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.

3. The Regional Water Board recognizes that a wide range of its activities and projects may involve the right to sanitation and hygiene facilities, and the human right to water, as defined in Water Code section 106.3, subdivision (a).
4. Among the Regional Water Board's highest priorities are 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. 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, subs. (i)-(m), 13240, 13241, 13263.)
5. 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 Regional Water Board to protect all beneficial uses of water, including municipal or domestic water sources to ensure their suitability for those uses in water quality control planning and permitting actions. (Wat. Code, §§ 13241, 13263, subd. (a), 13050, subs. (f) and (h).)
6. The State Water Board's Sources of Drinking Water Policy (Resolution No. 88-63) as incorporated into the Regional 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."
7. 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."
8. The Regional Water Board administers the Sources of Drinking Water Policy through its Water Quality Control Plan for the North Coast Region (Basin Plan) by designating water bodies as suitable, or potentially suitable, for municipal or domestic water supply (MUN).
9. The Basin Plan identifies program actions designed to preserve and enhance water quality and to protect beneficial uses of water in North Coast communities, 67 percent of which are small and disadvantaged or severely disadvantaged, and 77 percent of which face a financial hardship, as determined by an analysis conducted by Regional Water Board staff in 2016.
10. Many small and disadvantaged communities in the North Coast rely on onsite wastewater treatment systems (i.e., septic systems) for wastewater treatment and disposal, which are prone to failure if not properly operated and maintained. Additionally, some of these communities have old and undersized wastewater collection and treatment facilities. These wastewater facilities can pose significant public health and safety threats and adversely affect beneficial uses of surface water and groundwater.

11. Several water supply facilities serving small and disadvantaged communities in the North Coast were installed decades ago and need upgrades to meet current demand. Meeting increasing demand for water has further elevated the need to augment water supplies and restore watershed processes, and to further incentivize groundwater sustainability, storm water capture for beneficial reuse, and wastewater recycling. Many small and disadvantaged communities, however, lack the resources to plan and construct wastewater recycling projects; storm water capture, infiltration and reuse projects; or to develop and implement groundwater management plans.
12. The Regional Water Board recognizes the need to provide technical and financial assistance to small and disadvantaged communities as well as communities facing a financial hardship, which often lack the financial resources, staffing and technical expertise to successfully identify and develop approvable projects that address water supply and sanitation and complete loan and grant applications.
13. Regional Water Board staff coordinates with the State Water Board Division of Financial Assistance, other funding agencies, and technical assistance providers to assist small and disadvantaged communities plan, fund and complete water and wastewater infrastructure projects, wastewater recycling projects, storm water capture, infiltration and reuse projects, and to develop and implement groundwater management plans within the North Coast Region.
14. The North Coast Resource Partnership (NCRP) is a collaboration of local government, watershed groups, Tribes and interested partners focused on sustainable environmental and socio-economic framework in the North Coast.
15. The NCRP coalition consists of seven North Coast counties (Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Mendocino, and Sonoma), the Sonoma County Water Agency, the Mendocino County Water Agency and North Coast Tribes.
16. The NCRP governance framework consists of two committees: the Policy Review Panel (PRP), which is the governing body for the NCRP, and the Technical Peer Review Committee (TPRC), an advisory body to the PRP that provides scientific and technical expertise to the NCRP.
17. The TPRC is comprised of technical & scientific staff appointed from each county Board of Supervisors and Tribal representatives and alternates selected by the North Coast Tribes. The TPRC provides support to the PRP via the evaluation of projects and plan development. Expertise on the TPRC includes fisheries, ecology, engineering, geology, agriculture, watershed planning and management, water infrastructure and energy.
18. The NCRP adheres to the Memorandum of Mutual Understandings (Memorandum), signed by over a hundred agencies, special districts, Tribal organizations, non-governmental organizations, watershed groups and other stakeholders signifying their support for and participation in the NCRP planning process.

19. The Regional Water Board recognizes the need for our agency's active participation and inclusion in the NCRP process to provide technical assistance and guidance to small and disadvantaged communities and Tribes for water and wastewater projects, wastewater recycling projects, storm water capture, infiltration and reuse projects, and to develop and implement groundwater management plans within the North Coast Region. The Regional Water Board also recognizes the benefits of having Regional Water Board staff representation on the TPRC, if appointed. Becoming a signatory to the Memorandum is an important step for inclusion in the NCRP process.
20. The Memorandum does not give the NCRP or the PRP any decision-making authority over matters within the jurisdiction of the Regional Water Board. The Memorandum is legally non-binding and in no way impairs the Regional Water Board from continuing its own planning and undertaking its own, separate efforts to secure project funding from any source. The Regional Water Board may withdraw from the Memorandum at any time by notifying the NCRP contracting entity.
21. On April 3, 2019, the North Coast Water Regional Board provided public notice and notice to interested parties of its intent to adopt this Resolution.
22. On April 18, 2019, the North Coast Regional Water Board, in a public meeting, heard and considered all comments pertaining to this action.

THEREFORE BE IT RESOLVED THAT:

The North Coast Regional Water Board:

1. Adopts the human right to water including the right to sanitation and hygiene facilities as a core value and adopts the realization of the human right to water and protecting human health as top priorities.
2. Will promote achievement of the human right to water including the right to sanitation and hygiene facilities through effective prioritization, implementation, outreach and participation, and partnership.
3. Will continue to consider the human right to water including the right to sanitation and hygiene facilities 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 North 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 including the right to sanitation and hygiene facilities 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.

5. Directs Regional Water Board staff to provide, when feasible and as resources allow, technical and compliance assistance to small and 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.
6. Directs North Coast Water Board staff, as resources allow, to engage meaningfully with communities that lack adequate, affordable, or safe drinking water, including providing community outreach.
7. Directs Regional 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 North Coast Water Board's programs and projects.
8. Authorizes the Regional Water Board Executive Officer to enter into a Memorandum of Mutual Understandings with the North Coast Resource Partnership.

Certification:

I, Matthias St. John, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on April 18, 2019.

Matthias St. John
Executive Officer