



December 22, 2016

The Honorable Felica Marcus, Chair
ATTN: Jeanine Townsend, Clerk of the Board
CA Water Resources Control Board
1001 I Street, 16th Floor
Sacramento, CA 95814

Public Comment
2016 Water Quality Enforcement Policy
Deadline: 12/28/16 12:00 noon



Dear Ms. Marcus:

Subject: Water Quality Enforcement Policy

Thank you for the opportunity to provide comments on the proposed Water Quality Enforcement Policy. Generally, we are pleased with the framework laid out in the draft. However, there are a few areas regarding the Board's Human Right to Water Policy where we believe enforcement practices could be strengthened or clarified. Our concerns mirror those submitted by Community Water Center and others in a letter submitted on October 18, 2016, so we won't go into great detail.

We feel the Human Right to Water should be a prime consideration in deciding whether to pursue an enforcement action. As you know, in 2012 the Legislature passed and the Governor signed into law a right to water policy. Earlier this year the State Water Board adopted its own rule to ensure this policy would be considered in ongoing Board actions. While the draft enforcement policy briefly mentions the Board's HRtW rule, we feel a stronger more visible position within the policy is necessary to ensure institutional practices solidly incorporate the State's HRtW statute.

Clear guidance should be included in this Policy regarding what a HRtW violation is and how it will be prioritized and addressed. For example:

- A violation relating to the Human Right to Water should be defined to provide clarity for enforcement actions (the Community Water Center letter suggests a definition).
- Violations that affect persons or a community's access to clean and safe water (e.g., HRtW) should be a priority. To the maximum extent possible, communities/households should not need to bear the cost of violations.
- When a water system/provider is the violator, alternative enforcement tools that do not result in rate increases should be considered.
- Violations relating to the HRtW should be tracked, recorded, and made publicly available – these situations pose public health risk and need to be noticed.
- Disadvantaged communities facing HRtW related violations should be allowed to direct more than 50% of any fine to an SEP, since paying a high fine may simply make it less likely that problems can be fixed.

Thank you for your attention to these concerns.

Sincerely,
Adam Scow

Adam Scow
California Director
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