

**CALIFORNIA REGIONAL WATER QUALITY CONTROL  
BOARD SANTA ANA REGION**

**RESOLUTION. R8-2019-0078**

**Adopting the Human Right to Water as a Core Value  
and Directing Its Implementation in  
Santa Ana Regional Water Quality Control Board Programs and Activities**

**WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Regional Water Board) finds that:**

1. The Regional Water Boards protect the quality of California's waters in part through their water quality control plans (basin plans), as authorized by California Water Code section 13240. Each region's basin plan establishes the beneficial uses of surface and groundwaters, and objectives to protect those uses. The beneficial uses, water quality objectives, and the statewide anti-degradation policy form the State's water quality standards.
2. The State Water Resources Control Board's (State Water Board) Anti-Degradation Policy (Resolution 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."
3. Pursuant to Chapter 3 of the Santa Ana Regional Water Board's Water Quality Control Plan (Basin Plan), Municipal and Domestic Supply is a beneficial use "for community, military, municipal or individual water supply systems. These uses may include, but are not limited to, drinking water supply."
4. The State Water Board's Sources of Drinking Water Policy (Resolution 88-63), as incorporated into the Santa Ana Regional Water Board's Basin Plan, establishes a presumption that all surface and groundwaters of the State are "suitable, or potentially suitable, for municipal or domestic water supply."
5. The Santa Ana Regional Water Board administers the Sources of Drinking Water Policy through its Basin Plan by designating water bodies as suitable, or potentially suitable, for municipal or domestic water supply.
6. Pursuant to California Water Code section 106.3, it is 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."

7. On February 16, 2016, the State Water Board adopted Resolution 2016-0010, which 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.
8. The Santa Ana Regional Water Board recognizes that a wide range of its activities and projects may involve the human right to water, as defined in California Water Code section 106.3, subdivision (a).
9. The Santa Ana Regional Water Board recognizes the human right to water and will consider the right in its decision-making and actions.
10. The Santa Ana Regional Water Board recognizes that other State agencies and the local water agencies will be managing projects and programs that will support the human right to water, and staff will work collaboratively with these agencies for projects and programs within our region.

**THEREFORE be it resolved that the Santa Ana Regional Water Board:**

1. Adopts the human right to water as a core value and commits to the advancement of the human right to water and protection of human health as a priority.
2. Will promote achievement of the human right to water through:
  - i. program assessment, prioritization and implementation;
  - ii. outreach and public participation;
  - iii. performance monitoring and reporting; and
  - iv. partnership with communities, agencies and municipalities.
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 the Basin Plan, 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 Santa Ana Regional 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.
5. Directs Santa Ana Regional Water Board staff to implement the attached Human Right to Water Work Plan that establishes a schedule for completion of the following tasks and production of the indicated task products:

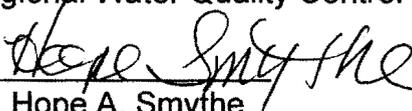
Year 1

- a. Utilize existing data and maps to identify the locations of California Native American Communities (Tribes), disadvantaged communities (DACs) and Environmental Justice (EJ) communities in the Santa Ana Region.  
Task Product: Create one or more maps to delineate each DAC, EJ and Tribal community.
- b. Assess the Santa Ana Regional Water Board's programs to verify that administration of each program is performed equitably to allow access to Water Board staff assistance and resources for all communities. Collaborate with the State Water Board's Office of Public Participation to utilize comprehensive and effective outreach strategies.
  - Task Product: A summary report with the results of the program assessments and guidelines for outreach and assistance to DACs, EJ and Tribal communities.
- c. Partner with the State Water Board's Division of Drinking Water (DDW) to identify impacted and/or inadequate systems for drinking water distribution and water treatment in DACs and EJ communities in the Santa Ana Region;
- d. Coordinate with the DDW to implement projects that will alleviate the identified impacts to DACs and EJ communities.

Year 2

- e. Identify all public databases that contain groundwater monitoring data for private wells. Use the available groundwater monitoring data to identify the locations and water quality of private wells that are used for drinking water supplies in DACs, Tribal and EJ communities in the Santa Ana Region.
    - Task Product: Based on the publicly available data, create one or more maps showing the private wells, also indicating impaired wells, with a map overlay showing the DAC, EJ and Tribal communities.
  - f. Coordinate with State and local agency staff to identify projects that would assist with replacement water or rehabilitation of impaired wells in DACs, Tribal and EJ communities.
  - g. Work with State and local agency staff to implement the identified projects.
6. The Executive Officer of the Regional Board is hereby authorized to approve periodic updates to the Work Plan.
  7. Provide regular progress reports to the Regional Board regarding implementation of the Human Right to Water via the tasks identified in the Work Plan.

I, Hope A. Smythe, 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, Santa Ana Region, on December 6, 2019.

  
Hope A. Smythe  
Executive Officer

Human Right to Water  
Work Plan  
Santa Ana Regional Water Quality Control Board

Background: 2017-2019

1. Santa Ana Regional Water Board staff (Regional Board staff) presentation to the Santa Ana Regional Water Board: Environmental Justice and the Human Right to Water (HRTW) (December 2017).
2. Regional Board staff engaged in efforts to address the problem of homeless encampments in waterways.
  - Regional Board staff served on the Santa Ana Watershed Project Authority's "One Water One Watershed" (OWOW) Pillars for Tribal Communities and Disadvantaged Communities (DACs) 2017-2018. The homeless population is considered a DAC. Pillar members agreed that surface water monitoring near homeless encampments is needed.
  - Regional Board staff performed an audit of permittees in San Bernardino and Riverside Counties covered by permits issued for stormwater discharges from municipal separate storm sewer systems (MS4) (February through May 2018).
  - Regional Board staff met with San Bernardino, Riverside and Orange County and associated City MS4 permittees and included a discussion of the homeless population as a DAC. The intent was to motivate permittees to address complaints regarding homeless encampments in waterways, and possible impacts to water quality.
    - Meetings commenced with Riverside County (October 2018), followed by Orange County (November 2018) and San Bernardino County (December 2018).
    - The feasibility of requiring MS4 permittees to monitor the water quality impacts from homeless encampments in waterways is still being evaluated.
3. Regional Board staff developed key tasks to include in a HRTW Resolution (January through September 2019).
4. Regional Board staff prepared the draft HRTW Resolution (April through October 2019).
5. SAWPA commenced preparation of a program for surface water monitoring near homeless encampments (2019).
6. Regional Water Board staff met with DDW's South Coast Section Chief and the senior engineers of the San Bernardino, Riverside and Santa Ana Districts (June, July 2019) to discuss impaired drinking water systems within the Santa Ana Region and received input for Supplemental Environmental Project (SEP) applications, with a priority ranking for DACs and EJ communities.

7. Regional Board staff solicited proposals for SEPs via listserve and a posting on the Regional Board web site (August 2019); screened applications were compiled into the 2020 SEP list; SEP list was presented in a Resolution to the Regional Board and adopted on October 25, 2019.
8. Public notice of the draft HRTW Resolution (November - December 2019).
9. Presentation of the draft HRTW Resolution to the Regional Board (December 6, 2019).

Human Right to Water  
Work Plan  
Santa Ana Regional Water Quality Control Board

Work Plan: Calendar Year 1 - 2020

1. Utilize existing databases, maps and public information to identify the locations of all Tribes, disadvantaged communities (DACs) and Environmental Justice (EJ) communities in the Santa Ana Region.
2. Obtain or create one or more maps to delineate each DAC, EJ and Tribal community.
  - Coordinate with local county and city agencies to obtain or assemble a map overlay depicting the general locations of homeless encampments.
3. Perform an equity assessment of existing Regional Board Programs focusing on availability of staff resources and potential State funds (such as grants and loans) to assist DACs, Tribal and EJ communities, and identify any adverse impacts to those communities.
  - Basin Planning
    - TMDLs/Basin Plan Amendments
    - 401 Certification
    - Triennial Review
    - Integrated Report
    - Conditional Waiver for Agricultural Discharges (San Jacinto Watershed)
  - Permitting
    - Wastewater/NPDES permitting
      - Septic system conversion to sewer connections
      - PFAS and other contaminants of emerging concern (CECs)
    - Land Disposal (WDRs)
      - PFAS and other CECs
    - Dredge and Fill (401 Certifications/WDRs)
  - Department of Defense
  - Underground Storage Tanks/Oil and Gas Programs
  - Site Cleanup
    - SCAP funding – Prioritizing DACs
    - Proposition 1 grants – Prioritizing DACs, severely disadvantaged communities and economically distressed areas.
    - PFAS and other CECs – are there disproportionate impacts to DACs?
  - Storm Water
    - MS4 permit requirements
    - Are there disproportionate impacts from stormwater runoff to DACs in industrial areas of the Region?

- Cannabis
    - Illegal/unpermitted cannabis grows in DACs; threats or impacts to surface water or groundwater quality or drinking water from pesticides and illegal water diversion
    - DACs exploited for labor or trafficking, and denied reasonable access to safe, clean affordable drinking water.
  - Enforcement
    - Supplemental Environmental Projects (SEPs)
    - Cleanup at sites with recalcitrant property owners
    - Equitable enforcement for cleanup in financially depressed areas (Brownfield properties)
4. **Mid-Year 2020** - Present the outcome of the Program Assessment to the Regional Board in the Executive Officer's Report
  5. Regional Board collaboration w/DDW staff
    - Tabulate locations and costs for impaired drinking water systems and those in need of connection in DACs and EJ communities
    - Emergency response for damage to drinking water systems in DACs and EJ communities
  6. Identify potential support for tabulated projects using SEPs and local agency projects
  7. Meetings and implementation efforts for the identified projects
  8. **End of Year 2020** – Human Right to Water Presentation to the Regional Board

Human Right to Water  
Work Plan  
Santa Ana Regional Water Quality Control Board

Work Plan: Calendar Year 2 - 2021

1. Continue implementation of the projects identified in Year 1 (2020)
2. Search existing databases for groundwater quality monitoring data from private (domestic) wells in the Santa Ana Region
3. Identify private wells that are used for drinking water supplies in DACs, Tribal and EJ communities in the Santa Ana Region
4. Create one or more maps with the overlay of DACs and EJ communities, showing all private wells and indicating those that have been impacted
5. Coordinate with State and local agency staff to identify projects that would assist with replacement water or rehabilitation of impaired wells in DACs, Tribal and EJ communities.
6. **Mid-Year 2021** - Present the status of implementation of the Year 1 (2020) projects, and the outcome of private well compilation in the Executive Officer's Report
7. Meetings and implementation efforts for the identified projects
8. **End of Year 2021** – Human Right to Water Presentation to the Regional Board