

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
RESOLUTION R5-2016-0018

ADOPTING THE HUMAN RIGHT TO WATER AS A CORE VALUE IN
CENTRAL VALLEY WATER BOARD PROGRAMS AND ACTIVITIES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley 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 department, 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 Valley Water Board recognizes that a wide range of its activities and projects may involve the human right to water, as established by 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 among the Central Valley Water Board's highest priorities, and 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 Valley 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 Valley Water Board's water quality control plans, establishes that most surface and ground waters of the state are "suitable, or potentially suitable, for municipal or domestic water supply."
10. The Central Valley Water Board administers the Sources of Drinking Water Policy through its water quality control plans by designating water bodies as suitable, or potentially suitable, for municipal or domestic water supply (MUN).
11. 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.
12. At the March 3, 2015 State Water Board meeting, State Water Board staff reported on the status of the implementation of the human right to water. State Water Board staff presented results of a survey concerning the wide range of activities and projects undertaken by the Water Boards that address the human right to water through actions to protect any existing or potential MUN beneficial use, including but not limited to, basin planning, permitting actions, site remediation, monitoring, and water right administration.
13. 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 Valley Water Board to provide clear and transparent guidance to staff concerning the manner in which the human right to water continues to be administered.

THEREFORE BE IT RESOLVED THAT:

The Central Valley 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 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, permitting, site remediation, and monitoring. 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 Valley Water Board's authority and obligations under applicable law, or impose new requirements on the regulated community.
3. Directs Central Valley 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.
4. Directs Central Valley Water Board staff to assist the State Water Board and relevant stakeholders in the development of performance measures for the evaluation of the 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.
5. Directs Central Valley 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 Valley Water Board's administration of its programs and projects.
6. Directs Central Valley 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.
7. Directs Central Valley Water Board staff to describe how the right was considered, when submitting a recommendation to the board pertinent to the human right to water.
8. Directs Central Valley Water Board staff, as resources allow, to meaningfully engage with communities that lack adequate, affordable, or safe drinking water, including providing community outreach.
9. Directs Central Valley 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.
10. Encourages Central Valley 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 7-11, when considering the human right to water.

11. Directs Central Valley Water Board staff to develop policies that allow for and incentivize local and regional efforts for providing replacement water where appropriate while long-term water quality solutions are developed and implemented.
12. Directs Central Valley Water Board staff to provide annual progress reports to the board regarding implementation of the human right to water, and incorporate that information into the Executive Officer's annual performance report. The report shall identify successful strategies that have furthered the realization of the human right to water.

I, PAMELA C. CREEDON, 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 Valley Region on 21 April 2016.

Original signed by

PAMELA C. CREEDON, Executive Officer