

**California Water Boards
Implementation of Water Code Section 106.3, AKA, the Human Right to Water
January 2015**

AB 685 was signed into law in September 2012 and became effective January 1, 2013 (Water Code Section 106.3). The law declares that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.”

The law calls on all relevant state agencies to consider the human right to water “when revising, adopting, or establishing policies, regulations, and grant criteria” relevant to domestic water uses. It is now known as the Human Right to Water (HRTW) law.

In January 2015, the State Water Board’s Office of Public Participation conducted a survey of our statewide programs to help assess its progress toward implementation of the HRTW. Results of that survey are displayed below. This was presented as Item 8 to the State Water Board at its March 3, 2015 meeting.

Question 1: Has information regarding the law been distributed to your staff Are they aware of the law’s requirements?

Division of Drinking Water - The HRTW law was passed while the DDW was still at CDPH. All of the management staff are aware of the law and your email of December 18, 2014 was shared with them. I believe that all of them are aware of the law’s requirements. We need to inform all staff of the law’s requirements.

Division of Financial Assistance – Yes.

Division of Water Quality - The Director of the State Water Board’s Office of Public Participation gave a presentation to DWQ staff at the Division’s all-staff meeting on April 10, 2014. Staff has been provided with the link to the distributed information on AB 685 Implementation and are aware of the law’s requirements. In carrying out their routine duties, staff have considered the human right to water in regard to a number of DWQ’s projects both before and after the law was enacted—examples of completed work include: the State Water Board’s reports to the Legislature on Communities That Rely on a Contaminated Groundwater Source for Drinking Water (<http://www.waterboards.ca.gov/gama/ab2222/docs/ab2222.pdf>) and Recommendations Addressing Nitrate in Groundwater (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf); Order WQ 2014-0090-DWQ-Corrected aka General Waste Discharge Requirements for Recycled Water Use; and Order WQ-

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2014-0194 DWQ aka the Statewide National Pollutant Discharge Elimination System Permit for Drinking Water System Discharges to Waters of the United States
(http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinkingwater/final_statewide_wqo2014_0194_dwq.pdf).
Examples of pending work include the pending revisions to the Resolution 68-16 (the Anti-Degradation Policy) and to the Ocean Plan as it relates to desalination facilities. DWQ is working to implement the provisions of SB4, in part, by developing monitoring criteria as part of a strategy to ensure that well stimulation activities for oil and gas exploration and development do not impair water supply wells. In December 2014, DWQ launched a web-based GIS interactive tool that allows the public to identify whether private water wells are close to other wells with nitrate contaminations above public health standards (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/nitrate_tool/), In regards to its clean up activities, DWQ is working with DTSC, USGS, EPA, and the Groundwater Replenishment District of Southern California to identify plumes of contamination, including industrial solvents, that may adversely affect drinking water supplies in the Los Angeles area.

Division of Water Rights – The HRTW law has been distributed to the Division of Water Rights' (Division) management team and they are aware of the requirements. The Division needs to further distribute this information to its entire workforce.

Office of Enforcement - OE staff is aware of the HRTW and its requirements, although we don't draft permits and we only act with primacy on the Supplemental Environmental Project and Enforcement Policies.

North Coast Regional Board - The information you included in your email has been distributed and discussed with Region 1's management team. Also, we plan to discuss the HTRW law with all staff at an upcoming staff meeting.

San Francisco Bay Regional Board – We have distributed information to staff. However, very few of our staff work on “revising, adopting, or establishing policies, regulations, and grant criteria” relevant to domestic water uses.

Central Coast Regional Board - Yes, the text of the HRTW law has been distributed to all Regional Board staff. In response to our internal survey, 100% of the staff indicated that they have read the HRTW law. For additional background, staff was also provided a link to the University of California, Berkeley, School of Law, International Human Rights Law Clinic document titled “The Human Right to Water Bill in California - An Implementation Framework for State Agencies” (May 2013).

Los Angeles Regional Board - Region 4 staff has received information regarding California Water Code Section 106.3 and are

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aware of the law's requirements. This information has been shared with all staff and has been incorporated into the Regional Board's work in several programs. Ongoing discussions and concrete efforts are underway to incorporate the law's requirements in all relevant areas of the Regional Board's work and process.

Central Valley Regional Board - Information regarding the law has been distributed to all staff by State Board and Regional Board management; however, not in the form of official handouts. Our staff and the Board have been considering the human right to water law in adoption of our permits (e.g., irrigated lands general orders, NPDES permits), development of planning efforts (e.g., CV-SALTS) and in our strategic planning as directed by State Board (Storm water). The Central Valley Water Board's Basin Plans establish beneficial uses, water quality objectives necessary for reasonable protection of beneficial uses, and also implementation programs. All Board programs must implement the basin plans to protect established beneficial uses, which includes drinking water beneficial use. Examples are included below.

CV-SALTS: Our long-term planning programs, such as CV-SALTS, have been working on regulatory mechanisms that will help provide reliable and safe drinking water to communities that are in areas with poor source water (e.g., wells contaminated with nitrates). The highest priority areas in this effort are disadvantaged communities. This could involve requiring that a regulated entity work to provide a new drinking water source for an impacted community instead of providing a higher level of treatment in an area where no drinking water use is in place (similar to a trade).

Disadvantaged Communities: On 28 March 2014, the Central Valley Regional Board adopted a Resolution that permits the Rose Foundation to act as a third party to administer Supplemental Environmental Project funding received by the Board as part of enforcement penalty settlements. The Resolution is specifically geared toward funding Supplemental Environmental Projects that benefit Disadvantaged Communities in the Central Valley. Many of the projects approved in the Resolution specifically target improvements in water quality that will directly benefit water supplies in these communities.

Irrigated Lands: Irrigated lands Orders within the Central Valley require surface water and groundwater monitoring, development of management plans that includes identification and evaluation of management practices that are protective of surface water and groundwater quality. The orders require discharges to meet applicable water quality objectives, which include maximum contaminant levels designed to protect human health and ensure that water is safe for domestic uses. As an example, the Irrigated Lands Program requires development of Groundwater Assessment Reports. These reports consider groundwater quality with respect to beneficial uses, and where appropriate, have been looking at proximity to disadvantaged communities. This information is used to prioritize efforts to implement practices that protect beneficial uses in the most sensitive areas.

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Provided below is an example finding from one of our irrigated lands program orders:

“It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by, among other things, utilizing a tiered system that imposes more stringent requirements in areas deemed “high vulnerability” based on threat to surface water or groundwater quality, requiring surface water and groundwater monitoring and management plans, an identification and evaluation of management practices that are protective of surface water and groundwater quality, and requiring discharges to meet applicable water quality objectives, which include maximum contaminant levels designed to protect human health and ensure that water is safe for domestic uses. Protection of the beneficial uses of surface water and groundwater is described throughout this Order, including the discussion in Attachment A to this Order of State Water Board Resolution 68-16 Statement of Policy with Respect to Maintaining High Quality Waters in California.”

NPDES Permitting: As part of the adoption of NPDES permits, we require that discharges not cause or contribute to an exceedance of applicable water quality objectives. Where the water body is assigned a drinking water beneficial use, applicable objectives include those necessary to ensure safe and reliable drinking water. In fact, many of our NPDES permits require that municipal wastewater dischargers achieve Primary and Secondary MCLs at the “end of pipe,” especially where discharge is to a small waterway that has municipal supply beneficial use.

Storm Water: The general mission of the Storm Water program is to ensure that pollutants present in storm water are minimized through the use of effective best management practices (BMPs) at municipal, industrial, and construction sites. A permitting process under the National Pollutant Discharge Elimination System (NPDES) is used to regulate these activities and promote clean storm water discharges. The use of appropriate BMPs results in prevention of pollutants comingling with storm water and in the removal of pollutants from storm water. These pollution prevention measures result in clean storm water discharges that are suitable to augment receiving water quantity and enhance receiving water quality. Surface and groundwater receiving waters serve as water supply sources for the people of the state. Ensuring that the quality of storm water discharges meets appropriate water quality objectives, including those for the protection of human health, results in the protection of beneficial uses of the water supply including for municipal and domestic supply. Higher water quality in surface and groundwater supplies means reduced cost to treat water supplies prior to human use. Also, many storm water BMPs result in enhanced percolation of storm water into groundwater aquifers that can serve as water supply sources. Good implementation of the Storm Water program helps ensure the human right to water.

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Water Quality Certification: The general mission of the Water Quality Certification program is to ensure that projects that dredge or fill waters of the United States or isolated State waters implement appropriate measures to prevent and mitigate the loss of these waters, and to ensure that the beneficial uses of these waters are protected. Our water quality is protected through analysis and modification of project design, implementation of effective best management practices (BMPs), the use of engineering controls, and implementation of mitigation projects. Inspection and monitoring of these projects ensures that protections are implemented and effective. To the extent of the State and Regional Boards' authority, and other State authorities and requirements, the quality and quantity of water available for human use is protected. Some projects, by their nature, such as water diversion projects for example, can affect availability or suitability of waters for human use and can affect the human right to water, particularly on a local or regional scale. In these cases, the implementation of the water quality certification program can help ensure that the quality of the water is protected, but it is primarily the State's California Environmental Quality Act (CEQA) that requires project alternatives are considered and that projects are in the public's best interest and consider the human right to water. Also, the State's water rights laws apply to projects that could affect the availability of water for human use.

Lahontan Regional Board – Yes. Information shared at an all-staff training held in 2013. In addition, guidance was provided through a memo from Regional Board Counsel to Regional Board management.

Colorado River Basin Regional Board – Awaiting response.

Santa Ana Regional Board - Yes.

San Diego Regional Board - Yes the information has been distributed to senior staff.

Question 2: Has your staff performed an HRTW analysis, either using the OPP-developed questions or another framework? If you answer yes, kindly provide copies of those analyses that have been done. In what ways is the information being incorporated into your work?

Division of Drinking Water - Our staff don't perform formal HRTW analyses, but our core duties include ensuring that all public water systems provide an adequate supply of safe water to their consumers. Our staff also work with third party technical assistance providers and environmental justice organizations to help water systems serving disadvantaged communities

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undertake improvement projects designed to improve water quality.

Additionally, the DDW prepared the draft Safe Drinking Water Plan, released in October of 2014, which included:

- Assessment of the overall quality of the state's drinking water.
- Identification of specific water quality problems.
- Analysis of the known and potential health risks that may be associated with drinking water contamination.
- Specific recommendations to improve drinking water quality.
- An implementation plan to ensure that all public water systems deliver water that meets the drinking water standards.
- The draft Safe Drinking Water Plan did not address private domestic wells or water systems that do not meet the definition of a PWS. Future plan updates will broaden the scope to incorporate these issues (HRTW).

Comments on the draft plan were received from a number of stakeholders following 6 public workshops held throughout the state. Additionally, DDW has worked on a number of drought emergency response projects to restore water service to both public water system customers and individuals not currently served by a public system.

Division of Financial Assistance –

Human Right to Water Analysis

What concerns about the human right to water does this item address?

- Affordable (YES)
- Accessible (YES)
- Sufficient supplies to protect health and dignity (YES)
- Safe and clean (YES)

By implementing this plan, will changes be made to better serve the public's right to clean water?

- By delegating authority to approve funding and to execute agreements for the provision of interim emergency drinking water to disadvantaged communities with contaminated drinking water supplies at risk communities can be identified and assisted at an expedient manner.
- Regional Boards, CDPH district offices, Environmental Justice Groups, and other stakeholder groups will assist in identifying qualified communities in need.
- This plan will provide for interim emergency drinking water to distressed communities.

Are there measures that could be taken to improve the access of water to environmental justice communities? How likely is it that these corrective actions can be implemented?

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- Outreach needs to be conducted for communities that do not have a representative or cohesive group with solutions to the drinking water problems in the communities.
Are there measures that are being implemented that will inhibit the human right to water? (ex. Additional expenses, limiting water supply, etc.)
- No, this plan is meant to provide communities with interim emergency drinking water during the drought due to contamination of drinking water supplies.
In what ways does this plan affect Tribal communities?
- Tribal governments, public agencies, not-for-profit organizations, and not-for-profit-water districts can all apply for the funds.
Has appropriate data been collected to correctly measure the impacts to the communities?
- This plan allows for any disadvantaged community under distress for drinking water to apply for assistance.
Explain the reasoning that informed the final agency decision, acknowledging how competing interests were weighed and what aspects of the decision will need to be carefully monitored and evaluated.
- SB 103 appropriates \$4 million from the State Water Board's Pollution Cleanup and Abatement Account in order to provide eligible communities with interim emergency drinking water.

Division of Water Quality - DWQ has not done the formal analysis discussed in the Implementation tool distributed on December 18, 2014.

Division of Water Rights - The Division has not performed an HRTW analysis using the OPP- developed questions but has implemented the actions directly related to HRTW's goals for assuring "accessibility to water". For small communities, tribes and individuals, the Division streamlined its Small Domestic registration process with lower fees and expedited processing. Prior to, and during the 2014 drought, the Division exercised discretion in enforcing against unauthorized diversions when such uses were for emergency human health and sanitation needs. Also, during the drought, the Division worked with the Office of Emergency Services, the State Water Board's Drinking Water Program, and stakeholders on emergency solutions to accessible water for vulnerable and disadvantaged communities. The State Water Board also adopted an emergency regulation in tributaries of the Sacramento River watershed that exempted diversions for health and safety needs from curtailment.

Office of Enforcement - OE is rolling out a major initiative seeking to compel responsible parties to provide safe drinking water in disadvantaged and severely disadvantaged communities whose supplies are contaminated by nitrates. We look to coordinate our enforcement efforts with grant money and other programs to try to leverage the best possible solutions for these

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communities. We are looking to prioritize enforcement efforts in areas where DACs and SDACs do not have access to clean, affordable and safe drinking water. We also look to provide penalty money through SEPs to fund infrastructure and/or information gathering relating to HRTW. We recently helped the CV Regional Board fund two SEPs with Community Water Center and helped the community of West Goshen get hooked up to a public system.

North Coast Regional Board - We have not yet performed an HTRW analysis.

San Francisco Bay Regional Board – We have not performed an HTRW analysis.

Central Coast Regional Board - In response to our internal survey, 85% of the staff indicated that they have evaluated whether or not the HRTW law applies to any of their work assignments based on their understanding of the law. The most specific analysis conducted by Regional Board staff related to the development and implementation of the Irrigated Lands Regulatory Program (e.g. groundwater monitoring requirements, site prioritization based on impacts to drinking water sources, and orders to provide replacement water); and the Groundwater Assessment and Protection Program, which engages and coordinates with environmental justice groups in our region to ensure we identify and address the most at-risk and in-need communities with an emphasis on disadvantaged communities with polluted drinking water.

Other ways that the HTRW information is being incorporated into staff work include:

General Prioritization and Resources

- Prioritizing replacement drinking water-related work - in cases where drinking water is impaired by pollution - over lower risk water quality projects that don't render drinking water unsafe. While supervisors and program managers are trying to ensure that a portion of the staff that they supervise are making work on unsafe drinking water cases a priority, the number of resources we have engaged on this issue is not sufficient to make a credible change in the overall numbers of individuals receiving unsafe water.

Irrigated Lands Regulatory Program

- Agricultural Order R3-2012-0011 recognizes the HRTW and emphasizes the importance of groundwater monitoring data reported in compliance with the Agricultural Order due to widespread impairment of drinking water sourced from groundwater in portions of the Central Coast. The Agricultural Order requires groundwater monitoring of agricultural and domestic drinking water wells to characterize groundwater quality in agricultural areas, and to identify and prioritize areas and individual farms that are at greater risk for discharge and pollutant loading, and to inform those domestic well users who may be affected by poor drinking water quality. Staff issues drinking water notifications for exceedances of the MCL for Nitrate in ILRP domestic use wells and

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verifies that proper notification to users of impacted wells has occurred.

Basin Planning / Monitoring and Assessment Activities (CCAMP and GAP)

- Develop Clean Drinking Water assessment in Healthy Watersheds report card, incorporating GeoTracker data in our health assessments.
- Engage and coordinate with environmental justice groups in our region to ensure we identify and address the most at-risk and in-need communities with an emphasis on disadvantaged communities with polluted drinking water.
- Conduct groundwater monitoring of domestic wells.
- Identify disadvantaged communities who may have impacted drinking water supplies.

Grants Program

- Released RFP and executed grant agreement to implement two small Safe Drinking Water grants to provide interim drinking water to DACs impacted by nitrate contamination and assist low-income farmers to provide safe drinking water.
- For our agricultural water quality practice implementation grants, we prioritize areas with elevated nitrate concentrations in ground and surface water, especially drinking water.

Landfill Program

- When revising landfill WDRs or requiring corrective actions for landfills, staff evaluates potential down-gradient receptors, which include drinking water wells consistent with our existing responsibilities under CCR Title 27 and 40 CFR Parts 257 and 258.

Site Cleanup Program/Department of Defense Program

- HRTW is consistent with our groundwater cleanup work related to Resolution 92-49, along with our Basin Plan, which already requires responsible parties to cleanup groundwater to protect the drinking water beneficial use, and requires responsible parties to provide replacement drinking water if they have polluted it.
- Site Cleanup Program and Department of Defense Program staff require dischargers to remove wastes/contaminants so that groundwater can be used as domestic or municipal water supply. Also, per Water Code Section 13304, we require dischargers to provide replacement water supply if their discharge impacts water quality. Indirectly, R3 cleanup program staff are supporting the human right to clean drinking water.
- Evaluating drinking water wells and surface water near known contaminated sites before closing the site.

WDR/NPDES Permitting Programs

- Permitting staff implement this law by permitting the use of recycled water for various uses (e.g. Cambria, Monterey Regional, Watsonville).
- Permitting staff also review projects and support grant funds for better wastewater infrastructure throughout Region.
- Desalination permitting is critical for some communities to have accessible, safe and clean water to protect human health.
- Ensure new or revised wastewater permits have adequate monitoring requirements that will detect the potential for degradation

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<p>of water resources.</p> <ul style="list-style-type: none"> • Cambria Emergency Water Supply permit to provide continued access to water for Cambria residents during drought. <p>Stormwater Program</p> <ul style="list-style-type: none"> • Phase II Small MS4 post-construction requirements require treatment of stormwater runoff before it is percolated to recharge groundwater. This helps to protect drinking water sources. • Implementing urban runoff controls that attempt to mimic natural hydrologic processes, including infiltration to groundwater, supports the availability of clean water for the State's population. <p><u>TMDL Program</u></p> <ul style="list-style-type: none"> • Incorporating HRTW in relevant TMDL documents to protect drinking water beneficial uses, including areas where surface water recharges groundwater that is a drinking water source. <p><u>Enforcement</u></p> <ul style="list-style-type: none"> • Staff is working on enforcement cases that address HRTW in disadvantaged communities.
<p>Los Angeles Regional Board - Ongoing discussions and concrete efforts are underway to incorporate the law's requirements in all relevant areas of the Regional Board's work and process.</p> <p>Changes made to date include:</p> <ul style="list-style-type: none"> • The Watershed Regulatory section has incorporated standard language in their recently adopted NPDES permits • The Groundwater Permitting program has also already incorporated language in their WDR permits to address the requirement • Language has been incorporated into certain specific Cleanup and Abatement Orders for the Remediation section, and is being incorporated into the general template for all CAO's.
<p>Central Valley Regional Board - We have not been using the OPP-developed questionnaire; but as described above, ensuring our waters with drinking water beneficial use are safe and reliable drinking water sources is considered in all our programs.</p>
<p>Lahontan Regional Board – HRTW considered in PGE EIR completed in 2014. HRTW also has been mentioned in a few permits, including WDRs for PGE groundwater remediation project, Adelanto Public Utilities Authority, and City of Victorville Water District Industrial Waste Treatment Plant and Victor Valley Wastewater Reclamation Authority.</p>
<p>Colorado River Basin Regional Board – Awaiting response.</p>
<p>Santa Ana Regional Board – No.</p>

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San Diego Regional Board – We have not yet performed any analysis in response to the HRTW.

Question 3: If performance of an HRTW analysis is not currently part of your work, how might it be included? Can changes be made to include this requirement in your programs? Can your provide examples of programs and/or changes in methodology to incorporate the law's requirements?

Division of Drinking Water - We look for opportunities to consolidate smaller problem water systems with larger systems to lower the cost of service and to ensure the delivery of safe water supplies. A funding solution that considers consolidation potential is a mandatory first step for use of any of the funding programs administered by the SWRCB.

Division of Financial Assistance – HRTW analysis is part of our work. See sample analysis in Question 2 above.

Division of Water Quality - DWQ staff are working with the Regions through the roundtables to assess whether or not the Water Quality Administrative Procedures Manuals should be updated. DWQ staff are also working with our program analysts to develop strategic plans for each of the programs. As we take on these efforts, we can incorporate HRTW requirements in guidance documents prepared for the program, such as new or updates APM chapters. We can also work with DAS's HR staff to revise the duty statements of DWQ staff to make sure that staff are aware that they should be considering the HRTW in their work and consider the extent to which they have done so in annual performance reviews.

In our day to day work, we can assess HRTW when we set new or revised water standards, implement those standards through permitting actions and through our clean-up activities. We can also work more closely with our Divisions of Water Rights (which identifies the beneficial uses of each water right permit it issues and plots those uses in a GIS database, and Drinking Water, which permits larger drinking water supply projects, to identify potential impacts to drinking water sources as we implement the statewide water quality program.

In addition, staff have develop tools that can assist the public to understand water quality issues. For example, a new online interactive tool is available for well owners to determine if their property is near a nitrate-impacted well.

Division of Water Rights - The Division will perform an HRTW analysis consistent with guidelines to incorrect policies, regulations and procedures that reflect current HRTW activities and need for further staff training, stakeholder involvement and reporting of HRTW actions for transparency. The Division maintains prioritization criteria for processing water rights applications

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to appropriate water and change petitions of existing water rights. These prioritization criteria could be revised to include a new criterion for a project that would assist in obtaining safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Language has been drafted.

Office of Enforcement - We specifically look to identify ways to implement the HRTW in enforcement actions.

North Coast Regional Board - We have several upcoming basin planning actions where there is a nexus between the BP actions and HTRW.

- a. First, our board will adopt an updated triennial review list this spring, the first since passage of the HTRW Act. We intend to include a finding in the adopting resolution regarding consideration and implementation of HTRW.
- b. We also are preparing a basin plan amendment that updates water quality objectives and that includes updates to maximum contaminant levels (MCLs) for drinking water, and that will propose a toxicity objective for groundwater. Both of these elements will provide important tools for drinking water protection.
- c. Finally, once the preceding basin plan amendment is adopted, we will move toward developing a comprehensive groundwater protection strategy that will include assessing groundwater quality at a basin scale in the region, and developing an approach to salt and nutrient management planning for the region.

Other elements of our regional programs that may be of interest.

- a. Groundwater quality issue identification. There is a dearth of basin-scale groundwater quality data for many parts of the region. We have several efforts that involve or will involve data collection with direct relevance to groundwater quality in rural and disadvantaged parts of the region. Our dairy program includes sampling of well water in the dairy production parts of the region. Salt and nutrient planning and possibly ag permitting programs will include data collection efforts in sensitive or high priority groundwater use areas.
- b. Coordination with Division of Drinking Water. We see an opportunity to cross link the work of DDW and RB to better identify threats to drinking water and potential responses.

San Francisco Bay Regional Board –We will account for HRTW analysis in our Basin Planning and TMDL programs, our only programs wherein staff may work on “ revising, adopting, or establishing policies, regulations, and grant criteria” relevant to domestic water uses.

I note that cleanup of sites in order to protect and restore drinking water sources is one of our top priorities. We use our public

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participation policy to keep any affected communities involved with the decision making process regarding cleanups that may impact their community including their drinking water sources.

Central Coast Regional Board -

- Clear direction from the State Board to require pollutant load reductions and achievement of drinking water objectives/standards via a defined schedule in all relevant Orders, with verification monitoring.
- Water Board performance targets based on measured pollutant load reductions, achievement of drinking water objectives/standards, and the measured reduction in the number of people without clean drinking water (instead of saying 98% of the regulated public gets clean drinking water).
- HTRW should be discussed in findings of every permit, and be described in the Legal Authority section of all CAOs.
- Use this law as justification for prioritizing work related to safe drinking water.
- Through IRWM and DWR's Water Planning efforts, our agency can engage directly with DWR and at the IRWM regional level to ensure our goals and priorities are clearly defined and memorialized. For our NPS and other state grants, this preference could be added to the selection criteria as one of the programs desired benefits.
- Future landfill WDRs could include a finding that we have evaluated Human Right to Water and the WDR protects Human Right to Water.
- HRTW law can help justify increased requirements for IRLP dischargers that have domestic wells that exceed standards.
- Add findings and requirements in permits and orders to reference/implement the law. Create a standard checklist for staff to use?
- Augment NPS workplan and in the Region 3 grant priorities to incorporate HTRW.
- Consider adding additional high risk parameters to our surface water sampling program where there are known drinking water sources.
- Increase monitoring groundwater water quality for drinking water safety, increase staff involved in gw basin management for water quality and quantity improvement, Target more grant funds to clean up or identifying at risk waters.
- Include a specific section addressing HTRW in the requirement in any Final Remedy or Site Closure documents for the Site Cleanup Program.
- Any cleanup order associated with groundwater cleanup case and where there are domestic wells in the area should cite the HRTW.
- Integrate HTRW into each staff report for orders or programmatic workplans in which we must identify/quantify how we are complying with the law by our recommended action.
- Direct SEP grant funds to HTRW projects for providing long term solutions to drinking water supply. Perhaps add as a

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weighting factor as part of our supplemental environmental project reviews or grant funding (i.e. project that promotes implementation of HRTW gets higher chance of being chosen).

- The SCP has begun a cooperative project in Santa Barbara to address widespread, low level impacts to shallow groundwater where it is difficult to identify an RP. The same approach could be taken in other areas. These efforts could have an important impact on cleaning up groundwater in urban areas and could ultimately improve drinking water.
- Adding Basin Plan amendments that allow for better groundwater recharge seem like the basis for access to water, to me. Our PCR requirements are a great start, but let's get even more infiltration and therefore access to water, by adding basin plan amendments that require preservation and restoration of flood plain and greater development setbacks from water bodies.
- Consider updating MUN beneficial use definition to support the policy declaring every human's right to clean, safe, affordable, accessible water.
- Establish a program comparable to the 303(d) listing process for groundwater basins or sub-basins. Make report cards on the quality of surface and groundwater sources available in map format and very easy to access by the general public.
- State Board must support implementation of HRTW at regional level despite political pressure and industry pressure.
- Prioritize and concentrate water quality improvement activities where drinking water is impaired (groundwater and surface water that recharges groundwater) through TMDL and groundwater investigations, and by shifting assignments to higher priority areas/projects, if possible. Proactively alert the general public to gw issues in our region; proactively work with local water agencies regarding gw issues
- Our Enforcement section can begin to use Section 106.3 in their Findings to assist in obtaining civil liabilities related to HRTW.
- Inventory communities to ID any with drinking water needs. Prioritize solutions to address the issues impacting drinking water in those areas. Involve our agency in the Paso Robles groundwater issue, since homeowners are currently impacted by declining groundwater (referencing water quantity section of the Water Law).
- Promote dialogue about the law with local agencies such as county health departments and encourage them to spread the word to people on domestic water supplies.

Los Angeles Regional Board - Changes underway:

- Once the language becomes part of the general template, all CAO's emanating from the Remediation section will have incorporated the requirement; they also contemplate discussing the law's requirements in meetings with responsible parties for sites that have impacted groundwater
- The Enforcement section is vetting language to incorporate into their templates, as appropriate
- The Underground Storage Tanks section will be incorporating standard language into cleanup orders under the Health & Safety Code

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- The Land Disposal program is drafting language to use in new permits (landfill WDRs)
- Moving forward, all permits up for renewal in the Watershed Regulatory section shall contain the regulatory statement
- The Regional Programs section plans to (a) develop and incorporate standard language into board resolutions adopting Basin Plan amendments, where appropriate, including those related to Salt and Nutrient Management Plans, TMDLs, water quality standards, etc.; (b) incorporate a standard finding into MS4 permits; and (c) potentially incorporate a standard finding into other regulatory mechanisms used to address non-point sources of pollutants, where appropriate (e.g., Conditional Waiver for Irrigated Lands or WDRs).

Central Valley Regional Board - We will be taking a look at the OPP-developed questionnaire to see how it may fit our programs and the water quality permitting work that we do. The form is helpful and could be used to help structure our thought process with regard to the law. We will also be looking to further our staff awareness regarding the requirements of this law through regular program training and planning. As an example, the analysis has not been incorporated into Non-point Source (NPS) grant process. Staff will be discussing the appropriateness of incorporating this type of analysis into the federal NPS grant effort at the next NPS roundtable.

Lahontan Regional Board - We have asked staff to include this analysis when writing new permits and basin plan amendments.

Colorado River Basin Regional Board – Awaiting response.

Santa Ana Regional Board - We will be conducting the triennial review of our Basin Plan later this year. As part of that review, we plan to include a description of the law and a general requirement that all future Basin Plan Amendments consider the law and whether any adjustments of the BPA are appropriate to address the law's requirements.

San Diego Regional Board - We are thinking of using the tool and questions as a template for inclusion as an appendix to appropriate actions. We also wonder if a simple finding could suffice.