Human Right to Water

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State Water Resources Control Board
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WELL Conference
Water Code section 106.3

California became the first state in the nation to recognize legislatively the HRTW.
The Human Right to Water
Wat. Code § 106.3

* Wat. Code § 106.3 (a): establishes as state policy that “Every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes.”

* Wat. Code § 106.3 (b): requires the State Board and other state agencies, to “consider this policy when revising, adopting, or establishing policies, regulations, and grant criteria.”
**Drinking Water Authority**

* 2014: Drinking Water Authority transferred to the State Board.

* Mission Statement updated

“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.”
Existing Authority

- Porter-Cologne Act and Clean Water Act
- Sources of Drinking Water Policy
- Water rights
- The Low-Income Water Rate Assistance Act.
- Other existing legal duties and responsibilities
Legislative Actions

* SB 88 (2015): Authority for consolidation of public water systems

* Increased Funding for Technical Assistance

* Prop 1 funding

* AB 92: Creation of Office of Sustainable Solutions
Resolution

1. Core value
2. Continue to consider the HRTW in relevant actions
4. Develop performance measures
7/9. How HRTW considered/meaningful engagement
11. Incentivize regional approaches for financial assistance programs
12. Annual report
Stakeholder Outreach and Input Received

- Extensive outreach done recently:
  - ACWA
  - Drinking Water Transition Group
  - Environmental Justice
  - Agriculture
  - CCEEB
  - State and Regional Water Boards
- Alters existing law; expands legal scope
- May create additional requirements on the regulated community
- Reprioritizes the MUN over other beneficial use
- HRTW already protected with existing legislation
- Need further outreach
- Lacks legal justification
- Unclear impacts on agricultural water users
- Support as written
Human Right to Water Metrics (Drinking Water)

* Status metrics
  * Community water systems out of compliance
  * Community water systems with unreliable supplies

* Outcome metrics
  * Community water systems returned to compliance
  * Consolidations achieved
 Systems Out of Compliance

- Violations of all primary maximum contaminant levels (MCLs)
- Violations of pathogen removal requirements
- All systems out of compliance as of 2012
The map identifies small community drinking water systems (<=1000 service connections and serving a population of <= 3300) that have a primary MCL violation from July 2010 to November 2011.
Systems With Unreliable Supplies

* Community water systems that:
  * Received emergency drought funding;
  * Were issued a curtailment compliance order; or
  * Have only a single well source.
OEHHA Indicators

* Water Quality
  - MCL violations
  - Average potential contaminant exposure

* Accessibility
  - Capacity of water system sources
  - Vulnerability to stressors (e.g., only one well source)
  - Technical, managerial, and financial capacity

* Affordability
  - Water rates compared to median household income of customers
Many systems out of compliance with MCLs
Lower MCL thresholds (Chrome 6)
Unreliable supplies:
  * Single well systems
  * Surface water Supplies impacted by drought
Affordability

- small DACs can’t afford to build or operate treatment systems
- Small rate base = high costs for treatment

Definitions are often limiting

DAC = 80% MHI
This resolution passed unanimously on Feb. 16, and adopted the HRTW as a core value of the Water Boards. It provides guidance to staff (and encourages the Regional Boards) on how it should be administered.
Contact

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