



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

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Proclaim the establishment of County policy that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes and that this right is extended to all residents of Monterey County including disadvantaged individuals and groups and communities in rural and urban areas.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Proclaim the establishment of County policy that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes and that this right is extended to all residents of Monterey County including disadvantaged individuals and groups and communities in rural and urban areas.

SUMMARY:

The County of Monterey would declare through a proclamation that it is the established policy of the County that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This proclamation intends to establish the public policy of safe and clean water for human use as County policy. This policy is intended to inform the County when implementing policies and regulations affecting water supply and usage and to help the County to focus on the issue of drinking water pollution in certain Monterey County domestic wells and water systems as well as potential future threats due to drought and a lack of available drinking water, while not impacting water rights or expanding or creating new County obligations.

DISCUSSION:

On September 26, 2012 Governor Jerry Brown signed Assembly Bill 685 (AB 685) establishing a state policy that every Californian has a human right to safe, clean, affordable and accessible drinking water. AB 685 codified this state policy in California Water Code section 106.3. AB 685 made California the first in the nation to legislatively recognize the human right to water. AB 685 also requires that all relevant state agencies consider the state policy when creating policies and regulations. Passage of AB 685 followed the lead of the United Nations, the states of Massachusetts and Pennsylvania, and the city of Detroit, Michigan, which have already affirmed the human right to water.

AB 685 establishes a public policy to create universal access to safe, clean, and affordable water, and consequently, creates a duty for administrative agencies involved in water policy that impact domestic water use to consider this human right to safe, clean, affordable and accessible water. Prior to Assembly Bill 685, California Water Code Section 106 stated that domestic use of water was the highest use possible, and allocated irrigation as the second highest use. Further, the California Safe Drinking Water Act declared that every citizen has the right to pure and safe drinking water.

On September 18, 2018, the Monterey County Board of Supervisors made a referral to staff to provide a report to the Board of Supervisors for the Board to consider having Monterey County become the first county in the state, and in the nation, to also recognize the human right to safe and clean drinking water by adopting similar language already in the California Water Code, which states: "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.”

Monterey County faces safe drinking water challenges and would establish, through proclamation, a policy that would require all relevant County departments to consider this policy when implementing policies and regulations when those policies and regulations are pertinent to the uses of water for human consumption, cooking and sanitary purposes.

Specific Findings:

California’s failure to provide clean, safe drinking water to its residents captured the attention of the United Nations in a special report released in August 2010. Reporting on her mission to the United States, Catarina de Albuquerque, the Special Rapporteur on the human right to safe drinking water and sanitation, cited a host of alarming drinking water supply and sanitation conditions in California (<http://blogs.alternet.org/danbacher/2011/08/31/u-n-water-report-focuses-on-california-problems>).

Originally published in 2011, the report noted that over 250,000 California residents lack clean groundwater and are forced to purchase bottled water. With the annual median household incomes in some of the most severely contaminated areas reaching only \$14,000, some households devote approximately 20 % of their income to water and sanitation.

In California, the Center for Watershed Sciences, University of California, Davis prepared a report addressing Nitrates in California Drinking Water, with a focus on the Tulare Lake Basin and Salinas Valley Groundwater: [http://watermanagement.ucdavis.edu/files/2214/5886/6964/Harter et al. 2012 Addressing Nitrate in CA Drinking Water.pdf](http://watermanagement.ucdavis.edu/files/2214/5886/6964/Harter_et_al._2012_Addressing_Nitrate_in_CA_Drinking_Water.pdf))

Key findings of this report include:

- There are public health concerns for those exposed to nitrate contamination in drinking water from water systems of less than 14 connections or domestic wells which are largely unmonitored.
- 2.6% of the population of Monterey County’s Salinas Basin use unregulated, unmonitored domestic wells (single well) for drinking water.
- Monterey County has more and larger nitrate contamination sources than most parts of California. Many of the small water systems rely on a single well without emergency alternatives when contamination is detected. This typically requires reliance on drinking bottled water.
- The area has many poor communities that cannot afford drinking water treatment or capital-intensive alternative water supplies such as bottled water at an estimated annual cost of \$1,339.
- Over 10% of the Monterey County population lives in poverty.
- Options for safe drinking water due to nitrate contamination include a new well, Point of Use (reverse osmosis) treatment, consolidation with another water system, or bottled water (which is an “inconvenient, monthly expenditure, temporary solution”).
- Nitrate problems will continue to worsen for decades.

As of 2018, the Monterey County Health Department Environmental Health Bureau (HDEHB) locally regulates 1,296 water systems, of which 235 have exceeded primary drinking water standards for nitrates, arsenic, and fluoride, which have relegated the water systems to the use of bottled water as an interim emergency measure as they seek long term, low cost and viable solutions for water treatment.

In 2017, the Central Coast Regional Water Quality Control Board and the Agricultural Stewardship group initiated a free, voluntary drinking water sampling program for residents in the Salinas Valley who obtain their

drinking water from a private domestic well or from a shared groundwater well that may have been impacted by nitrate contamination. Affected residents whose wells have been tested and exceeded the maximum contaminant level (MCL) for nitrates are eligible for free bottled water for up to two years. Currently 45 water systems regulated by the HDEHB have been tested, and 35 have confirmed exceedances for nitrates: however only 25 systems have accepted bottled water. Additionally, 20 domestic wells have been tested; of these, nine have confirmed exceedances for nitrates and are eligible for bottled water, and nine domestic wells are currently awaiting test results.

In 2018, the Central Coast Regional Water Quality Control Board (CCRWQCB) initiated a program sponsoring free, voluntary drinking water sampling for residents in any unincorporated area of Monterey County who get their drinking water from a private or shared groundwater well that may be susceptible to contamination from various sources. These wells are not typically required to be tested or comply with safe drinking water standards and may contain unsafe levels of nitrate, arsenic or other compounds. The free drinking water sampling program helps inform residents who do not get their drinking water from a public water system about the safety of their drinking water. The free testing focuses on the two groundwater contaminants most commonly found in public water system wells statewide, nitrate and arsenic, in addition to various general minerals and physical parameters. Testing for various pesticides and/or 1,2,3-trichloropropane (1,2,3-TCP), hexavalent chromium (chrome- or chromium-6 [or VI]) and perchlorate is also available in certain areas. Results may provide information as to additional drinking water contamination issues in Monterey County that may also be considered in ensuring safe drinking water availability to county residents.

Despite the history of proactive water policies at the state level, Monterey County residents still face formidable water challenges. Disadvantaged communities including impoverished unincorporated communities disproportionately bear the health and financial impacts of contaminated water or inadequate access to safe water.

Through this proclamation, the County establishes policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes and requires that all relevant county departments consider this policy when implementing policies and regulations, when those policies and regulations are pertinent to the uses of water described above. Further, the proclamation will:

- Help to focus the issue of drinking water pollution in certain Monterey County domestic wells and water systems as well as potential future threats due to drought and a lack of any available drinking water.
- Not be intended to create a right of action for customers to demand clean water because the “right to water” is language that is directed at administrative county departments to consider when creating policies and/or regulations where water supply and usage is considered.
- Not be intended to impact the allocation of existing water rights.

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Initiative (1), to empower the community to improve health and it also supports two of the ten essential public health services, specifically, (5) to develop policies and plans that support individual and community health efforts and (6) to enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The State Water Resources Agency Board, and Monterey County Water Resources Agency. County Counsel has reviewed this report and proposed resolution as to form.

FINANCING:

There is no financial impact with the acceptance of this report.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

☐Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☐Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

☒Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

☐Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

☐Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

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Approved by: Elsa Jimenez, Director of Health, 4621

Attachment:

Resolution is on file with the Clerk of the Board