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Submitted ELECTRONICALLY via Human Right to Water Portal

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Subject: Comment Letter – A Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water

Dear Dr. Balazs,

The Regional Water Authority (RWA) appreciates the opportunity to comment on the Office of Environmental Health Hazard Assessment (OEHHA) draft report "A Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water" (Report). RWA is a Joint Powers Authority that represents 21 water providers serving 2 million people in the greater Sacramento region. Our mission is to protect and enhance the reliability, availability, affordability and quality of water resources for our members. As part of meeting their mission, RWA members are continuously working to address the human right to water. Doing so requires balancing all challenges to providing high quality, reliable, affordable water.

The Sacramento region has demonstrated success meeting water quality and accessibility standards of the human right to water during all water supply conditions – including the recent severe drought – through increasingly coordinated local water supplies. This success has been documented in numerous publicly available sources, including the Water Board's human right to water webportal.[1,2] Continued success will be an ongoing challenge. The region has low-income and disadvantaged communities comparable to statewide averages.[3] Additionally, like much of the state, rapidly rising housing costs are driving increases in the cost of living. In Sacramento, rent prices have increased faster than all other major U.S. metropolitan areas.[4]

RWA supports the concept of a tool to evaluate the achievement of the human right to water. We all would benefit from an accurate characterization of systems that are and are not meeting the human right to water. However, it is no easy task to develop a tool that correctly assess 7,000 community water systems, as operations across those systems

[1] https://www.waterboards.ca.gov/water_issues/programs/hr2w/
[2] https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/emergency_reg/uw_self-cert_summary.pdf
[3] Appendix E Disadvantaged Community and Environmental Justice Outreach Report. American River Basin Integrated Regional Water Management Plan - 2018 Update. https://rwah2o.org/programs/integrated-regional-water-management/american-river-basin-irwmp-2018-update/
[4] https://www.sfgate.com/realestate/article/sacramento-rent-cost-price-increase-move-13047697.php

are unique. If the tool were to mischaracterize a system as troubled in some way that is successfully achieving the human right to water it could undermine the broader purpose for the tool. It is concerning that the Report appears to approach the characterization of water systems from the perspective that they will fail to meet the human right to water. This concern is captured most explicitly in the characterization that the best score a system can achieve in any indicator is "little to no concern."

It is important that the tool clearly distinguish systems that are failing to meet the human right to water from those that are not, and do so in a way that is easily understandable to the general public. If outcomes from the tool result in focus on systems that do not have a problem it could direct limited resources away from truly troubled systems.

RWA appreciates that the tool is intended to be solution oriented and that there will be an ongoing iterative process to refine the tool. In future development of the tool RWA strongly encourages OEHHA to work with water providers to ensure that the tool is as accurate as possible in characterizing a systems ability to meet the human right to water.

Care must be exercised in developing and scoring indicators, components, and final results. Getting the details right is critical to correct diagnosis. RWA appreciates the recognition on page 38 of the Report in the hypothetical case studies that:

> "Strategies to address the affordability challenges of this system should be explored with care. The fact that water quality and accessibility are high could be a function of the fact that water bills adequately cover the technical, managerial and financial needs of the system. A simple decrease in rates could potentially compromise the system's high water quality. The tool helps highlight the need to balance decisions that impact one component, with potential consequences affecting other components."

While the Report lays out specific indicators it does not specify in detail how those indicators will be weighted, interact with each other, sum to component scores, or how component scores are to relate to each other. Pitfalls with this scoring system are acknowledged in the quote above, but it is not clear how that acknowledgement is to be made clear to the general public nor how decisions that affect one component are to be balanced against effects in the other components. The report also states that:

> "the information associated with each of the three components on its own, remains instructive and useful to inform local and state policies that can best address particular water challenges related to any single characteristic of water system service and delivery."

This is a valuable concept, but careful explanation of how this is to be achieved is necessary. Specifically, how does one know how to interpret when focus on one component could come at the detriment of meeting other components? Further explanation of how indicators are evaluated and interact with one another could help explain how the dual goal of components standing alone, but also being balanced with one another can be achieved. Some examples of questions related to this balance are:

- In the water quality component it is not clear how a system that had an MCL violation but corrected it receives recognition for that correction.

- In the water accessibility component it is not clear how a system which scores poorly solely on the basis of being small with few staff but are in every way meeting the human right to water will be recognized as successful.

- In the water accessibility component it is not clear how the total picture of a systems water supplies and relationships, such as interties or transfer agreements, under diverse scenarios will be accounted for. For example, what is the recognition for drought planning required through drought risk assessments, water shortage contingency plans, and water supply and demand assessments. To what extent are systems that only use groundwater under "normal" conditions but have relationships with surface water under drought conditions recognized for those relationships. It is important to note that most water suppliers reliably provided water in the historic 2012-2016 drought.[5]

- In the affordability component it is not clear what the interaction with the State Water Board's Low-Income Water Rate Assistance effort is. If the Report lays out a different objective than the State Water Board that should be made clear.

The building of component scores is complex, and the interaction of component scores with each other creates even greater complexity. If the Report is to be a successful presentation of this complexity it must be made understandable to the general public otherwise it will be hard to achieve the careful balance the Report itself suggests.

There would be benefit from real world examples and from input from those evaluated. RWA would like to work with OEHHA to ensure appropriate balance and care are achieved in real world situations. The Report could benefit from running the tool through real world examples where feedback from those being evaluated could be incorporated. It is not clear what the relationship between the Report and the State Water Board's human right to water webportal is intended to be. The webportal contains real world systems by which to test the tool, systems

[5] Public Policy Institute of California "Building Drought Resilience in California's Cities and Suburbs June 2017.

that "cycle" on and off the webportal appear to offer valuable test cases for the tool. Without real world examples it is not clear how the careful balance between components standing alone and being assessed as a whole will be achieved.

The tool would benefit from a clear explanation of its intended use.
The tool appears to be a "snap shot" evaluation and it is not clear how the evaluation will be used to improve outcomes over time. RWA appreciates OEHHA staff stating that the Report is intended to be a solution oriented tool.[6] The Report would benefit from an explanation of how the tool will be used to achieve solutions. Is the vision for the tool to be used as a "stick" for enforcement or a "carrot" to direct state funds to systems struggling to meet the human right to water? Clarity on the intended path by which the tool will aid in solutions would be helpful.

Conclusion
RWA appreciates the opportunity to comment on the Report. As future iterations of the tool are developed we look forward to working with OEHHA to build a tool that allows for the accurate identification of water systems that are failing to meet the human right to water.

Sincerely,

John Woodling
Executive Director

[6] Webinar presenting the Report, January 23, 2019. Staff meeting with water suppliers February 11, 2019.