



January 28, 2016

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State Water Resources Control Board
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Sacramento, CA 95814

Submitted via e-mail to commentletters@waterboards.ca.gov



2/2/16 Board Meeting – Item 7 (Conservation Extended Emergency Regulation)

Dear Honorable Chairperson Marcus and Board Members,

The undersigned agencies appreciate this opportunity to submit comments to the State Water Resources Control Board (State Water Board) regarding the Conservation Extended Emergency Regulation (Emergency Regulation). We thank your staff for receiving, considering and, in part, incorporating recommendations from water purveyors across the state submitted as part of your workshop on December 7, 2015, and in response to the proposed regulatory framework released on December 21, 2015.

The State Water Board clearly recognizes that one size does not fit all when it comes to meeting emergency conservation goals in our diverse state. Unfortunately, the proposed Emergency Regulation does not provide a fair and equitable position to all water agencies. We respectfully request that the State Water Board consider our following comments prior to making a final decision.

- **Standards and Baselines**

The existing Emergency Regulation uses 2013 as a baseline from which to measure our customers' efforts to conserve water, and developed a Residential Gallons Per Capita Per Day (R-GPCD) metric that has not been standardized across the water industry.

We ask that the State Water Board consider instead using the more comprehensive Gallons Per Capita Per Day (GPCD) metric and baselines established by SBX7-7 to achieve a 20% reduction in urban use by 2020 (20x2020). For example, if a statewide reduction of 30% from the established 20x2020 baseline was required to meet Emergency Regulation goals, the time period for the reduction (through October 2016) and the collective percentage reduction (30% from the established 20x2020 baseline) could be established by the State Water Board. This would allow all retail agencies to use readily available, consistent, and standardized data to meet the Emergency Regulation criteria. At the same time, the 20x2020 baseline would recognize the significant achievements in conservation by water agencies prior to 2013.

Alternatively, the State Water Board may want to consider using the State's existing efficiency-based standard (55 GPCD indoors, 80% reference evapotranspiration outdoors) established by SBX7-7 and AB 1881. However, many water agencies lack land use data and enforcement authority, presenting challenges to implementation of this standard in the near-term.

We respectfully request that the State Water Board consider using existing standards and baselines established by State legislation to measure conservation savings.

- **Climate Adjustment**

We appreciate and support an adjustment to the existing regulations based on local climate conditions. Unfortunately, the proposed calculation excludes any adjustment for a significant portion of Inland Southern California, which is clearly an arid climate requiring higher levels of outdoor water use than coastal areas. Our being excluded from this adjustment – due to being 0.06% below the 5% threshold for adjustment – appears to conflict with the intent of the adjustment.

We respectfully request that the State Water Board establish a climate adjustment calculation that recognizes the arid environment of Inland Southern California.

- **Sustainably Managed and Stored Groundwater**

Our agencies collectively rely on the Chino Groundwater Basin for a majority of our water supply. The Chino Basin has been sustainably managed for nearly 40 years under a stipulated adjudication and the continued jurisdiction of the California State Superior Court. The fundamental basis for the adjudication is the establishment of a safe yield based on a long-term hydrology incorporating both wet and dry years. Additionally, we and our regional partners have invested hundreds of millions of ratepayer dollars to implement a physical solution to protect groundwater quality and maintain sufficient yields for all producing parties under all climate conditions, now and in the future.

Over the decades, Chino Basin producers have saved nearly 400,000 acre-feet of water stored in the groundwater basin which can be safely accessed during periods of extended drought. This stored water represents an investment of millions of dollars from local ratepayers as well as from State bond funds. By not recognizing this local drought-proof supply, the proposed Emergency Regulation nullifies the public's investment in sustainable groundwater management, and discourages future investment in local supplies that provide overall benefits to California.

Additionally, basin management programs are mandated pursuant to Santa Ana Regional Water Quality Control Board Basin Plan requirements and other Regional Board Orders that require the production of groundwater to achieve water quality objectives. Review will be undertaken as necessary to determine if continued implementation of Emergency Regulation mandates may place our agencies in jeopardy of violating Court and Regional Board Orders by causing the reduction of groundwater production.

We respectfully request that the State Water Board provide for adjustments to recognize sustainable and Court-ordered groundwater management strategies, as well as locally stored groundwater.

- **Recycled Water**

Our agencies collectively have invested over \$250 million in ratepayer and State bond funds to develop local recycled water supplies. Since 2013, over 118,000 acre-feet of tertiary treated recycled water has been reclaimed and put to beneficial use in our region. This includes over 12,000 acre-feet of recycled water recharged in 2015 as a potable water supply, which directly offsets the need to replenish the groundwater basin with imported surface water. The State Water Board granted a permit to reclaim this water and put it to beneficial use, so by definition it is not a reduction in the supply available to another legal user or the environment. Therefore, we believe we should receive full credit for this drought-resilient source of supply as a portion of our potable water supplies.

We respectfully request that the State Water Board ensure that all recycled water supplementation of potable supplies receive full credit as a drought-resilient source of supply.

- **Regional Compliance Approach**

Our agencies work closely together on groundwater management, local supply development, water use efficiency programming, and regional drought response. Many of us are members of a regional alliance for the purpose of compliance with SBX7-7 requirements. We believe a regional compliance approach is consistent with State water policy which supports regional approaches and solutions to water resource management issues – for instance, through the promotion and funding of integrated resource management plans and projects.

We respectfully request that the State Water Board consider adding a regional compliance approach to the Emergency Regulation.

- **Adjustment for Measured Changes in Water Supply Conditions**

The proposed Emergency Regulation does not discuss adjustments for changes in statewide water supply conditions. The Department of Water Resources and other state agencies track water supplies across the state and use a number of measurements – snowpack, streamflow, reservoir storage, etc. – to determine drought conditions and supply predictions. Using these measurements, the State Water Board should be able to develop a transparent and science-based process for determining if demand reduction requirements continue to be justified as water supply conditions change.

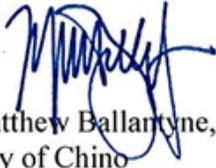
We respectfully request that the State Water Board develop a transparent process for determining whether water supply conditions continue to merit existing urban demand reductions.

We appreciate your and your staff's time in considering our comments on the Emergency Regulation.

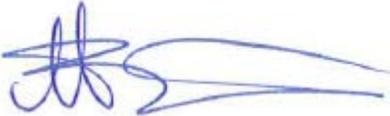
Sincerely,



Peter Kavounas, CEO/General Manager
Chino Basin Watermaster



Matthew Ballantyne, City Manager
City of Chino



Rad Bartlam, City Manager
City of Chino Hills



Linda Lowry, City Manager
City of Pomona



Rod Butler, City Manager
City of Upland



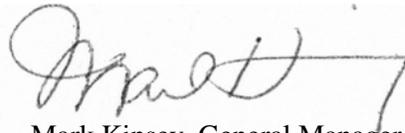
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Todd Corbin, General Manager
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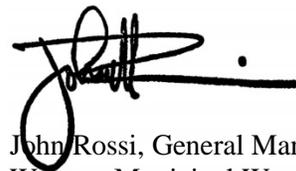
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