

Comment Letters

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**From:** Joseph Zoba [<mailto:jzoba@yvw.dst.ca.us>]

**Sent:** Monday, December 21, 2015 3:49 PM

**To:** Bean, Jessica@Waterboards

**Subject:** Proposed Regulatory Framework - Extended Emergency Regulation for Urban Water Conservation

Jessica – I had an opportunity to review the December 21, 2015 version of the *Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation*.

On page 4, the State Water Resources Control Board discusses the issue of Non-Potable Recycled Water Use Credit. As shown below, the regulations state, “These suppliers have already realized the benefit of providing recycled water by not having that water counted as part of their total production and not having to reduce use of that water”.

**Non-potable Recycled Water Use Credit:**

**Stakeholder Proposal:** This proposal would apply to suppliers that meet a large portion of irrigation demand with non-potable recycled water. These suppliers would be able to reduce their 2016 monthly potable water production by the ratio of non-potable recycled water use to total potable water production multiplied by their total water production and their conservation. Reducing 2016 total potable water production would have the effect of reducing the required volume of water saved.

**Staff Recommendation:** **Staff does not recommend providing additional credit for non-potable recycled water use.** Under the current Emergency Regulation, non-potable recycled water is not counted in total potable water production. Suppliers’ conservation standards are based on residential use of potable water, and while suppliers have been generally expected to target outdoor irrigation as a means of achieving savings, high use of recycled water should not, by itself, prevent a supplier from meeting those standards with reductions from residential and non-residential customers. **These suppliers have already realized the benefit of providing recycled water by not having that water counted as part of their total production and not having to reduce use of that water.** Urban water suppliers that cannot meet their conservation standard due to a disproportionate share of recycled water use may pursue relief through the existing alternate compliance process on case by case basis.

I agree that the direct delivery of recycled water is not counted as part of total water production (the first part of the sentence highlighted above) in the following two scenarios:

- Scenario 1 – Recycled water is not counted as part of total production pursuant to the existing SWRCB emergency regulations if the recycled water is provided prior to the baseline period of 2013; and
- Scenario 2 – Recycled water is not counted as part of total production pursuant to the existing SWRCB emergency regulations if the recycled water is provided after the baseline period of 2013.

However, the second half of the highlighted sentence above (“...and not having to reduce use of that water”) is only true for Scenario 2, if recycled water is provided after the baseline period of 2013. If

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recycled water is provided prior to the 2013 baseline period, there is no reduction of total water production.

If recycled water was provided prior to the baseline period of 2013, the volume of drinking water produced would already be in the baseline figures provided to the SWRCB by an amount equal to the quantity of recycled water delivered by direct delivery. In other words, by providing recycled water prior to 2013 a retail water provider will need to take additional steps to achieve an even greater overall water conservation savings from residential customers in order to meet the SWRCB goal.

Based on the data made available by the SWRCB, there are very few water retailers that have reported recycled water use in 2013. Therefore, the regulations negatively impact these few agencies to a significantly greater extent and disproportionately than the retail water agencies that did not provide direct delivery of recycled water prior to 2013.

While I recognize that residential water conservation is a large part of the overall SWRCB strategy, the SWRCB goal is significantly greater and more difficult to achieve for a retail water agency that provided recycled water to their community prior to 2013. In fact, while new recycled water customers connected during the emergency regulations will provide a reduction in the amount of drinking water reported to the SWRCB, there is no reduction for recycled water customers pre-existing the 2013 baseline period. This makes the overall SWRCB water conservation goals even more difficult to achieve for a proactive community that has made recycled water use a priority and has reduced the amount of drinking water to their community for several years prior to the drought.

To help prepare comments regarding the proposed regulatory framework, I would appreciate the following:

- Please provide additional information how the highlighted statement is true such that a retail water provider will not have to reduce potable water production for the direct delivery of recycled water provided prior to 2013? I do not believe the use of direct delivery recycled water prior to 2013 reduces the total water production reported as part of the original or extended emergency regulation framework and contemplated in the text by the SWRCB above. Please advise.
- Please consider adopting a methodology that would account for the reported quantity of non-potable / recycled water each month during the baseline period of 2013 as a reduction in the total water production reported for subsequent periods. By reducing the amount of potable water used and reported in future periods by the amount of direct delivery recycled water used in the baseline year, the State Water Resources Control Board would provide an incentive for recycled water projects throughout California since water purveyors would realize that there is a benefit to place recycled water projects into service to conserve statewide water resources prior

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to a drought crisis. The early implementation of recycled water is a direct benefit to the people of the State of California.

- Please provide information about the process to pursue relief through the existing alternative compliance process on a case by case basis as stated in the section identified above. I was under the impression that relief is only available for agricultural water retailers and their customers.
- Please provide an updated Excel spreadsheet with the reported figures for retail water agencies for the period ending on November 30, 2015.

Thank you for your thoughtful consideration of these issues and your assistance.

Joe

**Joseph B. Zoba, General Manager**

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