



VIA Electronic Submission: Kathy Frevert@waterboards.ca.gov

January 6, 2016

Kathy Frevert  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Subject: Comments on Proposed Regulatory Framework

Dear Ms. Frevert:

The East Orange County Water District appreciates the opportunity to comment on the proposed regulatory framework as the State Water Resources Control Board considers extending the Emergency Regulation for Statewide Urban Water Conservation.

We appreciate the effort that SWRCB staff and water agencies throughout the state have gone to as the Board considers incorporating important public policy concepts by virtue of information that has been gained regarding the intended and unintended effects of the regulations has been realized. And while substantive issues are addressed in staff's recommendations, we ask that the Board consider further actions:

1. Meaningful drought credit for IPR/DPR/Desalination Projects – Because the cost of these investments, both capital and operating, are largely borne by the local agencies, but have primary and secondary benefits to regional and state residents,
2. the drought credit should be substantive – rewarding the agency's ratepayers by respecting the investment they made in drought-proofing. Anything less would service as a disincentive to make these investments. The "four percentage points cap" and the inability to combine credits seems arbitrary; the source of the four percentage points is unexplained.
3. R-GPCD – In order to establish a fair statewide regulation, R-GPCD should include several variable factors specific to each water purveyor including population density, population growth, east slope-west slope, temperature, rainfall, evaporation rates, topography and socio-economic/environmental considerations, such as lot size, land use, and past conservation efforts. For example: large property lots arguably provide environmental benefits in excess of the water used to maintain them by creating carbon offsets, absorbing heat, reducing particle air contaminants/dust, reducing population density and generally beautifying the areas they lie within – these same arguments have been used to justify reserving water supplies for other areas of the state and environment.
4. Create Winter Tiers - The Urban Water Supplier Conservation Tiers should be equalized statewide during the winter months as there is little if any irrigation that occurs during this time. Data that the State has collected shows that winter per capital indoor demands are virtually the same statewide, yet conservation tiers range from 4% to 36% depending on where you live. It is not equitable to require one household to conserve 4% indoors while another household is required to reduce indoor usage 36%.

DIRECTORS

Richard B. Bell  
Douglass Davert  
John Dulebohn  
Seymour B. Everett III  
William Vanderwerff

Lisa Ohlund  
General Manager

185 N McPherson Road  
Orange, CA 92869-3720

[www.eocwd.com](http://www.eocwd.com)

Ph: (714) 538-5815  
Fax: (714) 538-0334

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1. Defer the extension of the Emergency Regulations - The State Board is poised to extend the emergency regulations in early February, 2016. From now through the end of March/April, the State could see significant amounts of rainfall fill reservoirs and provide a deep blanket of snow to fill our largest winter reservoir; Sierra Nevada. This past summer, Californians did their part to conserve in the face of the drought. It is critical to make the right decision at the right time this year or the State could jeopardize its credibility with Californians and lose their confidence. The State Water Board should defer action, if any, on extending the regulatory conservation mandate until the snow has stopped falling and the Department of Water Resources has completed its last snow survey in May.

We note that we have discussed our comments with our colleagues at the Mountain Counties Water Resources Association, and find much common ground between us; in support of this, we have incorporated several of their comments into our comment letter.

We appreciate the leadership that the State Water Resources Control Board has shown in providing the structure and enforcement tools that gave local agencies the impetus to encourage/require all Californians to pull together in this crisis. These regulations can also provide a framework to mitigating future drought emergencies and we trust that the State Board will exercise discernment towards this end as they consider the impact these regulations will have on California's future.

Very truly yours,



Lisa Ohlund  
General Manager

Cc: Robert Hunter, Municipal Water District of Orange County  
John Kingsbury, Mountain Counties Water Resources Association