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January 5, 2016

Kathy Frevert  
State Water Resources Control Board  
1001 I Street, 24th floor  
Sacramento, CA 95814

*Electronic Submission: [Kathy.Frevert@waterboards.ca.gov](mailto:Kathy.Frevert@waterboards.ca.gov)*

Regarding: Comments on Proposed Regulatory Framework

Dear Kathy Frevert;

The Mountain Counties Water Resources Association (MCWRA) appreciates the opportunity to comment on the proposed regulatory framework as the State Water Board considers extending the Emergency Regulation for Statewide Urban Water Conservation.

MCWRA’s primary concern with the current regulation is the continued inequity within its framework. While the proposed regulatory framework does provide some flexibility and takes into account climate and population growth, the proposed regulations do not go far enough as outlined in the State’s Drinking Water Information Clearinghouse web portal.

**Drinking Water Information Clearinghouse** (“DRINC Portal,” <https://drinc.ca.gov/dnn/Applications/UrbanWaterR-GPCD.aspx>).

Residential Gallons Per Capita Day (R-GPCD) is a basis to establish baseline conservation data. 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 measures, such as lot size and income, land use, and past conservation efforts. For example:

Population density – highly urbanized areas with high population densities use less water per person than do more rural or suburban areas since high density dwellings tend to have shared outdoor spaces and there is less landscaped area per person that needs to be irrigated.

Socio-economic measures such as lot size and income – Areas with higher incomes generally use more water than areas with lower incomes. Larger landscaped residential lots that require more water are often associated with more affluent communities. Additionally, higher income households may be less sensitive to the cost of water, since it represents a smaller portion of household income.

State Water Board staff rejected several sound stakeholder proposals that should be reconsidered such as the option for regional compliance and exempting or relaxing conservation requirements for isolated hydrogeologic regions such as on the east slope of the Sierra. Excluding or capping credits and adjustments is counter-productive and punitive. The State Water Board should seek ways to incentivize and reward stellar work performance. Water Code §85021 is a performance measure that could be developed to reward water suppliers that can demonstrate:

- reduced reliance on the Delta
- investment in improved regional supplies
- improved regional self-reliance
- investment in conservation, and water use efficiency
- investment in advanced water technologies


The “four percentage points” cap on adjustments seems to be an arbitrary number and should be explained.

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%.

Lastly, the State Water Board is poised to extend the emergency regulation 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 risk failure. 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.

Thank you for the consideration. If you have any questions, I can be reached at 530.957.7879.

Sincerely,



John Kingsbury, Executive Director  
Mountain Counties Water Resources Association

- c: Felicia Marcus, Chair, State Water Resources Control Board  
Board of Directors, Mountain Counties Water Resources Association  
Lisa Ohlund, General Manager, East Orange County Water District  
Matt Stone, President, Urban Water Institute

The Honorable:

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