



IRVINE RANCH WATER DISTRICT

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January 12, 2017

Felicia Marcus, Chair
and Members of the
State Water Resources Control Board
Attention: Jeanine Townsend, Clerk of the Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814

Via email to commentletters@waterboards.ca.gov

**Subject: Comment Letter - Urban Water Conservation Public Workshop,
Wednesday January 18, 2017**

Dear Chair Marcus and Members of the State Water Resources Control Board:

We wish to thank you for your leadership as our state has dealt with California's unprecedented drought over the past six years. We appreciate the opportunity to provide input regarding the potential extension and modification of the current Emergency Regulation for Statewide Urban Water Conservation. Our comments in response to the questions posed by the State Board are as follows:

1. What elements of the May 2016 Emergency Regulation should be modified?

The May 2016 Emergency Regulation reflected improved conditions in the state's drought, and also appropriately considered water suppliers' ability to meet projected demands for an additional three years. While precipitation is one measure of drought, precipitation levels alone do not necessarily mean that water agencies face water shortages. To fully assess the potential for water shortages, local conditions must be considered, including projected demands, available supplies, storage, and the use of alternative, sustainable sources of supply, such as potable reuse, recycled water, and water supplies specifically designated for emergency use only.

As shown in a December 22, 2016 State Board update, 344 water agencies across the state demonstrated the sufficiency of their supplies to meet projected demands for three additional years of drought. Only 35 suppliers statewide had conservation targets higher than 0%. Since December 22, 2016, California has experienced high levels of precipitation throughout the state, and as of January 9, 2017 many key storage reservoirs in Northern California are scheduling flood releases. In Southern California, precipitation is 144% and 139% of normal, for Los Angeles and San Diego respectively,

and local storage has increased over 2016 levels. As of January 10, 2017, Metropolitan Water District of Southern California's major storage reservoirs were all at least 70% full¹.

Given the increased reliability of projected supplies throughout the state, it is difficult to make the case that the state is still experiencing a drought emergency, which was the original basis for instituting the drought emergency regulations. It creates a significant customer communications challenge for water agencies to continue calling for high levels of conservation from customers. Extraordinary conservation measures and messaging are tools that should be preserved for use when actual shortages are projected and supplies are not adequate to meet customer demands. With the improved conditions there is no longer a statewide drought emergency. IRWD strongly encourages the State Water Resources Control Board to allow the Emergency Regulation to expire on February 28, 2017.

2. Should the State Water Board account for regional differences in snowpack, precipitation and lingering drought impacts differently than under the current emergency regulation?

The current emergency regulation already accounts for regional differences since it is based on a supplier self-certification of the ability for available supplies to meet projected demands. That process in the current Emergency Regulation inherently already accounted for local conditions. Additionally, it is important to consider that sources of supply may not correspond to the region within which the supplier is located. For example, the State Water Project, which depends on the Northern California snowpack, is a key source of Southern California's water supply. As previously stated, the majority of California water suppliers (344) had already demonstrated sufficiency of regional and local supplies before December 2016, and conditions throughout the state have improved significantly since then. As a result, there is no need for further regional or local analysis. The self-certification submitted by agencies takes all sources of supply into consideration, and therefore does not require regional adjustments. There is no longer a drought emergency, and the current Emergency Regulation should expire.

3. Should the Board act now, or later if conditions warrant, to develop a conservation standard structure like the one adopted in February 2016 to achieve a mandatory reduction in water use? Should the Board set a conservation floor, individually or cumulatively?

While it is not necessary that the State Board act now, it would be helpful for the Board to establish a process to develop a framework for use in future statewide emergencies. A

¹ http://www.bewaterwise.com/reservoir-water-storage/2.2.4_reservoir_storage.pdf

Felicia Marcus, Chair
and Members of the
State Water Resources Control Board
January 12, 2017
Page 3

future emergency framework should build off the lessons learned in this drought. The emergency framework should include triggers and define the criteria for declaring a water shortage emergency at the statewide level. Once declared, that state can direct suppliers to trigger their water shortage contingency plans, as appropriate based on the supplier's assessment of local conditions.

As part of the proposed long-term conservation framework, suppliers will have strengthened requirements for local water shortage contingency planning and will be preparing annual assessments. Local suppliers are best equipped to evaluate projected local demands and the availability of supplies, storage, emergency drought supplies and other sustainable supplies such as recycled water, potable reuse and desalination. This approach avoids using arbitrary percentages that are not reflective of local conditions and investments into reliability. It is important for the State Board to recognize that water efficiency is the best method for promoting the sustainable use of water in California. This is different from conservation requirements that require Californians to restrict water use regardless of whether their uses are efficient or not. Conservation requirements must be reserved at a method of last resort, only to be deployed when drought or other emergency shortage conditions emerge.

IRWD does not support the use of mandatory conservation floors. Again, the strengthened planning and drought contingency plans proposed in the long-term conservation framework obviate the need for imposed conservation floors. Mandatory floors would penalize agencies that have invested in water efficiency and sustainable supplies, and potentially discourage future investments, since the benefits of the investments would be negated in a shortage. The Governor's California Water Action Plan calls for increased integrated planning that combines enhanced water efficiency with local investments into California's future water reliability. We believe that the State should focus on the elimination of water waste by promoting water use efficiency.

Although improved conditions no longer warrant continued Emergency Conservation Regulations, IRWD is committed to long-term water use efficiency and we look forward to continuing to work with the State Board to implement the proposed long-term framework. We thank you for your consideration of our comments. Please do not hesitate to contact me or Fiona Sanchez at (949) 453-5325 if we can be of assistance to you or your staff.

Sincerely,



Paul A. Cook, P.E.
General Manager