



January 6, 2016

The Honorable Felicia Marcus, Chair  
and Members of the State Water Resources Control Board  
c/o Jeanine Townsend  
Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

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

Dear Chair Marcus and Members of the Board:

The Bay Area Water Supply and Conservation Agency (BAWSCA) appreciates the opportunity to provide input as the State Water Resources Control Board (Board) considers potential modifications to the Emergency Regulation for Urban Water Conservation. BAWSCA provides regional water reliability planning and conservation programming for the benefit of its 26 member agencies that deliver water to over 1.7 million residents and nearly 33,000 commercial, industrial and institutional accounts in Alameda, San Mateo and Santa Clara Counties.

BAWSCA has the following comments and recommendations on the proposed regulatory framework:

**No Redirected Impacts** – The proposed regulatory framework includes new credits for climate and growth impacts, but is silent as to whether such modifications will result in the raising of Conservation Standards for other water agencies. BAWSCA respectfully requests that the State Board clarify its intention to avoid redistributing impacts onto other water suppliers through implementation of the revised regulations.

**Growth Credit for Infill Development** – The State of California encourages infill development as a means of supporting sustainable development that results in reduced greenhouse gas emissions and energy use, as well as improved regional air quality. The current "Growth Credit" proposal relies on additional water service connections as the metric for determining a city's and/or agency's population growth. This method may not work adequately for many dense urban environments where new infill developments do not generate additional water service connections. BAWSCA suggests that the State Board include an additional metric for recognizing growth that is more appropriate for infill development (e.g., population growth data from a respected third party, such as the California Department of Finance).

**Cumulative Timeperiod for Monitoring Compliance with Mandated Reductions** – The proposed changes in the regulatory framework do not address the period over which the monitoring of an individual agency's performance will occur (e.g., June 2015 and February 2016) and particularly, when or if the cumulative accounting of savings would “reset” under the revised framework. BAWSCA suggests that the State Board clarify that the compliance of individual agencies will continue to be monitored on a cumulative basis through the revised termination date of October 2016.

**Process for Ending Mandatory Reductions** – BAWSCA suggest that the State Board develop a process with specific triggers for ending the mandatory reductions should water supply conditions warrant.

Thank you for your consideration of these comments. If you have any questions, please contact me at [NSandkulla@BAWSCA.org](mailto:NSandkulla@BAWSCA.org) or (650) 349-3000.

Sincerely,



Nicole Sandkulla  
CEO/General Manager

cc: BAWSCA Board Members  
BAWSCA Water Management Representatives  
A. Schutte, Hanson Bridgett, LLP