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(4/20/16) Public Workshop
Urban Water Conservation
Deadline: 4/14/16 by 12 noon



April 14, 2016

Delivered by e-mail to: commentletters@waterboards.ca.gov

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

Subject: "Comment Letter – Urban Water Conservation Workshop"

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies (ACWA) appreciates this opportunity to provide comments to the State Water Resources Control Board (State Water Board) regarding possible additional modifications to the Extended Emergency Water Conservation Regulation (Emergency Regulation), in consideration of current water supply conditions. ACWA represents over 430 public water agencies which are responsible for delivery of over 90% of the water used for residential, commercial and agricultural purposes in California. Water agencies statewide are continuing to implement the unprecedented mandatory, emergency water use restrictions although drought conditions have been substantially alleviated by this winter's welcome precipitation and snowpack.

ACWA is providing comments in response to the three questions posed in the meeting notice distributed by the State Water Board.

1. What elements of the existing February 2016 Emergency Regulation, if any, should be modified and how so?

ACWA appreciates that as part of its approval of action in February that the State Water Board committed to consider rescinding or modifying the Emergency Regulation light of water supply conditions through April. ACWA believes that the Emergency Regulation should now be rescinded by the State Water Board based on current water supply conditions statewide as a result of significant winter precipitation and snowpack. Although precipitation and snowpack conditions may be only "normal" or even somewhat "below normal" in some regions, sufficient surface water supplies are clearly available to water agencies statewide such that storage is being fully replenished and the drought emergency has been substantially alleviated. Northern California snowpack conditions, the 2016 State Water Project Allocation of 45%, the Central

Valley Project Initial Allocation of 55% for urban water contractors south-of-Delta, and diverse water supply investments by water agencies statewide are all contributing to significantly improve water supply conditions statewide. California water users are aware that the severity of the drought has been mitigated, and it is extremely important to acknowledge that, for now, conditions no longer warrant extraordinary emergency conservation mandates.

ACWA does support a state call for voluntary water use reductions, and statewide continuation of the “End User Requirement in the Promotion of Water Conservation” in Section 864 through October, as a response to the possibility of a dry winter 2016-2017 and potential re-emergence of the drought crisis.

If the State Water Board makes a determination that some form of mandated emergency water use restriction for individual water suppliers must be retained until this Emergency Regulation expires in October, we recommend that the regulation be restructured to implement the water supply reliability assessment self-certification alternative that is currently being proposed by several water agencies.

However, if the State Water Board decides not to implement the water supply reliability assessment alternative method and yet continues to impose water supplier conservation mandates, the current Emergency Regulation needs to be significantly revised to add the credits and adjustments ACWA has previously advocated, including:

- Removing climate adjustment caps, and caps on drought-resilient supplies to fully address the remaining unresolved equity issues and continued disincentives for further investment in drought-resilient supplies.
- Removing the 2013 project start-date as qualifying criteria for drought-resilient supplies as it cuts off significant pre-drought investments and does not recognize the funding and planning cycle that has positioned California to meet the challenge of this drought.
- Expanding the definition of “drought-resilient supplies” to clearly include brackish groundwater desalination, surface and groundwater storage and conjunctive use projects, and direct non-potable recycled water supply projects.

2. How should the State Water Board account for regional differences in precipitation and lingering drought impacts, and what would be the methods of doing so?

Regional differences in precipitation in many instances actually are not the major driver of water supply security for most water agencies statewide. As noted above good snowpack conditions, good SWP and CVP urban water allocations, and diverse water supply investments by water agencies statewide will mitigate any effect of regional precipitation deficiencies in 2016. Any “lingering drought impacts” will need to be assessed in coming months and

appropriate responses targeted to specific conditions that are identified in individual affected communities. Urban water suppliers can be expected to be at the forefront of this effort, and ACWA and other organizations can partner with the State Water Board and other state agencies to identify and offer targeted assistance if warranted.

3. To what extent should the State Water Board consider the reliability of urban water supplier supply portfolios in this emergency regulation?

The State Water Board should rely on existing information on water supply reliability that is already available in individual urban water supplier's Urban Water Management Plans. The State Water Board should not place itself in the position of evaluating the reliability of urban water supplier's water supply portfolios in the context of the Emergency Regulation.

Conclusion

ACWA believes it is time to end the State Water Board's mandatory water use restrictions statewide. Continuing to ask Californians to sustain heroic water conservation efforts that are disproportionate to actual water supply conditions will undermine the credibility of the Administration and California's public water agencies and may make it much harder to generate the required response should emergency conditions re-emerge in the future.

Thank you for considering these comments. ACWA continues to appreciate the significant attention the State Water Board continues to give to the Emergency Regulation. I am available to discuss these comments at daveb@acwa.com or (916) 441-4545.

Sincerely,



David Bolland
Special Projects Manager

cc: Mr. Wade Crowfoot, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.
Mr. Tom Howard, Executive Director, State Water Board
Mr. Eric Oppenheimer, Chief Deputy Director, State Water Board
Mr. Max Gomberg, Climate Change Mitigation Strategist, State Water Board
Mr. Timothy H. Quinn, Executive Director, ACWA
Ms. Cindy Tuck, Deputy Executive Director for Government Relations, ACWA