



April 14, 2016

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

VIA EMAIL TO commentletters@waterboards.ca.gov



Felicia Marcus, Chair
 And State Water Resources Control Board (SWRCB or State Water Board)
 1001 I Street
 Sacramento, CA 95814

Attn: Jeanine Townsend, Clerk to the Board

Subject: Comment Letter – Urban Water Conservation Emergency Regulation Revisions

Dear Chair Marcus and Board Members D’Adamo, Doduc, Moore, and Spivey-Weber:

Thank you for scheduling the forthcoming April 20th public workshop on the SWRCB’s extended emergency urban water conservation regulation. Further action on this regulation is needed thanks to the wet winter that has continued since the SWRCB extended and modified the regulation. The present hydrologic conditions and our ability to continue to sustainably meet all customer demands make it imperative that the SWRCB lift the regulation for our agency, and other in the Sacramento region, without delay. Failure to do so will risk not just the public’s cooperation, but also the very credibility of the local water agencies such as Sacramento Suburban Water District (SSWD or District), who must enforce the state’s mandates.

SSWD ratepayers have invested many millions of dollars to construct a drought-resilient, fully conjunctive water supply system which banks water in wet times to ensure a sustainable groundwater basin for use when surface water is in short supply. This system was constructed following the co-equal principles of the Sacramento Area Water Forum Agreement which calls for protection of the fishery, recreation and aesthetic values of the lower American River with safe and reliable water supplies. Using this customer investment, the District has banked six years’ worth of total annual water supply in the sustainably managed groundwater basin under north Sacramento County.

Because of the welcome changes in our area hydrology, the District is operating in 2016 in the “bank excess water” mode of our conjunctive supply system. In our region, there remains no drought emergency.

Importantly, additional emergency reductions in water use by SSWD will not aid other parts of the state due to restrictions in delivery. In fact, SSWD is trying to pursue groundwater substitution water transfers to willing buyers south of the Delta and is being told there is no transfer ability this year due to Delta restrictions and the need to move available priority contract water whenever pumping restrictions allow.



I have attached a Draft Resolution which will be considered for adoption at our monthly Board meeting on April 18, 2016. The resolution language details recent actions by the State Water Board, recent hydraulic conditions supporting removal of the drought emergency regulations in the Sacramento region, and urges the SWRCB to take appropriate action to rescind the emergency regulation for SSWD.

To address the three specific questions solicited by the SWRCB, we offer the following information.

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

Drought emergency regulations should be completely rescinded for hydrologic regions that are experiencing relatively normal hydraulic conditions and full deliveries of water supplies are available. Such areas include, at a minimum, the North Coast and Sacramento Valley hydraulic regions. At a minimum, the mandatory elements of the emergency regulations should be rescinded in such regions. To continue messaging mandatory emergency measures in these areas is counterproductive to customer acceptance of long term water efficiency improvements as called for in the California Water Action Plan.

Should the Drought emergency regulation not be rescinded for the Sacramento region, the State Water Board should make the following changes to the emergency regulations in addition to removing the mandatory obligations:

- Revise language in Section 863 to reflect that drought conditions no longer exist “in some areas of the state.”
- Revise language in section 864 to allow voluntary, not mandatory restrictions in areas of the state no longer experiencing a drought emergency.
- Remove climate adjustment caps.
- Remove caps on drought-resilient supplies which disincentivize further investment in such projects.
- Remove the 2013 project on-line date as qualifying criteria for drought-resilient supplies which fails to recognize those with the foresight to respond to previous droughts and implemented projects before 2013.
- Expand the definition of “drought resilient supplies” to clearly include proven and successful groundwater storage and conjunctive use 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?

The State Water Board should use available hydrologic data for each region to evaluate whether the drought still represents an “emergency” in a given region. This could be accomplished on a hydrologic region level as defined by the California Department of Water Resources (DWR). DWR publishes monthly water supply condition data in Bulletin 120 that is organized by hydrologic region and includes precipitation, snow water content, reservoir storage and current and forecasted runoff. The State Water Board can use this information to assess each hydrologic region and decide which regions are recovering and which regions are still experiencing “emergency” drought conditions. The variability in conditions in 2016 is significant, with the North Coast, Bay Area, and Sacramento River hydrologic regions

experiencing near normal or better hydrologic and water supply conditions, while other areas of the state differ.

The State Water Board should not rely on the oversimplified and qualitative graphic published as the California Drought Monitor. Scientists at the National Drought Mitigation Center at the University of Nebraska-Lincoln have confirmed that the Drought monitor is not meant to represent water supply conditions and caution against using the drought monitor to make any determinations about whether or not municipal water supplies are affected by drought.” In fact, there have been ongoing discussions about creating a specific water monitor product that would try to incorporate all the nuances of water supply and delivery. SSWD is hopeful this new product is available soon and will help eliminate the confusion caused by misuse of the present Drought Monitor.

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

In a perfect world, the reliability of a water supplier’s portfolio should be the fundamental element in considering mandatory water conservation during drought. Unfortunately, a specific assessment of a water supplier’s unique and changing conditions, considering the Emergency Regulations need for immediate action, precludes the submittal and evaluation by the State Water Board of 411 different supply portfolios for reliability.

Furthermore, the State Water Board is not in any position to conduct such an analysis in any meaningful way. Local water purveyors are not only the best positioned to ensure the reliability of urban water supplies; they are the ones who are directly responsible to their customers to ensure it is correctly done. Not only are the local urban purveyors better positioned, they already do this through preparation of water supply master plans unique to their situations and through the state mandated Urban Water Management Plans updated every five years.

The State Water Board should rely on the exceptional job performed by local water experts throughout the state in ensuring safe, reliable and resilient water supplies to the communities they serve.

Sacramento Suburban Water District appreciates the efforts of the State Water Board to revisit its extended emergency regulations. We believe continuing to message a drought emergency when an emergency so clearly no longer exists not only erodes the public’s continued faith in the providers and regulators of their public water supply, but risks reduced customer response when called upon to sacrifice during future drought emergencies.

We thank you for the opportunity to comment, and we look forward to continuing the discussion on long-term water efficiency following the State Water Board’s prompt action to rescind the emergency regulations as applied to SSWD.

Sincerely,



Robert S. Roscoe, P.E.

General Manager

DRAFT
RESOLUTION NO. 16-11

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SACRAMENTO SUBURBAN WATER DISTRICT
CONCERNING DROUGHT EMERGENCY CONSERVATION REGULATIONS FROM
THE STATE WATER RESOURCES CONTROL BOARD**

WHEREAS, on April 1, 2015, Governor Jerry Brown issued Executive Order B-29-15, which required in part that the State Water Resources Control Board impose restrictions to achieve a 25% reduction in urban potable water use by February 29, 2016, compared to usage in 2013; and

WHEREAS, on May 5, 2015, the State Water Resources Control Board adopted drought emergency conservation regulations to implement the Governor's mandate, including a range of reductions by urban water suppliers which depended on their residential per capita water usage in 2014; and

WHEREAS, the water conservation regulations required the Sacramento Suburban Water District, 32% reduction in water use; and

WHEREAS, on November 13, 2015, Governor Brown issued Executive Order B-36-15, which specified in part that, should drought conditions persist through January, 2016, the State Water Resources Control Board would continue through October 31, 2016 restrictions to achieve statewide reductions in potable water usage, including modifications to address potable and non-potable water, and to incorporate insights gained from existing restrictions; and

WHEREAS, the State Water Resources Control Board issued a notice of proposed rulemaking on January 22, 2016, to extend the conservation regulations until October 31, 2016; and

WHEREAS, on February 5, 2016, the State Water Resources Control Board adopted an extension of the conservation regulations until October 31, 2016, which contained only one minor change in the provisions relevant to Sacramento Suburban Water District, reducing the conservation requirement from 32% to 29%, providing no credit for the District's prior investments in conjunctive use, sustainably managed groundwater and drought resiliency; and

WHEREAS, rainfall in Sacramento is 91% of average as of April 11, 2016.

WHEREAS, on April 1, 2016 the monthly estimate of March through November unimpaired runoff to Folsom Lake was 2,074 acre feet, placing the Sacramento Water Forum designation of regional water supplies in the "wet year – no water Forum restriction Apply" category.

WHEREAS, on April 1, 2016, the United States Bureau of Reclamation announced water supply allocations as follows, with no supply shortages in the Sacramento Region:

- Agricultural water service contractors north-of-Delta are allocated 100% of their contract supply
- Municipal and Industrial water service contractors north-of-Delta are allocated 100% of their contract supply
- Sacramento River Settlement contractors are allocated 100% of their contract supply

WHEREAS, on April 11, 2016, Folsom Reservoir, the major water supply reservoir for the Sacramento region, was at 114% of average storage for that date; and

WHEREAS, pumping restriction on the large Delta export pumps limit the ability for water saved in the Sacramento region to benefit drier portions of the state south-of-the-Delta; and

WHEREAS, the Bureau of Reclamation has “spilled” water from Folsom Lake declaring “surplus” water under section 215 of Reclamation Law is available for any downstream user. With low to no demand for section 215 water north-of-Delta and no transfer ability to move water to south-of-Delta, this “surplus” water was released to the Ocean. This meant water conserved in the Sacramento region provide no benefit to other water users in the state; and

WHEREAS, the Sacramento Suburban Water District has operated a successful conjunctive use system recognized by the Sacramento Groundwater Authority as having placed into groundwater storage over 180,000 acre feet of water available for dry year use in excess of the Districts appropriative groundwater rights; and

WHEREAS, the Board of Directors of Sacramento Suburban Water District find that while certain portions of the state south of the Delta are still experiencing dryer than average conditions, the Sacramento region is not experiencing any water supply shortages and can safely and sustainably meet all customer water demands; and

WHEREAS, on April 20, 2016, the State Water Resources Control Board will conduct a public workshop on potential modifications to the conservation regulations to address hydrologic conditions through March, and will consider changes to the regulations at one of the Board meetings in May, 2016.

NOW, THEREFORE, BE IT RESOLVED THAT due to the lack of any water supply shortages or drought emergency in the Sacramento Region, the Board of Directors of Sacramento Suburban Water District requests that the State Water Resources Control Board rescind the application drought emergency conservation regulations as applied to Sacramento Suburban Water District.

PASSED AND ADOPTED by the Board of Directors of Sacramento Suburban Water District at a meeting on the 18th day of April 2016 by the following vote:

AYES:

NOES:

ABSENT:

By: _____
Kevin M. Thomas
President, Board of Directors
Sacramento Suburban Water District

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the Board of Directors of Sacramento Suburban Water District at a regular meeting hereof held on the 18th day of April 2016.

(SEAL)

By: _____
Robert S. Roscoe
General Manager/Secretary
Sacramento Suburban Water District

CERTIFICATE OF ACCEPTANCE

This is to certify that SACRAMENTO SUBURBAN WATER DISTRICT, a political subdivision of the State of California, acting by and through its General Manager, hereby accepts for public purposes the real properties, or interest therein, conveyed by the within document and consents to the recordation thereof pursuant to authority conferred by:

Resolution No. 16-11 adopted on the 18^h day of April, 2016.

By: _____
Robert S. Roscoe
General Manager/Secretary
Sacramento Suburban Water District

Dated: April 18, 2016