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November 20, 2015

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



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

Subject: "Comment Letter – Urban Water Conservation Workshop December 7"

Dear Ms Townsend:

Thank you for the opportunity to submit these comments regarding potential changes to the Emergency Regulation for Statewide Urban Water Conservation to the State Water Resources Control Board. I appreciate the Board's efforts to accomplish the Governor's directives during this drought, which include increasing water conservation through the current Emergency Regulation.

The current emergency regulation's focus on achieving the state's water reduction standards solely through conservation does not allow regional or local water agencies to realize the benefits of their investments in water supply reliability – investments in self-reliance that are consistent with Governor Brown's Water Action Plan. For example, here in San Diego County the San Diego County Water Authority and its' member agencies have made billions of dollars in investments in developing a portfolio of sustainable water supplies specifically designed to make our region less vulnerable to droughts and devastating water supply cutbacks. However, the current regulations completely strip away the drought protections these supplies provide by not allowing the region to benefit from these investments. This approach threatens to discourage ratepayers from supporting future water supply investments, stunting California's ability to meet the needs of its growing population amid a changing and more challenging climate.

The imposition of demand reduction targets as the state's primary drought response also places California at a competitive disadvantage in terms of business attraction and business expansion. These businesses and industries need to be convinced that the state is doing everything in its power to develop new and drought-resilient water supplies to serve their businesses. One of the things the state can do now is amend the regulation to provide credits for any supply development. In fact, in our service area we have one of California's largest breweries and several other companies reliant on water as a mainstay of their business. The current regulations complicate maintaining a healthy economy and supporting business while balancing the mandated reductions on the backs of residential customers.

The emergency regulation has also contributed to rising water rates for residents and businesses, as local water agencies are forced to meet their revenue requirements on lower sales. It also

enhances the level of frustration of all ratepayers who are upset by the concept of “paying more for using less,” which undermines public support for ongoing conservation and continued investment in sustainable water supplies and infrastructure.

Finally, the regulations are threatening property values by inhibiting efforts to re-landscape dead lawns with water-smart plants, which require irrigation to establish even though they reduce overall water use in the long term and also provide aesthetic and environmental benefits. Without healthy landscapes, soil erosion and stormwater runoff will increase, wildlife habitat will decrease and the urban heat island effect will intensify. In addition, we are also a Fire Protection District, and the current state of affairs in not watering vegetation on properties has significantly increased our fire danger level to critical mass. We are lucky at this point to not experience the ravaging fires like 2014 or other parts of the state have recently endured, but it is only a matter of time, and if so, the damage will be much greater than if we were able to maintain healthy vegetation growth.

In regards to specific “Elements” that should be adjusted, the following are recommended:

- Given the Governor’s recent Executive Order B-36-15, and already experiencing the positive effects of the El Nino weather condition, the State Water Board should take into account any changed supply conditions due to winter storms when considering an extension of Emergency Regulation in January or February 2016. State Water Board members will not know the resulting 2016 water year supply conditions prior to taking action to potentially extend the Emergency Regulations, thus at a minimum, specific dates or trigger points should be required to evaluate supply conditions between continued regulations and supply availability. For instance, adjust requirements on a monthly basis after February based on supply conditions.

- Because the potential wet conditions this winter will impact the supply conditions differently throughout the state, recommend the State Water Board to adjust urban water supplier mandates based on their local supply conditions and whether they are experiencing any shortages and/or have adequate storage supplies available (whether ground water, surface water, desalination, recycled offsets, or water transfers, to name a few). Majority of retail agencies receive supplies from a wholesale provider, and if the wholesale provider can verify adequate water supply is available from various sources, then those agencies should receive a reduced conservation mandate or no mandate at all. Crediting drought-resilient supply development appropriately recognizes water agencies and their ratepayers who have had the foresight to invest in long-term, local water supplies and conservation and transfer agreements. Agencies who have diversified their portfolio continue to be penalized with a “one-size-fits-all” approach. This does not mean conservation will still not be utilized or locally enforced, but done through an already established process of Drought Response Plans and specific local conditions retail agencies are best positioned to manage.

- As mentioned, agencies have made a significant investment in alternative supplies, to include the use of recycled water. It is highly recommended that a credit or offset, as proposed by others, be provided for recycled water production or use. This will recognize the investments and efforts agencies strategically took to reduce and offset potable water demands and drought proof future supplies, through the conversion from potable to recycled water of landscape irrigation, industrial process, cooling towers, and fire systems.

- In addition to the three specific items above, recommend the State Water Board recognize the various proposals submitted to adjust conservation standards whether through the “Alternative Path to Compliance”, or using a “regional coalition” approach (as another proposed option) to make the needed adjustments to the regulations. This also includes providing population and climate adjustments, as California is such a large, diverse state in climate, geography, and population. In fact, Rincon Water is a growth agency and is being penalized for residential and commercial growth without some offset or adjustment allowed. This does not mean we will not

continue to support CUWCC BMPs, as well as the new building standards and landscape ordinances addressing water conservation to lower the use of water in new development.

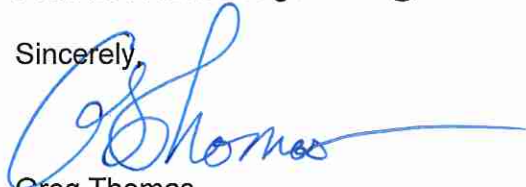
- Highly recommend that the State Water Board maintain the Agricultural Exclusion. The arguments of a number of agricultural groups/agencies and water agencies providing service to agricultural customers of November 9 are spot on and the agricultural community and economic impacts are too significant to arbitrarily exclude.

- Last, do not recommend that any additional data points or information need to be collected.

It is critical to maximize the water reliability benefits of drought-resilient and sustainable water supplies, such as the Carlsbad Desalination Project, during drought conditions to help support California's economy and quality of life. That's why I support modifications to the Emergency Regulation to allow water agencies to meet reduction targets through a combination of conservation and sustainable drinking water supplies, such as desalination, recycled water, potable reuse and long-term transfers of conserved water. This is a more balanced and flexible approach to drought management that will help save water now and better prepare California for future droughts.

I can be reached at gthomas@rinconwater.org or 760-745-5522 for any additional comments.

Sincerely,



Greg Thomas
General Manager

Cc: Rincon Water Board of Directors
Senator Joel Anderson
Assemblymember Marie Waldron
Executive Director, ACWA
General Manager, SDCWA