



November 30, 2015

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

Sent via email to: commentletters@waterboards.ca.gov

Subject: Comment Letter – Urban Water Conservation Workshop

Dear Ms. Townsend,

The City of Sacramento (Sacramento) appreciates the continued leadership of the State Water Resources Control Board (State Board) in responding to the ongoing drought. We recognize the uncertainty of 2016 water supply conditions and the desire of the State Board to ensure adequate water supplies for all of California's water users. Thank you for the opportunity to comment.

Sacramento has responded to the drought by reducing water use approximately 20 percent in 2014 and 31 percent during the period between June and October of 2015 this year. We have deployed our water shortage contingency plan, and supplemented it with additional conservation and public outreach measures since the beginning of the drought. Our residents have met and exceeded the Governor's challenge.

With that said, the emergency conservation regulations have resulted in an inordinate burden on inland regions including Sacramento. The impacts include economic and noneconomic losses for Sacramento's citizens in the form of dead and dying landscapes and trees on private and public property, and a financial burden in the form of lost water revenues.

The State Board's varied conservation targets are harming urban trees that make up our urban forests. These urban forests are not only critical to livability and well-being, but contribute to energy savings, stormwater capture, dust control, wildlife habitat, and beneficial carbon sequestration. The urban forest will become increasingly important as a means to adapt to climate change and to avoid heat island effects. The damage to our urban forests by these regulations will be a sad legacy that may extend far beyond this current drought, but can be avoided.

We recommend modifications to the water conservation regulations, should they be extended into 2016, to reduce the inequity among regions of the state, while still reaching the state's goals.

- As we suggested when the emergency regulations were developed, a relatively simple adjustment that recognizes the vast climatic differences in the state should be included.
- The regulations should recognize the past development of drought resilient supplies in setting conservation targets.

City of Sacramento Department of Utilities
916-808-1400
1395 35th Avenue
Sacramento, CA 95822

- The regulations should recognize and promote regional water conservation efforts, by allowing regional-level compliance with the targets as an option.
- The regulations must be flexible and responsive to developing hydrologic conditions through the winter and spring of 2016.

When the emergency regulations were developed and adopted last spring, time was of the essence. The vast majority of water providers responded by meeting or exceeding their assigned standards over the critical summer months. We appreciate the State Board's commitment to taking the time necessary to improve the emergency regulations should they be extended. Per the State Board's request, responses to the three questions in the Notice of Public Workshop dated November 6, 2015 are provided as an attachment.

We look forward to working with the State Board and the State Board staff to refine the emergency regulations. If you have any questions, please call Jim Peifer, Policy and Legislation Manager at (916) 808-1416.

Sincerely,



William O. Busath
Director of Utilities

1. What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?

Climate Adjustment - Any extended Emergency Regulation should be modified to recognize the effects of climate on water use by adjusting water agency conservation standards based on the agencies’ relative evapotranspiration (ET) rates as compared to a statewide average ET rate. For example, water agencies serving areas with higher ET rates compared to the state average ET would receive a reduction in their current conservation standard. This modification would more accurately assess inefficient outdoor water use by first accounting for the differing biological water requirements of landscapes throughout the state. A low water use landscape still requires more water to survive in hotter, drier areas of the state when compared to cooler, wetter areas. More water doesn’t correspond to waste.

This seasonal change in demand increases a water agency’s residential gallons per capita per day (R-GPCD) monthly figure in the summer months when compared to winter months and contributes to a higher yearly average R-GPCD. A climate adjustment will mean Californians will make comparable commitments to water conservation. Inland residents shouldn’t be expected to replace dead landscapes and lose trees, while those on the coast aren’t expected to stress their landscapes beyond recovery.

The inequity of the current regulations is exacerbated by the metric used for target setting. The emergency regulation applies a conservation standard based on peak summer water use, but the standard must be achieved throughout the June through February period. Such a standard does not reflect the differences in seasonal water use in California (Figures). Water use directly varies with seasonal weather patterns, especially in inland areas where summer water use is often double winter water use because of the demands of landscapes. As a result, conservation targets as high as 36%, based on high summer water use, must be maintained throughout the fall and winter. Coastal communities are not impacted by this condition as their water use remains more uniform throughout the year.



With the recent reporting, the State Water Board now has a wider range of monthly R-GPCD figures. We recommend that the individual water agency R-GPCD figures that serve as the basis for assigning conservation standards be recalculated based on annual, rather than seasonal water use.

The adjustment to recognize climate as a driver of water use will increase the equity of the emergency regulation. They can be fairly applied to all water agencies. No water agency is untouched by the effects of climate. While we agree that watering nonessential landscape material such as ornamental turf grass is not a priority of the state in this drought, preserving higher value landscape materials such as trees and shrubs, playing fields, and defensible space around structures is a priority for maintaining quality of life, habitat, public safety and the overall health of the environment. Many inland water agencies and water users are having to choose between meeting their conservation standards and protecting these important longer term priorities.

Regional Compliance - Any extended Emergency Regulation should incorporate a regional compliance option. A regional compliance option will achieve the same calculated water savings, but would promote increased regional coordination in public outreach messaging, regionally funded advertising buys, and joint conservation programs. The regional compliance option works by gathering a group of water agencies united by similar water sources, a common wholesale agency, media markets, or other local factors, calculating the required water savings for each participating agency and then rolling it up into a regional conservation standard. The participating water agencies then work towards collectively meeting the regional conservation standard. If the region collectively meets the regional conservation standard, all the participating water agencies are deemed successful at complying with the Emergency Regulation. If the region does not meet the regional conservation standard, the region is deemed not successful and the participating water agencies are still held accountable to their individual State Water Board assigned conservation standard.

This additional compliance option would not require any further changes to individual water agency conservation standards (beyond the climate adjustments above), baselines, or reported production figures and relies on voluntary participation from individual water agencies that choose to form a multiagency region. The regional compliance option maintains accountability while improving flexibility at the local level and strengthens regional partnerships that will be beneficial to the state of California beyond the drought.

2. What additional data, if any, should the State Water Board be collecting through the Emergency Regulation and how would it be used?

The City of Sacramento supports the State Water Board's current reporting efforts during this drought. The transparency and depth of the current available data is useful for both water agencies and policy-focused organizations. The monthly data collection allows for a steady stream of information on the state's conservation progress. The availability of this data also allows media outlets to continue to report on the drought. This increase in coverage keeps the need to conserve in the spotlight for the state's residents and businesses.

Regarding additional data collection, the State Water Board should first identify objectives to be achieved through data collection and then identify what supplementary data is available to achieve those goals. New data should only be collected to support a new goal and the process should be clearly communicated to the water agencies. Water agencies already have numerous existing reporting responsibilities. New reporting requirements will involve additional staff time, redirecting time from other important staff activities.

3. How should the State Water Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?

An extended emergency regulation should reflect the water supply needs of the state. Unfortunately, the expiration of the current regulations in February may be a difficult time to assess water supply conditions for 2016. In addition, conditions will vary by region and water source. The arrival of a strong El Nino could magnify the variations between regions depending on how, when, and where precipitation occurs. Continuation of high water conservation targets, in the absence of direct evidence of an ongoing drought, will make it difficult to drive customer behavior to continue to achieve the targets. Loss of the good faith efforts of California's residents will have a negative impact on both short and long-term water efficiency improvements.

While we recognize the intention of the State Water Board to adopt extended emergency regulations to prepare for a continuing drought, we urge you to create flexibility to adjust targets based on periodic evaluations of water conditions.

At minimum, the State Water Board in partnership with the California Department of Water Resources, the United States Bureau of Reclamation, and a statewide representation of water agencies should evaluate snowpack, reservoir levels, groundwater conditions, projected runoff, and available local supplies on April 1, 2016 to guide implementation of emergency regulations for the remainder of 2016. If conditions have improved from 2015, either statewide or regionally, the State Water Board should be prepared to modify the emergency regulations to adjust the state conservation standard, and therefore individual water agency conservation standards. The ultimate goal should be to match a water supply need with a conservation standard to fulfill that need.

At the same time, the continued declaration of a drought emergency should be reassessed in partnership with the Governor's Office. The people of California are responding to the need to conserve on the premise that we are in an emergency situation. Continuing to hold Californians accountable to emergency drought conservation levels beyond what is necessary will diminish the trust between the state and its people, and between local water providers and their customers. This trust will be needed to prepare for and respond to the inevitable future droughts that California will experience. Water agencies will continue to invest in water efficiency improvements to reduce longer-term water demand without the driver of emergency regulations.

In conclusion, the City of Sacramento shares the State Water Board's desire to effectively respond to the ongoing drought. We continue to invest in both long-term and drought conservation efforts. We support extending the Emergency Regulation if the state identifies a continued need to conserve. The modification of the Emergency Regulation to incorporate the effects of climate on water use and the addition of the regional compliance option will increase equity and flexibility for water agencies and will ultimately allow for a more effective statewide drought response.