



# CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

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Public Comment  
2016 Bay-Delta Plan Amendment & SED  
Deadline: 3/17/17 12:00 noon

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March 6, 2017

Felicia Marcus, Chair  
c/o Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814-0100

Re: Comment Letter – 2016 Bay Delta Plan Amendment & SED

Dear Chair Marcus:



## BOARD OF GOVERNORS

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Riverside Public Utilities Department

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City of Redding

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Glendale Water & Power

**BARRY MOLINE**  
Executive Director

The California Municipal Utilities Association (CMUA), appreciates the opportunity to comment on the proposed updates (Plan Amendment) to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) and the recirculated draft revised Substitute Environmental Document (SED). CMUA represents publicly-owned electric utilities that provide 25 percent of the state's power and 40 water agency members that deliver water to 70 percent of Californians.

While the State Water Board has received many comments on the economic and water supply impacts of the proposed Plan Amendment, we will focus on the impacts of the current proposal to municipal water agencies and hydrogeneration.

### Impacts to Municipal Water Agencies

Beyond the significant impacts of the current proposal on the agricultural economy and groundwater sustainability, CMUA believes it is important to highlight the effects of the proposed Plan Amendment on municipal water supplies. Nearly all of the affected Irrigation Districts provide wholesale municipal drinking water to their surrounding communities. The proposal would disrupt these collaborative partnerships and leave cities scrambling for another water source to serve their citizens. In addition, the 2016 SED concludes that San Francisco would not have major impacts if the proposal were to move forward because San Francisco Public Utilities Commission could obtain water through other means. Such an expectation is an extreme oversimplification of the complex nature of water management in California and the requirements needed to secure an alternative water source. Options such as desalination, water transfers or an in-Delta diversion all have consequences for the environment and/or San Francisco ratepayers that need to be carefully considered when determining potential impacts.

Felicia Marcus, Chair

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### Impacts on Hydrogeneration

California is a leader in renewable energy and the long-standing practice of producing electricity through hydrogeneration is a cornerstone of these efforts. In order to effectively utilize this resource, water must be stored and then released when utilities can maximize the resulting electricity. However, should the current proposal advance, the additional water released in February to June to meet the flow requirements would subsequently reduce the amount of water available for hydrogeneration during peak times throughout the summer. We urge the State Water Board to carefully consider the impacts of this reduction in hydropower and avoid proposals that negatively affect such an important part of achieving the state's renewable energy goals.

### Voluntary Agreements

CMUA appreciates the previous extensions of the comment period, reflecting the State Water Board's understanding and support for stakeholders that are working diligently on voluntary agreements to best serve both the environment and the communities that rely on water from the tributaries of the Lower San Joaquin River. As was noted in your December 22, 2016 letter to Governor Brown, "Board Members and staff recognize that sufficiently protective voluntary agreements can reduce uncertainty, be more durable, and be implemented more quickly than traditional regulatory processes." In his proposed 2017-2018 Budget, Governor Brown also stated that "If sufficient, voluntary agreements could be accepted by the Water Board in lieu of regulatory action."

CMUA agrees that voluntary agreements are the most appropriate path forward. While stakeholders continue to actively pursue these agreements through constructive negotiations, it is not expected that discussions will be finalized by March 17. Because of the legitimate concerns raised by multiple parties regarding the process to develop the SED and the existing discussions, we ask that instead of moving forward in March, the State Water Board continue to engage with the Natural Resources Agency and other negotiating parties to advance voluntary agreements. If meaningful progress continues to be made, we urge the Board to forgo initiating regulatory actions until those agreements can be fully developed.

Thank you for your consideration of our comments. Please contact me at 916-326-5802 or [dblacet@cmua.org](mailto:dblacet@cmua.org) should you have any questions.

Sincerely,



Danielle Blacet  
Director for Water

Cc: Frances Spivy-Weber, Vice Chair, State Water Resources Control Board  
Dorene D'Adamo, Member, State Water Resources Control Board  
Steven Moore, Member, State Water Resources Control Board  
Tam Doduc, Member, State Water Resources Control Board  
Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.  
Tom Howard, Executive Director, State Water Resources Control Board  
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board