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Securing Your Water Supply

January 6, 2016

The Honorable Felicia Marcus, Chair
Members of the State Water Resources Control Board
State Water Resources Control Board
C/O Kathy Frevert
1001 I Street, 24th Floor
Sacramento, CA 95814

Delivered Via e-Mail to Kathy.Frevert@waterboards.ca.gov

Subject: Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation

Dear Chair Marcus and Members of the State Board:

Western Municipal Water District (Western) appreciates the opportunity to provide feedback to the State Water Resources Control Board (State Board) on the December 21, 2015 Proposed Regulatory Framework. We understand the importance of preserving water supplies, especially during a drought emergency, and are committed to helping the State manage water resources sustainably. Additionally, Western appreciates the recent forum provided by the State Board for stakeholders to submit proposals for necessary equity adjustment and your consideration of these proposals. It is clear that the State Board considered some concepts from the stakeholder process in its own proposed regulatory framework. After a thorough review of the proposed framework, we offer the following comments.

Climate Adjustment

The State Board's proposed climate adjustment does not sufficiently recognize the profound impact of climate on water use across the state. A warm, dry climate greatly increases the need for watering even the most climate-appropriate, water efficient landscaping. Constraining the adjustment to 2, 3, or a maximum 4 percent for the most extreme climates does not reasonably recognize the significant influence of climate on the demand for water. This is especially true during the most recent drought

years which include the three summer months of 2014 that the State Board used to classify water suppliers into mandatory Conservation Standards.

We request that the State Board consider adopting the stakeholder climate equity adjustment as presented on December 7, 2015 and removing the proposed three-tiered approach with a maximum 4-percent cap to more fairly account for the outdoor water demand created by warmer, drier climates.

Assignment of Default California Irrigation Management Information System (CIMIS) Map Values

Water suppliers electing to apply for a Climate Equity Adjustment should submit local data that is appropriate and accurate for their area. This data should be from a credible and verifiable source. ET data is available from a variety of reputable sources, from third party vendors or to water suppliers which maintain their own weather stations. Western, for example, purchases daily ET data for more than 450 unique microclimates throughout its retail water service area. Every customer budget is calculated daily based on the unique attributes of their location.

Default values should not be assigned to any water supplier based on the CIMIS due to the wide variability of climates/microclimates within a single CIMIS Map Zone. As shown in the table below, four geographically distant and climatologically different locations reaching from San Luis Obispo to Riverside are considered to be in the same default CIMIS zone; however, the Conservation Standard assignment period (July – September 2014) in the right column shows how different the climate, and thus the resultant demand for outdoor water, can be within one CIMIS Map Zone.

City/Location (CIMIS Station)	CIMIS MAP Zone	Zone 6 Monthly Average ETo (July - Sept)	2014 Average (July - Sept)
San Luis Obispo (Sta. 160)	6	5.84	5.42
Irvine (75)	6	5.84	5.99
Riverside (44)	6	5.84	7.08
Menifee (240)	6	5.84	7.56

Deviation from a Statewide Climate Value

Western supports the use of a formula that computes the water supplier's deviation from a calculated statewide climate value. The local ET period for comparison should be carefully considered. A review of ET values, especially in arid inland regions, reveals recent local deviations from the local long-term values. As the period of water production that was used to assign water

supplier to Conservation Standards was during the drought period (July, August, and September 2014), it is equitable and appropriate to consider local ET within this same period; to use a different base period for ET values simply introduces an additional inequity.

To preserve equity, Western requests that the State Board consider asking water suppliers that elect to apply for a Climate Equity Adjustment to submit local ET values for July through September 2014. This specific period should be the uniform ET comparison period for all water suppliers.

Refining ET data

The State Board proposal provides a limited opportunity to refine local ET if the assigned default value does not appropriately depict the water supplier's climate. The proposal calls for the use of a CIMIS station within its service area and requires that each station used has a continuous period of record of at least five years. To avoid creating additional disparities, it is important to note that there are water suppliers that do not have CIMIS stations within their service area as well as water suppliers that use reputable third party sources of ET data for water budget/billing purposes.

Western requests that the State Board consider allowing the use of ET data that is acquired outside the CIMIS network as long as the source of the data is provided to the State Board.

Growth Adjustment

The State Board's proposed method of calculating a growth adjustment is unnecessarily complex and does little to improve equity. Both the calculation proposed to estimate new demand and the adjustment method in the proposed regulatory framework should be altered to accurately account for the significant impact of growth being experienced by some agencies.

New Residential Demand Calculation

The calculation proposed for estimating new residential demand is onerous and discounts the actual water demand new development has added since 2013. The shortfalls in the existing proposal include:

- Using the number of connections to estimate population growth. This does not accurately reflect the number of multi-family homes added.
- Using a default of three persons per household. This does not accurately reflect the variation in household size across the state.
- Requiring landscape area for new homes. Many agencies do not have landscape area information readily available for residential homes. The proposed method will require an estimate of irrigated area for many agencies, limiting the accuracy of the data

- Using the application of 55 percent of local ET does not correctly reflect the legislation in place at the time the homes being accounted for were built.

To improve the accuracy of the formula:

- Dwelling units should be used in lieu of number of connections to calculate indoor water use.
- Actual census data should then be used to calculate persons per household rather than a statewide average.
- A factor of 70 percent of local ET should be applied. This represents the landscape requirements that were actually in place from 2013 through most of 2015.

Even with these suggested changes, the State Board's proposed method of estimating residential demand is unnecessarily complicated and does not improve the accuracy of the growth adjustment.

Western requests that the State Board consider adopting a simpler method of estimating residential demand that uses an average water use per connection method as proposed for commercial, industrial, and institutional customers, and should replace the method currently being proposed.

Growth Adjustment Calculation

In addition to revising and simplifying the proposed method for estimating demand, the proposed method of applying the growth adjustment should be modified to fairly account for the impact demand has on agencies trying to meet Conservation Standards. Any growth in demand since 2013 from economic development must be offset by existing customers reducing demand in excess of the Conservation Standard assigned to that agency

The current proposal multiplies the percent of new demand by the original conservation requirement to make an adjustment to the Conservation Standard. This significantly reduces the effectiveness of the growth adjustment. In the example provided in the proposed framework, the agency grew by 6 percent but only received a 2 percent adjustment. The agency will have to reduce current demand by an additional 4 percent to account for growth. Without modifying the current proposed method, the effective reduction requirement would be 38 percent.

Western requests that the State Board consider using a more equitable method of applying the growth adjustment by subtracting the percent of new demand from the conservation requirement. This will fairly account for growth and prevent the penalization of areas with growing economic development.

Drought Resilient Sources of Supply Credit

The draft framework allows a credit for drought resilient supplies that is too narrow in scope and extremely limited in benefit. Only two sources of supply are considered to be drought resilient and an extremely restrictive adjustment cap is proposed.

Eligible Sources of Supplies

The only sources that are eligible for the proposed supply credit are indirect potable reuse of coastal wastewater and desalinated seawater. This unfairly recognizes only 'drought resilient' supplies available to agencies along the coast. The draft framework does not include other drought resilient supplies available, such as the desalination of brackish groundwater.

Brackish groundwater cannot be used for potable purposes without significant and costly treatment, much like seawater. Processing unusable groundwater to meet potable standards provides a reliable source of water and helps protect potable groundwater basins from rising levels of brackish, saline water. The use of brackish groundwater in most cases reduces the dependence and use of other sources of supply including imported water potable groundwater as well as increases regional resilience in the face of ongoing water supply challenges.

Desalinated groundwater is a drought resilient supply, and Western requests that the State Board consider that any extensions to the Emergency Regulations include all desalinated water – without limitation as to the source of water - as an eligible supply to receive credit.

Eligibility criteria

The proposed credit only applies to supplies developed since 2013. This does not recognize the long-term approach water suppliers have taken since previous droughts. New supply sources often require many years to develop. Applying a post 2013 eligibility criteria penalizes suppliers who were pioneers in developing sustainable water supplies, implementing forward-thinking conservation programs, and planning for long-term drought resilient reliability.

Western requests that the State Board consider removing the post-2013 eligibility criteria and recognize all resilient water supplies currently in use. This captures the historical investments many water suppliers have already made.

Maximum Supply Credit Adjustment

Restricting the adjustment penalizes suppliers that have made large investments in sustainable supplies. The Emergency Regulation should encourage communities to make long-term investments in sustainable supplies by reasonably recognizing the benefit of every drop of these supplies.

Western requests that the State Board consider increasing the maximum value of the drought resilient supply credit to adequately recognize the value of long-term planning and sustainable supplies.

A Cap on Credits and Adjustments

Any extension of the Emergency Regulation should recognize the complex diversity in local climate, water supply, population and economy that exist throughout the state that can greatly impact water use levels. A local agency that is impacted by multiple factors, such as climate and growth, and that has already made significant investments in developing new water supplies, should not be held to an all-encompassing and restrictive adjustment cap. If it is recognized that an adjustment is reasonable and appropriate, then the water supplier should be free to utilize the full value of a single or all available adjustments. Placing a cap on the totality of credits and adjustments continues the inequitable consideration of communities with warmer, drier climates, economic growth, and historical investments in sustainable supplies.

Western requests that the State Board consider removing the 4-percent maximum total adjustment.

Ramp down of Emergency Regulations

The State Board's proposed framework is silent on relief or relaxation of regulations prior to the end of the emergency compliance period of 270 days, should supply conditions warrant. The Statewide objective of 25% was triggered by snowpack conditions and reservoir levels. The reduction percentage should be relaxed and/or eliminated if these conditions improve. If the factors that contribute to water supply conditions are above historic levels at key measurement locations, the Emergency Conservation Standards should be relaxed and ultimately eliminated. With the advance knowledge of a ramp-down plan, water suppliers can communicate effectively with customers, plan outreach activities, and better anticipate revenue impacts.

Western requests that the State Board establish and publicize thresholds for relaxing the Emergency Regulations.

Thank you for your consideration of our comments. We look forward to working with you to implement a more equitable Emergency Conservation Regulation moving forward.

Sincerely,



John V. Rossi
General Manager