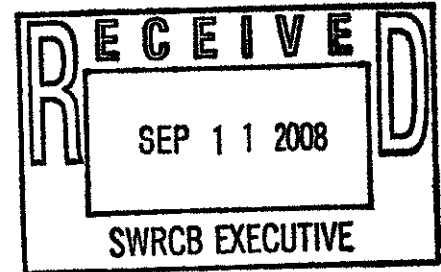




CITY OF
FOLSOM
DISTINCTIVE BY NATURE

September 8, 2008

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



Re: Comment Letter-Proposal to Mandate Water Conservation Management Practices

Thank you for the opportunity to comment on the State Water Resource Control Board's proposed development of an urban water conservation regulatory program. While we admire the State Water Board's desire to encourage water conservation in California, a regulatory approach presents a number of concerns. The comments below are tied to the seven "Key Issues and Questions" identified in the discussion paper prepared by State Water Board staff.

1. We do not believe that the State Water Board should adopt an urban water conservation regulatory program. Mandating urban water suppliers to implement certain practices or meet specific performance standards will not enhance water conservation in the Sacramento region.

The foremost concern with a water conservation regulatory program is that the "one-size-fits-all" approach that is generally implemented through regulation cannot adequately reflect important differences between water uses that return water to the Delta or its tributaries and those that convey water to other regions of the state. The State Water Board's discussion paper reflects this when it states, "Translating water use efficiency savings into specific water supply reliability benefits will depend on the water system involved..." In the greater Sacramento Region, which includes Placer, El Dorado, Sacramento and Yolo Counties, a significant proportion of the water used is returned to local streams and groundwater aquifers, in contrast to other areas of the state for which water is irretrievably removed from one region for the benefit of another. It would not be appropriate to apply, to our region and others that are similarly situated, water conservation standards that are as stringent as those applied to regions that depend on imported water. Water saved in a transfer-dependent region generates much more value to the region and the state than water conserved within the watershed from which it is derived.

While our greatest concern is the inequity that could arise from a water conservation regulatory program, additional concerns include:

- (a) The implementation of water use efficiency is currently in a state of flux. The California Urban Water Conservation Council (CUWCC) is in the process of revising its Best Management Practices (BMPs). These revisions should help urban water suppliers make additional improvements in water conservation. Development of a regulatory program before allowing adequate time to complete these revisions and evaluate their success could be counterproductive.

- (b) AB 1420 (2007) provided additional incentives for water purveyors to comply with the CUWCC BMPs. The legislation requires urban water suppliers to be in compliance to be eligible for grant funding for water projects. Allowing time for this incentive based approach to water conservation to work should precede establishment of a regulatory program.
 - (c) Agencies that are U.S. Bureau of Reclamation contractors are required to fully implement the BMPs of the CUWCC. Non-compliance can lead to renegotiation of the water contract. This provides an additional incentive for Bureau contractors in our region to comply with the CUWCC BMPs.
 - (d) The State Water Board and other agencies are currently involved in a public effort to develop a plan to implement the Governor's call for 20% per capita reductions in water use by 2020. A separate process to consider development of a water conservation regulatory program will only serve to confuse stakeholders and reduce their ability to participate in the state's decision making.
 - (e) The State Water Board discussion paper correctly notes, "One of the most effective water conservation measures is BMP 4, the installation of water meters and the billing of water according to the amount of water used." Metering is already required under Water Code Section 525 *et seq*, allowing a January 1, 2025 timeframe. Urban water suppliers in this region have already completed, or are aggressively pursuing meter installation programs. Without full metering, a mandatory conservation program will be difficult to achieve. Responding to new regulatory requirements will increase the burden on water suppliers, but not accelerate progress.
 - (f) A water conservation regulatory program would require significant expenditures for development, implementation, and enforcement at a time when the State and local governments face severe budget deficits. In light of the uncertainty that such a program would have tangible benefit, it should not be undertaken.
2. We favor the consistent use of the "urban water supplier" definition in the Urban Water Management Planning Act's (Water Code Section 10617).
3. We agree that conservation can provide consumer benefits even in areas that are not water short, however, conservation has greater public acceptance in areas that are chronically water short. As noted in the discussion paper, BMPs requiring significant customer interaction were the least implemented. It is difficult to gain customer participation on customer driven BMPs when water is plentiful, water rates are relatively low, and water meters are not yet installed.
4. The CUWCC has been discussing a flexible approach to BMP implementation. This approach will allow water agencies the flexibility to choose the BMPs that they feel will best fit their customer base, allowing them to efficiently meet a water savings goal. The water agencies support this approach and are eager to see positive results. However, this approach has not yet been tested. Allowing time for this approach to work should precede establishment of a regulatory program.

5. A prescriptive approach to water conservation is not working well, as reflected in the reports produced by the CUWCC. At the CUWCC, it was agreed that certain BMPs are considered to be foundational and thus all agencies should implement. These included the educational programs, distribution system audits, metering, water waste programs, conservation pricing, and having a water conservation coordinator. All others are prescriptive and rely on customer participation. In a normal or wet year, agencies do not receive the level of customer participation needed to satisfy the prescriptive BMPs.

6. Water pricing structures should be left to each agency to implement and not be regulated. There is not a one-size-fits-all solution to establishing water rates. Water rates and the financial stability of local agencies must remain under the control of their local Boards or Councils.

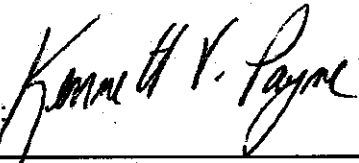
7. Many of the prescriptive BMPs created by the CUWCC are non-quantifiable. It is assumed that these BMPs save water, but some are difficult or impossible to quantify. In addition, each agency is unique. Some have many large landscape customers, some have a large industrial class, some have a large number of low income residential customers. It is important to realize that not every agency will have similar success rates or save the same amount of water, even if a mandatory conservation program is implemented.

The Regional Water Authority represents 22 water purveyor and affiliated agency members in Sacramento, Placer, El Dorado, and Yolo Counties. Urban water suppliers in the region are actively pursuing water use efficiency in response to a number of requirements, both through their individual efforts and through a regional program administered by RWA. We believe a State Water Board regulatory program will add an administrative burden and considerable expense, while facilitating little or no real improvement in our water conservation efforts.


For all of the above reasons, we recommend that the State Water Board not pursue a water conservation regulatory program.

Sincerely,

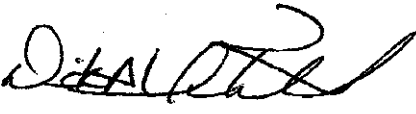
CITY OF FOLSOM

By: 
Kenneth Payne
Utilities Director


SACRAMENTO SUBURBAN WATER DISTRICT

By: 
Robert Roscoe
General Manager

CITY OF ROSEVILLE

By: 
Derrick Whitehead
Environmental Utilities Director

SAN JUAN WATER DISTRICT

By: 
Shauna Lorange
General Manager