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January 6, 2016

Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

RE: *Proposed Regulatory Framework for Extended Emergency Regulations for Urban Water Conservation*

Transmitted Electronically: [Kathy.Frevert@waterboards.ca.gov](mailto:Kathy.Frevert@waterboards.ca.gov)

Dear Chair Marcus:

Thank you for the opportunity to comment on the framework to extend the urban potable water use restrictions pursuant to Governor Brown's Executive Order B-36-15. On balance we see the framework as a solid effort to make sensible and equitable adjustments to the existing emergency regulation.

As this letter is being written a powerful El Nino storm system is dropping large amounts of rain and snow throughout the state. On the surface this situation presents a sharp contrast with the Board's emergency action. Nonetheless, the fact remains that with four consecutive years of drought we are not out of the woods ... yet.

As the Board considers refinements to the emergency regulation, the progress of the last year should provide a measure of "breathing room" so that, beyond conservation, appropriate recognition and credit can be given for local conditions and other measures that enhance supply reliability, increase self-reliance and improve the resilience of local water infrastructure.

#### **Credits & Adjustments**

Stakeholders have encouraged the Board to allow credits and adjustments to an individual water supplier's conservation standard to account for factors such as growth, drought-resilient sources of supply, use of recycled water for outdoor irrigation, groundwater augmentation and climate.

*Growth adjustment* – The Board staff is recommending a growth adjustment to a supplier's 2013 water use baseline to account for new residential, commercial, industrial and institutional connections occurring within the service area since 2013.

We appreciate and support this adjustment and are pleased to point out that California has made great progress in reducing water use in newly constructed homes through the implementation of the California Green Building Standards and through updates to the residential plumbing and fixture standards. Studies demonstrate that homes built today realize an indoor savings of over 29,000 gallons of water annually from those built in 2005 and 46,000 gallons per year from homes constructed in the 1980s.

*Drought resistant sources of supply* – Stakeholders have suggested a substantial, one-to-one credit against a suppliers total savings requirement for water derived from local sources such as desalination and indirect potable reuse. In response, Board staff is recommending a capped credit not to exceed 4 percent for suppliers that can demonstrate that 4 percent of its potable supply is from indirect reuse of coastal wastewater or desalinated seawater developed since 2013.

Though the Board focus continues to be keenly on conservation, it is also important to take a page from the *California Water Action Plan* and encourage suppliers to take proactive, long-term steps to prepare for and guard against future droughts and floods. Given the level of financial commitment coupled with the long-term reliability of locally derived potable water sources (such as desalination), we encourage the Board to show greater flexibility in expanding this credit adjustment.

*Non-potable recycled water use credit* – Stakeholders have requested a credit for suppliers who use recycled water for a significant portion of outdoor irrigation. Board staff is opposed to allowing such a credit on the belief that suppliers already realize a benefit by not having non-potable recycled water counted as part of their production.

We strongly encourage the Board to reconsider this position. Recycled water installations are a growing technology that needs to be encouraged and advanced. Denying a credit here seems to be at odds with the Governor’s earlier Executive Order calling for a significant reduction in potable water use for landscape irrigation.

*Groundwater credits* – Stakeholders have recommended credits for sustainable groundwater management. Board staff is recommending against such a credit on the ground that the credit would be inconsistent with the goal of conserving the state’s remaining surface and groundwater supplies.

We respectfully disagree with the staff position. Groundwater augmentation is entirely consistent with the goal of conserving and maintaining groundwater supplies.

We support adjustments to account for variations and differences in climate.

Again, we appreciate the opportunity to offer these comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Lyon', written in a cursive style.

Richard Lyon  
Senior Vice President