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Ms. Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: 7/15/14 BOARD MEETING (Emergency Regulations for Water conservation)

Dear Ms. Marcus and members of the Board:

The Carmichael Water District (CWD) has reviewed the Notice of Proposed Emergency Rulemaking in regard to Prohibitions of Activities and Mandatory Actions during Drought Emergency. We appreciate the opportunity to comment, and hope that our comments will assist the State Water Resources Control Board (SWRCB).

On January 27, 2014, CWD implemented our water shortage contingency plan calling for voluntary reductions in water use. Since the implementation, CWD has seen reductions of more than 20% compared to 2013 water use. Although CWD agrees with portions of the SWRCB's Emergency Rulemaking, some of the actions proposed may have significant adverse impacts upon the Carmichael community. CWD is seeking clarification on the following questions and concerns:

Section X.1

- What is the SWRCB's authority to regulate individual water use?
- Do the restrictions apply regardless of supply source (groundwater, recycled water, remediated water, etc.)?
- Who is charged with regulating the use from private wells that are not connected to an urban water supplier?
- Who imposes the fines provided for in Section X.1.(b)? The Fact Sheet accompanying regulations says "Any employee of a public agency charged with enforcing laws may write and issue a ticket to the violator". CWD implements a successful water waste program whereby water efficiency staff issues warnings and fines. CWD would prefer to continue operating this program under its administrative authority.

Section X.2

- What is the SWRC's definition of "limit outdoor irrigation"? Does this apply to all outdoor irrigation such as golf courses, sports fields, or parks utilizing recycled, remediated groundwater, or private wells? Is all outdoor use limited regardless of source?
- CWD supports ACWA's position on the use of GPCD in reporting. "The method to calculate monthly GPCD in this Emergency Regulation is different from the existing GPCD calculation required in Urban Water Management Plans and the use of this different GPCD for this purpose may lead to several unintended outcomes associated with inconsistent or inaccurate population data resulting from seasonal populations and non-municipal water district boundaries, the potential use of estimated (GPCD) versus actual (production) data to evaluate current and future drought actions and the use of an inclusive figure (industrial, institutional, residential and commercial use) to evaluate response to actions that target residential water use." CWD supports monthly reporting of total water production as the most equitable, consistent and accurate way to monitor the water waste and outdoor irrigation actions.

Need for Regulation

- The notice claims the emergency regulation improves the SWRCB's and "local agencies' abilities to quickly and effectively implement and enforce mandatory water conservation measures during the current drought emergency." What about local agencies who have already accomplished this efficiency through voluntary programs?

Benefits of Proposed Regulation

- The notice claims that the proposed regulations will result in reduced water bills. The fact is that local agencies have fixed costs that need to be recovered and water bills therefore may not be reduced at all.
- The notice lists increased water quality as a benefit. The fact is that recent curtailment actions by the SWRCB have forced many suppliers to rely on increased groundwater pumping that has the real potential of escalating the risk of groundwater contamination through migrating contamination plumes.

CWD appreciates the need for statewide emergency action. CWD is ready and willing to assist the SWRCB in seeking a workable approach to water efficiency during the current drought; however, the District **does not** fully support the SWRCB's Emergency Rulemaking as written.

Sincerely,



Lynette S. Moreno
Assistant General Manager