

May 13, 2016

VIA E-MAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

The Honorable Felicia Marcus, Chair  
and Members of the State Water Resources Control Board  
c/o Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



**Subject: Comments on Staff Proposal for Extended Emergency Regulation for Urban Water Conservation**

Dear Chair Marcus and Members of the Board:

The East Bay Municipal Utility District (EBMUD or District) would like to thank the State Water Resources Control Board (SWRCB) for listening to our comments and incorporating many of them into the SWRCB's staff proposal for potential revisions to the February 2016 Emergency Regulation.

EBMUD, like other urban water agencies throughout California, has worked to meet and exceed the State's conservation mandate during the drought. As of April, our customers exceeded our expectations with a 24 percent reduction in water use since June 1, 2015, well above the state mandate of 16 percent for our service area. In addition, hydrologic conditions have improved significantly in the Mokelumne watershed, the District's primary source of water supply. Current precipitation and snowpack levels indicate that storage in EBMUD's reservoirs will be at pre-drought levels at the end of September 2016. The District, therefore, supports the concept of self-certification proposed in the revised regulations, allowing agencies to demonstrate that they have sufficient available water supplies and to accordingly determine their level of necessary conservation based on regional and local conditions.

EBMUD offers the following comments on the specific components of the staff proposal:

**Calculation of Potable Water Demand** - The state staff proposal determines potable water demand based on the average of 2013 and 2014 water production levels. While the proposal is understandably conservative, EBMUD recommends that the calculation be based on a three-year average of 2013, 2014, and 2015 water production values to more accurately reflect current reduced local (and statewide) levels of demand that is expected to continue throughout the 2017 water year, particularly between the regulation period of June 2016 through January 2017. Water demand is influenced by hydrologic conditions and this addition would better align the three-year hydrologic and demand years to be used in the supply reliability calculations going forward. It has been EBMUD's experience following periods of mandatory

rationing that it can take several years for customer demand to rebound to pre-drought levels, as customer habits and practices change slowly. Historical records show that water demand would continue to be suppressed following the current drought, as many of the statewide water use restrictions are recommended to continue, even without specific rationing targets.

*Recommendation:* Modify the calculation template in Step 1 to include potable water production in calendar year 2015.

**Calculation of Conservation Standard** - EBMUD and other urban water agencies are already required by the Urban Water Management Planning Act to develop a Water Shortage Contingency Plan (WSCP) to respond to single and multi-year drought periods (see Water Code § 10632). The District's WSCP provides a framework for real-time responses to changing hydrologic conditions, using a variety of tools that are based on decades of long-term water supply and demand management planning and investments in infrastructure, projects, and customer education. EBMUD relied on its WSCP to successfully meet customer demands and manage its water supplies during the recent drought, and anticipates that total system storage will recover to pre-drought levels this year. EBMUD's successful implementation of its own WSCP demonstrates that the SWRCB can ensure adequate drought management by allowing urban water suppliers to rely on their existing water shortage contingency planning analyses. Developing a new process, such as that included in the proposed emergency regulations, would undermine the water shortage contingency planning process already required by the Urban Water Management Planning Act. Doing so at this time would also be particularly confusing for the public and counterproductive, given that most urban water suppliers throughout the state are currently working toward DWR's July 1 deadline for the UWMP 2015 adoption. Like many other agencies, EBMUD has already conducted public outreach on its Draft UWMP 2015, which includes an updated WSCP. Requiring implementation of a drought management process that is inconsistent with the District's WSCP would controvert the UWMP public review process. Given EBMUD's successful management of the most recent drought, such a requirement would also be of no benefit to our customers.

*Recommendation:* Modify the calculation template in Step 3 as follows, replacing Year 3 with Year 1:

State Water Resources Control Board  
Felicia Marcus, Chair and Board Members  
May 13, 2016  
Page 3

Step 3: Calculate Conservation Standard

Total Potable Water Demand (from Step 1)
Total Potable Water Supply in <del>Year 3</del> <u>Year 1</u> (from Step 2)
Supply Shortfall in <del>Year 3</del> <u>Year 1</u>
Conservation Standard with Self-Certification of Supply Reliability <i>[Shortfall in <del>Year 3</del> <u>Year 1</u>]/[Total Potable Water Demand]</i>

Thank you for your consideration and continued collaboration. If you have any questions, please contact Richard Sykes, Director of Water and Natural Resources at [Richard.Sykes@ebmud.com](mailto:Richard.Sykes@ebmud.com) or (510) 287-1629.

Sincerely,



Alexander R. Coate  
General Manager

ARC:PJ:rc

cc: Tom Howard, Executive Director, SWRCB  
Mr. Eric Oppenheimer, Chief Deputy Director, SWRCB  
EBMUD Board of Directors

