



CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

915 L STREET, SUITE 1460 • SACRAMENTO, CALIFORNIA 95814
(916) 326-5800 • (916) 326-5810 FAX • www.cmua.org

DAVID L. MODISETTE, EXECUTIVE DIRECTOR & CEO

Sent via email: commentletters@waterboards.ca.gov

May 13, 2016

OFFICERS

President
MICHELLE BERTOLINO
Roseville Electric Utility

Vice President
JOHN ROSSI
Western Municipal Water District

Secretary
BRYAN GRIESS
Transmission Agency of Northern California

Treasurer
TIM HAINES
State Water Contractors

General Counsel
LAURA LEWIS
Sacramento Municipal Utility District

BOARD OF GOVERNORS

GIRISH BALACHANDRAN
Riverside Public Utilities Department

BILL CARNAHAN
Southern California Public Power Authority

JONATHAN DALY
Corona Department of Water & Power

RON DAVIS
Burbank Water & Power

MARCIE EDWARDS
Los Angeles Department of Water & Power

VAL FONG
City of Palo Alto

CASEY HASHIMOTO
Turlock Irrigation District

PAUL HAUSER
Trinity Public Utilities District

RANDY HOWARD
Northern California Power Agency

KEVIN KELLEY
Imperial Irrigation District

JEFF KIGHTLINGER
Metropolitan Water District of
Southern California

DUKKU LEE
Anaheim Water & Power Department

GEORGE MORROW
Azusa Light & Water Department

ARLEN ORCHARD
Sacramento Municipal Utility District

JOHN ROUKEMA
Santa Clara / Silicon Valley Power

GREG SALYER – Interim GM
Modesto Irrigation District

BARRY TIPPIN
City of Redding

STEVE ZURN
Glendale Water & Power

The Honorable 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

Re: “May 18, 2016 BOARD MEETING (Conservation Extended Emergency Regulation)”

Dear Chair Marcus and Members of the Board:

The California Municipal Utilities Association (CMUA), representing 40 water agency members that deliver water to over 70% of Californians, appreciates the opportunity to comment on the State Water Resources Control Board’s (State Water Board) proposed Conservation Extended Emergency Regulation (proposed Emergency Regulation).

CMUA also appreciates the significant efforts made by Board members and staff to listen and accept input from all stakeholders throughout the development of the emergency regulations, particularly in light of shifting water supply conditions throughout the state. Overall, CMUA supports the proposed framework that allows individual water agencies to self-certify the availability of their water supplies to meet demands. Such a proposal is important because it is based on local circumstances, accounts for local investments and will ensure future conservation standards are based on a thorough technical assessment of local conditions. It also helps to ensure effective communication and a robust response from Californians during a future drought emergency.



In addition, we have the following specific comments regarding the proposed Emergency Regulation:

1. Revise Implementation Schedule

CMUA thanks the staff and Board members for recognizing the importance of adjusting water suppliers' conservation standards in a timely manner. However, to ensure both wholesalers and retailers have sufficient time to fully coordinate on their supply projections and retailers can provide a thorough accounting of their supplies, we recommend that the State Water Board provide additional time for submitting self-certification information. We respectfully request that the State Water Board amend Sec. 864.5(a)(2) and 864.5(a)(3) to June 30, and Sec. 864.5(b)(4)(e) to June 15, maintaining the effective date of June 1. CMUA also asks the Board to consider existing data collection processes when developing the certification form and provide the form to water suppliers by no later than June 1.

2. Calculate Conservation Standard Using 2016 Data

The proposed Emergency Regulation requires a water supplier to adjust their conservation standard starting June 1, 2016 based on supply and demand projections in the third year after the Emergency Regulation takes effect. While CMUA supports the self-certification proposal and the subsequent use of appropriate conservation standards, we believe a water supplier's standard for the duration of the Emergency Regulation should be based on an assessment of supplies and demands in 2016 rather than a hypothetical year in the future. Should the drought persist, the water supplier's standard can be re-assessed to correspond within the context of any future regulation. We recommend that the State Water Board amend 864.5(a)(4)(b) to calculate the conservation standard based on the first year, rather than the third year to reflect immediate emergency conditions rather than highly conservative "worst case" conditions associated with the third year hydrology.

3. Include 2015 in Demand Projections

CMUA recommends that the State Water Board revise the proposed Emergency Regulation to allow water suppliers to use the average of their potable water production for 2013, 2014 and 2015. The State Water Board's Technical Fact Sheet notes that years 2013 and 2014 were both prior to the 25% mandate and demand is not expected to remain at 2015 levels in the absence of a 25% conservation mandate. However, water suppliers and Californians made substantial investments to reduce water use in 2015 including several permanent reductions such as turf removal and other landscape modifications. Incorporating 2015 production will more

accurately reflect real-world conditions and near-term future demands for California's water suppliers. To reflect this in the proposed Emergency Regulation, we recommend that the State Board amend 864.5(a)(4)(b)(2) to calculate potable water demand based on an average of three years including 2015.

4. Do Not Include Conservation Floor

CMUA member agencies remain committed to "Making Conservation a California way of life" and consider both water conservation and water use efficiency key components of a sustainable water supply portfolio. We support the continued prohibitions on water waste outlined in section 864 of the proposed Emergency Regulation. Activities and programs to promote efficient water use have become integrated into the fabric of our state including continued progress toward the goals outlined in SBx7 7 (2009). However, CMUA does not believe the inclusion of a minimum conservation "floor" in the Emergency Regulation will help further meaningful conservation. As outlined in the proposed Emergency Regulation, the self-certification proposal requires each water supplier to provide a comprehensive and publicly-available determination of their water supply reliability to meet demands, including any projected shortages. This approach incentivizes investment in local and regional projects that can help to address these shortages and ensure long-term sustainability of the system. Establishing a minimum required conservation level without a technical foundation undermines the purpose and reliability of the self-certification analysis and continues to discount the value of local investments that support local drought supply reliability. In addition, Governor Brown's Executive Order B-37-16 directs the State Water Board to develop a proposal for mandatory water use reductions in the event of another dry winter, which will allow the Board to consider the effectiveness of the self-certification approach and the need to develop minimum conservation levels at that time.

Conclusion

Thank you for considering CMUA's comments and for engaging stakeholders throughout the development of the Emergency Regulation and the extension and revisions of the Emergency Rule. We appreciate the State Water Board's efforts to manage the state's multi-year drought including establishing requirements that are intended to address emergency conditions.

CMUA also looks forward to working with the Brown Administration, the State Water Board, the Department of Water Resources, and other stakeholders on the development of a resiliency-based

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
Page 4 of 4
May 13, 2016

long-term conservation and water use efficiency framework as directed in the Executive Order. Please contact me at 916-326-5800 or dblacet@cmua.org should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Blacet', with a stylized flourish at the end.

Danielle Blacet
Director for Water

cc: Tom Howard, Executive Director, State Water Resources Control Board
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board
Max Gomberg, Climate Change Mitigation Strategist, State Water Resources Control Board