



## LATE COMMENT

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May 17, 2016

Delivered by e-mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

The Honorable Felicia Marcus, Chair  
and Honorable 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: "May 18, 2016 BOARD MEETING (Conservation Extended Emergency Regulation)"

Dear Chair Marcus and Members of the Board:

The Mojave Water Agency (MWA) appreciates this opportunity to provide comments to the State Water Resources Control Board (State Water Board) on the staff's proposed Conservation Extended Emergency Regulation (Proposed Emergency Regulation), which would further amend and readopt the Emergency Regulation that was last amended and adopted on February 2, 2016. The Proposed Emergency Regulation was prepared by staff in response to comments received by the State Water Board at its April 20 workshop, and in response to the Governor's Executive Order B-37-16 (EO) directing the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017. The Proposed Emergency Regulation is intended to address the significant rain and snow the state experienced from October 2015 through this March, which has significantly improved water supply conditions statewide and provided a welcome measure of drought relief.

We support the Governor's May 9 Executive Order to adjust the emergency regulations and extend them through January 2016 and we appreciate the State Water Board's recognition of changed hydrologic conditions and the value of a supply reliability-based approach to transition away from the previous demand reduction-based approach.

MWA is pleased to express our belief that the Proposed Emergency Regulation is a good proposal that is highly responsive to requests by water agencies for a water supply reliability-based alternative in the face of potential on-going drought conditions. We appreciate that the staff has carefully considered the significant input provided by water agencies over the last few months, and we strongly support the option for urban water suppliers to self-certify the level of

available water supplies assuming three additional dry years and then continue to implement appropriate conservation levels necessary to assure adequate supply.

### **Recommended Modifications**

MWA recommends that the staff proposal be modified to make the following four technical changes:

- 1) Provide an additional week for compliance by amending Sec. 864.5(a)(2) and Sec. 864.5(a)(3) to June 22, and Sec. 864.5(b)(4)(e) to June 15. This allows wholesale and retail agencies some additional time to ensure that their calculations are quality-assured. This is particularly necessary where several levels of wholesale suppliers need to coordinate based on complex water supply relationships, as is the case in several parts of the state.
- 2) Allow urban water suppliers that are unable to meet the June 22 deadline to comply with the self-certification requirements beginning in July, while still complying with their existing applicable conservation standard through June 2016, as provided for in Sec. 865. This alternative could be permitted on a case-by-case basis in consultation with staff, based on a showing of good cause.
- 3) Amend Sec. 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 more speculative and highly conservative “worst case” conditions associated with the third year hydrology.
- 4) Amend Sec. 864.5(a)(4)(b)(2) to calculate potable water demand based on an average of three years including 2015, which is expected to better reflect likely water user demand in the face of continued drought conditions, as currently communicated by water suppliers, the state and the media.

### **Potential “Conservation Floor”**

In its notices, the State Water Board staff requested that comments address the question of whether there should be a “conservation floor” (e.g., a minimum conservation level). MWA opposes imposition of a “conservation floor” as it undermines the purpose and integrity of the self-certification analysis and continues to discount the value of local investments that support local drought supply reliability. For agencies that have quantitatively demonstrated water supply reliability in the face of three more dry years, there is no need to require additional state-imposed demand reduction levels over the coming months. The EO separately directs the State Water Board to prepare further amendments to the Emergency Regulation before January to address the possibility of a dry upcoming winter, and that process would offer an opportunity to evaluate the success of the self-certification process and consider possible mandated statewide minimum conservation levels at that time.

## Conclusion

We encourage the State Water Board adopt the Proposed Emergency Regulation, incorporating our recommended modifications. The State Water Board can be assured that water agencies will continue to promote efficient water use and implement appropriate local water supply and demand management programs, and they expect their customers to continue to maintain generally lower water demand levels in coming months in response to consistent messaging that the drought could continue into future years. Although self-certification will likely demonstrate that most urban water suppliers generally have adequate water supply reliability in the face of a continued drought, this alternative will provide an increased incentive to develop new local sources of supply and continue to improve water use efficiency.

MWA also welcomes the opportunity to work with the Brown Administration, the Department of Water Resources, the State Water Board, and other stakeholders, to transition from the Emergency Regulation to a long-term approach to water conservation and management, as directed in the EO. We support the support the development of new actions that will help advance the Governor's California Water Action Plan to "Make Conservation a California Way of Life" and "Manage and Prepare for Dry Periods".

MWA appreciates the collaborative approach and diligence of the State Water Board as it continues to modify the Emergency Regulation in response to current conditions. Thank you for considering these comments. I am available to discuss these comments at [kbrill@mojavewater.org](mailto:kbrill@mojavewater.org) or (760) 946-7002.

Sincerely,



Kirby Brill  
General Manager

cc: MWA Board of Directors