



May 16, 2016

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



Subject: Comment Letter—"May 18, 2016 BOARD MEETING (Conservation Extended Emergency Regulation)"

Dear Chair Marcus and State Water Resources Control Board Members:

The Santa Clara Valley Water District (District) appreciates the opportunity to provide this request for changes to the State Water Resources Control Board's (Water Board) proposed Drought Emergency Water Conservation Regulation.

As the primary water resources and groundwater management agency for nearly 2 million residents and the primary wholesale urban water supplier in Santa Clara County, the District strongly supports the Water Board's efforts in developing regulations to assist in short-term water supply conservation in light of recurrent droughts. In March 2015, the District's Board of Directors called for a 30 percent water use reduction (relative to 2013 usage) throughout the county; this call currently extends through June 2016. Water retail agencies and companies in the county achieved a remarkable 27 percent reduction in 2015.

In order to allow the District and retail agencies in the county to properly comply with the proposed regulation, we request the following changes:

1. Allow for **aggregate** calculations of available water by wholesalers

Each year, the District predicts the **aggregate** amount of water available to retailers, compares it to projected demand, estimates end-of-year groundwater storage, and develops a countywide water-use reduction call based on its Water Shortage Contingency Plan. Each retailer's predicted usage is driven in part by its own city ordinance or application of California Public Utility Commission (CPUC) drought management rules; compliance with the ordinances or CPUC rules is understood best by the retailers. In addition, several retailers make use of non-District supplies and are in the best position to determine their usage of District and non-District supplies.

In addition to delivering treated water primarily sourced from the State and federal projects, the District manages groundwater supplies. In the case of groundwater supplies, which amount to approximately half of all usage in the county, the District does not restrict the volume of water that may be pumped, but works cooperatively with the



retailers to reduce usage when needed. While the District's estimate of aggregate groundwater pumping each year is reasonably accurate, the District does not have a track record of developing estimates of pumping by individual retailers.

Allowing the District, a wholesaler, to provide **aggregate** calculations of available water will be consistent with the District's implementation of its county-wide Water Shortage Contingency Plan and will recognize the District's well-established role in managing the county's groundwater resources for use by all retailers and individual well owners.

2. Allow extension of time to comply

The current timeline in the proposed modified emergency regulation may not allow all water agencies in Santa Clara County with enough time to prepare the information completely and to complete their self-certifications. Although much of the information required is contained in their 2015 Urban Water Management Plans due July 1, 2016, wholesale and retail agencies/companies in the county need time to develop their estimates consistent with the Water Board's regulation, and accomplish approvals by their governing bodies. Retail agencies would benefit from additional time to coordinate their estimates with the water use reduction requirements of the District as well as the other wholesale supplier in the county, the San Francisco Public Utilities Commission. As such, we recommend that the regulations be revised to provide one additional week for compliance. Specifically, we recommend amending the date for compliance with Sec. 864.5(a), (1), (2), and (3) to June 22.

In light of the above, the District recommends the proposed text of the emergency regulation be amended to read as follows:

Sec. 864.5. Self-Certification of Supply Reliability for Three Additional Years of Drought.

(a) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's May 9, 2016 Executive Order, each urban water supplier shall:

(1) Identify and report on a form provided by the Board, no later than June 15, 2016, the conservation standard that the supplier will be required to meet under this section;

(2) Identify and report on a form provided by the Board, no later than June 15, 2016, the data relied upon by the supplier to determine the conservation standard reported pursuant to this subdivision including, but not limited to identification of each source of supply the supplier intends to rely on and the quantity of water available under that source of supply given the assumptions of this section;

(3) Certify, no later than June 15, 2016, that the conservation standard reported pursuant to this subdivision is based on the information and assumptions identified in this section; and

(4) Beginning June 1, 2016, reduce its total potable water production by the percentage identified as its conservation standard in this section each month, compared to the amount used in the same month in 2013.

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(e) Each urban water wholesaler shall calculate, to the best of its ability, and no later than June 815, 2016, the volume of water that it expects it would deliver to each urban water supplier or the water that would be available in the aggregate supply for the region, for in each of the next three years under the assumptions identified in subdivision (b), and post that calculation, and the underlying analysis, to a publicly accessible webpage.

The District is committed to continuing to work with the State, regional partners, and our local community to continue to implement effective drought response strategies, increase long-term water conservation savings, and develop new supplies that are drought resilient in a changing climate.

Sincerely,



Norma J. Camacho
Interim Chief Executive Officer

cc: District Board of Directors
District-Supplied Retailer Water Department Heads/Company CEOs
J. Fiedler, G. Hall, R. Callender

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