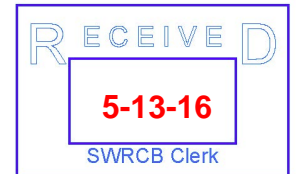




May 13, 2016

Sent via email: commentletters@waterboards.ca.gov

State Water Resources Control Board
Attention: Clerk to the State Water Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: May 18, 2016 BOARD MEETING (Conservation Extended Emergency Regulation)

Honorable Board Members:

We appreciate the opportunity to provide input to the State Water Resources Control Board (State Water Board) on the staff proposal for Extended Emergency Regulation for Urban Water Conservation (Emergency Regulation). We understand the importance of preserving water supplies, and are committed to helping the state manage water resources sustainably. We appreciate the effort that has gone into developing and managing the Emergency Regulation and support the supply-demand based approach included in the current staff proposal. This approach appropriately integrates on an agency-by-agency basis the portfolio of supplies available to the water supplier and identifies required conservation to meet the supply impacts of drought conditions that vary throughout the state. To improve the proposed Emergency Regulation we propose the following:

Revise the Year Used to Determine the Conservation Standard

We request that Sec. 864.5 (b) be revised, as follows:

“Each urban water supplier’s conservation standard pursuant to this section shall be the percentage by which the supplier’s total potable water supply is insufficient to meet the total potable water demand in the ~~third~~ first year after this section takes effect under the following assumptions”

This revision will address immediate emergency water supply shortages conditions, while still providing a publically accessible look forward at the magnitude and actions necessary to

address potential future shortages. This change will focus a supplier on demand management and supply utilization to address near-term conditions, while looking forward to strategies to address potential long-term dry conditions in the subsequent years. If dry conditions persist, the analysis can be repeated for the next period covered by the Emergency Regulation. Over time, the conservation standard would adjust to become more stringent should supplies and available storage decrease.

Provide Additional Time for Certification to Allow for Wholesaler Coordination

We request that Section 864.5 (a) be revised, as follows:

“(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~~22, 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~~22, 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~~22, 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; ~~and~~

(5) For any urban water supplier unable to report and certify by June 22, 2016, staff will use their discretion to allow reporting and certification by the fifteenth of a subsequent month. Starting the first of that the same month, the urban water supplier shall 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.

We further request that Section 864.5(e) be revised, as follows:

“Each urban water wholesaler shall calculate, to the best of its ability, and no later than June ~~8~~-15, 2016, the volume of water that it expects it would deliver to each urban water supplier 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 additional time being requested will allow for coordination of data collection, especially for second-tier wholesalers. This also provides staff flexibility to address unique conditions that may be experienced by some water suppliers.

Revise the Demand Assumptions

We request that Section 864.5 (b) (2) be revised, as follows:

“The supplier’s total potable water demand for each of the next three years will be the supplier’s average annual total potable water production for the years 2013 ~~and 2014~~ through 2015.”

Using the proposed three-year average reflects actual demands conditions more accurately and is a more technically sound approach. Demand was significantly reduced through mandatory restrictions in 2015; but if dry conditions remain, statewide messaging and end user requirements will continue to push demand down. As such, using the average of the three years noted to determine projected demand will more closely reflects actual demand conditions. This also keeps the demand assumptions consistent with the three year projected supply conditions being evaluated.

Imposition of a Minimum Conservation Standard

One of the questions raised in the State Water Board’s hearing notice was the potential need to impose a minimum conservation standard “floor” for agencies that are to certify that supplies can meet all projected demands. From our perspective, a regulated minimum numeric conservation standard should not be required if a supply shortage does not exist. However, we do understand concerns expressed by some that those agencies certifying they can meet all demands may be tempted to forsake significant on-going conservation efforts.

In considering both of these views, and in recognition of the Governor’s on-going Emergency Order, we suggest that instead of a minimum numeric conservation standard, that the proposed Emergency Regulation include the following requirement:

Retail water agencies that certify supplies are sufficient to meet projected demands under the Emergency Regulation shall maintain those conservation and enforcement measures in place that the agencies determine are consistent with achieving a minimum 10% conservation level relative to 2013 demands.

This approach would reinforce the need to continue with a reasonable level of conservation programming, while at the same time providing water agencies the flexibility to determine which programs are best suited for their customer base.

Thank you for your consideration of these revisions. We appreciate the supply and demand based approach proposed by State Water Board staff. It recognizes and accounts for the investments local agencies and our customers have made in supply reliability and the benefit of a long-term conservation ethic. EMWD will continue to promote the efficient use of water, and we look forward to continuing to work with you to improve water use efficiency and water supply management throughout the state.

Sincerely,



Paul D. Jones II, P.E.
General Manager



Elizabeth Lovsted, P.E.
Senior Civil Engineer