



(12/17/15) Public Workshop
Emergency Reg for Measuring & Reporting Diversions
Deadline: 12/17/15 by 12:00 noon

December 17, 2015

Jeanine Townsend, Clerk to the Board
 State Water Resources Control Board
 P.O. Box 100
 Sacramento, CA 95812-0100



Subject: Comment Letter – Proposed Emergency Regulations for Measuring and Reporting, December 7, 2015 Agency Draft for Public Comment

Dear Ms. Townsend,

The SFPUC, the owner and operator of the Hetch Hetchy Regional Water System, has reviewed the Proposed Emergency Regulations for Measuring and Reporting, December 7, 2015 Agency Draft for Public Comment and has the following comments. While the SFPUC acknowledges that the passage of Senate Bill 88, which added Article 3 “Monitoring and Reporting” to the Water Code commencing with section 1840, directs the State Board to develop emergency regulations for measuring and reporting water diversions, the proposed emergency regulations go beyond the direction of SB 88. Unfortunately, without being able to know the purpose and intent of many provisions in the proposed emergency regulations, it is difficult for the SFPUC to make constructive comments that reflect the practicalities of collecting and reporting water diversion data. The SFPUC encourages the State Board to establish additional workshops with diverters and water users, before the SWRCB adopts regulations, to work through the practical mechanisms for achieving specific purposes and intents the State Board may have in collecting and using this data.

In the meantime, the SFPUC offers the following preliminary comments:

1. Section 929 Reports of Licensee and 933 Measuring Device Requirements: Throughout these sections and possibly in other places within the proposed emergency regulations the language should be revised to acknowledge the reliance on USGS data for purposes of arriving at diversion rates and amounts. The SFPUC has a contract with USGS for several staff gages throughout our watersheds for which this data is the basis for determining inflow to and diversions from reservoirs. The USGS data will often remain provisional until the completion of the water year in September at which time they will review the data for the year and finalize. The reporting requirements proposed in the emergency regulations do not account for the USGS timeline in allowing for revised filings. These timelines should be revised to be consistent with USGS practices. In addition, calibration, accuracy and inspection/repair requirements should recognize the contracts that many diverters across the State have with the USGS. The

- Edwin M. Lee**
Mayor
- Francesca Vietor**
President
- Anson Moran**
Vice President
- Ann Moller Caen**
Commissioner
- Vince Courtney**
Commissioner
- Ike Kwon**
Commissioner
- Harlan L. Kelly, Jr.**
General Manager



USGS standard measurement and data review practices should be considered acceptable for compliance with the description of 'required accuracy' in Sec. 933(d) of the regulation.

2. Section 933(b)(2)(B) Data Submittal: the requirement for water right holders who divert more than 10,000 acre-feet annually or, on a monthly basis diverts more than 50 percent of the monthly median flow of the watershed to "provide **real-time telemetered** diversion data via a public website that displays the data on at least a daily bases, that is updated weekly at minimum," is problematic. Firstly, for most diverters whose diversions are entering a reservoir, a calculation is necessary (note: and permissible per the proposed emergency draft regulations) to arrive at a diversion rate and therefore, the data cannot be "telemetered real-time." Secondly, for such diverters daily calculations made at low inflows will often present negative inflow rate values as a result of reservoir elevations used in the calculation of diversion that have been affected by weather conditions and compounded measurement error from multiple devices. Thus, a daily calculation of diversion made on the basis of a calculated negative reservoir inflow may have no value for purposes of diversion rates. Finally, with this requirement the State Board is now requiring diversion rates be reported instantaneously or daily, depending on how one reads the language of Section 933(b)(2)(B), and not annually as was the intent and requirement of SB 88, Article 3 of Water Code 1840.
3. Section 933(j) Accessibility: the requirement that "measuring device shall be installed in a manner such that it is readily accessible for reading, inspection, testing, repair or replacement" is not practical. In many instance measuring devices within pipelines or tunnels must be installed in a straight section that is a distance 10 times the diameter of the pipeline or tunnel from the beginning of such a facility.
4. Section 935 Alternative Compliance for Measuring Device or Measurement Method Requirement: the alternate requirement compliance measure ought to expressly state a default process if certain conditions are established that modify reporting requirement to annual reporting particularly in the instance in which the water already authorized to be diverted by the same diverter would otherwise be diverted at a downstream reservoir.

We truly appreciated the opportunity to provide comments on the draft of this regulation and sincerely thank the SWRCB for their efforts.

Sincerely,



Steven R. Ritchie
Assistant General Manager, Water