

**Emergency Regulation
Regional Compliance Proposal
December 7, 2015**

Purpose:

To provide an option for regional compliance with Emergency Regulation conservation standards that will achieve the same amount of water savings as individual water agency conservation standards.

Guiding Principles:

- Provide an opportunity for regions to work together to achieve water savings and demonstrate compliance with the Emergency Regulation.
- Regional compliance is a voluntary approach. Water agencies would not be required to form a region nor participate in a regional alliance.
- Provide an additional compliance option. If the region is successful at meeting the Regional Conservation Standard, all water agencies in the region would be deemed successful. If the region is unsuccessful at meeting the Regional Conservation Standard, each water agency would need to meet its' individual conservation standard.
- To the extent possible, use existing water code and framework identified for regional alliance development for SBx7-7.
- The formation of a region would only be for the purposes of complying with the Emergency Regulation.

Regional Compliance Benefits:

- Maintains original conservation standards assigned to each individual water agency
- Allows for consistent messaging throughout the region
- Allows water agencies to leverage resources
- Provides for economies of scale for conservation implementation
- Allows for regional collaboration
- Improves flexibility for compliance with the Emergency Regulation
- Uses existing state law for regional formation

Regional Formation Criteria and Geographic Scope:

Allow regions to form based on the criteria for forming a SBx7-7 regional alliance, per Water Code Section 10608.28 as follows:

Section 10608.28.

(a) An urban retail water supplier may meet its urban water use target within its retail service area, or through mutual agreement, by any of the following:

(1) Through an urban wholesale water supplier.

(2) Through a regional agency authorized to plan and implement water conservation, including, but not limited to, an agency established under the Bay Area Water Supply and Conservation Agency Act (Division 31 (commencing with Section 81300)).

- (3) *Through a regional water management group as defined in Section 10537.*
- (4) *By an integrated regional water management funding area.*
- (5) *By hydrologic region.*
- (6) *Through other appropriate geographic scales for which computation methods have been developed by the department.*

(b) A regional water management group, with the written consent of its member agencies, may undertake any or all planning, reporting, and implementation functions under this chapter for the member agencies that consent to those activities. Any data or reports shall provide information both for the regional water management group and separately for each consenting urban retail water supplier and urban wholesale water supplier.

Regions can form in two ways as follows:

- Provide documentation to the State Water Resources Control Board of existing regional alliances formed per Water Code Section 10608.28(a). Currently there are 9 regional alliances representing 87 water agencies that have formed per Water Code Section 10608.28(a).
- Submit letters of support from each participating water agency to form a region for the purpose of regional compliance with the Emergency Regulation.

Region formation timeline and composition:

- Regions would need to submit documentation to the State Water Resources Control Board regarding their interest in regionally complying with the Emergency Regulation within two months of the date the Emergency Regulation goes into effect.
- Once a region is formed and accepted by the State Water Resources Control Board for purposes of regionally complying with the Emergency Regulation, the members of the region cannot change and the region must remain in place until the end date of the Emergency Regulation.

Regional Calculation and Water Savings:

- Each individual water agency would calculate their required water savings using their assigned individual conservation standard, weighted by June through February 2013 water production data. All individual water agency data would then be consolidated to calculate a Regional Conservation Standard. Please see the excel spreadsheet entitled "SWRCB Template" for more clarification on calculating the Regional Conservation Standard.
- The Regional Conservation Standard would provide the same amount of water savings as each individual water agency conservation standard.

Group Leadership and Compliance Assessment:

- Regions interested in regional compliance would designate a lead agency to submit the Regional Conservation Standard and monthly progress on that standard on behalf of the regional members to the State Water Resources Control Board for acceptance.
- Each individual water agency would continue to report their individual monthly water use data to the State Water Resources Control Board.

Accountability and Enforcement:

- If the region meets the Regional Conservation Standard, each individual water agency in a region would be deemed successful at complying with the Regional Conservation Standard.
- If the region does not meet the Regional Conservation Standard, each individual water agency in a region would need to meet its individual conservation standard.
- If the region does not meet the Regional Conservation Standard and the individual water agency in the region does not meet its individual conservation standard, the individual water agency would be subject to enforcement action by the State Water Resources Control Board as outlined in the Emergency Regulation.

Additional proposed changes to the Emergency Regulation:

- This proposal would support any other potential revisions to the Emergency Regulation. Additional potential revisions to the Emergency Regulation can and should be incorporated into the overall Regional Conservation Standard calculation.