

Ms. Jessica Bean

State Water Resources Control Board

Thank you for the opportunity to provide comments on the Proposed Regulatory Framework dated April 7, 2015. I offer some general comments then, at the end, answer the questions asked on your Fact Sheet issued the same date. Though I am an elected director (since 2003) with Newhall County Water District, these comments represent my opinions only.

Public/Private Utilities Need Level Playing Field

In 2014, we were initially told that SWRCB actions applied to public water utilities only. It is my hope that public and private water utilities, and their customers, be treated the same. Public water utility customers alone cannot resolve the drought, so I hope shared and equal data and enforcement plans are now in play for CPUC regulated entities. This will allow an accurate picture of what is happening with Urban use.

Per Capita Urban Use Vs. Residential Use Needs to Be Clearly Spelled Out

The wording of the Governor's Executive Order B-29-15 states that the SWRCB "should consider the relative per capita usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use."

Because the SWRCB has been collecting data on RESIDENTIAL per capita water use, the proposed regulatory framework (Framework) dated April 7, 2015 seems to target RESIDENTIAL gallons per day in assigning tiers. This may have been unintentional because it is the data you have, but it should be changed long term as you collect new data.

From a holistic standpoint, and based on other language in Executive Order B-29-15, it is clear that the Governor was seeking reduction in all potable urban water use, not solely potable urban residential use. If the goal of the Order is URBAN use reduction, the long term focus needs to broaden in the tiers to include total water use, not just residential water use.

Some urban areas may have high industry, low residential water use. Some areas, such as ours, have a large amount of single family homes, while others may consist of a lot of condos and apartments. Therefore, tiering done in the Framework may not be an appropriate indicator of the amount of water efficiency nor will it reflect total water conserved within an agency's boundary.

Our area is separately metered by account type, and we can target 25% reduction in ALL use. 25% reduction on residential use is harder to do because they do not have the funds, personnel or financial incentives (i.e. large bills) or amount of realistic water savings that large users may have. I would urge you to NOT focus on residential per capita per day, but rather total production per capita. Long term, I favor water budgets and/or at least allow an overlay for climate zone and average parcel size long term.

Allow us to achieve 25% TOTAL reduction, not just 25% reduction on the backs of homeowners. In some areas, it may make sense to achieve large commercial or governmental cutbacks balanced by lesser homeowner cutbacks, for example. This should be left to water agencies to decide based on their local knowledge and ability of their customer categories to chip in to help achieve water savings.

Residential Tier Breakpoints Should Not Be Targets

I did not see a reason for breaking the residential per capital per day tiers where they were, when you compared the 411 urban water suppliers into the four categories for further reductions.

Did the "411 urban water suppliers" include CPUC regulated entities? I hope so because, as mentioned above, communities should be treated equally regardless of the type of water agency serving them. CPUC and SWRCB should be sharing data and handling this equally, if they are not already.

What was the basis of the Under 55, the 55-110, 110-165 and over 165 R-GPCD dividing lines? It is my hope that they were only statistical break points and they should not be viewed as "goals." As a policy, we should be looking at efficient use of water while being blind to the benefits it is used for. A resident living in a condo should be treated no differently than a resident with 5 children living in a single family home. Coastal communities and inland areas may need different amounts of water to maintain greenbelts for fire protection. Some apartment dwellers may in fact be more wasteful on indoor use than homeowners, and appropriate indoor AND outdoor water budgets will be much better than a "one size fits all number."

Long term, we need to look at, and plan for, efficient water use, not making unrealistic goals for certain communities that may, in fact, be very well planned water-wise. We should allow appropriate water for drought tolerant plantings in single family homes in both inland areas as well as wise indoor use for condos in coastal communities. Landscaping, community recreational areas, incidental urban animal habitats, and urban greenbelts should not be dismissed categorically, just as we are not dismissing any types of businesses or industries from operation. Allow and expect innovation, but set goals appropriately for each category of user without favoring one over the other. Using tiers that place the drought burden on residential single family home customers is arbitrary and capricious and is not measuring total water reduction that is needed to achieve desired goals.

Long Term Direction and Planning Really Needed

Long term direction is critical. We have had two years of completely unpredictable budgets and are, like most agencies, faced with declining revenue that is at risk of gutting our reserves and hindering our ability to maintain infrastructure. As a director, elected to serve our residents, at a non-profit public agency I find responsible, predictive planning to be critical. I would ask that we not be having annual revisions of these goals under emergency direction on a short term basis. The issue with California's water supply is not new to any of us in the industry. We were not "hoping for rain" but try to plan on long term trends. We have, for instance, already achieved our 20 by 20 target, and have budgeted well for things like that. If we can work together on long term efficiency targets, that will help us plan our budgets, rather than having to take an ax to existing budgets several times a year.

Our area is traditionally high growth, at the northern end of Los Angeles County. We have ample groundwater and have invested in long term supplies on top of the State Water Project. Our residents and businesses choose to live here for many reasons, and they pay into a water system we try to plan and operate sustainably for them. One question we get as board members is, what about future growth? Water agencies do 30 year planning documents called Urban Water Management Plans. Normally we can make growth decisions based on the projections in that extensive document. Of course we want to protect current customers, as we have to date, but state directives on water agencies that affect only CURRENT customers make it unclear what the state is expecting on FUTURE customers. This means businesses choosing to relocate or build are going to be faced with more legal challenges and uncertainty. All of this damages homeowner and business plans alike. As a water official, I would prefer longer term certainty over repeated short term actions that are not tied to our local situation. A State guideline for a sustainability "buffer" (a margin to be used in Urban Water Management Planning and Water Supply Assessments) might be helpful so we can plan for infrastructure improvements and funding to tie in with population changes that are projected by groups like the Southern California Association of Governments.

At present, neither residents nor businesses know what to expect next. We need to improve on both short term and long term planning for everyone's benefit. I understand these mandates are under emergency action. I would ask that we transition to permanent expectations for efficient urban water use, because we cannot plan well through repeated "emergencies." We can, I believe, plan for long term drought and the multi-year construction of projects needed to improve water reliability.

SWRCB Questions:

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Are there other approaches to achieve a 25% statewide reduction in potable urban water use that would also impose a greater responsibility on water suppliers with a higher per capita water use than those that use less?

See comments above. Reduction goals should reflect on all urban use, not just residential. Residential gallons per capita per day is not as good a measure as total water use per capita. Reductions should reflect climate and demographics and business mix and seek efficiency rather than slant toward coastal, dense housing.

How should the regulation differentiate between tiers of high, medium, and low per capita water users?

See comments above. Look for efficiency in indoor and outdoor use (water budget) and remove bias against inland communities with single family homes.

Should water suppliers disclose their list of actions to achieve the required water reductions?

Yes. Per comments above, also note we must maintain level playing field between CPUC and public water agencies.

Should these actions detail specific plans for potable water use reductions in commercial, industrial, and institutional (CII) sectors?

Yes.

Should additional information be required in the monthly conservation reports for urban water suppliers to demonstrate progress towards achieving the required water reductions?

Yes. As mentioned above, look more at total water reduction, not just RESIDENTIAL gallons per capita per day.

What enforcement response should be considered if water suppliers fail to achieve their required water use reductions?

Because areas are distinct, I would prefer setting goals for demonstrating long term sustainability and water conservation (20 x 2020 targets achieved) rather than harsh criticism for short term targets in areas otherwise well equipped to maintain and improve. We are working hard to expedite things like water budgets and water recycling, and conducting outreach to large landscape customers, and I believe that deserves much more focus than just comparing this year to 2013. In the face of declining revenues, with flat or declining staffing levels as a result, agencies can only focus on so many things at once.

A longer term, stabile approach will help us achieve much more, for better communities and better water management. Though not a hard numeric goal, I would ask SWRCB give equal weight to REAL (not smoke and mirrors) plans for water supply enhancement in the next 5-10 years as it does to immediate targets. Much like a weight loss diet, we can "starve ourselves" today (perhaps to revert back tomorrow) but if we properly plan and set goals for the days ahead, a healthier long term can be in the future.

Thank you again for the opportunity to provide feedback on this critical issue.



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