



May 1, 2015

Sent via Electronic Mail: Jessica.Bean@waterboards.ca.gov

Felicia Marcus
Chair, State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Comments on the State Water Resources Control Board April 28, 2015
Proposed Emergency Drought Regulations

Dear Ms. Marcus:

On behalf of WaterReuse California (WRCA) we are writing to comment on the State Water Resources Control Board (Board) April 28, 2015, draft emergency regulations to achieve 1.3 million acre-feet of conservation between now and March 1, 2016. As California is facing an unprecedented drought emergency, WRCA strongly supports the development of these regulations. WRCA also appreciates the fact that the regulations are intended to apply only to potable water.

After reviewing the regulations we have two recommended changes we believe will meet the intent of the Governor's order and encourage the greater use of recycled water statewide. These changes are consistent with WRCA's adopted policy principles that count recycled water in water conservation calculations and the policy contained in the Water Conservation Act of 2009 (SB x7-7 - Steinberg) for both potable and non-potable recycled water.

Please consider adopting the following changes into the emergency drought regulations:

Provide an adjustment for water produced from indirect potable reuse (IPR) projects, for both groundwater and reservoir augmentation, agencies' gross potable water/GPCD calculation.

As you know, IPR water originates from recycled water and should be recognized as such in SWRCB's proposed emergency drought regulations. The April 28, 2015 draft of the proposed regulations excludes recycled water from agencies' gross potable water/GPCD calculation, but does not provide any adjustment for IPR water. Excluding recycled water from the gross potable water/GPCD calculation and providing an additional adjustment for IPR recycled water would be consistent with the policies reflected in the SB x7-7.

Specifically, in 2011, a method was developed by the Department of Water Resources to calculate the appropriate proportion of IPR water that would be eligible to be excluded from the baseline urban per capita water use. (see DWR Guidebook on 20 X2020, pages 18 and 19 and the following link: http://www.dwr.water.ca.gov/wateruseefficiency/sb7/docs/MethodologiesCalculatingBaseline_Final_03_01_2011.pdf)

WRCA members have actively developed IPR projects that are contributing reliable water production under this drought. These projects have allowed communities to become more self-reliant, but have also aided the entire state by lessening the demand for imported water. In order to continue to foster these kinds of projects as the drought worsens, the Board should recognize and provide appropriate allowances and adjustments in the regulations for this drought resilient source of water.

For future regulatory consideration, include a non-potable recycled water adjustment credit for agencies using a large amount of recycled water in their service areas.

We understand that the primary target of the regulations is outdoor irrigation. However, in many locations in California large landscapes have already been converted to irrigation using non-potable recycled water. We ask that agencies that have invested heavily and aggressively in recycled water and have eliminated potable water landscape irrigation be provided an adjustment credit in calculating additional potable water reduction requirements. This credit is necessary because agencies that have already (prior to 2013), required all large landscapes including parks, greenbelts, street landscapes school yards and common areas to be on recycled water have effectively diminished their the ability to further reduce potable demands from a 2013 baseline because there is simply less irrigated area to achieve savings. The Governor's mandate and SWRCB proposed regulations have been clearly focused in near-term (post 2013) improvements in water conservation, which is most readily achieved by reducing potable water outdoor irrigation. Agencies with less opportunity to do so because of success in implementing recycled water should have their percentage in potable reduction requirements formulaically reduced under emergency regulations.

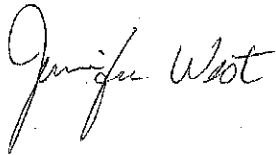
Since we are not offering specific regulatory language or formulaic adjustment at this time, WRCA would like to work with the Board over the next few months to develop a formula that would appropriately recognize prior recycled water investment for possible inclusion in the next round of regulations.

Finally, WRCA compliments the Board on the amount of progress it has made to date in developing these emergency draft regulations. Still, the public and impacted agencies will have less than a week to comment on the final regulations that make sweeping changes to water use in California's urban sector. This is an extraordinary compressed time period. WRCA would respectfully request that the Board consider extended the comment period until its next Board meeting in early June to more fully allow the consideration of public comments and adjustments to the final order.

However, we do not intend this extension to delay the responsibility for agencies to start immediately to implement the mandated conservation programs. We recognize that the Administration is targeting the summer and early fall months in which outdoor water use is at its highest for strong conservation measures. We will encourage our member agencies to get started now, while the final conservation target details are being worked out.

Thank you for considering our views. Please do not hesitate to contact me at (916) 669-8401.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer West". The signature is written in black ink and is positioned above the typed name.

Jennifer West
Managing Director

