



3-7-17 Board Meeting-Item 7  
Climate Change  
Deadline: 3/3/17 12 noon



Bringing  
Water  
Together

VIA EMAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

March 3, 2017

The Honorable Felicia Marcus, Chair  
and Members of the State Water Resources Control Board  
c/o Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th floor  
Sacramento, CA 95814

SUBJECT: 3/7/17 BOARD MEETING– ITEM # 7 “Consideration of a proposed Resolution adopting a comprehensive response to climate change”

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies (ACWA) appreciates this opportunity to comment on the proposed Resolution by the State Water Resources Control Board (State Water Board) adopting a comprehensive response to climate change.

ACWA represents over 430 public water agencies which are responsible for delivery of over 90% of the water used for residential, commercial and agricultural purposes in California. ACWA and its member water agencies appreciate the importance of a comprehensive response to climate change in the context of the State Water Board’s authorities regarding California’s water resources. California’s water agencies have for many years been engaged in water management policy leadership and project development which is already contributing to increased water supply reliability and helping position the state to adapt to the challenges posed by changes in hydrology associated with climate change.

### **General Comments**

ACWA recognizes that the Resolution and the proposed implementation actions are intended to affect water management decisions by water agencies statewide, and that these impacts could be beneficial or adverse depending on how specific actions are implemented. We encourage the State Water Board to commit to transparent implementation of this Resolution in consultation with other state agencies, including the Air Resources Board and Department of Water Resources, as well as stakeholders, as the success of many of the proposed actions depends upon the support, cooperation and funding of many individual projects and activities by water agencies statewide.

Although the Resolution does not explicitly propose State Water Board ranking or prioritization of types of water supply projects based on energy intensity (sometimes referred to as a “loading order”), we caution against trying to impose such a concept as part of project permitting or funding decisions as the Resolution is implemented by the State Water Board and Regional Water Quality Control Boards (collectively, the Water Boards). Public water agencies have made and are continuing to make significant investments in a variety of water supply sources in response to local water demands, balancing many important local policy, planning and cost considerations. Creating a top-down “preferred” state prioritization, or ranking, based on energy demand or source is infeasible as multiple water supply sources must be developed simultaneously in order to ensure resiliency in the water supply system and a diverse water supply portfolio. The need to develop a comprehensive and robust portfolio of water supply projects is articulated clearly in the Governor’s California Water Action Plan and The California Water Plan, and is the basis of most water agency integrated water resources planning, including Agricultural and Urban Water Management Plans.

ACWA supports the recognition in Whereas #11 of the contribution of multi-objective water management projects, including surface and groundwater storage and recharge, as being “integral to climate mitigation and adaptation.” Successfully adapting local, regional and state-wide water systems to anticipated future climate conditions will require continued and increasing investment in new multi-objective water management projects, especially significant new surface and groundwater storage and recharge projects, as essential elements of California’s climate adaptation strategy.

### **Specific Comments**

The following comments address specific elements of the Resolution for which ACWA recommends changes.

Climate Change Hydrology (Whereas #2, p.1). This discussion should be amended to specifically recognize that warming is also expected to alter the amount and timing of runoff.

Recommendation: Add to second sentence “Changes in hydrology include..., changes in the timing and volume of runoff and surface water flows, and consequent impacts on water quality and water availability.”

Reducing Water Sector Greenhouse Gas Emissions (Whereas #4, p.1). This discussion should be amended to more accurately characterize relative water sector greenhouse gas emissions and potential mitigation actions, and should coordinate with the language included in the Water Sector chapter of the 2017 Climate Change Scoping Plan Update that is currently under development at the California Air Resources Board.

Recommendations:

- a. Add the following new text to the end of the first sentence of the second paragraph: “...to pump, convey, and treat water, and for water heating by end users. About 12% of the total energy used in the state is associated with the water sector. Of that 12%, about 2% is used to pump, convey, treat and distribute water and about 10% is used by end-customer users, mostly for water heating.”<sup>1</sup>
- b. Add to the end of the second sentence of the second paragraph: ...improved end user water use efficiency and, where needed, continued reductions in per capita water consumption.”
- c. Amend the third sentence of the second paragraph to read: The future development of new recycled water...have the potential to mitigate the growth in future greenhouse gas emissions if they use lower carbon energy sources, or if they replace an existing, higher carbon water supply.

Executive Order B-30-15 (Whereas #10, p.2). There is a typographical error in the second sentence.

Recommendation: Amend second sentence to read “The Executive Order directs State agencies ~~into~~ integrate climate change...”

Water Conservation and Efficiency (Resolved I. B. #2, p.4). This discussion should be amended to accurately characterize how the limitations inherent in the emergency nature of the Governor’s drought declaration affect authorities that the SWRCB has for the development and implementation of water efficiency and conservation regulations identified in Executive Order B-37-16 and to identify that the SWRCB would require new, and as yet unspecified, statutory authorities to support some conservation actions.

Recommendation: Amend the text accordingly.

Streamline Recycled Water Reporting (Resolved I. C. #3, p.4). This proposed new reporting requirement should be implemented in a way that is integrated and streamlined with other proposed new water production reporting requirements to reduce overall reporting burdens.

Recommendation: Amend the text to reflect this commitment.

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<sup>1</sup> California Water Plan 2013 Volume 1

Source webpage: <http://www.water.ca.gov/climatechange/WaterEnergyStatewide.cfm>

Storm Water Project Contributions (Resolved I. D. #4, p.4). This proposed action should be amended to more accurately characterize the potential contributions of storm water projects, recognizing that adverse water quality impacts pose significant challenges in many cases.

Recommendation: Amend the first sentence to read: “...as a climate adaptation strategy, in addition to and if designed to mitigate pollutants transported by storm water, has the potential to provide water quality benefits and enhanced aquatic habitats.

Enhance Ecosystem Resilience (Resolved II. #6, p.5). This proposed action should be amended to clarify actions to update permits to enhance ecosystem resilience to the impacts of climate change will be subject to administrative hearings and other appropriate due process.

Recommendation: Add the following new text after the first sentence: “Any updates to individual permits will be considered after administrative hearings and other appropriate due process.”

Water Quality Standards (Resolved II. #7, p.5). This proposed action assumes that surface water flows will decrease, but it is possible that they might also increase due to warming causing increased snowmelt and runoff.

Recommendation: Amend the sentence to read: “...including but not limited to increased surface water temperatures, ~~decreased~~ changes in surface water flows and runoff, ...”.

Climate Change Vulnerability Assessments in Sanitary Surveys (Resolved III. #11, p.5). This proposed action will require a “phase in” period in which the State Water Board works with water agencies to define the scope of the proposed climate change vulnerability assessments and proper use of the evaluation tool cited in the text.

Recommendation: amend the first sentence to read: “...begin developing guidance for climate change vulnerability assessments in community water system sanitary surveys, in consultation with stakeholders, and shall...”

Effective and Efficient Project Permitting (Resolved III. #13, p.6). This proposed action should incorporate means to increase the efficiency and incentivize project permitting.

Recommendation: Amend the first sentence to read: “...could take for effective and efficient permitting of locally cost-effective projects to incentivize development of new and underutilized water resources...”

Eliminate Use of Water Energy Cost Effectiveness Calculator (Resolved V. #22, p.7). The proposed Resolution requires the use of the California Public Utilities Commission's Water Energy Cost Effectiveness Calculator. ACWA opposes use of this calculator beyond its original intended purpose, which is to facilitate a partnership between the Investor Owned Utilities and the water sector to co-fund energy utility programs to reduce energy consumption by the water sector in supplying, conveying, treating, and distributing water. This calculator has not been designed to address, or shown to be applicable to, greenhouse gas reductions or the cost effectiveness considerations of public water agencies.

Recommendation: Delete Resolve #22.

ACWA appreciates the opportunity to offer the above comments, which we believe will improve the clarity and value of the Resolution, helping to inform and develop support for its implementation. We anticipate that other similar comments will be provided by other water agencies and associations, and that these comments may augment or offer somewhat alternative approaches to resolving the issues identified in this comment letter. We stand ready to work with the State Water Board and other stakeholders to help identify ways to address these and other comments. Given the significance of the Resolution, we ask that after the State Water Board considers all comments and makes the changes to the Resolution, a revised draft be recirculated for public review and comment before the State Water Board considers adoption. I am available to discuss these comments at [daveb@acwa.com](mailto:daveb@acwa.com) or (916) 441-4545.

Sincerely,



David Bolland  
Director of State Regulatory Relations

cc: The Honorable Frances Spivy-Weber, Vice Chair, State Water Board  
The Honorable Tam Doduc, Member, State Water Board  
The Honorable Dorene D'Adamo, Member, State Water Board  
The Honorable Steven Moore, Member, State Water Board  
Mr. Max Gomberg, Climate Change Mitigation Strategist, State Water Board  
Ms. Cindy Tuck, Deputy Executive Director for Government Relations, ACWA