



April 10, 2015

Jessica Bean
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Proposed Mandatory Conservation Regulations

Dear Ms. Bean:

The State Water Resources Control Board (Board) has asked for input regarding their regulations to impose mandatory water conservation as required in the Governor's April 1, 2015 Executive Order. Below are our comments addressing the Board's concerns.

1. 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 higher per capita water use than those that use less?

The current Board's tiers target mandatory cuts based on Gallons per capita per day (GPCD) as of September 2014. This is the best metric to capture actual use, and the most equitable way to conserve water in the state. Those who have already responded to the drought should not be unfairly asked to cut their use further while others have still refused to cut back on wasteful water use elsewhere.

The drought has taken its particular toll on the environment in some areas at a higher degree than others. Of particular concern is the increase of Delta exports leading to record low numbers of Delta Smelt and increasingly imperiled salmon runs. When the Board comes up with its overall cuts to achieve the 1.3 million acre-feet, it should identify sources of water where the cuts would provide the most environmental and benefit and implement the human right to water, such as the Delta, where curtailment orders are expected, or where groundwater is used and wells in the basin are going dry. For these sources the Board should not reduce conservation levels below 25% for agencies relying on those sources unless they are already achieving the 55 GPCD goal. Conservation from these sources of water would help ease the burdens on the water supply system where they are greatest.

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

We believe the tiers the Board has selected are appropriate at targeting the worst water wasters with the cuts necessary to achieve real savings.

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

Water suppliers should disclose their list of actions used to achieve water reductions. We have hundreds of agencies across the state, all taking different steps to reduce water use. While these reductions are tough for everyone, we should not miss the opportunity to identify what works and what does not, and pull together best management practices so that all agencies can be successful.

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

As stated above, more information can be beneficial to assist the whole state in achieving reduction goals. Specific plans for CII sectors are important to disclose as these could provide very detailed measures that could be used for developing best management practices for reducing water in each industry.

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

Urban water suppliers should also provide information on messaging and advertising they are conducting. It would be great if the Board could work to provide best management practices on messaging and advertisements, such as how the supplier is communicating use to the customer through billing.

Metering is an important component in assisting individuals conserve water. The Board should require suppliers to report on the percentage of customers that are metered and the meter installation process. This will help determine how important meters are for conservation and work to provide information that can be helpful for speeding up the metering process.

6. How and when should compliance with the required water reductions be assessed?

Given the timing of the Governor's Executive Order and the advance notice of these regulations and the tiers, the Board should begin assessing compliance with the required reductions on July 1st.

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

By July 1st, the Board should begin to issue Conservation Orders in conjunction with Cease and Desist Orders (CDO). Conservation orders provide immediate requirements that suppliers would have to take to achieve real water savings immediately. CDOs should be used as a backstop to ensure further compliance with the Conservation Order. CDOs should come with the maximum available Administrative Civil Liabilities where the failure of the water supplier is the cause of non-compliance.

We appreciate the ability to comment on these regulations, and hope to be a partner with the Board to ensure success of these measures in the future.

Sincerely,



Kyle Jones
Policy Advocate