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December 17, 2014

Via email: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814

Re: **Comment Letter – Urban Water Conservation Workshop**

Honorable Board Members:

Eastern Municipal Water District ("Eastern") appreciates the efforts of the State Water Resources Control Board (State Board) to address the on-going drought conditions and solicit input on potential next steps and future actions related to urban water conservation. Eastern offers the following comments in response to the questions posed by the State Board for input at its December 17, 2014 workshop:

1. What more should be done at the local and/or State level in the near-term to increase water conservation?

Promotion of Allocation-Based Tiered Rates: There is broad agreement that allocation-based tiered rates are among the most effective ways to equitably reduce water demand and increase efficiency. However, some agencies are still hesitant to implement this type of rate structure because of potential financial, legal and public acceptance hurdles.

The Administration and State Board should fully support agencies' implementation of allocation based tiered rates including advocacy for potential legislation to clarify legal ambiguities relative to the allocation of costs and Proposition 218 compliance, funding opportunities for agencies that is specifically targeted to help offset billing system and other conversion costs, and educational outreach. This effort should include a call for the Public Utilities Commission to develop a standard budget based tariff design. Removing such barriers and accelerating the implementation of allocation based tiered rates will increase both near-term and on-going water use efficiency.

Extension of Water Waste Prohibitions: In July of 2014, the State Board implemented emergency regulations that prohibited the application of potable water to outdoor landscape in a manner that causes runoff; the use of a hose

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that dispenses potable water to wash a motor vehicle; the application of potable water to driveways and sidewalks; and the use of potable water in decorative water features, except where the water is part of a recirculating system. To continue the near-term prevention of water waste, these four regulations should be extended for an additional 270 days. As a long-term effort to increase water efficiency in the State of California these four prohibitions should become permanent restrictions through an appropriate process.

Accelerated Implementation for Installation of Water Meters: Another action to promote near-term water savings would be offering funding incentives to accelerate the installation of water meters in all jurisdictions to 2016. Installation of meters sends a clear message about the value of water and has been documented to accelerate water savings as a result of billing customers based on volumetric use. Incentives that could be offered by the State Board include financing for agencies that replace meters by the end of 2016 with interest free extended term (30 year) State Revolving Fund loans and "principal forgiveness" loans for Disadvantaged Communities.

More Stringent Landscaping Requirements: The Independent Technical Panel (ITP) convened by the Department of Resources is developing recommendations to update the State Model Landscape Ordinance. The update will require more efficient landscape be installed for all new development or rehabilitated landscaped areas. New restrictions could prohibit the use of turf for non-functional purposes (including turf irrigated with recycled water), reduce the Maximum Applied Water Allowance, and lower the area threshold for which the regulations are applied. The State Board and Administration should encourage the adoption and expedited implementation of the ITP's recommendations as an action that will increase water efficiency in both the near-term and the long-term.

Other State Board Actions: A variety of additional actions to aid with near-term conservation should be considered by the State Board, including:

- Through an appropriate process, seek adoption of a shower manufacturing standard for new showerheads that limits showerhead flow to 2.0 gallons per minute. This standard would be consistent with Cal Green requirements already in place for new construction.
- Organize and conduct State Board sponsored workshops throughout the state to showcase technological innovations that support conservation, customer water use profiling, and information on how to manage landscape efficiently.
- Support Administration efforts to continue and expand public outreach including a statewide media campaign directly involving the Governor's office that focuses on the impact of the drought statewide, the importance of the emergency regulations, and actions required of all California residents to conserve water.

2. What additional conservation requirements, if any, should the State Water Board consider adopting if dry conditions persist into the new year?

Some additional conservation requirements for review and consideration by the State Board could include:

- Requiring the repair of faucets, toilets, pipes and other sources of leaks within 48 hours.

- Limiting seasonal irrigation:
 - Prohibit overhead irrigation of any kind from December through February.
 - Exceptions for drip, point-to-point irrigation systems, irrigation for defined water use efficient landscapes and recycled water irrigation.
- No potable water use for decorative water fountains.
- Prohibit restaurants from serving water, except upon request.
- Require hotels to limit replacement of towels and linens to weekly or for each new guest, except upon request.
- Discourage city and county code enforcement from citing/fining residents for “brown” lawns. Encourage dialogue between land use agencies and water suppliers to support water efficient landscape.
- Require verification that water recirculation systems for car washes are functioning properly.

3. What can be done to compel poorer performing areas to increase conservation?

To compel poorer performing areas to increase conservation, the cause of poor performance must effectively and accurately be determined. Many factors can limit reduction in water demand including demand “hardening” in areas that have already achieved high levels of efficient water use, economic conditions, weather patterns, and limited resources to enforce restrictions. The current method of comparing demand with the same period in the prior year does not appear to provide sufficient information to the State Board to evaluate if an agency is efficiently using water, or to determine how much an agency may be able to conserve further. Collecting and analyzing additional information is needed to conclude which areas are indeed performing poorly and the reasons behind such performance.

Specifically, prior to taking any actions to compel perceived poorly performing agencies, the State Board should conduct a peer reviewed technical analysis of additional data suggested under Question 4, below, by the California Urban Water Conservation Council. We believe this data combined with an appropriately sophisticated technical analysis will help the State Board define what areas are in fact experiencing poor performance, determine the causes of such performance, and inform the development of recommendations and remedies to achieve additional water savings. Upon completion of the technical analysis, additional public input should also be sought prior to any actions.

4. What additional data should the State Water Board be collecting and how would it be used?

To provide the State Board the full perspective on agencies' demand reduction performance, we recommend that in addition to the data required in the current regulations, the State Board also collect and compile:

- Historic GPCD data that is consistent with SB 7x7 and the water use efficiency targets already codified in State Law. This will demonstrate progress in increasing water use efficiency and illustrate where demand hardening has occurred.

- Local weather data including evapotranspiration and precipitation correlated to total water demands and GPCD.
- Economic growth (new connections) and employment data.

Each of these factors can have a significant impact on customer water consumption. This data is available from sources independent of water suppliers and can be used to help determine efficiency and on-going conservation performance.

Once again, thank you for the opportunity to provide input for your consideration as the State Board considered additional response to the statewide drought. If we can be of further assistance to you or your staff, I can be reached at (951) 928-6130.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Jones, II". The signature is fluid and cursive, with the last name "Jones" being the most prominent part.

Paul D. Jones, II, P.E.
General Manager