



Comments of the Natural Resources Defense Council on Drought-Related Emergency Regulations (Item 10, Board Meeting of July 15, 2014)

On behalf of the Natural Resources Defense Council, and its nearly 80,000 members and supporters throughout California, I respectfully request that you accept the following comments for the record of the Board's deliberations on proposed Drought-Related Emergency Regulations pertaining to Urban Water Conservation:

1. **In General.** We strongly support the Board adopting drought-related urban conservation regulations at this time. We believe that the Board has ample authority to take this step, that circumstances of water supply availability across the state warrant such action, and that the actions proposed by the Board are reasonable.
2. **Prohibited Activities.** We note that the four prohibited activities are commonly prohibited in local water waste ordinances, even when a water supplier is not facing drought conditions. See, for example, Glendale Code of Ordinances, Chapter 13.36 WATER CONSERVATION, prohibiting these four practices, as well as others, *at all times* as part of the city's "no water waste policy." We believe the Board could go further in barring the operation of ornamental fountains entirely, as any fountain or spray has the effect of increasing evaporative losses regardless of whether the fountain recirculates water. Moreover, in large fountains with treated water systems, evaporation losses also necessitate purging of additional water to sewers in order to maintain an appropriate chemical balance in the pool of the fountain. It would be better to cease operation of ornamental fountains entirely for the duration of the drought. (An exception can be made where a fountain is an integral and necessary part of the oxygenation system of an aquatic garden or fish pond.)
3. **Mandatory Actions by Water Suppliers.** We support the mandatory activation of local drought contingency plans to the level that establishes limits on outdoor irrigation. Initial stage limitations typically allow for ample irrigation and simply serve to curb the widespread excessive irrigation that is unfortunately commonplace. The Board may need to go further in this area in the near future, but at present the Board's proposed regulation is a prudent first step. In addition, we strongly support the monthly reporting of water production volumes. We recommend that the language of the regulation extend to submission of monthly production numbers for the years 2011, 2012, and 2013, as well as the initial months of 2014, to provide the Board and the public with the same 3-year baseline for all water suppliers, including those who refused the Board's initial voluntary request for past and current water production numbers. These data will provide the Board with essential information for assessing the effectiveness of conservation measures and the accompanying public outreach by state and local officials.

4. Cost Estimate. We agree with the note in the Emergency Regulations Digest that the estimated fiscal impact is substantially overstated, due to its lack of consideration of reduced energy, chemical, and purchased water costs that are experienced when sales volumes decline. Nevertheless, the exposure of many water suppliers that have failed to adopt drought contingency rates as part of their voter-approved rate structure will leave many water suppliers financially exposed until they put rates into effect that reflect drought conditions and reduced sales targets. This issue calls for additional attention from the Board.

We applaud the Board for adopting these basic regulations, and look forward to working with State officials to identify additional actions that may be needed in the months ahead to extend our limited water supplies in the interest of public health and safety.

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