



July 14, 2014

Caren Trgovcich and Eric Oppenheimer  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



Subject: CUWA Comments on Draft Emergency Water Conservation Regulations

Dear Caren and Eric:

California Urban Water Agencies (CUWA) appreciates the opportunity to provide comments on the State Water Board's draft emergency water conservation regulations. CUWA is supportive of the general approach to the regulations, particularly prohibition of water waste, curtailment of outdoor irrigation, and reliance on Water Shortage Contingency Plans (WSCPs) to address local needs. In fact, many of our member agencies are already implementing the measures described in the proposed regulations. We are also pleased that the State Water Board is now using 2013 as the baseline year for water use comparisons because we believe that it is more representative. CUWA has specific comments on several areas of the draft regulations, as described further below.

### Monitoring Data

The CUWA agencies are happy to provide monitoring data but would like to highlight several important points related to the data collection approach and uses.

- **Online Reporting Form** – We recommend that the State Water Board include a comment field in the online reporting form to allow water suppliers to provide information on the nature of the data provided. CUWA would also like to offer our help in developing the reporting forms and analyzing data collected from the CUWA agencies.
- **Water Production Data Evaluation** – Encompassing both retailers and wholesalers could present some challenges in the interpretation of water production data. Because there is significant overlap in the areas served by wholesale and local retail agencies, we strongly suggest the State Water Board take measures to avoid double-counting (and in some cases triple-counting) water production data.
- **Per Capita Water Use** – Our wholesale agencies can provide water production data. However, the use of this data to develop per capita water use for the area served would be misleading. Most wholesalers only track water sales to their retailers and do not collect consumptive data for the area served. This is the reason that wholesale agencies have not been required to comply with SBx7-7.

Many retail water suppliers obtain their water supplies from multiples sources, some of which may be severely compromised during a drought. Therefore, it is difficult to correlate a change in wholesale water sales to a change in local per capita use. We request that Sec.X.2(d) be clarified to apply only to retail urban water suppliers to avoid confusion in per capita water use data.

201 N. Civic Drive, Suite 115, Walnut Creek, CA 94596 925-210-2525 [www.cuwa.org](http://www.cuwa.org)

In addition, we encourage the State Water Board to avoid agency-to-agency per capita water use comparisons, which can be misleading (based on differences in climate, land use, housing, and demographics, including the commercial and industrial components of total demand). Rather, per capita water use can be most useful in reviewing progress within an agency over time.

### **WSCP Implementation Timeframe**

The requirement for compliance by August 1<sup>st</sup> may be challenging for many agencies. Implementation of urban water suppliers' WSCPs or associated regulations may require Board and/or City Council approval. The meetings to take such action legally require specific public notification procedures and periods that may be in conflict with the State Water Board's timeframe for mandatory actions. To achieve this deadline, CUWA recommends that the State Water Board waive the public notification requirements to enable urban water suppliers to expedite Board and/or City Council meetings for implementation of the State Water Board's emergency regulations.

### **Wholesaler Applicability**

The WSCPs for many wholesalers do not include mandatory restrictions for end use customers in any drought response stage. We strongly suggest that the State Water Board make Section X.2(b) of the draft regulations applicable to retailers only and reiterate that wholesalers are encouraged to support their retailers' implementation of mandatory water use restrictions.

We hope our comments have been helpful. The CUWA agencies are fully committed to reducing water demands and are taking actions to manage California's water supplies in a more sustainable manner. Please contact Jenny Gain at (925) 210-2225 if you have any questions, would like further detail in any particular areas, or would like further assistance from CUWA in any way.

Sincerely,



Cindy Paulson, Ph.D.  
CUWA Executive Director



Jenny Gain, PE, QSD  
CUWA Staff Engineer