



July 14, 2014

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Subject: July 15, 2014 Board Meeting-Item 10: Emergency Water Conservation Regulations

Dear Ms. Townsend:

The Bay Area Water Supply and Conservation Agency (BAWSCA) appreciates the opportunity to provide comments on the State Water Resources Control Board's (State Water Board) draft emergency water conservation regulations. BAWSCA represents the interests of 26 water suppliers that purchase water on a wholesale basis from the San Francisco Public Utilities Commission (SFPUC) for resale through their local water systems. Collectively, the wholesale customers serve 1.7 million residents, businesses and community organizations in Alameda, Santa Clara and San Mateo Counties.

BAWSCA supports the State Water Board's efforts to reduce urban water use, particularly outdoor use. Our member agencies have made substantial progress towards this goal. Since 2003-04, total water use within our service area has decreased by 16% while population has increased by 4%. During this same period, gross per capita water use has been reduced from 157.1 gallons per capita per day (GPCD) to 127.1 GPCD, a 19% percent decrease.

We are working closely with our member agencies to further reduce water demands in response to current drought conditions. The BAWSCA member agencies are served by two major water wholesalers. The SFPUC has asked BAWSCA member agencies and their customers for a 10% water use reduction and the Santa Clara Valley Water District has requested a 20% voluntary water use reduction.

Based upon our review of the proposed emergency water conservation regulations, BAWSCA is requesting clarification on the following associated with the implementation of the regulations.

Water Shortage Contingency Plan (WSCP) Implementation Timeframe

The proposed regulations provide a 2-week window for urban water suppliers to implement their water shortage contingency plans (WSCP), or a 30-day window for agencies that do not have WSCPs to implement the mandatory outdoor water use restrictions specified in the regulations. Most urban water suppliers' WSCPs require a meeting of their Board and/or City Council to approve the implementation of their respective WSCPs. These 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 the mandated WSCP implementation. BAWSCA requests clarification on the process and timeline for the implementation of urban water suppliers' WSCPs in view of this potential conflict.

WSCP Implementation Requirements

The proposed regulations require that each urban water supplier “implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation”. For some urban water suppliers, the stage of the WSCP that includes mandatory irrigation restrictions also includes other actions that could present a significant administrative and financial burden to implement and would not be feasible within the 2-week timeframe as proposed. Some agencies may seek to update WSCPs prior to implementation. BAWSCA requests clarification on whether an agency can simultaneously take action to update its WSCP and to implement it.

Applicability to Non-Potable Supplies

The Fact Sheet on the proposed regulations indicates that water supplies should provide signage where recycled or reclaimed water is used for activities that the proposed regulations prohibit. However, the proposed regulations do not specify whether non-potable water, including recycled water, are exempt from the proposed outdoor water use restrictions. BAWSCA requests clarification that the proposed restrictions on outdoor water use would be applicable to only potable supplies.

We appreciate your consideration of our comments. Please contact me at (650) 349-3000 if you have any questions or would like further information.

Sincerely,



Nicole Sandkulla
CEO/General Manager

cc BAWSCA Board of Directors
 BAWSCA Water Management Representatives
 Allison Schutte, Hanson Bridgett, LLP