



State Water Resources Control Board
Board Meeting Session 15 July 2014 – Item 10

SUBJECT

Consideration of a Proposed Resolution Regarding Drought-Related Emergency Regulations for Urban Water Conservation

POLICY ISSUE

Should the State Water Board adopt the proposed resolution and accompanying regulations?
Should some of the requirements of the proposed emergency regulations not apply to wholesalers of water?

COMMENTS

Position: Porgans & Associates have always advocated water conservation measures, and for decades have made presentations before the State Water Board (SWB) to deal with drought related conditions and “water shortages” attributed to the variations in annual precipitation. The SWB has repeatedly failed to deal with the issue, and the need to develop “emergency regulations” as those under consideration is indicative of the fact that it has not done its job. In fact, actions and/or failure to act by the SWB are at the crux of the so-called water shortages. Lastly, P&A takes strong exception to the additional burden that the SWB is attempting to impose on urban water users; they are already under a mandate to reduce water consumption by 20 percent since 2009.

Agriculture is the largest consumer of water, as significant portion of which is provided by the State Water Project (SWP) and the federal Central Valley. Expansion of almond orchards, pistachio orchard, and vineyard, in just the past decade account for more water than is supplied by the Metropolitan Water District in Southern California annually.

The SWB and the California Department of Water Resources (DWR) have failed to develop a “comprehensive surface and ground water program to better utilize and conserve the waters of the State. In fact, the SWB has over appropriated the waters of the State by hundreds-of-millions of acre-feet of water.

The record will also attest to the fact that the SWB has a selective-enforcement policy, whereas, it goes after small diverters and urban users, but allows DWR and the Bureau of Reclamation to violate the law without fines or legal consequences.

The entire manner in which the SWB has carried out the “emergency regulations” (curtailing diverters, providing water for fish, and crafting up the additional water conservation measures), all smell very fishy.

The record will also attest to the fact that record breaking exports by the SWP and the CVP occurred in the first two years of this current drought. More importantly, the record will also show that this is not an anomaly;; historically, this is how DWR and Reclamation operate the SWP and CVP.

Members of the public and the water community have repeatedly requested that the SWR hold evidentiary hearing on these emergency regulations, which it has failed to do. Although it is difficult to say with certainty what the real objective and purpose of these regulations are, and what they will mean in the future, P&A does not support the SWB’s action. In fact, P&A believes that the State legislature should hold hearing to find out what is really going on.

Patrick Porgans, Solutionist