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(3/17-18/15) Board Meeting- Item 7
Urban Water Emergency Regs
Deadline: 3/16/15 by 12:00 noon



March 13, 2015

Delivered by e-mail to: commentletters@waterboards.ca.gov

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: 3/17-18/15 BOARD MEETING – “Consideration of a Proposed Resolution Amending and Readopting Drought-Related Emergency Regulations for Urban Water Conservation”

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies (ACWA) appreciates this opportunity to comment on the State Water Resources Control Board (Water Board) proposal to amend and readopt Emergency Regulations for Urban Water Conservation (Emergency Regulations), which was released for public comment on March 6, 2015.

ACWA represents over 430 public water agencies which are responsible for delivery of over 90% of the water that serves residential, commercial and agricultural needs throughout California. California’s water agencies have been at the forefront of water conservation efforts statewide to respond to continued drought conditions and implement the current Emergency Regulations, which were adopted by the Water Board on July 15, 2014. We recognize that the Emergency Regulations, combined with strong and consistent statewide messaging, local water agency implementation actions, and regular Water Board reporting and media attention on water use trends have produced substantial statewide water conservation results over the past eight months.

ACWA supports amending and readopting the Emergency Regulations for another 270 days in response to the continuing drought emergency. Rainfall and snowpack conditions remain far below normal in most parts of the state, significant additional rainfall in coming weeks is extremely unlikely and will not end the drought, and it is clear that Californians will need to continue to reduce their water use as the drought continues into its fourth year. Readopting and amending the Emergency Regulations will help maintain and increase the statewide water conservation momentum that has now been established. Following are ACWA’s specific comments regarding the proposed Emergency Regulations.

Specific Comments on the Proposed Emergency Regulations

Comment 1: Support for New End-User Requirements

In general, ACWA supports the Emergency Regulations as proposed, including the new “end-user requirements” to prohibit outdoor irrigation during and just after measurable rainfall, prohibit serving drinking water except on request, and require a hospitality-sector notification to customers that they may choose not to have towels and linens laundered daily. These reasonable additional requirements are expected to result in additional water use reductions and will increase customer awareness of the severity of the continuing drought.

Comment 2: Support for Added Mandatory Actions by Urban Water Suppliers Regarding Leak Notification and Reporting

ACWA also supports the additional mandatory actions by urban water suppliers to 1) notify customers of possible leaks, 2) provide monthly reporting on population served and residential-sector percentage, 3) provide descriptive statistics on compliance and enforcement efforts, and 4) report the number of days that outdoor irrigation is allowed. This information will contribute to the value of the Water Board’s monthly reporting effort and is also expected to contribute to customer awareness.

Comment 3: Add Provision for Amendments to Water Shortage Contingency Plans and Provide Sufficient Time for Adoption

ACWA continues to appreciate the Water Board’s determination to implement the mandatory outdoor irrigation restrictions through the urban water suppliers’ individual water shortage contingency plans. These plans are proven, locally relevant tools that provide the flexibility and adaptability necessary to implement the statewide provisions of the Water Board’s Emergency Regulations. To ensure effective use of water shortage contingency plans, we recommend that the Water Board make two changes to the proposed Emergency Regulations.

Recommended Change: Urban water suppliers with water shortage contingency plans that do not currently include a mandatory restriction on the number of days that outdoor irrigation of ornamental landscapes of turf with potable water is allowed may choose to amend their plans to include such a mandatory restriction. ACWA recommends that section 865(b) (1) be amended to add an explicit provision to provide for such amendments to water shortage contingency plans to implement the Emergency Regulations and to allow 60 days for water suppliers to complete the adoption process.

Recommended Change: Water suppliers adopt changes to their water shortage contingency plans by resolution or ordinance through a process that requires notice and

The Honorable Felicia Marcus, Chair

Page 3 of 3

March 12, 2015

public hearing by a Board of Directors or City Council. This action generally cannot be completed within 30 days as proposed in the Emergency Regulations. ACWA recommends that water suppliers be afforded 60 days from the effective date of the Emergency Regulations to allow sufficient time to adopt the necessary changes to their water shortage contingency plan before the requirement of Section 865(c) to limit outdoor irrigation becomes effective. A similar change from 30 to 60 days should be made in Section 865(e) with regard to distributors of a public water supply that is not urban water supplier.

A copy of the Proposed Text of the Emergency Regulations which incorporates these proposed changes is attached.

Thank you for your consideration of these comments. ACWA will continue to work with the Water Board and its staff to assist urban water suppliers and water users to implement the provisions of the Emergency Regulations to help further reduce statewide water use in 2015. If you have any questions, please contact me at daveb@acwa.com or (916) 441-4545.

Sincerely,



David Bolland
Special Projects Manager

cc: Mr. Tom Howard, Executive Director
Ms. Caren Trgovcich, Chief Deputy Director
Mr. Eric Oppenheimer, Director of the State Water Board's Office of Research, Planning and Performance

ACWA Recommended Changes

PROPOSED TEXT OF EMERGENCY REGULATIONS

Article 22.5. Drought Emergency Water Conservation

Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 864 End-User Requirements in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(5) The application of potable water to outdoor landscapes during and up to 48 hours after measurable rainfall.

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.

(c) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivision (b), in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

PROPOSED TEXT OF EMERGENCY REGULATIONS

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 865 Mandatory Actions by Water Suppliers

(a) The term “urban water supplier,” when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within sixty (60) days. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement.

(2) An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan that restricts the number of days that outdoor irrigation of ornamental landscapes and turf with potable water is allowed, or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within ~~thirty (30)~~ sixty (60) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(d) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-users exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.

PROPOSED TEXT OF EMERGENCY REGULATIONS

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within ~~thirty~~ ~~(30)- sixty (60)~~ days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a 20 percent reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.