



CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

915 L STREET, SUITE 1460 • SACRAMENTO, CALIFORNIA 95814
(916) 326-5800 • (916) 326-5810 FAX • www.cmua.org

DAVID L. MODISETTE, EXECUTIVE DIRECTOR & CEO

Sent via email: commentletters@waterboards.ca.gov

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January 28, 2016

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



Re: 2/2/16 Board Meeting – Item 7 (Conservation Extended Emergency Regulation)

Dear Chair Marcus and Members of the Board:

The California Municipal Utilities Association (CMUA), representing publicly-owned electric utilities and 40 water agency members that deliver water to over 70% of Californians, appreciates the opportunity to comment on the State Water Resources Control Board (State Board)'s draft Extended Emergency Regulation for Urban Water Conservation (draft Emergency Regulation). California water agencies are dedicated to the investment, development, and implementation of extensive water conservation and water use efficiency activities to help the state meet its water management goals.

First, CMUA would like to reiterate our appreciation for the considerable efforts of the State Board staff and Board members to engage with stakeholders on this critical issue. From the initial emergency regulation nearly eighteen months ago, staff and Board members have actively listened to feedback from the water community, which has been reflected throughout the process and the resulting draft emergency regulation. CMUA thanks the entire team for its dedication to addressing the emergency drought situation in California, which the Board accurately notes is distinct "from those actions needed to optimize urban water use efficiency over the long-term."

CMUA supports the State Water Board's Proposed Resolution, Item 5 directing staff to "monitor and evaluate available data on precipitation, snowpack, reservoir

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storage levels, and other factors and report back to the Board in March and April, 2016 and, if conditions warrant, bring a proposal for rescission or adjustment of this regulation to the Board no later than the second regularly-scheduled May 2016 Board meeting.” Just as the State Board strengthened the restrictions as the drought worsened, there should be a protocol for reducing the restrictions and conservation standards should water conditions be favorable. This review and evaluation will not only help ensure that the emergency regulation is based on statewide and regional needs, it will help water suppliers maintain credibility when communicating conservation messages with their customers, particularly if 2016 is an above-average year for precipitation and snowpack. CMUA provided a specific set of criteria in our January 6, 2016 comment letter on the Proposed Framework and we encourage the Board to review those metrics as the spring hydrology reveals itself.

CMUA also appreciates the Board including several provisions that have been supported by the water community throughout this process. As the implementing agencies, these adjustments acknowledge the significant efforts by agencies to save water while recognizing the differences in California’s climate, implications of recent growth, and investments in drought-resilient sources of supply, all of which is consistent with the California Water Action Plan. We also appreciate the increase to an eight percent cap for total adjustments. However, that cap may not fully acknowledge climate factors or the investments by water suppliers so we continue to recommend that the Board remove the cap for these adjustments.

Additionally, we strongly recommend that the Board reconsider what projects qualify for credit as drought-resilient water supplies. Water supply projects are complex and often take many years to complete so only allowing adjustments for projects developed after 2013 fails to recognize the efforts of many water agencies to work toward resiliency, even within the context of our current drought. As just one example, we have members that have participated in a successful groundwater replenishment system since 2008. Further, the definition of a drought-resilient supply is too narrow and should be expanded to include other supplies that are made available through brine treatment, non-potable recycled water and new storage (both surface and groundwater). We want to reiterate that while these adjustments are important, because Governor Brown’s November 13, 2015 Executive Order (B-36-15) allows for such flexibility any modifications can, and should be made without redirecting impacts on other suppliers’ conservation standards.

Thank you for considering CMUA’s comments and for engaging stakeholders throughout the development of the existing regulation and the draft extension of the emergency rule. CMUA supports Governor Brown and the State Board’s efforts to manage the state’s multi-year drought including establishing requirements that are intended to address emergency conditions, which require a different process from the implementation of long-term water conservation measures. We look forward to working with the State Board, Department of Water Resources, and other stakeholders on the most appropriate path forward for a future conservation framework and CMUA member agencies

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will continue playing a leadership role in making “conservation a California way of life.” Please contact me at 916-326-5800 or dblacet@cmua.org should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Blacet', with a stylized flourish at the end.

Danielle Blacet

Director for Water

cc: Tom Howard, Executive Director, State Water Resources Control Board
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board
Max Gomberg, Climate Change Mitigation Strategist, State Water Resources Control Board