



VIA EMAIL: commentletters@waterboards.ca.gov

February 3, 2017

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: 2/7-2/8 Board Meeting/Hearing/Workshop – Item #9 Consideration of Proposed Resolution Amending and Readopting Drought-Related Emergency Regulations for Urban Water Conservation to Implement Executive Order B-29-15, B-36-15 and B-37-16

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies (ACWA) appreciates this opportunity to comment on the proposed resolution amending and readopting drought-related emergency regulations for urban water conservation (Emergency Regulation). The Emergency Regulation was first adopted by the State Water Resources Control Board (State Water Board) in May 2015 and then extended in February 2016, and then amended and again extended in May 2016 to implement executive orders B-29-15, B-36-15 and B-37-16. This current version of the Emergency Regulation is scheduled to expire on February 28, 2017 if the Board does not act to extend it. ACWA believes that the State Water Board should let the Emergency Regulation expire.

ACWA represents over 430 public water agencies which are responsible for delivery of over 90% of the water used for residential, commercial and agricultural purposes in California. ACWA, its member agencies, and other water suppliers statewide have led efforts to successfully communicate with Californians the need for significant reductions in water use in response to the drought emergency. At the same time, Californians have continued a long-established trend in adopting water use efficiency measures that are continuing to contribute to permanent reductions in water use. In light of extraordinary and welcome rainfall and snowpack conditions already this winter and the nearly universal improvements in local water supply security, ACWA believes that the Emergency Regulation is no longer necessary.

ACWA has previously provided comments and continues to stand by the position conveyed in our comment letter dated January 12, 2017 that it is now time to let the

Emergency Regulation expire. The demonstrations of water supply security and future drought contingency planning as represented in the so-called “stress tests” in the Emergency Regulation are now fully addressed in current water agency practices and are a part of the long term water use efficiency conservation policy of “Making Water Conservation a California Way of Life”, which is expected to become the focus of implementation in coming months and years. B-37-16 directs the State Board to replace the elements of the Emergency Regulation with permanent regulations that will require on-going reporting and water use data collection, and extend the water waste prohibitions. Since these efforts are now well underway, the Emergency Regulation is no longer necessary. Even though the proposed resolution amending and readopting drought-related emergency regulations implies that a sudden end to the winter precipitation or snowfall could threaten water supplies this summer, this is demonstrably not the case. Although it is clear that on-going groundwater recharge and sustainable management efforts will take many years in some areas, and California needs continued investment in new and integrated storage and conveyance capabilities, as described in the Governor’s California Water Action Plan, none of these policy initiatives are materially advanced by the Emergency Regulation.

ACWA appreciates consideration of these comments. I am available to discuss these comments at daveb@acwa.com or (916) 441-4545.

Sincerely,

A handwritten signature in black ink that reads "David E. Bolland". The signature is written in a cursive, slightly slanted style. It is contained within a thin black rectangular border.

David Bolland
Director of State Regulatory Relations

cc: The Honorable Frances Spivy-Weber, Vice Chair, State Water Board
The Honorable Dorene D'Adamo, Member, State Water Board
The Honorable Steven Moore, Member, State Water Board
The Honorable Tam Doduc, Member, State Water Board
Ms. Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.
Mr. Tom Howard, Executive Director, State Water Board
Mr. Eric Oppenheimer, Chief Deputy Director, State Water Board
Mr. Erik Ekdahl, Director, Office of Research, Planning and Performance, State Water Board
Mr. Max Gomberg, Climate Change Mitigation Strategist, State Water Board
Mr. Timothy H. Quinn, Executive Director, ACWA
Ms. Cindy Tuck, Deputy Executive Director for Government Relations, ACWA