TUOLUMNE UTILITIES DISTRICT
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January 12, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board Members
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814-2828

Subject: Comment Letter – Urban Water Conservation Workshop

Dear Ms. Townsend and State Water Resources Control Board Members:

This correspondence is sent by the Tuolumne Utilities District ("District") in response to the State Water Resources Control Board ("SWRCB") notice of a public workshop to be held on January 18, 2017, for the purpose of the SWRCB to solicit comment on extension and potential modification of the current Emergency Regulation for Statewide Urban Water Conservation. The District is the primary water provider in Tuolumne County directly serving 30,800 persons along with many commercial businesses, a regional medical center, several urgent care centers and county, state and federal agencies, and through this letter provides comment relative to the Emergency Regulation.

As stated in the Notice of Public Workshop issued on January 6, 2017, the SWRCB is considering readopting the Emergency Regulation that would extend through October 2017. As requested, our District provides these responses to the questions posed by the SWRCB in the notice that will be addressed at the workshop being held on January 18, 2017:

1. *What elements of the existing May 2016 Emergency Regulation, if any, should be modified? Should the State Water Board wait until the hydrology for the current water year is known (April or later) before proposing adjustments to the current method for calculating conservation standards? And, should the State Water Board allow suppliers to update or modify their conservation standard calculations (and if so, how)?*

   Tuolumne Utilities District believes that the Emergency Regulations should be terminated based upon the precipitation received in our watershed, the San Joaquin Precipitation: 5-Station Index, and elsewhere in the state based on associated indices, which more fully demonstrate a lack of a continuing legal basis for operating under the Emergency Regulations. Based on the most current report (January 12, 2017), the San Joaquin Precipitation: 5-Station Index area shows a 217% of Average for this Date. This along with the growing snowpack in our watershed indicates that there is no longer a need for the Emergency Regulation.

   However, if the SWRCB nonetheless continues the Emergency Regulation, then the SWRCB should provide clear and convincing justification to the people of California as to why an emergency continues.

With respect to the provisions of any continuing Emergency Regulation, the District believes the self-certification as to local water supply should remain.

Though the SWRCB plays a critical role in the global management of water in the state, it should nonetheless recognize that the responsibility and oversight of water use in California should be subject to local control. The SWRCB should respect the local control principles that guide each water agency. With respect to the District and the importance it places on local management of its water supply, the District closely monitors its water supply conditions and if there are circumstances that pose a risk to that supply the District implements local water conservation regulations and procedures to reduce water use.

With respect to the SWRCB's question as to implementation of any continuing Emergency Regulations, the District strongly encourages the SWRCB to wait until April 1st, snowpack survey results are known. This will more appropriately serve as at least one indicator as to the continuing need for the Board's Emergency Regulation.

2. *Should the State Water Board account for regional differences in snowpack, precipitation, and lingering drought impacts differently than under the current emergency regulation, and if so, how?*

Yes. The SWRCB should consider individual local watersheds when advancing or extending the mandatory regulations. The District receives 97% of its water supply by way of a contractual arrangement with Pacific Gas and Electric Company ("PG&E"), which water is derived from the South Fork of the Stanislaus River ("SFSR") watershed. Two reservoirs, owned by PG&E, provide capacity for the District's consumptive water, as well as, the water used by PG&E for hydroelectric power generation and environmental flows. The reservoirs, Pinecrest Lake and Lyons Lake are relatively small and will certainly fill to capacity this season and will spill the greater majority of runoff. The water supply for Tuolumne County resets itself each year based upon annual precipitation and accumulated snowpack. Accordingly, and for these reasons, the SWRCB should recognize that the individual watershed/supply circumstances of each water agency, as demonstrated by the District's circumstance, are the appropriate indicator of supply efficacy as opposed to an across the board approach.

3. *Executive Order B-37-16 requires the Board to develop a proposal to achieve a mandatory reduction in potable water use that builds off the mandatory 25 percent reduction in previous Executive Orders and lessons learned through 2016. The Board, however, is not required to act on this proposal.*

Should the Board act now, or later if conditions warrant, to a conservation standard structure like the one the Board adopted in February 2016 to achieve a mandatory reduction in water use? Should the Board set a conservation floor, individually or cumulatively?

When Governor Brown issued Executive Orders in April 2015 it was due to the severity of the drought conditions facing the State. As stated in Executive Order B-37-16 the SWRCB was issued many directives to achieve to ensure sufficient water supply to the residents of California. It should be noted that the Emergency Regulation and "Making Conservation a Way of California Way of Life" should be considered as two very different initiatives.

1) As stated above, the District strongly encourages that the SWRCB rescind the Emergency Regulation for lack of a continuing need.
2) With the deluge of flooding and snowpack that have recently been received throughout the State, it will be difficult to communicate to the public that there is in fact a drought still facing the State and that an

Emergency Regulation needs to remain in place. Maintaining public trust in moving forward with development of additional, ongoing conservation measures is critical.

3) If the SWRCB moves forward with implementation of the provisions of "Making Conservation a Way of California Way of Life" doing so should only occur after a highly visible public process incorporating public awareness and education on how to achieve greater water conservation behaviors in everyday life.

The District appreciates the opportunity to offer input on the Emergency Regulation to the SWRCB member's consideration. Please feel free to contact me should you have any direct questions regarding our watershed or water conservation achievements.

Sincerely,

Thomas J. Haglund
General Manager