



January 6, 2016

California State Water Resources Control Board  
Attn: Ms. Kathy Frevert  
Kathy.Frevert@waterboard.ca.gov

**Subject: Comments on Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation**

Dear Ms. Frevert,

The City of Anderson (COA) appreciates this opportunity to comment on the State Water Resources Control Board (SWRCB) staff's "Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation (Framework)". The City of Anderson supports the Governor's Drought Executive Order and its key provisions to reduce potable urban water usage. We appreciate the effort that the SWRCB staff has devoted to soliciting input from all stakeholders on the ways to do this effectively.

The City's concern with the proposed extended emergency regulation is the lack of consideration by the SWRCB for those urban users that have a proven stable groundwater source. The current Regulatory Framework suggests credits for ground water sources for urban water suppliers that are fortunate to have a surplus of water. It is our understanding that there are four proposed credit scenarios for groundwater use:

1. Groundwater Banking
2. Conjunctive Use
3. Sustainable Groundwater Management
4. Adjudicated Basins

Unfortunately, SWRCB staff believe that no credit should be offered for any of these practices because "the effect of such credits are not well-defined and are inconsistent with the goal of conserving...state's water".

However, the City's disagrees with this assertion based on Section 865 (c) 2 of the current regulation, a water supplier with a minimum of four years' reserved supply SURFACE water is able to reduce their conservation standard to 4 percent if that water supplier presents information identifying the supplier's surface water sources, surface water storage capacity and the estimated number of years that the surface water source could supply the urban water supplier.

Currently, the Regulatory Framework's surplus water exception is primarily for urban water suppliers with reliable surface water sources, however, there are many California urban suppliers that are fortunate to have

dependable groundwater sources that meet or exceed the reliability criteria of the Regulatory Framework and should be considered by the SWRCB for the lower tier exception. We believe that the City of Anderson has such a reliable groundwater source in the Redding Groundwater Basin and that this groundwater basin is well defined in its area, volume, and long term capacity and should be considered for the proposed credits.

In the proposed regulatory framework issued on December 21, 2015 it states that "*Credits for sustainable groundwater management may be appropriate for a permanent regulation, and certainly will be address by the Sustainable Groundwater Management Act (SMGA) as the legislation is implemented, but it is not adequately transparent, intelligible, implementable, or reasonable for and Emergency Regulation of limited duration, ...*" Agencies have already begun the process mandated by SMGA so the City maintains that the criteria set by SMGA is in fact transparent, intelligible, implementable and reasonable, even for an emergency regulation of limited duration. Many groundwater basins have been studied and monitored for many years and a tremendous amount of information exists that can be drawn on to determine if the basin has a four year reserve, much like a surface water reserve.

SMGA defines six "undesirable results" of extraction from a groundwater basin. They are defined as follows:

- (1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.*
- (2) Significant and unreasonable reduction of groundwater storage.*
- (3) Significant and unreasonable seawater intrusion.*
- (4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.*
- (5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.*
- (6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.*

If an urban water supplier can show the groundwater basin will not suffer any of the undesirable results defined by SMGA than the groundwater basin should be treated the same as a surface water source and the urban water supplier should be eligible for the 4 percent conservation tier.

The City of Anderson is very concerned and aware of the severity of California's drought. The City and its residents will continue to work with the SWRCB and the Governor to reduce its water usage in order to meet the State's conservation goals.

Thank you for your consideration of this request. If you have any questions, please contact me at (530) 378-6640.

Sincerely,



David Durette P.E.,  
City Engineer