

Comment Letters

From: Tom Scaglione [mailto:tscaglione@vwd.org]
Sent: Wednesday, January 06, 2016 11:16 AM
To: Frevert, Kathy@Waterboards
Cc: Dennis Lamb; Diane Posvar
Subject: Comments on Proposed Regulatory Framework

January 6, 2016

State Water Resources Control Board
1001 "I" Street, 25th Floor
Sacramento, CA 95814

Via E-mail to Kathy Frevert, SWRCB

Subject: Comments on Proposed Regulatory Framework

Dear Ms. Frevert:

Thank you for the opportunity to provide comments on the proposed Framework for the Extended Regulations for Urban Water Conservation and the ongoing efforts to effect a permanent and equitable solution to the State's water supply issue. While it is important to act expediently, I would urge the Board be cautious and aware of the potential for unintended consequences of well-intended actions. In addition to unintended consequences, we would also caution against implementing permanent and pervasive policy changes in reaction to short-term and occasional long term droughts. The promulgation of regulations needs to contemplate the cyclical nature of drought and precipitation events. The nature of water supply infrastructure does not rely on cyclical events but long term delivery. The planning, cost and construction of the massive facilities needed both statewide and locally takes many years at a minimum and decades in some cases. To place the many agencies at risk of a changing regulatory environment based upon short term impacts is both poor public policy and creates an untenable situation for agencies planning long term improvements when a global approach in essence rewards some for no action and penalizes others for proper planning and foresight.

The magnitude of this endeavor on behalf of the SWRCB is daunting to say the least and a hard one to satisfy all needs. But please consider that these actions will have a lasting long term impact statewide, and in reality what happens in California impacts the remainder of the Country. I am sure there are those that think "no problem, everyone met their reductions and it was no big deal" ... that cannot be farther from the truth and there have been impacts. I urge the Board to slow this process down and reach out and look at the impact the drought has had to business, agriculture and the everyday single family homeowner. It has been significant.

By reference we support the comments made by the San Diego Water Authority in their letter to the Board dated December 1, 2015 and also note the following:

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- Supply credit: The Executive Order B-29-15 orders the acceleration of technologies such as desalination. The current emergency regulations and this latest proposed regulatory framework discourage new supply development by providing no or only partial credit. The single most effective modification to the regulations will be full credit for new supply development. A partial return on investment will discourage new supply development, maintaining, not reducing, the reliance on existing water sources – an unintended consequence. Staff estimates a decrease in statewide water savings. The effect is actually a net increase if only partial credit is given. Developed supplies since 2013 saved water by reducing reliance on existing sources.
- Growth adjustment: We appreciate the consideration of a growth adjustment and hope to see a simpler and practical calculation defined in the final framework. The stakeholder proposal for the calculation for a growth adjustment is simple, direct, and accurately reflects changes in demand due to growth. GPCD calculations are inherently inaccurate and volatile because of elusive population assumptions. Month-to-month population is an unknown – connections are commonly tracked, available, and auditable. Other addends in the recommended formula vastly complicate the adjustment. If staff is recommending their complex calculation because some areas of the state are not yet metered, then the recommended calculation should be offered only as an alternative.
- Other provisions: We don't support caps to the adjustment for the same reasons noted above that the arbitrary limits benefit inaction by some and penalize others. It's only equitable to give full credit for all provisions and encourage sound water management. We do support a minimum conservation target. However, there needs to be substantially more dialog on the process and how adjustments are given.

Thank you for the opportunity to comment and we hope to achieve long lasting results without negatively impacting our economy, ecology, and incentive for new water supply development.

Sincerely,

Dennis O. Lamb
General Manager
Vallecitos Water District