



Public Comment  
Urban Water Conservation Workshop  
Deadline: 1/12/17 12 noon

Bringing  
Water  
Together



VIA EMAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

January 12, 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: Comment Letter – Urban Water Conservation Workshop

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies (ACWA) appreciates this opportunity to comment on potential next steps regarding the Emergency Water Conservation Regulation (Emergency Regulation), first adopted by the State Water Resources Control Board (Water Board) in May 2015 and then extended in February 2016, and then amended and again extended in May 2016. This current version of the Emergency Regulation is scheduled to expire on February 28, 2017 if the Board does not act to extend it. We look forward to participation in the workshop scheduled for January 18, 2017 and the opportunity to inform decision-making on this extremely significant matter.

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 and its member water agencies have worked hard over the past several years to help Californians successfully meet the challenge of the continuing drought. Californians have demonstrated their willingness to continue significant levels of conservation despite the improved conditions last year. However, given the Administration's recent effort to articulate a long term conservation policy of "Making Water Conservation a California Way of Life" and the extraordinary rainfall, snowpack and reservoir conditions of this winter, now seems to be the time to let the Emergency Regulation expire.

ACWA and 113 other water associations and entities have already provided the following recommendation regarding the Emergency Regulation for 2017 in our comment letter of December 19, 2016:

*As the State Water Resources Control Board (SWRCB) considers extending the emergency regulation in January/February 2017, they must consider that many parts of the state are not experiencing emergency drought conditions due to improved hydrologic conditions, development of drought resilient supplies, or both. The SWRCB should rescind the emergency conservation regulations for those areas with adequate supplies, and focus on those communities that require assistance in meeting the water demands of their community. The SWRCB could continue its “stress test” demand reduction measures for areas in which supplies are inadequate in 2017 to meet normal demands.*

The State Water Board in its notice on the January 18 workshop has solicited public comment on the following questions:

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)?*

**Response: The Emergency Regulation should not be modified. Instead, it should be allowed to expire. Based on current and likely hydrology for this current year, there is no longer a statewide drought emergency to justify extending the Emergency Regulation. Urban water suppliers statewide have uniformly demonstrated that they currently adequate water supplies, with a significant number of agencies demonstrating reliable water supplies in the case of 3 more dry years under the so called “stress tests”. Voluntary conservation levels by water suppliers continue to be strong and local programs are working. In specific cases where water suppliers may face on-going drought challenges individual assistance could be provided, if justified and upon request.**

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?*

**Response: Given the likelihood of above normal or even wet year conditions in almost all of the state by April and a robust water supply for urban water suppliers statewide, the Emergency Regulations are no longer warranted.**

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?*

**Response: Executive Order B-37-16 requires the Board to develop a proposal “to prepare for the possibility of another dry winter.” Conditions have changed so dramatically since the EO was issued that it is no longer necessary to develop a mandatory 25% reduction proposal. Any consideration of a return to mandatory rationing in 2017 under current or foreseeable circumstances would threaten the credibility of the Administration and water suppliers that would be tasked with imposing such a rationing program on California water users.**

Thank you for considering these comments. I am available to discuss these comments at [daveb@acwa.com](mailto: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.

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