



January 12, 2017

The Honorable Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Attention: Ms. Jeanine Townsend, Clerk of the Board
Sent via email to: commentletters@waterboards.ca.gov

Subject: Comment Letter – Urban Water Conservation Workshop

Dear Chair Marcus and Members of the State Water Resources Control Board:

Thank you for the opportunity to provide input on the potential extension or modification of the current Emergency Regulation for Statewide Urban Water Conservation. Collectively, we provide a reliable supply of water to over 3 million people and the region's \$222 billion economy. Our responses to the questions posed in the January 6, 2017, Notice of Public Workshop are based on the following facts:

The San Diego region continues to embrace water-use efficiency even though the region has not been subject to a conservation standard reduction since May 2016.

- Water-use from June through December 2016 was 17 percent below 2013 levels.
- The Water Authority and its member agencies continue to promote long-term permanent water-use efficiency through education and outreach programs such as water-use checkups and rebate programs.
- Even before the state emergency water-use mandates, per capita water use in the San Diego region decreased nearly 40 percent between 1990 and 2015.

The San Diego region is not experiencing a drought emergency condition, due to investments made in drought-resilient supplies and storage.

- The region has invested nearly \$3 billion over the past 25 years to increase regional water supply reliability, which includes seawater desalination, increased storage capacity and upgraded conveyance systems.
- Local water agencies within the region have also made, and are in the process of making, major investments in local drought-resilient supplies, such as water recycling, reuse, and desalination projects that further increase regional self-reliance.
- Under the current emergency regulation's conservative "stress test" analysis, the San Diego region demonstrated the availability of adequate supplies to meet demands, even if the next three years are dry.
- Hydrologic conditions this winter have only served to improve the reliability of supplies considered under the "stress test" analysis, not only for the San Diego region, but for urban water suppliers throughout California. (As of January 12, 2017, San Diego precipitation is 137% of average, Northern Sierra precipitation is 217% of average, statewide snowpack is 161% of average and Upper Colorado River Basin snowpack is 142% of average.)

Below are responses to the specific questions contained in the Notice of Public Workshop:

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)?*

Considering that urban water suppliers throughout the state, including those in the San Diego region, are not experiencing emergency drought conditions, we recommend the current emergency regulation expire in February 2017. We will continue to promote long-term water use efficiency, monitor supply conditions closely and take appropriate local actions consistent with our water shortage contingency plans.

Sending a message to the public that the state remains in a drought emergency, considering current supply conditions throughout the state, undermines our credibility with the public and erodes the effectiveness of future conservation messaging that would be needed during actual

emergency conditions. The State Water Board should focus its efforts on those communities that are truly facing supply shortages and are unable to manage drought impacts.

Should the State Water Board want to wait until April to evaluate the regulation, we recommend extending the current emergency regulation only until April and not October 2017, as stated in the public workshop notice. This provides a credible, efficient process to potentially allow the emergency regulation to expire in April, based on the likelihood that emergency regulations will not be necessary. If supply conditions were to somehow deteriorate drastically over the next three months, and all urban water suppliers throughout California are facing shortages and drought emergency conditions, the State Water Board could then easily reinstate the current emergency regulation.

Should the State Water Board extend the emergency regulation until April, we recommend maintaining the current “stress test” evaluation and allow agencies to update their conservation standard calculation, if they so choose.

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?*

The current “stress test” analysis in the emergency regulation already takes into account regional differences in snowpack and precipitation in regards to supply availability and should not be accounted for differently. It should be noted that when evaluating potential emergency drought conditions, the State Water Board should not only consider snowpack and precipitation, but also availability of drought-resilient supplies that are not reliant on uncertain hydrologic conditions.

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?*

Executive Order B-37-16 prefaces this Board requirement with the phrase “To prepare for the possibility of another dry winter.” With the prospect of a dry winter fading with each passing week and storm system, there is no need for the Board to act on any proposal to achieve mandatory reductions in water use. Further, under no conditions would we recommend the State Water Board adopt a conservation standard structure, similar to the February 2016 regulation, that does not fully recognize local supply conditions and the actual supply shortages experienced by the urban water supplier.

Thank you again for the opportunity to comment on the potential extension of the emergency regulation. We look forward to continued collaboration with the State Water Board to ensure continued supply reliability for the state.

Sincerely,

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Chris McKinney, Director of Utilities
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