



April 13, 2016

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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 California Urban Water Agencies (CUWA) appreciates the opportunity to provide input on potential revisions to the February 2016 Emergency Regulation. Beyond consideration of possible amendments, we believe that changes in water supply conditions across the state warrant discontinuing the statewide emergency declared last year and ask the State Water Board to consider lifting the Emergency Regulation. We recognize there may be some regions and/or communities with lingering challenges, and we encourage the State Water Board to focus efforts on those areas. Regardless of the Emergency Regulation, the CUWA agencies remain fully committed to water use efficiency and will continue to ask our customers to conserve water.

In response to the State Water Board's April 20th informational workshop announcement and request for input, we offer the following recommendations.

Lift the Statewide Emergency Regulation to Reflect Current Conditions and Available Supplies.

Recent precipitation, snowpack, and increased local supply development have significantly improved water supply conditions for many individual suppliers and regions in both Northern and Southern California, providing benefit to agencies across the state that rely on such supply sources. Application of the Emergency Regulation needs to adapt to these changing conditions. In some regions, water supply conditions have turned to surplus, and very public images of spilling reservoirs have a compelling impact on water users. Water agencies have worked hard to earn the support of our communities in achieving unprecedented reductions in water use during the drought emergency. Given the improved conditions, we are concerned about turning the strong public support for improving water use efficiency toward a sentiment of dismissiveness if statewide regulations do not adapt to reflect the changed conditions.

In the event that the Governor determines that drought emergency conditions persist, or in future drought emergency declarations, CUWA supports an amended Emergency Regulation that considers the multitude of unique local conditions, allows local discretion in fully utilizing available resources, and engenders the trust of customers (residents, businesses, and industries) our agencies serve. We also ask that the State Water Board continue to work toward a more transparent, straightforward process to make any revisions to the Emergency Regulation.

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Implement Supply-Based Approach in Lieu of Statewide Conservation Mandate. Given that local suppliers have invested in drought resiliency measures such as water use efficiency measures, local supplies, and storage over the years and are the best equipped authority to assess the sustainability and condition of their supplies and demands, we support a self-certification process for urban water suppliers in lieu of a statewide conservation mandate. Such a self-certification approach would be appropriate only for a Governor-declared drought emergency.

If the Emergency Regulation is not lifted, the self-certification would require urban water suppliers, either individually or as a region, to report in June 2016 on available supplies (including surface water and groundwater storage) and demands with a look-ahead projection through October 2016. Self-certification at a regional basis would be an available option if all urban water agencies in the region agree to this approach.

Suppliers would report on their anticipated supplies and demands through October 2016 by providing information to the State Water Board. If available supplies are sufficient to meet anticipated demands and maintain or improve supply reserves for future water years, the supplier would be exempt from a mandated conservation standard under the current Emergency Regulation. If available supplies are not sufficient to meet anticipated demands, the actual shortage level identified would serve as their conservation standard through October 2016. If a supplier does not submit data to self-certify, their current conservation standard would default to the adopted state standard. Given the current hydrologic conditions, we expect that this would be a lower, less-restrictive standard.

As part of the self-certification, the State Water Board could collect estimates on the following types of information:

- Amount of all supplies by source (including existing and newly developed supplies) available June through October 2016.
- Available reserve supplies in surface water and groundwater storage (after taking into account projected water use through October 2016) that would be available for the coming water year(s).
- Sustainability of groundwater supplies taking into account projected water use through October 2016 and the amount of reserves needed to maintain the aquifer within safe operating range.
- Projected monthly potable water demands for June through October 2016, based on past monthly averages from 2013 through 2015.
- Actual agency-adopted shortage level based on their Water Shortage Contingency Plan, taking into account estimated water demands and available supplies through October 2016.

The State Water Board would have the ability to verify agencies' certified supply figures by requesting documentation that would support the figures (e.g., urban water management plans, integrated regional water management plans, annual reports, groundwater plans, drought management plans).

All suppliers would continue to prohibit the specific water uses cited under Section 864 of the current Emergency Regulation and implement their Water Shortage Contingency Plan.

Focus Support on Water Suppliers and Communities Needing Assistance. We support the State Water Board in using its limited resources most effectively by focusing efforts on water suppliers and rural disadvantaged communities with severe shortages and/or water quality issues. In focusing its efforts in this direction, the State Water Board can provide the necessary services and recommend funding for those that need the most help.

Our agencies are committed to continued water use efficiency, whether or not mandated by the state, during all hydrologic conditions. We have worked closely with the Department of Water Resources to establish reasonable targets to achieve 20% per capita reductions by the year 2020. Our members will likely surpass these targets as part of local planning efforts, and we are committed to continuing effective urban water management to provide resilient and reliable water supplies now and in the future.

We hope our comments are helpful. In the meantime, we continue to take action on many levels to sustainably manage California's water supplies. Please contact Jenny Gain at 925.210.2225 with any questions, for further detail related to our comments, or additional assistance from CUWA in any way.

Sincerely,



Cindy Paulson, Ph.D.
CUWA Executive Director



Jenny Gain, PE, QSD
CUWA Staff Engineer