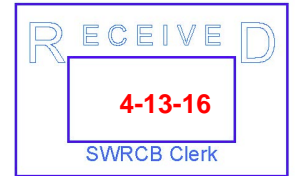




County of San Diego



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April 13, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

Re: Comment Letter-Urban Water Conservation Workshop

The County of San Diego ("County") appreciates the opportunity provided by the State Water Resources Control Board ("State Board") to comment on the potential adjustment of the State's Drought Emergency Water Conservation Regulations, 23 CFR 863-866, to account for El Niño weather conditions. Specifically, the State Board has asked for comments related to the following three questions: 1) What elements of the existing February 2016 Emergency Regulation, if any, should be modified and how so?, 2) How should the State Water Board account for regional differences in precipitation and lingering drought impacts, and what would be the methods of doing so?, and 3) To what extent should the State Water Board consider the reliability of urban water supply portfolios in this emergency regulation? The County's comments regarding each of the questions are set forth below.

1. What elements of the existing February 2016 Emergency Regulation, if any, should be modified and how so?

The County remains concerned that the regulations fail to adequately account for regional differences in climate, growth and investment in drought resilient supplies. San Diego County has been a leader in the development and implementation of drought resilient supplies. This effort is reflected in adjustments made by the State Board to conservation standards applicable to urban water purveyors in the San Diego region. Nearly every water purveyor in the region received the maximum 8 percent reduction available because of investments in drought resilient supply. The conservation standards applicable to the City of San Diego and the Sweetwater Authority were reduced to the 8 percent minimum established by the regulations. The Sweetwater Authority was only allowed a 4 percent reduction because it had a 12 percent standard and any further reduction would have put it below the 8 percent minimum established by the regulations.

The County does not believe that available reductions to the conservation standards, particularly for investments in drought resilient supply, should be capped at 8 percent. The County also does not agree that the minimum conservation standards applicable to most urban water purveyors should be set at 8 percent. The 4 percent minimum conservation standard currently available only to urban water purveyors with substantial reserves that do not utilize groundwater or imported water should be available to every water purveyor. As currently drafted, the regulations would require an urban water purveyor that receives nearly all its water from desalinization and a small percentage from imported water or groundwater to achieve an 8 percent conservation standard. The 8 percent would apply regardless of the manner in which groundwater or imported water supplies are utilized or the security of the sources of supply. Water purveyors with substantial reserves that can demonstrate the groundwater or imported water supplies they utilize are not overly stressed should be allowed to reduce their conservation standards to at least 4 percent. Applying this approach in San Diego County would further incentivize investment in drought resilient supply and fairly reward water purveyors like the Sweetwater Authority that were not allowed the full 8 percent in reductions available to other purveyors.

The County also has concerns about the long-term application of the regulations. While these regulations were developed as emergency regulations, they have been in place in one form or another for almost 2 years since they were first adopted by the State Board on July 15, 2014 by Resolution No. 2014-0038. Almost a year ago when the regulations were readopted by the State Board on May 5, 2015 by Board Resolution No. 2015-0032, the County suggested that they be amended to allow local governments to separately achieve water conservation targets for their facilities. Since County facilities are located in multiple water purveyors' service areas and do not use water equally, the County made this suggestion to more fairly account for water conservation efforts that could be implemented by local government. The County notes that as a result of substantial investments made by the Board of Supervisors in permanent water conservation measures such as building fixture upgrades and landscaping conversions that the County continues to achieve a cumulative 25 percent reduction in water use at its facilities. (See attached water use chart for County facilities.) The State Board favorably acknowledged the County's suggestion, but communicated that there was not time to implement an alternative compliance model in light of the emergent drought situation.

The County wonders at what time it would be appropriate to consider a broader approach. The State Board cannot reasonably continue to effectively establish long-term water policy using emergency authority. The County notes that other State agencies have made permanent changes to water conservation requirements without resorting to emergency authority. The California Water Commission approved a revised Model Water Efficient Landscape Ordinance (MWELo) on July 15, 2015. Cities and counties across the State had until December 1, 2015 to adopt the MWELo or a local ordinance that is as effective at conserving water for new development and redevelopment. The MWELo greatly restricts the use of turf for commercial and residential projects and establishes other substantial water conservation requirements for landscaping. The State Board's emergency water conservation regulations are effectively part of a much larger, permanent effort to promote water conservation. If these regulations are to continue to be used, it's time for the State Board to consider input from cities and counties and to adopt regulations pursuant to an appropriate source of authority.

- 2) **How should the State Water Board account for regional differences in precipitation and lingering drought impacts, and what would be the methods of doing so?**

Jeanine Townsend

Page 3

April 13, 2016

The County suggests that regional differences in precipitation are important in assessing the lingering effects of the current drought to the extent they impact local water supplies. Regions that import water from areas that have experienced substantial precipitation may in fact no longer be impacted by drought conditions even though the rainfall experienced in those areas is at or below the seasonal average. Conversely, a region that depends largely on local reservoirs to supply its customers may still be impacted by drought even if regional precipitation greatly exceeded the seasonal rainfall average, if available storage capacity is limited. The County suggests that the State Board look at the water portfolios available to water purveyors and assess whether or not those portfolios are reasonably still drought impacted. Water purveyors that have an adequate reserve to serve their anticipated demand taking into consideration measures that may be implemented locally to protect water availability during a prescribed planning period may be determined to no longer be subject to the emergency drought regulations.

3) To what extent should the State Water Board consider the reliability of urban water supply portfolios in this emergency regulation?

As indicated above with regard to question 2, the County believes that the reliability of the water supply portfolio can, depending on the region, be a more important a factor to consider than regional precipitation. Regions with sufficient, available supply because of investment in drought resilient supply, adequate reserves, lack of drought impact on imported water supplies, or other factors may reasonably be determined to no longer be subject to the emergency regulations.

The County very much appreciates the opportunity to provide these comments. If you have any questions or would like additional information, please do not hesitate to contact me directly at (619) 531-4940 or April Heinze, Director, Department of General Services, at (619) 531-4837.

Sincerely,

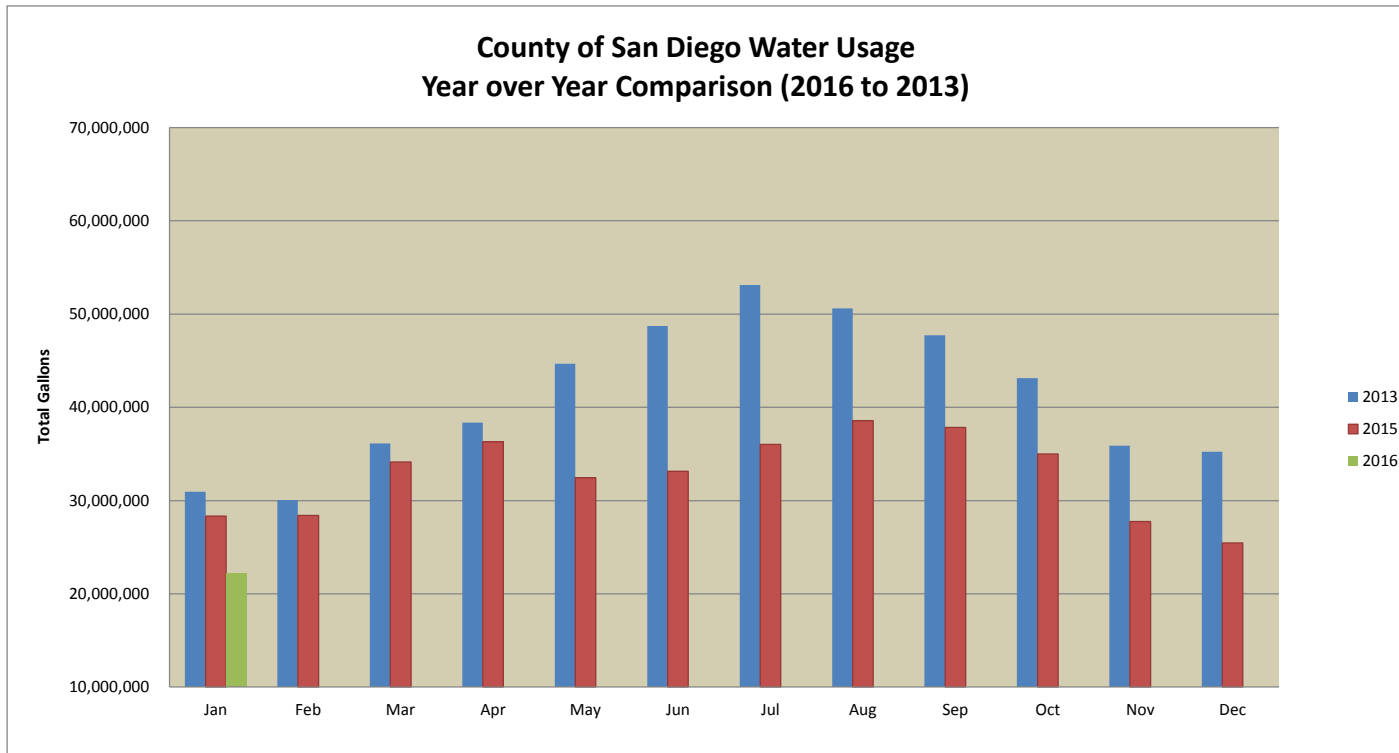


DONALD F. STEUER

Assistant Chief Administrative Officer/Chief Operating Officer

cc: Helen Robbins-Meyer, Chief Administrative Officer
April Heinze, Acting General Manager, Community Services Group

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
2013	30,931,034	30,064,633	36,141,228	38,346,527	44,682,408	48,737,750	53,128,929	50,625,044	47,731,660	43,125,020	35,887,836	35,230,254	494,632,324
2015	28,325,249	28,396,429	34,129,243	36,300,418	32,469,341	33,142,489	36,013,298	38,560,597	37,837,415	34,998,800	27,768,498	25,449,182	393,390,958
Monthly Savings	2,605,785	1,668,205	2,011,985	2,046,109	12,213,067	15,595,261	17,115,631	12,064,447	9,894,245	8,126,220	8,119,338	9,781,072	101,241,366
2016	22,166,800												
Monthly Savings	8,764,234												



Jun-Aug 29%
Jun-Sep 27%
Jun-Oct 26%
Jun-Nov 25%
Jun-Dec 26%