

California State Water Resources Control Board
Development of an Urban Water Conservation Regulatory Program
Public Workshop, October 1, 2008

SWRCB Water Conservation Overview
Tom Howard's Oral Presentation at Workshop

Purpose of Presentation: High level overview of Board's efforts in conservation, events leading to workshop, and alternatives for future steps

Bay-Delta Strategic Workplan

- The workplan was adopted in July 2008.
- The workplan contained nine elements. Water use efficiency was one of the nine elements.
- One objective in the WUE element is a 20% conservation target – same as the conservation target established by the Governor.
- Four conservation actions are identified in the WUE element.
 1. Assess whether any or all of the 14 BMPs in the CUWCC MOU are appropriate to promulgate as regulation.
 2. Identify two areas in State, one urban and one agricultural, to assess for reasonableness of water use.
 3. Participate as co-lead in a multi-agency planning effort established by the Governor to identify how to achieve 20% conservation target. Other agencies include DWR, PUC, CEC and some federal partners.
 4. Complete a feasibility study report on development of a statewide, coordinated water use measurement data base with DWR, DPH, and DWR.

History

- Board held reasonableness proceedings in the past.
- Most well known was IID order in 1980 (Water Right Order D-1600) which required IID to conserve water.
- Water Board considered mandating water conservation for both urban and agricultural water users receiving water from the Delta in draft D-1630, released in November 1992.
- The draft order mandated implementation of most of the BMPs contained in the 1991 urban water conservation MOU.
- The Water Board decided in March 1993 not to adopt the order.
- Voluntary urban water conservation process began in 1988 as part of a prior Water Board proceeding in which the Board indicated it would consider mandatory urban water conservation.
- A three-year process culminated in 1991 when about 100 water agencies and a number of environmental organizations signed the present day MOU.

- This workshop can be considered a 20 year check in on how the MOU implementation is working and whether Board regulation of urban water conservation should be reconsidered.

Status of MOU Implementation

- Substantial progress has been made but more needs to be done.
- There are now about 225 urban water agencies signatory to the MOU - 60% of state population is covered at the retail level (70% wholesale)
- However, about 50 percent of signatories not fully implementing nine out of the fourteen BMPs.
- Five of the BMPs (1, 2, 5, 9, & 14) are only implemented by 23 percent of the signatories. These BMPs require substantial interaction with other parties and financial commitment.

Alternatives for Future

- Purpose of this workshop is to collect information and comment to inform future steps. Alternative future steps are:
 - 1) Status quo – The Water Board could continue to work on actions 2-4 contained in the Bay-Delta strategic workplan, identified above. The Water Board may also respond to complaints of waste and unreasonable use of water.
 - 2) Stepped up enforcement – This approach is the same as (1) but the Water Board would also redirect staff to establish a proactive water conservation enforcement program in which staff will examine water use data and target parties for waste and unreasonable use proceedings.
 - 3) Adjudicatory proceeding – The Water Board could notice a group of water right holders such as parties diverting water from the Delta, and hold adjudicatory proceedings to include water conservation terms in their water right permits. This approach is similar to what the Water Board did in draft DS-1630.
 - 4) Adopt regulations – The Water Board could notice a quasi-legislative rule making procedure and adopt regulations specifying the actions that the Water Board deems wasteful and unreasonable.
 - 5) Policies and basin plans – The Water Board could put water conservation measures into a basin plan, such as the Bay-Delta Plan, or into policy for water quality control. Subsequent implementation steps would then probably need to be developed.

Other Processes

- Several other water conservation-related processes are underway: CUWCC, Delta Vision recommendations, multi-agency process to implement Governor's directive, climate change initiatives, California Water Plan.
- These processes mostly call for voluntary water conservation
- If broad regulatory action is appropriate, the Water Board will have to undertake that action.