



The District recommends that key terms incorporated in the regulations be defined for sake of fairness and consistency.

### **Answers to Staff Questions**

The Water Board's Fact Sheet requests consideration of the following general questions. Following are detailed comments in response to these questions.

1. *Are there other approaches to achieve a 25% statewide reduction in potable urban water use that would also impose a greater responsibility on water suppliers with higher per capita water use than those that use less?*

Yes. As described above, the proposed Conservation Standard/Tiers Table should be amended to incorporate a climate adjustment factor to normalize climate and will result in a more fair assignment of conservation targets for water suppliers.

2. *How should the regulation differentiate between tiers of high, medium and low per capita water users?*

Tiers or classifications of "high", "medium" and "low" per capita water suppliers should be based on annualized data that includes a climate adjustment factor to normalize climate data to establish a more fair and equitable Conservation Standard for each water supplier.

3. *Should water suppliers disclose their list of actions to achieve the required water reductions?*

Given the need water agencies to implement significant new actions to get substantially greater conservation results in very short timeframe, we believe that additional effort to prepare and submit lists of actions should not be a requirement of the Emergency Regulation. Water suppliers will be identifying, implementing, and experimenting with different combinations of actions, policies, procedures and programs based on variable conditions and capabilities based on local conditions in coming weeks and months, but documenting such actions to the Water Board could distract agency staff from the primary objective of achieving results.

4. *Should these actions detail specific plans for potable water use reductions in the commercial, industrial, and institutional (CII) sectors?*

The Emergency Regulations should affirm the immediate need to reduce outdoor irrigation for ornamental purposes, install water efficient fixtures and appliances, and avoid unnecessary restrictions on CII water use for economic or process-related water uses. A significant constraint for water suppliers that intend to focus on reducing CII water use for outdoor irrigation is the widespread lack of dedicated irrigation meters. Water suppliers will need flexibility to use different approaches to target and account for reductions in CII water use.

New CII reporting requirements should be "lumped" rather than disaggregated as proposed by Water Board staff. Water supplier metering and billing information does not generally support classifications of commercial ("large landscape commercial" such as golf courses, amusement parks) industrial, and institutional ("large landscape institutional water users" such as cemeteries, college campuses) into readily identifiable subsectors. Presently, definitions and classification systems are currently quite variable among water suppliers. Resulting data submittals would likely not be comparable, and would require significant effort to impose standardization. Such efforts in the context of the Emergency Regulation will divert limited resources that need to be focused on action and results.

5. *Should additional information be required in the monthly conservation reports for urban water suppliers to demonstrate progress towards achieving the required water reductions?*

The Water Board staff should amend and standardize calculation methods to account for bimonthly billing cycles, different numbers of days in each billing cycle, and different methods of calculating and reporting water production which are evidenced in previous reporting. Water agencies need to be assured that reported data used comparatively for regulatory and enforcement purposes are actually comparable.

6. *How and when should compliance with the required water reductions be assessed?*

Monthly reporting should be monitored and objective thresholds established for Water Board response. Failure to submit reports should be immediately addressed and technical assistance should be offered as the initial remedy. Significantly below target performance (>-30 percent?) on a two to three month cumulative basis could trigger informal enforcement, again with the primary focus on offering technical assistance to improve performance.

7. *What enforcement response should be considered if water suppliers fail to achieve their required water use reductions?*

Failure to achieve required water use reductions should be finally determined only at the end of the 270-day duration of the Emergency Regulation. Water suppliers should be subject to “graduated” enforcement based on the relative significance of their non-compliance. Compliance should be evaluated in consideration of information water suppliers provide on the actions they have taken to achieve compliance. If the drought emergency is continuing at that time, water suppliers should be ordered to prepare a "corrective action plan" identifying measures to be implemented to come into compliance. Any Water Board action to issue Cease and Desist Orders and impose Administrative Civil Liabilities of up to \$10,000 for non-compliance is quite likely to divert scarce resources away from on-going local efforts and should be considered an extreme “last resort”.

Thank you for your consideration of these comments.

Sincerely,



David Coxey,  
General Manager