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Jessica Bean
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State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

April 13, 2015

Dear Ms Bean:

Please accept these comments on the proposed "Mandatory Conservation Proposed Regulatory Framework" on behalf of my clients the El Dorado County Water Agency (ECWA) and the Calaveras County Water District (CCWD).

ECWA and CCWD support the Governor's April 1, 2015 Executive Order and his objective of achieving an aggregate statewide 25% reduction in water use through February 2016. We also support the Board's efforts to promptly impose the necessary regulations to carry this out.

Both ECWA and CCWD are located within the Sierra Nevada Mountain Range and foothills and contain significant service areas designated by the State of California as Disadvantaged Communities. Further, these agencies are relatively modest sized agencies, which do not enjoy the large service population, economy of scale, or the luxury and efficiency of water systems built recently. Rather, these agencies reflect the diversity of the State's urban water suppliers and represent a historic legacy of the earlier Gold Rush Era and Sierra settlements of California's history.

General comments follow.

Item 1, Apportioning Water Supply Reductions and item 3 Compliance Assessment

The existing "stair-step" allocation of responsibility should be modified. We suggest it could be implemented in one of two ways. It could be a continual linear scale between the September 2014 R-GPCD and an applied "conservation standard" and this would avoid "bumps" in percentage based on a single R-GPCD number and allow for transition from one compliance range to another.

This method would allow for a more equitable distribution of responsibility and not provide penalties for those agencies that are perhaps just one GPCD too high in their September 2014 number. The percentages of conservation required could also be adjusted on a “sliding scale” and not reduce the overall outcome of the objective.

Alternately, should the “stair-step” model be used, there should be more than just the few steps provided in the proposed draft. It would be more reasonable to include a greater number of increments along the lines of:

- Tier 1 < 40 R-GPCD = 5%
- Tier 2 41 - 55 R-GPCD = 10%
- Tier 3 56 - 70 R-GPCD = 15%
- Tier 4 71 - 100 R-GPCD = 17.5%
- Tier 5 101 - 150 R-GPCD = 20%
- Tier 6 151 - 175 R-GPCD = 22.5%
- Tier 7 176 - 200 R-GPCD = 25%
- Tier 8 201> R-GPCD = 35%

Scale of Compliance

The current proposal to assign conservation responsibility to each individual urban water agency fails to properly recognize that the overall objective is to achieve an aggregate statewide reduction in water use.

The use of Regional Urban Water Management Plans, as provided in SBX 7-7, allows multiple agencies within a hydrologic region, to work together cooperatively to reduce water use to achieve stated SBX 7-7 objectives. Those efforts allow for agencies to cooperate in conservation programs, water use efficiency projects and planning in a very cost effective fashion and at a regional level. This can be very important in disadvantaged communities and for relatively small individual urban water suppliers, due to the economy of scale factor as well as the ability to “pool” resources and work cooperatively in a regional context.

Therefore, the SWRCB proposed apportionment of water supply reductions should more properly provide flexibility within a regional scale, consistent with both the objective of the Governor’s Executive order and existing SBX 7-7 provisions. Regional efforts by local agencies, working cooperatively to achieve the same water efficiency objective, should continue to be encouraged by the SWRCB and not interrupted.

Thus, assigning a regional objective and regional compliance reporting as the metric for achieving a reduction would meet the Governor's objective and not disrupt the cooperative efforts of agencies working cooperatively in a regional scale. Compliance Assessments could simply be carried out as a regional number and not as individual agency numbers. De-aggregating regional numbers out of regional urban water management planning efforts is neither productive, nor necessary to achieve the Governor's objective. Further, should the SWRCB devalue it insofar as a compliance venue, the Board's action would have a chilling influence on future regional solutions to water management activities.

System Wide Efficiencies

We urge the SWRCB to allow for the consideration of total water system efficiencies and not simply end user R-GPCD. For example, efficiencies in water system distribution systems, particularly in older, small, rural systems, can be a very important way to reduce total water savings. Real water saving is after all, the objective of water conservation in this critical drought year. Therefore, the Board should provide for inclusion of distribution system efficiencies, as defined by the local water agency consistent with SBX 7-7 as one more way to improve the efficient use of water consistent with the Governor's objective.

We also wish to urge you to consider that the incidental mixed use of water resources within small, rural, water systems for both municipal and small-scale agricultural uses is not uncommon. Therefore, there should be maximum flexibility provided to the local water agencies, to determine the most effective and least disruptive methods to achieve water use efficiency objectives, absent an overly prescriptive SWRCB methodology. Again, this is of particular importance to smaller, rural west slope Sierra Nevada Mountain and foothill systems which do not enjoy the more recent construction standards and efficiencies of flat, grid layout, urban communities.

Further, unlike many high-density urban "grid" communities, my client's systems serve rural sized parcels and smaller urban parcels in close proximity. One or both of the homes on these parcels could have been built from the period of the Gold Rush up to recent times. The differences inherent in these rural systems are difficult for many to comprehend, yet it is against such a rich tapestry of history that we are now told to impose a 21st century regulatory standard. We therefore ask to the Board to provide the maximum flexibility to the local agencies to determine the best method to meet the Governor's objective without harming local systems, communities and populations.

Additionally, it should be noted that some of these smaller rural Sierra systems have been designated in whole or in part under the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq., and E.O. 11593. As such modifications to their facilities and/or operations may be constrained as part of federal management protocols.

Thank you for the opportunity to provide comments on the Draft. We look forward to working with you to develop a more equitable system of compliance that will work for all of California's diverse communities and will achieve the Governor's objective.

Best,

John S. Mills

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