



April 13, 2015

Ms. Jessica Bean  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Subject: BAWSCA Comments on Mandatory Conservation Proposed Regulatory Framework**

Dear Ms. Bean,

The Bay Area Water Supply and Conservation Agency (BAWSCA) strongly supports Governor Brown's response to California's historic drought and will assist its 26 member agencies in achieving the appropriate water use reductions.

BAWSCA provides regional water supply planning, resource development, and conservation program services for the benefit of the 16 cities, 8 water districts, and 2 private water providers that deliver water to over 1.7 million residents and nearly 33,000 commercial, industrial and institutional accounts in Alameda, San Mateo and Santa Clara Counties.

BAWSCA's member agencies and their customers have a strong history of aggressively saving water through long-term investments in water conservation. As a result of efforts that include rebates and educational programs, residential water users in the BAWSCA service area have cut their water use by 20% since 2000, resulting in an average residential customer water use of 77 gallons per capita per day (GPCD).

BAWSCA has reviewed the State Water Resources Control Board's (State Board) Mandatory Conservation Proposed Regulatory Framework (Draft Framework) to achieve the 25% reduction in potable water use statewide and offers the following four recommendations for modifications to the Draft Framework:

**Recommended Modification 1: Increase the "breakpoint" for the first two ranges from 55 GPCD to 60 GPCD to reduce the number of water suppliers required to achieve water use reductions resulting in residential GPCD levels below health and safety standards.**

Water suppliers at the bottom end of the second GPCD range (i.e., 55-110 GPCD) are already at or near the commonly accepted health and safety standard.<sup>1</sup> Increasing the bottom range to 60 GPCD would ensure that these water suppliers are not required to achieve reductions resulting in residential GPCD levels below the commonly accepted

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<sup>1</sup> Dr. Peter Gleick, in his report on basic water requirements for human activities, identifies 200 liters per person per day, or 52 GPCD, as necessary for drinking, sanitation, bathing and cooking needs in moderately industrialized countries (Peter H. Gleick, Basic Water Requirements for Human Activities: Meeting Basic Needs, Water International, 21 (1996) Table 9, p.88.)

health and safety standards. This change would have essentially no impact on the total statewide water reductions.<sup>2</sup>

**Recommended Modification 2: Incorporate a new 15% “conservation standard” for those water suppliers with residential consumption levels between 60 – 80 GPCD to better reflect the relative difficulty of these water suppliers to meet additional water use reduction targets.**

The tiered conservation categories established by the State Board go a long way towards capturing the relative difficulty that water suppliers who serve already efficient customers will have in meeting the new potable water use reduction targets. However, the large increase between the first and second “conservation standard” (i.e., from 10% to 20%) would impose a disproportionate burden on water suppliers in the bottom portion of the second range (i.e., GPCD 55-110), many of who would end up with residential GPCD levels below commonly accepted health and safety standards.

To moderate this impact, BAWSCA recommends the addition of a new, separate 15% conservation standard for those water suppliers with residential per capita consumption levels between 60 – 80 GPCD. This addition would (1) eliminate the disproportionate impacts on water users who are already among the most efficient water users in the State, (2) ensure that water suppliers are not required to achieve reductions resulting in residential GPCD levels below the commonly accepted health and safety levels, and (3) still allow the State Board to meet its water use reduction target.<sup>2</sup>

The following table reflects BAWSCA’s recommendations of (1) adjustments to the “breakpoint” of bottom two GPCD ranges and (2) an additional residential GPCD Range and corresponding conservation standard:

**Table 1: Revised Conservation Standards Incorporating BAWSCA’s Recommended Modifications #1 and #2**

<b>R-GPCD Range (Sept 2014)</b>	<b># of Suppliers within Range</b>	<b>Conservation Standard</b>
Under 60	22	10%
60-80	38	15%
80-110	84	20%
110-165	132	25%
Over 165	135	35%

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<sup>2</sup> BAWSCA’s analysis of the data provided by the State Board in the Draft Framework shows that the proposed changes of (1) increasing the breakpoint for the bottom tier from 55 GPCD to 60 GPCD and (2) adding a new 15% conservation standard would result in a change in total statewide reductions of less than one-half of 1%.

**Recommended Modification 3: Allow those “small water suppliers” who can demonstrate lower residential consumption levels to apply for the appropriate lower conservation standard.**

As presently proposed, “small water providers” would be required to achieve a uniform 25% water savings regardless of current per capita consumption levels while urban water suppliers are assigned varying conservation targets based on their recent residential per capita use. As noted above, the tiered conservation standards developed by the State Board recognize the relative burden that different water suppliers face when meeting the proposed reduction levels, especially those who are near or below water consumption levels necessary to meet the basic health and safety needs.

Consistent with Ordering Provision 2 of the Governor’s Executive Order, which states “restrictions should consider the relative per capita water usage of each water suppliers’ service area,” BAWSCA recommends that the State Board allow those small water suppliers who can demonstrate residential consumption levels during the September 2013 baseline to apply for the appropriate conservation standard consistent with the tiered system applied to urban water suppliers.

**Recommended Modification 4: Establish quarterly compliance targets and consider seasonal variations in water savings potential.**

The proposed framework states, “the State Water Board will assess suppliers’ compliance for both monthly and cumulative water usage reductions.” However, while comparing monthly water usage reductions against the same month in the 2013 may provide a gauge to estimate necessary savings, it may not be the best measure for determining compliance. Other factors, such as meter read schedules and emergency events (e.g., fires or main breaks), can impact monthly production data and mask actual water savings when compared with normal water use the previous year. Further, our experience last year indicates that, while many of our agencies were unable to achieve the desired 10% use reductions requested by the San Francisco Public Utilities Commission in the winter months, the actual savings achieved in the summer months more than compensated with a resulting 14% overall annual reduction.

To account for the aforementioned factors, BAWSCA recommends that (1) the State Board develop monthly monitoring targets but consider establishing quarterly compliance targets to determine each water supplier’s fulfillment of its water use reduction targets (e.g., the first compliance assessment for the conservation standard would assess total production for June, July, and August) and (2) that the State Board consider rolling average savings toward an agency’s annual savings target (e.g., an agency that exceeds its Conservation Standard in the summer months but is below its Conservation Standard in the winter months would still be in compliance if its overall reduction percentage is equal to its Conservation Standard).

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Thank you for this opportunity to comment on the Draft Framework. If you have any questions regarding the proposed modifications or the clarification question, please contact me at 650-349-3000 or at [nsandkulla@bawasca.org](mailto:nsandkulla@bawasca.org).

Sincerely,



Nicole Sandkulla  
Chief Executive Officer/General Manager

cc: BAWSCA Board of Directors  
BAWSCA Water Management Representatives  
Allison Schutte, Hanson Bridgett, LLP