



April 22, 2015

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

Subject: BAWSCA Comments on Draft Regulations Implementing the 25% Conservation Standard

Dear State Water Resources Control Board,

The Bay Area Water Supply and Conservation Agency (BAWSCA) would like to commend the State Water Resources Control Board (State Board) and its staff on your efforts to develop the draft regulations implementing the 25% Conservation Standard (Draft Regulations) called for under Governor Brown's recent executive order. The accessibility and receptiveness of the State Board staff, under what must be trying conditions, is to be applauded. Additionally, the Draft Regulations reflect the State Board's willingness to consider and incorporate the unique circumstances of the broad range of water suppliers throughout California to the extent possible.

Together with our 26 member agencies, BAWSCA has reviewed the Draft Regulations and has two requests for clarification:

Request 1: Clarify the framework that will be used to implement corrective actions for water suppliers not complying with the regulations.

BAWSCA supports the State Board's approach to tracking compliance towards the conservation standards on a cumulative basis. We also support the two additional tools included in the Draft Regulations to investigate and require corrective actions for water suppliers not meeting their conservation standards. While BAWSCA recognizes that each circumstance will be somewhat different, we request clarification on (1) the order in which the State Board might use its new and existing authorities, (2) the circumstances under which these authorities might be used, and (3) the process by which they would be rolled out. Specifically:

- What factors will the State Board consider when deciding between utilizing informational orders vs. conservation orders? Between informal and formal enforcement?
- Under what circumstances (e.g., how many months of non-compliance and at what percent difference from the conservation standard) could a water supplier expect to receive a Conservation Order?
- Under what circumstances could a water supplier expect to receive a Cease and Desist Order (CDO)? What actions would the State Board take to assist the water supplier in meeting the conservation standard prior to issuing a CDO?
- What penalties, if any, would be imposed for a water supplier that complied with all reporting requirements and any subsequent conservation orders but was still unable to achieve its conservation standard?

Request 2: Clarify the potential allowance for multiple suppliers to join together to meet a collective conservation standard.

In response to the open question posed in the Fact Sheet accompanying the Draft Regulations, BAWSCA will be interested to hear the input collected by the State Board regarding the potential option to allow multiple suppliers to join together to meet a collective conservation standard. The approach has the potential to improve regional public messaging capabilities and provide a regional benefit for investments in conservation and recycled water. In structuring a collective conservation standard option, the State Board could consider the "Regional Alliance" approach that was developed for SBx7-7 (20% by 2020) compliance. Under such an approach, the following could apply:

- Each urban water supplier's individual target could be weighted and averaged to determine the regional compliance target.
- An urban water supplier would be deemed compliant if either the Regional Alliance meets its compliance target or the water supplier meets its individual compliance target.

Thank you for this opportunity to comment on the Draft Regulations. If you have any questions regarding the clarification requests, please contact me at 650-349-3000 or at nsandkulla@bawsca.org.

Sincerely,



Nicole Sandkulla
Chief Executive Officer/General Manager

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