



April 22, 2015

Chair Felicia Marcus and Board Members  
c/o Jessica Bean  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Sent via electronic mail to: [Jessica.bean@waterboards.ca.gov](mailto:Jessica.bean@waterboards.ca.gov)

**RE: Comment Letter – Draft Emergency Regulation for Urban Water Conservation**

Dear Chair Marcus and Board Members:

Thank you for the opportunity to comment on the Draft Emergency Regulation for Urban Water Conservation (Emergency Regulations). California Coastkeeper Alliance (“CCKA”) is a network of twelve Waterkeeper organizations working to protect and enhance clean waters, and to develop, support, and advance local conservation measures. Our organization strongly supports the Emergency Regulations Developed by the State Water Resources Control Board (State Board) to implement Governor Brown’s Executive Order B-29-15 framework of actions to achieve a 25% reduction in urban water use during California’s fourth year of unprecedented drought.

We applaud State Water Board staff and members for working so rapidly to develop the Emergency Regulations and strongly support the broader framework developed. Generally, we believe that the proposed Emergency Regulations are structured to achieve reductions in urban water use in a manner that is fair, equitable, and effective. In particular, CCKA strongly supports the following elements:

- New conservation tiers, which ensure fairness, equity, and effectiveness;
- The use of 2013 as a baseline for conservation goals; and
- The addition of language on waste and unreasonable use;

CCKA suggests that the State Water Board consider the following changes to the Emergency Regulations to ensure effective implementation:

- The addition of further End-User Requirements, such as a prohibition on all ornamental fountains and decorate water features, recirculating or not, that use potable water;
- Increased specificity and detail as to how the regulations will be enforced by the State Water Board.

We believe that the Board can create a transparent and fair enforcement framework by agreeing upon and communicating enforcement priorities and protocols at the outset of the new regulation implementation. We support the Board’s use of Conservation Orders and urge the Board to develop a sample Order that describes requested action under forthcoming orders (e.g. price surcharges, fines for profligate users, field

inspections, bans on new developments with lawns, and lawn conversion incentives). In addition to the enforcement tools described in the regulations framework, we encourage the early development of Cease and Desist Orders for non-compliant suppliers in the event consumption is not reduced to mandatory levels. We also encourage the Board to consider mandatory penalties for non-compliant suppliers. We urge the Board to use the tier structure to guide enforcement, and to consider different factors such as average gallons per day usage, high overall water use, and history of non-compliance with voluntary conservation targets to date.

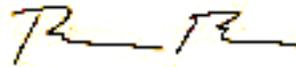
Finally, CCKA strongly requests that the State Board make changes to address a provision in the Emergency Regulations that could be misused as a loophole. As a key provision in the Emergency Regulations stipulate, urban water suppliers who serve 20% or more of their production to agricultural users may subtract this use from their overall conservation accounting. This exemption could encourage water suppliers near the 20% threshold to inflate the amount of water they report is directed to agricultural uses. Furthermore, we fear that if overall urban use is reduced, the amount of urban suppliers who serve 20% or more of their water to agricultural users will increase, decreasing the actual amount of requisite water conserved under the Emergency Regulations. To address this issue, we request that the State Board *remove the provision that exempts agricultural water use from conservation accounting among the urban suppliers who serve 20% or more of their water production to commercial agricultural uses.*

We look forward to working with State and Regional Water Board members and staff to continue to improve the Emergency Regulations, and in assisting with the implementation of regulations to ensure that ecosystems, the economy, and all Californians can weather this drought, and the next.

Sincerely,



Sara Aminzadeh, Executive Director



Rickey Russell, Policy Analyst