



April 22, 2015

Felicia Marcus, Chair
California State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814

Via email to Jessica.bean@waterboards.ca.gov

Subject: Comments on Proposed Regulations for the April 1, 2015 Executive Order

Dear Ms. Marcus:

On behalf of the Board of Directors of the Rainbow Municipal Water District I offer the following comments regarding the proposed regulations that were released over the weekend. We appreciate the challenge that your agency faces in promulgating a set of comprehensive regulations in such a short time period. While it appears that SWRCB staff have made important changes to the regulations for the better there are still a number of issues to resolve.

1. The current draft of the regulations requires full compliance on June 1, 2015. Retail water providers cannot simply snap their fingers and reduce consumption of water in our systems. The consumption of water is based on decisions made by thousands of individual customers who control the use of water on their properties. We can influence their decisions through outreach, education, and enforcement of violations of water waste rules, but we cannot instantly reduce consumption.

This draft regulation places massive cuts on some agencies that will take time to achieve – if they can be achieved at all. As written, a great many agencies in the state will be in violation on June 1, 2015 because changing the behavior of the public takes time. A far more realistic method to reach conservation goals would be to phase them in over a time frame of 90 days or more.

2. The proposed regulations ignore investments made in water supplies that are unrelated to the hydrology of California. Here in San Diego, we will be producing between 7 and 10 percent of our water from desalination – a resource that is completely independent of the lack of snow or rain. The ratepayers in San Diego County invested over a billion dollars in this plant and the 7 to 10% reduction in their use of imported water should be recognized in their reporting of reductions in consumption of water supplies that are affected by the drought. To do otherwise would discourage such investment which provides a crucial drought proof supply for urban water use in San Diego County – and thereby makes additional supplies available for other use.
3. The water supplies that San Diego County receives from the historic Quantification Settlement Agreement consist of water that is conserved for urban use. This water would have otherwise been used in inefficient agricultural practices or leaked out of unlined canals. Investments made by the San Diego area have halted the loss of the water and made it available for urban use. This water, which can be considered to be conserved water, should be exempted from the cutback requirements included in the proposed regulations as to do so would discourage

the massive investments made by the region to conserve these supplies.

4. As with the regulatory framework, the GPCD based tiers seem to be created arbitrarily. Could the SWRCB please provide some basis for the selection of winners and losers in this situation other than arbitrary classification based on GPCD? These cuts will create massive economic disruption in areas who have planned well for drought and have available supply while rewarding those that have not made the investments to manage the drought. As pointed out in my letter of April 9, 2015, the contribution of savings from the higher GPCD agencies is commensurate with their overall consumption of water, so there is no basis to penalize them while allowing lower GPCD agencies, who did not contribute to savings at the same relative rate, to benefit.
5. The Rainbow Municipal Water District has reduced its water demands by over 30% since 2007. We have already met our SBX-7 requirements for 2015 over threefold and are well above our 2020 requirements. When considering reductions in water consumption, the SWRCB should take into account the level of conservation and demand reduction that have already taken place in an agency. The San Diego region has an excellent track record of regional reductions in water demands but the use of 2013 as a baseline penalizes our region for making these reductions early where those who delayed action benefit.
6. On a conference call on April 21, 2015, SWRCB staff described a desire to allow flexibility within each agency on how to go about meeting the goals outlined in the draft regulations. We concur with this approach as there is no one size fits all method among the wide variety of agencies statewide.

The reality of the situation in San Diego County is that we have worked for two decades to diversify our supplies so that we could withstand droughts. Our efforts have worked and we have readily available supplies with a good deal of that from sources unrelated to California hydrology. San Diego should serve as an example statewide of how a region should plan for these sorts of water shortages and yet we are being punished for doing exactly what is called for in the California Water Plan. We encourage you to rework the proposed regulations to recognize the efforts of the San Diego region.

Sincerely,

RAINBOW MUNICIPAL WATER DISTRICT



Tom Kennedy
General Manager

cc: Dennis Sanford, President, RMWD Board of Directors
Adriana Ochoa, RMWD General Counsel
Maureen Stapleton, General Manager San Diego County Water Authority