



December 1, 2015

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Transmitted by email to: commentletters@waterboards.ca.gov

Dear Ms. Townsend,

The City of Folsom (City) appreciates the State Water Resources Control Board's (State Water Board) leadership in response the historic drought. From June 2015 through September 2015, the state's 411 urban water supplies reduced potable water use by 28.1 percent compared to the same months in 2013 in response to Governor Brown's Executive Order B-29-15 issued on April 1, 2015 mandating a statewide 25 percent water conservation target. During that same time, the City reduced potable water use by 30.2 percent and total water use from its only source, Folsom Reservoir, by 34 percent.

With the uncertainty of water supply conditions in 2016, Governor Brown issued Executive Order B-36-15 directing the State Water Board to extend water conservation regulations until October 2016 if the current drought conditions persist through January 2016. As provided in the State Water Board's *Notice of Public Workshop for Urban Water Conservation*, which was issued on November 6, 2015, an extension of the Emergency Regulation may be needed depending on the amount of precipitation and snow accumulation received by the State during the winter months.

The State Water Board scheduled a public workshop for December 7, 2015 to solicit input on the types of changes to the emergency conservation regulatory framework the State Water Board should consider if such an extension is necessary. The City appreciates the State Water Board's commitment to taking the time necessary to improve the emergency regulations should they be extended. The State Water Board requested specific public input on the following three questions:

1. What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?
2. What Additional data, if any, Should the State Water Board be collecting through the Emergency Regulations and how would it be used?
3. How should the State Water Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?

Per the State Water Board's request, below are the City's responses to the three questions above.

1. *What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?*

Climate Adjustment

As the City provided in its April 13, 2015 comment letter, the Residential Gallons Per Capita Day (R-GPCD) is fundamentally flawed because it fails to reflect local factors, such as lot size and climate that affect R-GPCD. The State Board even recognizes the inappropriateness of using R-GPCD to calculate and compare water conservation effectiveness.

It is not appropriate to use Residential Gallons Per Capita Day (R-GPCD) water use data for comparisons across water suppliers, unless all relevant factors are accounted for. Factors that can affect per capita water include: Rainfall, temperature and evaporation rates... population growth... population density... socio-economic measures such as lot size and income... and water prices.¹

In order to address the inequity of the required conservation targets included in the emergency regulation, the State Water Board should consider a climate adjustment factor. This factor should equitably distribute the effects of climate conditions by adjusting water conservation standards on relative evapotranspiration (ET) rates for a water agency as compared to a statewide average ET rate. A low water use landscape still requires more water to survive in hotter, drier areas of the state when compared to cooler, wetter areas.

The current Emergency Regulations state: "*These three months reflect the amount of water used for summer outdoor irrigation, which provides the greatest opportunity for conservation savings.*"² From this premise, a 32% reduction was imposed on our ratepayers for all months – whether or not outdoor irrigation is actually occurring. The solution posed is inequitable during the winter months for City ratepayers. SWRCB's proposed regulations mandate that the City's ratepayers reduce their

¹http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/conservation_reporting_info.shtml.

² April 18, 2015 Fact Sheet, p. 2.

indoor use by over 30% during the winter months – a rate far more punitive than the rates imposed on other purveyors who live in cooler climates and more dense communities.

The inequity of the current regulations is exacerbated by the metric used for target setting. The emergency regulation applies a conservation standard based on peak summer water use, but the standard must be achieved throughout the June through February period. Such a standard does not reflect the differences in seasonal water use in California. Water use directly varies with seasonal weather patterns, especially in inland areas where summer water use is often double winter water use because of the demands of landscapes. As a result, conservation targets as high as 36%, based on high summer water use, must be maintained throughout the fall and winter.

Regional Compliance

Any extended Emergency Regulation should consider a regional compliance option. A regional compliance option will achieve the same calculated water savings, but would promote increased regional coordination in public outreach messaging, regionally funded advertising buys, and joint conservation programs. The regional compliance option works by gathering a group of water agencies united by similar water sources, similar climatic settings, a common wholesale agency, media markets, or other local factors, calculating the required water savings for each participating agency and then rolling it up into a regional conservation standard.

The participating water agencies then work towards collectively meeting the regional conservation standard. If the region collectively meets the regional conservation standard, all the participating water agencies are deemed successful at complying with the Emergency Regulation. If the region does not meet the regional conservation standard, the region is deemed not successful and the participating water agencies are still held accountable to their individual State Water Board assigned conservation standard.

This additional compliance option would not require any further changes to individual water agency conservation standards (beyond the climate adjustments above), baselines, or reported production figures and relies on voluntary participation from individual water agencies that choose to form a multiagency region. The regional compliance option maintains accountability while improving flexibility at the local level and strengthens regional partnerships that will be beneficial to the state of California beyond the drought.

Conservation Credit for Non-Potable Water Savings

The State Water Board should consider water conservation beyond just potable water. There are many water agencies that deliver both potable and non-potable water that is derived from the same source. As an example, the City of Folsom receives 100 percent of its water from Folsom Reservoir. In most years, the City delivers about 90 percent of its water for potable purposes and 10 percent for non-potable purposes, with the source water all coming from Folsom Reservoir. In an effort to reduce the

amount of water derived from Folsom Reservoir, the City worked with its non-potable water customers to achieve the same conservation reduction target that was required for the City's potable water customers.

As part of this effort, the City will invest \$7.6 million to rehabilitate approximately 22,000 lineal feet of raw water pipe that is currently leaking. By the end of 2015, the City will have lined approximately 7,000 lineal feet during the first phase of the project with the remaining 15,000 lineal feet scheduled to be completed in 2016. This project, when completed, will save approximately one million gallons per day during peak summer months, but based on current regulations, is not counted for water conservation because the water is non-potable. In this case, the water savings achieved by this project should be counted because the source of the water in the pipe comes from Folsom Reservoir, which receives the benefit of this conserved water, as well as the potable water savings achieved by the City.

2. What Additional data, if any, Should the State Water Board be collecting through the Emergency Regulations and how would it be used?

The City supports the State Water Board's current reporting efforts during this drought. The transparency and depth of the current available data is useful for both water agencies and policy-focused organizations. The monthly data collection allows for a steady stream of information on the state's conservation progress. The availability of this data also allows media outlets to continue to report on the drought. This increase in coverage keeps the need to conserve in the spotlight for the state's residents and businesses.

Regarding additional data collection, the State Water Board should first identify objectives to be achieved through data collection and then identify what supplementary data is available to achieve those goals. New data should only be collected to support a new goal and the process should be clearly communicated to the water agencies. Water agencies already have numerous existing reporting responsibilities. New reporting requirements will involve additional staff time, redirecting time from other staff activities.

3. How should the State Water Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?

An extended emergency regulation should reflect the water supply needs of the state. Unfortunately, the expiration of the current regulations in February, may be difficult time to assess water supply conditions for 2016. In addition, conditions will vary by region and water source. Continuation of high water conservation targets, in the absence of direct evidence of an extreme ongoing drought, will make it difficult to drive customer behavior to continue to achieve the targets. The City recognizes the intention of the State Water Board to adopt extended emergency regulations to prepare for a continuing drought and urges the State Water Board to create flexibility to adjust targets based on periodic evaluations of water conditions.

At minimum, the State Water Board in partnership with the California Department of Water Resources, the United States Bureau of Reclamation and a statewide representation of water agencies should evaluate snowpack, reservoir levels, groundwater conditions, projected runoff, and available local supplies on April 1, 2016 to guide implementation of emergency regulations for the remainder of 2016. If conditions have improved from 2015, either statewide or regionally, the State Water Board should be prepared to modify the emergency regulations to adjust the state conservation standard, and therefore individual water agency conservation standards. The ultimate goal is to match a water supply need with a conservation standard to fulfill that need.

At the same time, the continued declaration of a drought emergency should be reassessed in partnership with the Governor's Office. The people of California are responding to the need to conserve on the premise that we are in an emergency situation. Continuing to hold Californians accountable to emergency drought conservation levels beyond what is necessary will diminish the trust between the state and its people, and between local water providers and their customers. This trust will be needed to prepare for and respond to the inevitable future droughts that California will experience.

Summary

As discussed above, there are several recommendations offered by the City that support the Regional Water Authority recommendations (provided under a separate letter), which should be considered if the Emergency Regulations are extended beyond February 2016. These recommendations will create an equitable conservation target for all water agencies. The modification of the Emergency Regulation to incorporate the effects of climate on water use and the addition of the regional compliance option will increase equity and flexibility for water agencies and will ultimately allow for a more effective statewide drought response.

In addition to potable water reduction targets, extended Emergency Regulations should allow an agency to factor in total water use across all sectors to achieve the savings. With only a single water supply source, surface water from Folsom Reservoir, total water savings achieved by the City directly result in water not taken from Folsom Reservoir. Any action taken by the City and its water customers to reduce the amount of water diverted from Folsom Lake (the City's only water supply source) should be counted as water conserved based on the overall water conservation target for the state.

When the emergency regulations were developed and adopted last spring, time was of the essence. The vast majority of water providers responded by meeting or exceeding their assigned standards over the critical summer months. We appreciate the State Water Board's commitment to taking the time necessary to improve the emergency regulations should they be extended.

Thank you for the opportunity to provide comments on the Emergency Conservation framework, and if the Emergency Regulations are extended, the City looks forward to hearing the State Water Board's response to our comments. If you have any questions, please contact me at (916) 351-3528.

Sincerely,



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