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December 1, 2015

Felicia Marcus, Chair  
and Members of the State Water Resources Control Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



Subject: Public comment for December 7, 2015, Urban Water Conservation Workshop

Dear Chair Marcus and Members of the Board:

The Carmichael Water District (CWD) appreciates the State Water Resources Control Board's (SWRCB) continued leadership during the ongoing drought. As we move into 2016, CWD recognizes the need for planning and coordination of uncertain water supply conditions in the state. CWD thanks you for the opportunity to contribute to the discussion on current water conservation standards.

CWD customers are keenly aware of the drought and have responded. Since declaring a water shortage emergency in January of 2014, CWD has seen voluntary reductions in 2014 of 20% compared to 2013. Like fellow agencies in the Sacramento region, CWD has achieved some of the highest summer conservation levels in the state in 2014 and 2015. This level of conservation, well above the statewide goal of 25%, has come at a price to our customers in the form of economic losses due to dying landscapes and trees along with lost revenues and increased spending to enact the SWRCB's emergency regulations. With a conservation target of 36%, CWD sees these losses are in obvious contrast to areas in the state that have been given far lower standards with far lower impact.

With summer past and winter approaching, Californian's water use becomes flattened with minimal outdoor irrigation. A continuation of current conservation standards will result in an inequitable higher standard of indoor conservation in our region. To address this disparity in the Emergency Regulations, should they be continued into 2016, CWD supports the Regional Water Authorities following recommendations:

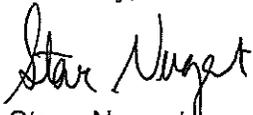
- The regulation should include a relatively simple adjustment to water agencies' conservation standards to recognize the vast climatic differences in the state, similar to what the Regional Water Authority and the Association of California Water Agencies recommended to the State Water Board when the Emergency Regulation was first developed in early 2015.
- The regulation should recognize and promote regional water conservation efforts, by providing for a regional compliance option to meet conservation standards.
- The regulation should recognize the past development of drought resilient supplies in setting conservation standards.

- The regulation must be flexible and responsive to dynamic hydrologic conditions through the winter and spring of 2016.

Per the State Water Board's request, detailed responses to the three questions in the Notice of Public Workshop dated November 6, 2015 are attached.

CWD is ready and willing to assist the SWRCB in seeking a workable approach to water conservation during the current drought; however, CWD believes that any extension of the current Emergency Regulations should include a more balanced and equitable method of implementation.

Sincerely,



Steve Nugent  
General Manager

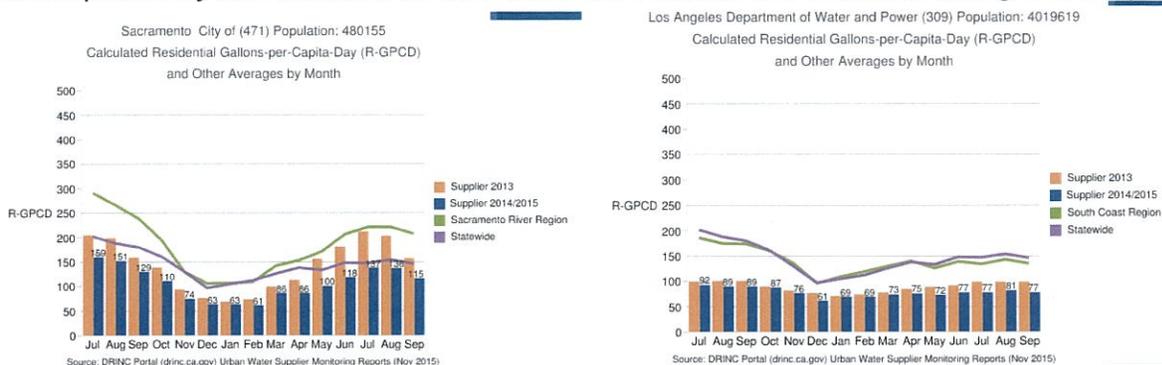
Attachment: Responses to questions in the Notice of Public Workshop dated  
November 6, 2015

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

**Climate Adjustment** - Any extended Emergency Regulation should be modified to recognize the effects of climate on water use by adjusting water agency conservation standards based on their relative evapotranspiration (ET) rates as compared to a statewide average ET rate. For example, water agencies with higher ET rates compared to the state average ET would receive a reduction in their current conservation standard. This modification would more accurately assess inefficient outdoor water use by first accounting for the differing biological water requirements of landscapes throughout the state. A low water use landscape still requires more water to survive in hotter, drier areas of the state when compared to cooler, wetter areas. More water doesn't correspond to waste.

In the Sacramento region, water use doubles in the summer when compared to winter water use. This seasonal change in demand increases a water agency's residential gallons per capita per day (R-GPCD) monthly figure in the summer months when compared to winter months and contributes to a higher yearly average R-GPCD. A climate adjustment will even out this variation in water demand and will result in all Californians making comparable commitments to water conservation. Inland residents shouldn't be expected to replace dead landscapes and lose trees, while those on the coast aren't similarly expected to stress their landscapes beyond recovery. The state has a vested interest in ensuring that landscapes survive the drought statewide.

The inequity of the current Emergency Regulation is exacerbated by the metric used for conservation standard setting. The Emergency Regulation applies a conservation standard based on peak summer water use, but that same standard must be achieved throughout the June through February period. Such a standard does not reflect the differences in seasonal water use in California (Figures). Water use directly varies with seasonal weather patterns, especially in inland areas. As a result, conservation standards as high as 36%, based on high summer water use, must be maintained throughout the fall and winter. Coastal communities are not impacted by this condition as their water use remains more uniform throughout the year.



With the recent reporting, the State Water Board now has a wider range of monthly R-GPCD figures. We recommend that the individual water agency R-GPCD figures that serve as the basis for assigning conservation standards be recalculated based on annual, rather than seasonal water use.

These adjustments to recognize climate as a driver of water use will increase the equity of the Emergency Regulation. They can be fairly applied to all water agencies. No water agency is untouched by the effects of climate. While watering nonessential landscape material such as ornamental turf grass is not a priority of the state in this drought, preserving higher value landscape materials such as trees and shrubs, playing fields, and defensible space around structures is a priority for maintaining quality of life, habitat, public safety and the overall health of the environment. Many inland water agencies and water customers are having to choose between meeting conservation standards and protecting their longer term priorities.

**Regional Compliance** - Any extended Emergency Regulation should incorporate 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, 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.

## **2. What additional data, if any, should the State Water Board be collecting through the Emergency Regulation and how would it be used?**

RWA 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 objectives. New data should only be collected to support a new objective 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.

Additional reporting may be necessary depending on any modifications or additions that are formally adopted to an extended Emergency Regulation such as the regional compliance option. For example, a regional agency may be required to submit supplementary data to the State Water Board on behalf of the region's participating water agencies.

## **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 regulation in February is a difficult time to assess water supply conditions for 2016. Additionally, conditions will vary by region and water source. The arrival of a strong El Nino could magnify the variations between regions depending on how, when and where precipitation occurs. Continuation of high water conservation standards, in the absence of direct evidence of an extreme ongoing drought, will make it difficult to drive

customer behavior to continue to achieve the conservation standards. Loss of the good faith efforts of California's residents will have a negative impact on both short and long-term water efficiency improvements.

While we recognize the intention of the State Water Board to adopt an extended Emergency Regulation to prepare for a continuing drought, we urge the State Water Board to create flexibility to adjust conservation standards 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 Regulation 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 agencies and their customers. This trust will be needed to prepare for and respond to the inevitable future droughts that California will experience. Water agencies will continue to invest in water efficiency improvements to reduce longer-term water demand without the driver of emergency regulations.