



December 17, 2014

Chair Felicia Marcus and Board Members
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Sent via electronic mail to: commentletters@waterboards.ca.gov

RE: Comment Letter – Urban Water Conservation Workshop

Dear Chair Marcus and Board Members:

California Coastkeeper Alliance (“CCKA”) is a network of twelve Waterkeeper organizations working to protect and enhance clean, abundant water flows throughout the state, for the benefit of Californians and California ecosystems. On behalf of CCKA, we offer these comments on the State Water Board’s Urban Water Conservation Workshop.

The drought highlights that we can and must change the way we manage our state’s finite water resources to prepare for increasing exposure to more severe and prolonged droughts. The State Water Board can build on progress made in the past year and take the following actions:

- Collaborate with NGOs to develop and disseminate locally-tailored and compelling public outreach and education strategies on the State Water Board’s mandatory conservation measures.
- Adopt a statewide per capita urban water use goal.
- Leverage the newly-adopted Drinking Water Permit to ensure that water agencies put unused drinking water to a beneficial use.
- Develop a statewide landscape conservation training program and create a statewide rebate program for residential and commercial turf removal.
- Prioritize green infrastructure and water efficiency in the Clean Water and Safe Drinking Water State Revolving Funds.
- Encourage water agencies to take advantage of the improved Proposition 218 “protest process” for the approval of water-related fees.
- Ensure that future stormwater permits maximize stormwater retention and integrated watershed management.
- Work with the Department of Water Resources to develop a uniform methodology to evaluate water use efficiency investments; and provide financial and regulatory support to speed the transition to efficient home appliances.
- Apply the waste and unreasonable use doctrine and define minimum standards for acceptable water use by sector.
- Update the State Water Board system for water rights accounting and enforcement.
- Increase reporting and communications regarding conservation rates.
- Expand the dissemination of data to the public.
- Create a water technology office to highlight opportunities to develop new technologies to develop and conserve California’s water resources.

(1) What more should be done at the local and/or State level in the near-term to increase water conservation?

Collaborate with NGOs to develop and disseminate locally-tailored and compelling public outreach and education strategies on the State Water Board's mandatory conservation regulations.

Earlier in 2014, the State Water Board took an unprecedented step by issuing mandatory conservation regulations to reduce outdoor urban water use. The regulations required that individuals stop using potable water to wash down sidewalks and driveways, or water outdoor landscapes in a manner that caused excessive runoff. As part of the regulations, the State Water Board offers tips to water suppliers to educate their customers about the new requirements. Some agencies have deployed social media campaigns to get the word out about conserving water during the drought. For example, the City of Los Angeles launched the #droughthack campaign, which provides ten tips for conserving urban water, and encourages the public to share conservation tips using the hashtag #droughthack.

However, agencies' education and outreach efforts vary widely throughout the state, as do agencies' actual implementation of the conservation regulations. The State Water Board can leverage existing agency work on this front, and encourage and support other agencies' education and outreach efforts by partnering with NGOs to educate the public about these measures. CCKA, California Waterkeepers and other NGOs can play a vital role in public outreach, education, and enforcement. NGOs are uniquely well-suited to tell the story about why conservation measures are important and describe different strategies individuals and groups can take to effectively conserve water. The State Board and local agencies can partner with NGOs to increase media coverage and creatively use social media to engage the public in water conservation efforts.

Waterkeepers have already deployed several innovative and locally-tailored campaigns to carry the water conservation message to the public. For example, our Russian Riverkeeper has been deeply engaged in community education, outreach, and messaging since the inception of the drought. Riverkeeper's #saveit campaign is a viral social media effort that emphasized dire drought conditions, and offered strategies to conserve water.

In Southern California, Los Angeles Waterkeeper launched the "Dirty for the Drought" campaign, which encourages Angelenos to take the Dirty Car Pledge to not wash their car for 60 days. Over 6,000 Angelenos have taken the pledge and the campaign has been featured in several media outlets including TV, radio, print and online. LA Waterkeeper is also erecting eight billboards with the campaign slogan throughout the city. The campaign saves water and is increasing residents' awareness about the drought and getting them to discuss other ways to conserve. The City of Santa Monica and the City of Burbank are partnering with Los Angeles Waterkeeper's "Go Dirty for the Drought" campaign to raise awareness and conserve water, applying the pledge to city vehicles.

Orange County Coastkeeper has a long history of work to promote the transition of commercial and residential landscapes to be California-friendly and drought tolerant. Orange County Coastkeeper built Coastkeeper Garden, a three acre demonstration of six themed back yards and six habitats, to teach visitors both why and how to transition landscapes.

In San Diego, water use during the first five months of the state emergency drought actually increased by 8%. When the State Water Board approved emergency water restrictions calling on retail suppliers to implement mandatory restrictions, the City of San Diego issued a press release stating it would take no

action to comply. San Diego Coastkeeper mounted a campaign to bring the City into compliance by organizing a media campaign to highlight the City's inaction; meetings with local and state-level elected officials; giving public testimony about the region's impact on local and statewide ecosystems; and issuing a press release decrying the lack of action. Following nearly two months of outreach and advocacy, San Diego Coastkeeper was invited to provide a formal recommendation to the City Council, and succeeded in getting a vote in the Environment Committee and then full City Council to move to the city's Level 2 Drought Alert, which triggers the appropriate mandatory water use restrictions. Reports for September 2014 show a 3% decline in City of San Diego water use (compared to September 2013) and communication with city staff indicates that they will continue to implement water saving practices and enforce rules.

Adopt a statewide per capita, per day, urban water use goal. The State Water Board should look to local municipalities that have set urban water use goals, and develop a statewide goal for all Californians to achieve. In May, Santa Cruz called for a 25% reduction, or a limit of 60 gallons per day, per person. Since May, residents have been meeting or exceeding that goal. In Santa Monica, the City Council declared a Stage 2 Water Supply Shortage which initiated mandatory water conservation requirements for all water customers, with a goal to reduce the entire city's water use by 20%. A similar goal statewide will educate the public as to the urgency of conserving and will provide communities with an achievable target.

Leverage the newly-adopted Drinking Water Permit to ensure that water agencies put unused drinking water to a beneficial use. The State Water Board recently adopted a Drinking Water Permit that provides statewide regulations on how drinking water purveyors flush their drinking water pipes. Prior to the adoption of this General Permit, water purveyors were allowed to dump drinkable water into the storm drains, turning an expensive and limited resource into runoff pollution. CCKA and Los Angeles Waterkeeper worked closely with the Board to develop a Permit that incentivizes water purveyors to redirect drinkable water to beneficial uses as part of an integrated water management strategy, rather than dumping it into storm drains. The State Water Board should implement the Permit as soon as possible and put pressure on water purveyors to put drinking water to a beneficial use.

(2) What additional conservation requirements, if any, should the State Water Board consider adopting if dry conditions persist into the new year?

Develop a statewide landscape conservation training program and create a statewide rebate program for residential and commercial turf removal. Landscape irrigation represents 43% of California's urban water use. In some regions, landscape conservation training courses are significantly increasing the capacity of the public and landscape professionals to design and maintain water conserving landscapes. Also, the Los Angeles Department of Water and Power (DWP) offers landowners rebates for removing their lawns and installing water-efficient landscaping, which have resulted in the removal of over 1.5 million square feet of lawn and a 20 percent reduction in water use by those households. The State Water Board should use its State Revolving Fund to develop a landscape conservation training program and to offer landowner rebates for removing their lawns and installing water-efficient landscaping.

Prioritize green infrastructure and water efficiency in the Clean Water and Safe Drinking Water State Revolving Funds. The State Water Board can incentivize agencies to provide resources for residential and commercial landowners to implement green infrastructure projects. For example, a local water agency can offer rain barrels for residential homeowners to use on their property to capture rainfall and use for outdoor irrigation. The State Water Board can also expand its funding to conduct low

impact development projects. The State Water Board's Drought Response Outreach Program for Schools (DROPS) is a successful model, allocating funding to schools for addressing the drought by capturing, treating, infiltrating, or using stormwater while providing multiple benefits. All projects should include an education or outreach component that is designed to increase student and public understanding of the project's environmental benefits and the sustainability of California's water resources.

Encourage water agencies to take advantage of the improved Proposition 218 "protest process" for the approval of water-related fees. Prop. 218 has been a significant obstacle to water agency investments. AB 2403, which was recently signed by Governor Brown, clarifies that certain water related fees with a water supply nexus are eligible to utilize the simpler "protest process" established by Prop. 218. The State Water Board should ensure that water districts and municipalities take advantage of this opportunity to ensure reliable funding for water supply and drought preparation investments, including stormwater, groundwater clean-up, recycling and water use efficiency. This will also help municipalities fund projects and programs for compliance with municipal stormwater permit requirements.

Ensure that future stormwater permits maximize stormwater retention and integrated watershed management. The Board is in the process of developing the Stormwater Strategic Initiative (SWSI) that will identify and prioritize effective ways to expand the breadth of the Board's Stormwater Program to better integrate watershed management, multiple-benefit solutions, source control and improvements to regulatory program efficiency and effectiveness. The State Water Board should dedicate resources to finalize the SWSI and ensure integrated watershed management is a critical component.

Work with the Department of Water Resources to develop a uniform methodology to evaluate water use efficiency investments; and provide financial and regulatory support to speed the transition to efficient home appliances. The investment of public and ratepayer funds in water efficiency in California has never been assessed with consistent evaluation methods, as has been done for many years with energy efficiency investments. A new uniform water efficiency evaluation methodology should be used by all recipients of state grants and loans and in the public reporting of the costs and savings of utility water efficiency programs. Also, financial support should be given to incentivize indoor water conservation. For example, washing machines on the market today use significantly less water (and energy) than older washing machines. Given the significant water savings possible with new washers, accelerating the transition to high-efficiency clothes washers would result in immediate water savings and help households to reduce water consumption during the drought. The State Water Board should adopt parallel requirements for publicly-owned water suppliers. This initiative should be complemented with expanded appliance recycling programs to ensure that old, inefficient clothes washers are permanently removed from service and cannot be refurbished or resold.

(3) What can be done to compel poorer performing areas to increase conservation?

Apply the waste and unreasonable use doctrine and define minimum standards for acceptable water use by sector. California's constitutional prohibition on waste and unreasonable use remains a powerful yet underutilized tool. Explicit standards could create presumptions that certain activities or types of water use constitute *per se* waste or unreasonable use, unless individuals can make a compelling showing to the contrary. The State Water Board should consider the following actions to motivate poor performing communities to do more to conserve:

- Define the use of potable water on golf courses, cemeteries, and other specified types of large commercial landscapes as *per se* waste, by a date certain, without a compelling showing to the contrary;
- Determine that the failure to capture stormwater in certain urban coastal regions is a wasteful and unreasonable use by a date certain;
- Determine that the lack of conservation-based urban water and wastewater rates represents waste and unreasonable use of water; and
- Determine that the lack of volumetric pricing by wastewater agencies represents waste and unreasonable use of water.

Update the State Water Board system for water rights accounting and enforcement. Researchers have found that “the state simply does not have accurate knowledge of how much water is being used by most water rights holders. As such, it is nearly impossible to curtail or re-allocate water in an equitable manner among water users and to effectively manage for environmental water needs.” The analysis found that needed reforms are largely within the authority granted to the State Water Board. However, significant additional resources are required to produce a functional water rights system, including reporting of diversions and discharges. The State Water Board should develop policies for issuing curtailment letters in a timely manner as necessary to protect instream beneficial uses of water and public trust resources. The State Water Board should also be provided adequate resources to enforce needed water use curtailments.

(4) What additional data should the State Water Board be collecting and how would it be used?

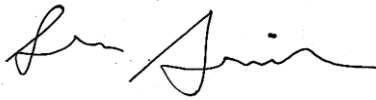
Increase reporting and communications regarding conservation rates. Data collected by the State Water Board demonstrates that approximately 90 billion gallons of water have been conserved for the period of June-October 2014 as compared to the same period last year. The amount of water conservation realized, however, has been variable throughout the State, as have the types of water conservation measures implemented by individual water suppliers. The State Water Board needs to do a better job of communicating the data it collects, through the use of traditional media (TV ads, news articles, op-eds), social media, and by partnering with local NGOs as described above.

Expand the dissemination of data to the public. Currently, the State Water Board provides monthly updates on statewide and local conservation rates (compared to last year’s rates). However, more information could be provided to the public to better explain how water is delivered, used, and wasted in the state. For example, the State Water Board can provide information on how much local water is being used versus imported water to the region. This would allow local communities to understand where their water is coming from, and would encourage local governments to become water independent – similar to the goal set by the City of Santa Monica earlier this year. The State Water Board can also provide data regarding the amount of treated wastewater discharged to waterways. This will encourage local governments to better understand how much water is being wasted, and encourage them to develop more water recycling projects in their region.

Create a water technology office to highlight opportunities to develop new technologies to develop and conserve California’s water resources. In addition to developing new water management and efficiency opportunities, this office would ensure that California is at the cutting edge in developing a new global water technology industry, bringing jobs and economic benefits to the state. Large numbers of new jobs are available in innovative water industries.

We applaud the State Water Board for convening this important discussion, and encourage the Board to hold additional workshops on other drought solutions to ensure that every California sector and region are making needed changes in light of our state's ongoing water scarcity issues. The drought is an opportunity to advance meaningful State Water Board reforms and initiatives on agriculture water conservation, groundwater management, stormwater capture, instream flows. We look forward to working with State Water Board members and staff to not only implement short-term responses to the drought, but to implement permanent and meaningful changes to our behavior and water management practices.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Aminzadeh', with a stylized, flowing script.

Sara Aminzadeh
Executive Director
California Coastkeeper Alliance

A handwritten signature in black ink, appearing to read 'Sean Bothwell', with a stylized, flowing script.

Sean Bothwell
Staff Attorney
California Coastkeeper Alliance