

**ASSOCIATION OF CALIFORNIA WATER AGENCIES
CALIFORNIA WATER ASSOCIATION
REGIONAL WATER AUTHORITY
CITY OF REDDING
SANTA CLARA VALLEY WATER DISTRICT
SAN DIEGO COUNTY WATER AUTHORITY
CONTRA COSTA WATER DISTRICT
SOUTH TAHOE PUBLIC UTILITIES DEPARTMENT
SAN DIEGO PUBLIC UTILITIES DEPARTMENT
CITY OF SACRAMENTO DEPARTMENT OF UTILITIES
EASTERN MUNICIPAL WATER DISTRICT
ORANGE COUNTY WATER DISTRICT**

September 18, 2015

The Honorable Felicia Marcus, Chair
The Honorable Frances Spivy-Weber, Vice Chair
The Honorable Tam Doduc, Member
The Honorable Steven Moore, Member
The Honorable Dorene D'Adamo, Member

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Chair Marcus and Members of the State Water Resources Control Board,

We, the undersigned workshop participants, wish to thank you for your ongoing leadership in effectively guiding California through this period of severe drought. The State Water Resources Control Board (State Water Board) rapidly developed emergency drought conservation regulations that were implemented within a very condensed period of time. Several unresolved issues related to the emergency conservation regulations were understood to be too complex to fully consider in the short timeframe available to the State Water Board and its stakeholders. To address these issues, the State Water Board committed to conduct a subsequent workshop to respond to these “parking lot” issues and potentially modify the emergency conservation regulations once resolutions of these issues could be established.

We very much appreciate the invitation extended to us by State Water Board staff to meet on August 26, 2015 to discuss ongoing conservation regulations, which also included an interest from State Water Board staff to discuss the conceptual mechanics for implementing long-term water conservation regulations that would exist beyond the declaration of a drought emergency. The interpreted authority for being able to extend conservation regulations beyond the drought emergency was presented to us in a summary handout from State Water Board staff.

The need for the establishment of permanent conservation regulations during non-drought periods is a topic of enormous public policy importance, with great potential for unintended consequences. The process should not be rushed, nor adequate public input bypassed. At the meeting on August 26th, staff stated the State Water Board has sufficient authority to promulgate and enforce statewide water conservation standards during non-emergency periods as soon as 2016 and intended to do so by simple declaration of this authority.

We disagree with this interpretation of authority and feel strongly that more time must be spent publicly deliberating this assumption of need. Also, we respectfully suggest that any conversation regarding the need for permanent water conservation regulations be balanced within an integrated planning framework that simultaneously evaluates the availability of water supplies. This is a very complex topic deserving of a full articulation of regional needs before presuming a state mandate for intervention.

We ask the State Water Board to be very clear in considering long-term objectives for water management in California. We recommend that the end goal should be water supply reliability and drought resiliency, not water conservation as an end in itself. In the drought regulations that were adopted by the State Water Board, a narrow definition of sufficient water supplies was considered. Regions with sufficient water supplies were allowed a minimal 4% conservation standard. The justification for this allowance was that drought resilient regions should not be subject to unreasonable conservation standards for the sole purpose of reducing water use or establishing a “fairness in suffering” standard. This principle should be expanded beyond a narrow definition of sufficient water supply and agencies should be encouraged to make significant investments in developing and managing water supplies to minimize drought impacts. Further, this approach embraces the comprehensive nature of the California Water Action Plan.

Additionally, we believe that much good work has been already accomplished by local water providers and the Department of Water Resources (DWR) within the 20x2020 framework, which has not yet been fully tested as a viable approach for encouraging water use efficiency during periods of non-drought. Many agencies have been working towards meeting conservation targets even before the drought. The results of that effort helped improve supply reliability going into the drought and should be evaluated before any additional regulations are considered.

There are also on-going conservation efforts that need the time to fully develop. For example, DWR recently completed a Commercial, Industrial and Institutional (CII) Task Force Best Management Practices Report that took four years of intensive work with stakeholders to develop. We believe it is reasonable to allow recently developed conservation approaches such as this to be given a chance to be implemented and reviewed for efficacy during a non-drought period before considering a transition into a new regulatory framework.

Finally, we think the State Water Board and stakeholders must take the necessary time to consider the impact of the emergency conservation regulations before discussing long-term standards. While the emergency regulations have clearly resulted in reduced urban water use, a number of questions remain including:

- What benefit was derived from the water saved? Is it stored for ongoing drought conditions? Did it help the environment or other water users?
- What is the true cost to local agencies of complying with the emergency regulations, and is the apportionment of cost and benefit equitable?
- What are the short and long term impacts on local agency revenues and financial stability?
- What impacts, if any, has the drought response had on California's citizens, businesses and economy?
- Can and should the response of California's citizens to the drought emergency be expected to continue during more normal hydrologic conditions?

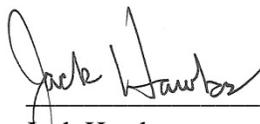
It is our understanding that another workshop will be scheduled by the State Water Board to occur in October at which time the parking lot issues related to the current drought ordinance will be discussed and possibly decided. We very much look forward to participating in that effort. We believe it is wise to bifurcate decisions related to emergency drought regulations and long-term water conservation standards, as the two should not be assumed to be the same.

We remain your committed partners in developing thoughtful, meaningful policy options for assuring water resilient communities in California. We are available and ready to assist the State Water Board with further refinement of the emergency regulations. Thank you for this opportunity to express our thoughts related to the August 26 meeting.

Sincerely,



Dave Bolland
Association of California Water Agencies



Jack Hawks
California Water Association



John Wendele
City of Redding



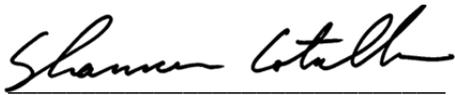
Jerry De La Piedra
Santa Clara Valley Water District



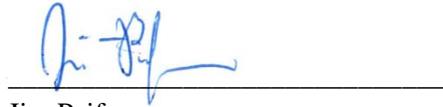
Dana Frieauf
San Diego County Water Authority



Jerry Brown
Contra Costa Water District



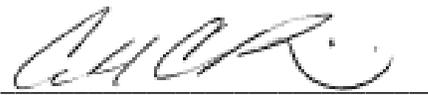
Shannon Cotulla
South Tahoe Public Utilities District



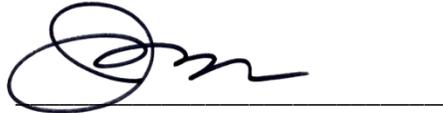
Jim Peifer
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Copy to: Mr. Tom Howard, Executive Director, State Water Resources Control Board