



## San Diego County Water Authority

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December 14, 2016

#### MEMBER AGENCIES

Carlsbad  
Municipal Water District

City of Del Mar

City of Escondido

City of National City

City of Oceanside

City of Poway

City of San Diego

Fallbrook  
Public Utility District

Helix Water District

Lakeside Water District

Olivenhain  
Municipal Water District

Otay Water District

Padre Dam  
Municipal Water District

Camp Pendleton  
Marine Corps Base

Rainbow  
Municipal Water District

Ramona  
Municipal Water District

Rincon del Diablo  
Municipal Water District

San Dieguito Water District

Santa Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuima  
Municipal Water District

#### OTHER REPRESENTATIVE

County of San Diego

The Honorable Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

The Honorable Mark Cowin, Director  
California Department of Water Resources  
P.O. Box 942836, Room 1115-1  
Sacramento, CA 94236-0001

Re: Comments on “Making Conservation a California Way of Life” November 2016 Public Review Draft

Dear Chair Marcus and Director Cowin:

Thank you for the opportunity to serve on the Urban Advisory Group and participate in the process to develop the November 2016 public review draft framework. I would also like to thank the staff at your agencies for including many of the suggested revisions made by water agency stakeholders into the draft framework. We still do have significant concerns regarding aspects of the draft framework, which are highlighted in this letter.

The proposals on long-term water-use for California contained in the draft framework include important objectives, such as minimizing water waste and increasing water-use efficiency statewide. In San Diego County, we have embraced these goals for years, and per capita potable water use dropped by nearly 40 percent even before emergency water-use regulations were imposed by the state in 2015.

While long-term water use efficiency is a critical resource strategy, efficiency by itself will not result in a resilient water supply that can alleviate severe shortage situations. With this understanding, the Water Authority has invested nearly \$3 billion over the last 25 years to increase local water supply reliability, including development of new drought resilient supplies, such as seawater desalination, increased storage capacity, and upgraded conveyance systems. These improvements are above and beyond the investments made by our member agencies in water recycling, reuse and desalination projects that further increases regional self-reliance. The

*A public agency providing a safe and reliable water supply to the San Diego region*

final framework submitted to Governor Brown, must address both water use efficiency and implementation of drought resilient supplies as those two resource strategies are critical to a sustainable and resilient supply for the state.

As requested by the Executive Order agencies (EO agencies), our comments are grouped below in accordance with the directives contained in the Governor's May 2016 Executive Order B-37-16.

**Using Water More Wisely**

Section 2.1 Emergency Conservation Regulations for 2017

- Consider Availability of Supplies. In determining the basis for extending the emergency regulation, the State Water Resources Control Board (SWRCB) must consider actual supply availability and shortage conditions within a community and not just hydrologic conditions. While the San Diego region has experienced below average rainfall locally for the past several years, we are 100 percent reliable for the next three years and more, based on the Emergency Conservation Regulation "stress test." Over 70 years ago, civic leaders in San Diego realized that the current local surface reservoirs and groundwater could not meet the growing needs of the military and economy within our region. Since then, the region has developed a diverse portfolio of supplies to meet existing and future demands.

As the SWRCB considers extending the emergency regulation, they must consider that many parts of the state are not experiencing emergency drought conditions due to improved hydrologic conditions, development of drought resilient supplies, or both. The SWRCB should rescind the emergency conservation regulation for those areas with adequate supplies, and focus on those communities that require assistance in meeting the water demands of their community. The SWRCB could continue its "stress test" demand reduction measures for areas in which supplies are inadequate in 2017 to meet normal demands.

Section 3.1 New Water Use Targets

*General*

- Unintended Consequences. It is critical that the EO agencies' water-efficiency proposals do not create unintended consequences that negatively impact wastewater infrastructure, vital landscape elements, such as urban trees, or investments in drought-resilient supplies, such as seawater desalination, water reuse, and recycling.
- Sustainable Water Management. When setting water use standards, it is imperative for the EO agencies to recognize that water conservation by itself is not going to result in a resilient supply that can alleviate severe shortage situations. As described in Governor Brown's California Water Action Plan, an integrated and sustainable approach must include both water use efficiency and local supply development. When considering lowering the standards on

water use, the state must take into account local efforts in developing drought resilient supplies, as mentioned in Section 4.2.2 of the draft framework.

In addition, the recycling and reuse of water is considered an efficient use of supplies and therefore should be removed from the water production calculations for determining compliance with 2025 targets, consistent with SB x7-7. This approach will ensure incentives for the continued development of recycling and potable reuse projects, which are critical to a resilient and sustainable water supply future for California.

- Alternative Target-setting Approach. We continue to request that the State include optional approaches to the strengthened standards target-setting process that build on the elements of SB x7-7, as is directed by the EO. Alternative target-setting approaches that can be customized to unique local conditions, would be equally effective in reducing water use and would allow for alternative methods to reducing water demands that could be more cost-effective for some agencies to implement. This is particularly important for water agencies that lack resources or capacity to implement water budget programs, or for water agencies that would benefit from this additional flexibility. We also believe that a regional compliance approach should be allowed as an option.

#### *Indoor Standards*

- Residential Indoor Water Use Standard. (Section 3.1.3) The Water Authority supports the proposal to use 55 gallons per capita per day (GPCD) as the indoor use standard.
- Indoor Standards Workgroup. (Section 3.1.3) Similar to the Landscape Area Measurement Workgroup, the EO agencies should form an Indoor Standards Workgroup to provide input on development of the 2025 indoor standard. As part of the effort, the EO agencies need to conduct a scientific evaluation to identify potential impacts on wastewater systems and recycled water/potable reuse production before the indoor water use standard is reduced to a standard below 55 GPCD.

#### *Outdoor Standards*

- Outdoor Irrigation Standard. (Section 3.1.3) The Water Authority supports the use of irrigable area to calculate the outdoor water use budgets. When calculating the 2025 outdoor budget, the EO agencies should also utilize the Model Water Efficient Landscape Ordinance standards in place at the time the landscapes were installed.

#### *Commercial, Industrial, and Industrial (CII) Performance Standards*

- CII Performance Measures Workgroup. (Section 3.1.3) The Water Authority appreciates the state avoiding uniform volumetric reduction mandates for CII water use and conceptually supports the establishment of performance measures for the CII sector. The performance measures should be developed by a CII workgroup with representatives from the CII sector

and water suppliers to ensure performance measures are appropriate, effective and result in efficient water use without impairing economic activity. The development of performance measures should also build on the CII Task Force Best Management Practices Report to the Legislature completed in 2013.

- CII Performance Measures. (Section 3.1.3) The Water Authority is concerned about the potentially costly proposed requirements for CII customers. Mandating the installation of dedicated meters for irrigation water could cost CII customers thousands or even tens of thousands of dollars per site, depending on the design of each site's irrigation system and the number of irrigation meters needed. Likewise, water management plans can be expensive and time-intensive. It's not clear how compliance will be funded – but it's certainly going to cost ratepayers more, one way or the other, at a time when rates are steadily rising.

#### *Implementation*

- Legislature's Role in Updates to Water Use Targets. (Section 3.1.3.) Revisions to the standards and CII performance measures beyond the 2025 compliance period must be implemented through future legislation. The role of the state Legislature to craft and refine California's water use policies and water use efficiency standards is critical, as is the role of the state Legislature to provide agency oversight and accountability.

### **Eliminating Water Waste**

#### Section 2.2 Monthly Reporting and Permanent Prohibition of Wasteful Practice

- Stakeholder Input. (Section 2.2.3.) A stakeholder workgroup should be formed as part of the rulemaking process to ensure the reports submitted monthly serve a meaningful purpose to the state and public and that the statewide permanent prohibitions are appropriate for communities throughout California. The monthly reporting cannot serve as a means to track compliance with long-term water use targets.

### **Strengthening Local Drought Resilience**

#### Section 3.2 Water Shortage Contingency Plans

- Updated Contents of the Urban Water Management Plans, Evaluation Criteria. (Section 3.2.3.) In order to acknowledge the importance of developing drought resilient supplies, the following criteria should be added:
  2. *Evaluation Criteria:*
    - e) *Supply projections, including drought resilient supplies such as potable reuse, recycled water and desalination, which are not reliant on local or statewide hydrologic conditions.*

- Updated Contents of the Water Shortage Contingency Plan, Implementation. Authorities (Section 3.2.3) The decision when to declare an emergency and implement all appropriate actions described in CWC Section 350, et. seq. must be made at the local level and not required at a shortage level 3. The language should be revised to state:  
“Identify specific ordinances, resolutions, or other authorities, and address compliance with CWC Section 350 et seq. ~~Should a water supplier enter into Shortage Level 3 or higher, as described herein, there should be a water shortage emergency declaration and all appropriate actions described in CWC Section 350 et seq., must be implemented.~~ The shortage level at which the water supplier declares a water shortage emergency declaration and implements all appropriate actions described in CWC Section 350 et seq., will be determined by the water supplier based on locally appropriate circumstances.”

Thank you again for the opportunity to participate on the Urban Advisory Group. I look forward to continued collaboration as the framework objectives are implemented over the next several years.

Sincerely,



Maureen A. Stapleton  
General Manager

cc: The Honorable Frances Spivy-Weber, Vice Chair, State Water Resources Control Board  
The Honorable Dorene D'Adamo, Member, State Water Resources Control Board  
The Honorable Steven Moore, Member, State Water Resources Control Board  
The Honorable Tam Doduc, Member, State Water Resources Control Board  
Ms. Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown, Jr.  
Mr. Tom Howard, Executive Director, State Water Resources Control Board  
Mr. Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board  
Mr. Gary B. Bardini, Deputy Director, Integrated Water Management, Department of Water Resources  
Mr. Kamyar Guivetchi, Manager, Statewide Integrated Water Management, Department of Water Resources