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December 2, 2015

(12/7/15) Public Workshop
Urban Water Conservation
Deadline: 12/2/15 by 12:00 noon

Delivered by e-mail to: commentletters@waterboards.ca.gov

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

Subject: "Comment Letter – Urban Water Conservation Workshop"

Dear Chair Marcus and Members of the Board:

The South Tahoe Public Utility District (District) appreciates the opportunity to comment on the potential extension of the Emergency Regulation for Statewide Urban Water Conservation and the opportunity to participate in the previous working group meetings. The District's primary concern with the current regulation is the lack of consideration for the stability of the local water supply and certain environmental and economic factors that impact water use. Below we have proposed some ways to resolve these concerns and addressed the questions posed for public comment.

Please consider our comments when addressing the inequities within the current regulation. The South Lake Tahoe community has stepped up to conserve water for the past decade and they redoubled their efforts this year at the State's request.

Inequity in the current regulation

In Section 865(c) 2. of the regulation, it states that a water supplier with a minimum of four years' reserved supply of surface water is able to reduce their conservation standard to 4%. There is no such provision for water suppliers whose primary source is groundwater. We propose that an equitable credit for suppliers with a robust supply of groundwater be given the same consideration. Attached to this letter is a proposal for a credit for sustainably extracted ground water; we ask that you consider including this proposal in the revised regulation.

Another inequity in the current regulation is that the R-GPCD utilized for establishing the conservation standards was only calculated using the months of June through September. Water suppliers in the mountains with no outside watering during the winter months are placed into categories reflecting a much higher level of water consumption than is reality. A

more equitable method would be to utilize the R-GPCD for the entire time period of the regulation. For example, the District's R-GPCD drops by over 30 points when the entire time period of the regulation is used.

Water suppliers that have had conservation programs for many years are also penalized under the current regulation in that they receive no credit for the conservation they have already achieved. A more equitable means of applying the conservation requirement would be to establish the year of highest total water production within the past 10 years as the baseline year.

What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?
In addition to the changes mentioned above, a definition for "measurable precipitation" should be established to assist in the enforcement of this aspect of the regulation.

What additional data, if any, should the State Water Board be collecting through the Emergency Regulation and how should it be used?
No additional data should be required, other than information required for qualifying for a specific conservation credit. Water suppliers are already burdened with extensive reporting requirements. Any expense incurred in complying with reporting requirements is taking away funding for delivering potable water to our customers.

How should the State Water Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?
If the regulation is going to be extended, an initial maximum conservation target could be established, but the reservoir levels and snow pack should then be reevaluated on April 1st to establish a final conservation target.

Thank you again for providing us with this opportunity to provide comments on the potential extension of the Emergency Regulation for Statewide Urban Water Conservation.

Richard H. Solbrig
General Manager/Engineer

cc: Mr. Wade Crowfoot, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.
Mr. Tom Howard, Executive Director, State Water Board
Ms. Caren Trgovcich, Chief Deputy Director, State Water Board
Mr. Eric Oppenheimer, Director of the State Water Board's Office of Research, Planning and Performance, State Water Board
Mr. Max Gomberg, Climate Change Mitigation Strategist, State Water Board
Mr. David Bolland, Special Projects Manager, ACWA

Enclosure: Credit for Sustainability Extracted Groundwater

Emergency Conservation Regulations - Credit for Sustainably Extracted Groundwater

Why a Groundwater Credit?

- The conservation standards in the Emergency Drought Regulations should be applied fairly to all water suppliers.
- Water providers with abundant ground water supplies should be treated the same as water providers with abundant surface water supplies.
    - In the 2015 Emergency Drought Regulations, water providers that are able to prove that they do not import water and have at least a 4 year supply of surface water in a reservoir are allowed to reduce their conservation standard to 4%.
    - However, water providers that can prove that they do not import water and have decades of groundwater supplies had their conservation standards set based on their R-GPCD at levels much higher than 4%.
- The vast majority of conversation of potable water supplies across the state occurred in the home. It took the voluntary action of individuals and families to achieve the current level of conservation. If further conservation is mandated on communities that have abundant water supplies it will likely erode the responsiveness of the community to water shortages or drought in the future.

General Conditions

- No water producer's conservation standard should be increased because another water producer receives this credit.
- Taking advantage of this credit is entirely voluntary.
- The sustainability of water extracted from a ground water basin must consider collective actions of all water providers within a groundwater basin or sub-basin.
- Groundwater extraction must be demonstrated to not have a negative impact on water quality or subsidence.
- Groundwater supplies must be identified in an adopted Urban Water Management Plan or Water Resources Plan.
- An agency that uses groundwater from a groundwater basin that is being managed sustainably under an adopted groundwater management plan may reduce its conservation target through this credit.
- The minimum conservation standard for a water producer would be 4%.

Conditions for Receiving Credit

- Groundwater extracted by all users from a groundwater basin must be less than the recharge during a year of average precipitation as identified in an adopted Urban Water Management Plan, Water Resources Plan, or state approved Groundwater Sustainability Plan.

- Groundwater extraction must be consistent with quantities allowed under an adopted plan.
- An agency must demonstrate that there is at least a 10 year supply of groundwater in the basin for all users of that basin.
- The minimum conservation standard for a water producer taking advantage of this credit would be 4%.
- When calculating the R-GPCD to establish the conservation standard, the total water produced would be reduced by the percentage of sustainably extracted ground water planned to be utilized. This would establish an "Adjusted R-GPCD" to determine the water producers conservation standard
- Each month the water producer would report the total water produced and report the percentage of the total water produced that was sustainably extracted ground water.
- If the water producer does not utilize the percentage of sustainably extracted ground water they proposed, then then water producer reverts to the conservation standard established without the adjustment.

Example

Agency A has an R-GPCD of 117, as shown in table 1, which would result in a conservation standard of 28%.

Table 1: Agency A - R-GPCD June to September 2014

	Jun-2014	Jul-2014	Aug-2014	Sep-2014		For Period
Total Monthly Potable Water Production (MG)	150,000,000	150,000,000	150,000,000	150,000,000		600,000,000
Percentage Residential Use (PRU)	50%	50%	50%	50%		50%
Population	42,000	42,000	42,000	42,000		42,000
Days	30	31	31	30		122
R-GPCD	**119**	**115**	**115**	**119**		**117**

If Agency A proposes to use sustainably extracted groundwater for 25% of their total water production, their Adjusted R-GPCD is reduced to 88, as shown in Table 2, which would result in a conservation standard of 16%.

Table 2: Agency A - Adjusted R-GPCD June to September 2014						
	Jun-2014	Jul-2014	Aug-2014	Sep-2014		For Period
Total Monthly Potable Water Production (MG)	150,000,000	150,000,000	150,000,000	150,000,000		600,000,000
Sustainable Groundwater as Percent of Total Water	25%	25%	25%	25%		25%
Adjusted Total Monthly Potable Water Production (MG)	**112,500,000**	**112,500,000**	**112,500,000**	**112,500,000**		**450,000,000**
Percentage Residential Use (PRU)	50%	50%	50%	50%		50%
Population	42,000	42,000	42,000	42,000		42,000
Days	30	31	31	30		122
Adjusted R-GPCD	**89**	**86**	**86**	**89**		**88**

If the Agency meets a 16% conservation standard and produces 25% of its water from a sustainable groundwater supply the reporting period would be as shown in Table 3.

Table 3: Agency A - Monthly Water Supplier Reporting 2015					
	May-2015	Jun-2015	Jul-2015		
Total Monthly Potable Water Production (MG)	126,000,000	126,000,000	126,000,000		
Amount of Water Conserved compared to 2013 (MG)	24,000,000	24,000,000	24,000,000		
Percent Conservation Achieved	16%	16%	16%		
Sustainable Groundwater Produced (MG)	31,500,000	31,500,000	31,500,000		
Sustainable Groundwater as Percent of Total Water	25%	25%	25%		
Adjusted Total Monthly Potable Water Production (MG)	**94,500,000**	**94,500,000**	**94,500,000**		
	Aug-2015	Sep-2015	Oct-2015		For Entire Period
Total Monthly Potable Water Production (MG)	126,000,000	126,000,000	126,000,000		756,000,000
Amount of Water Conserved compared to 2013 (MG)	24,000,000	24,000,000	24,000,000		144,000,000
Percent Conservation Achieved	16%	16%	16%		16%
Sustainable Groundwater Produced (MG)	31,500,000	31,500,000	31,500,000		189,000,000
Sustainable Groundwater as Percent of Total Water	25%	25%	25%		25%
Adjusted Total Monthly Potable Water Production (MG)	**94,500,000**	**94,500,000**	**94,500,000**		**567,000,000**
			Percentage Residential Use		50%
			Population		42,000
			Days		183
			R-GPCD		**98**
			Adjusted R-GPCD		**74**