



CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

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July 14, 2014

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Ms. Jeanine Townsend
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State Water Resources Control Board
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**SUBJECT: Comment Letter on Proposed Drought Emergency Regulations
(July 15-16, 2014 Board Meeting)**

Dear Ms. Townsend:

On behalf of the California Municipal Utilities Association (CMUA), we thank you for the opportunity to comment on the draft emergency regulations for urban water agencies. CMUA represents the interests of the publicly owned utilities and many water districts throughout the state.

Reliance on Local Water Shortage Contingency Plans

The draft regulations require urban water agencies to “implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation.” The regulations also require each urban water supplier to prepare and submit a monthly monitoring report on the amount of potable water the urban water supplier produces and an estimation of the gallons of water per person per day used by the persons it serves.

In general, we commend the State Water Resources Control Board (SWRCB) for recognizing in its draft regulations that local water agencies should be allowed to implement their existing water shortage contingency plans as the primary mechanism for local drought response. Water shortage contingency plans have been prepared to reflect each community’s local priorities and preferences for restricting potable water use during a water shortage. CMUA agrees with this approach, however, we believe a number of changes are needed to ensure all agencies can comply with this section of the regulations.

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Water Shortage Contingency Plans: Wholesalers Urban Water Suppliers

The draft regulations apply to all urban water suppliers as defined under the Water Code Section 10617, which includes wholesale urban water suppliers. However, water shortage contingency plans of wholesale urban water suppliers may not have specific limitations on outdoor irrigation since the end use of water is generally the responsibility of water retail agencies. Additionally, the draft regulations require that wholesale urban water suppliers report water use to the SWRCB, which would already be reported by retail water agencies. For these reasons, CMUA believes the draft regulations need to be changed to clearly state how wholesalers can comply with this provision.

CMUA recommends that wholesale urban water suppliers whose water shortage contingency plans do not contain specific limitations on outdoor irrigation by end users be exempt from the requirements of Sec. X.2 (b) and (c) and that wholesalers not be required to provide the monthly monitoring report, as the information would be duplicative of the information received from the water retail agencies.

Water Shortage Contingency Plans: Agencies with Tiered Water Rates

Additionally, there are some retail water agencies that have adopted allocation (water budget) based tiered water rates that do not impose mandatory outdoor irrigation restrictions until the final, most severe stage of their water shortage contingency plan. This is because earlier stages have steep rate disincentives for excess potable water use and other prohibitions that do not include restrictions on outdoor irrigation. CMUA urges SWRCB to consider including a process in the regulations so that agencies with tiered water rates and these types of water shortage contingency plans can demonstrate that an earlier stage in their water shortage contingency plans can achieve comparable reductions in potable water consumption than restrictions on outdoor irrigation.

Clarify that Regulations Apply Only to Potable Water Use

As we understand, the draft regulations are intended to conserve potable water supplies and do not apply to the use of recycled water. While this is clear in some provisions of the draft regulations, it needs to be clarified in the following sections:

Sec.X1 (3) The application of **potable** water to any hard surface, including but not limited to driveways, sidewalks and asphalt, **except where the water is part of a recirculating system**; and

Sec.X2 (b) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on **potable water** outdoor irrigation.

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Sec. X2 (c) To promote water conservation, each urban water supplier that does not have a water storage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code Section 10632 shall, within thirty (30) days, limit outdoor **potable water** irrigation....

Sec. X2 (e) (1) Limit outdoor **potable water** irrigation by the persons it serves to no more than two days per week; or

Additionally, CMUA recommends that as part of promoting these regulations, SWRCB should encourage the use of recycled water, particularly for industrial and landscape purposes, if it is available to the customer. We also recommend that encouraging customers to switch to recycled water should be incorporated into the SWRCB's overall drought strategy. Further, Regional Water Quality Control Boards should be encouraged to swiftly implement programs to increase the availability and use of recycled water.

Conclusion

CMUA supports the SWRCB in its efforts to conserve potable water during this statewide drought emergency. While we believe some adjustments need to be made to the water shortage contingency plan portion of the draft regulations, we generally support the approach of allowing local agencies to respond to the drought through these local plans. While the drought creates many hardships for all Californians, we also believe it provides an opportunity to greatly increase the use of recycled water as an alternative water supply for the state. CMUA encourages the use of recycled water, but believes no water should be wasted -- potable or recycled water -- and supports existing state policies that prohibits the run off of recycled water.

Thank you in advance for your consideration of these comments. Please do not hesitate to contact me if you have questions or concerns regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Jennifer West". The signature is written in a cursive, flowing style.

Jennifer West
Director for Water