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April 29, 2015

VIA EMAIL: commentletters@waterboards.ca.gov

Re: Comment Letter – Emergency Conservation Regulation

Mountain Counties Water Resources Association (Mountain Counties) appreciates the opportunity to comment on the State Water Board’s proposed regulatory framework for implementation of the statewide 25% reduction in urban potable water use mandated by Governor Brown’s April 1, 2015 Executive Order.

Mountain Counties consists of 54 member entities located in all or a portion of 15 counties within the Sierra Nevada and Cascade mountain ranges. These foothill and mountain areas contain the headwaters for 40% of the state’s developed water supply and our members are vigilant stewards of these precious environmental resources.

The Fact Sheet released on April 28, 2015, mentions the many comments that spoke to the question of fairness and equity in the construction of the tiers in earlier drafts of the regulation. Concerns were raised about accounting for factors that influence water use, such as past conservation, climate, lot size, density, and income. Ultimately, the State Water Board determined that the tier structure proposed on April 18, 2015, was maintained as the best way to achieve the 25% water reduction called for by the Governor. This is not a valid determination as climate and past conservation can be accounted for through changes to the methodology as spelled out in an April 21, 2015, letter from El Dorado Irrigation District’s (EID) general counsel Thomas D. Cumpston. The hasty decision leads directly to the fairness and equity concern raised by many organizations. I encourage you to evaluate the EID alternative.

The Fact Sheet also specifically requested feedback on whether the conservation framework should be modified to double the number of tiers and use two percent increments instead of four percent. This change would provide further refinement for water suppliers that find themselves on one side or the other of a tier. While a two

percent change for an agency may help, it is not addressing the concern stated above.

Previously the State asked if there are other approaches to achieve a 25% statewide reduction in potable urban water use that would also impose a greater responsibility in water suppliers with higher per capita water use than those that use less. Most definitely Yes, there are. The current proposal is flawed, because it still is of a singular focus on per capita water use, without more applied factors and thus a poor means of determining each community's fair share of the conservation mandate.

That is not just the Mountain Counties opinion; it is also the opinion of the State as stated below and on the Drinking Water Information Clearinghouse website ("DRINC Portal")

<https://drinc.ca.gov/dnn/Applications/UrbanWaterR-GPCD.aspx>.

It is not appropriate to use R-GPCD water use data for comparisons across water suppliers unless all relevant factors are accounted for. Factors that can affect per capita water usage include:

- Rainfall, temperature and evaporation rates – Precipitation and temperature varies widely across the state. Areas with high temperature and low rainfall need to use more water to maintain outdoor landscaping. Even within the same hydrological region or the same water supply district, these factors can vary considerably having a significant effect on the amount of water needed to maintain landscapes.
- Population growth – As communities grow, new residential dwellings are constructed with more efficient plumbing fixtures, which cause interior water use to decline per person as compared to water use in older communities. Population growth also increases overall demand.
- Population density – highly urbanized areas with high population densities use less water per person than do more rural or suburban areas since high density dwellings tend to have shared outdoor spaces and there is less landscaped area per person that needs to be irrigated.
- Socio-economic measures such as lot size and income – Areas with higher incomes generally use more water than areas with lower incomes. Larger landscaped residential lots that require more water are often associated with more affluent communities. Additionally, higher income households may be less sensitive to the cost of water, since it represents a smaller portion of household income.
- Water prices – Water prices can influence demand by providing a monetary incentive for customers to conserve water. Rate structures have been established in many districts for water conservation, but the effectiveness of these rate structures to deter excessive use and customer sensitivity to water prices vary.

A fair and equitable framework would apply the above factors, which would set more stringent "baseline" conservation standards for all agencies throughout the state than the State Water Board has enacted to date.

We strongly support the interest to provide financial assistance to many rural and disadvantaged water districts to help achieve their conservation goals. Many of the rural mountain counties water districts do not have the resources to fund new technology, rebates, public education, outreach, or cost-of-service water rate studies to improve water conservation efforts. Fines and other punitive actions do not instill a collaborative working relationship with the water agencies and are simply counter-productive. One means of creating a positive incentive would be to allocate state grant monies to assist these water districts with their conservation efforts and other activities. Providing financial assistance to assist with this process should be a state priority!

Mountain Counties appreciates this opportunity, however abbreviated, to comment upon the revised regulatory framework. Unfortunately, in our view the framework is still flawed and not well-suited to achieve success.

While time is of the essence, the extra time spent in the development of a sound framework as defined in the California DRINC web portal will provide a better chance for success. We request and encourage the State Water Board to delay the May 5, 6, 2015, action and establish a working group that can dedicate time to expediently consider the additional information and proposed remedies, which are straightforward and feasible, when crafting its final regulation.

If you have any questions, or if I can be of any assistance, please contact me directly.

Sincerely,



John Kingsbury, Executive Director
Mountain Counties Water Resources Association

c: Board of Directors, Mountain Counties Water Resources Association

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