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April 13, 2015

VIA EMAIL TO jessica.bean@waterboards.ca.gov

Re: Proposed Regulatory Framework for Mandatory Conservation Measures

Dear Jessica Bean:

Mountain Counties Water Resources Association (MCWRA) 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.

MCWRA 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.

A Fact Sheet accompanying the proposed framework included seven questions to help focus public comment. Several MCWRA members have or will be submitting comments to all or some of the questions, which we support. This letter reflects the importance of some of those responses that should serve as a basis for consideration if the State is to provide an equitable statewide methodology that water agencies can embrace.

Under the current proposal, the framework will undermine, not foster, the state-wide unity of purpose necessary to reach the 25% conservation mandate.

❖ ***Are there 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?***

Yes, there are. The current proposal is significantly flawed, because a singular focus on per capita water use, without more applied factors, is a poor means of determining each community's fair share of the conservation mandate.

Executive Members

Amador Water Agency (AWA)

Calaveras County Water District (CCWD)

County of Amador

County of Calaveras

County of Placer

El Dorado County Water Agency (EDCWA)

El Dorado Irrigation District (EID)

Foresthill Public Utility District (FPUD)

Grizzly Flats Community Services District (GFCSD)

Georgetown Divide Public Utility District (GDPUD)

Nevada Irrigation District (NID)

Placer County Water Agency (PCWA)

South Tahoe Public Utility District (STPUD)

Tuolumne Utilities District (TUD)

Twain Harte Community Services District (THCSD)

That is not just the MCWRA's opinion, it is also the State Water Board's: at its Drinking Water Information Clearinghouse website ("DRINC Portal," <https://drinc.ca.gov/dnn/Applications/UrbanWaterR-GPCD.aspx>) the State Water Board states, "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. . . population growth. . . population density. . . socio-economic measures such as lot size and income. . . water prices."

A fair regulation would adjust R-GPCD figures to take climate, population density, and past conservation performance into account, and it would set more stringent "baseline" conservation standards for all agencies throughout the state than the State Water Board has enacted to date.

Following are some specific suggestions for including these factors.

R-GPCD is a basis to establish baseline conservation data. In order to establish a fair statewide regulation, R-GPCD must include several variable factors specific to each water purveyor including population density, population growth, east slope-west slope, temperature, rainfall, evaporation rates, topography and socio-economic measures, such as lot size and income, land use, and past conservation efforts. For example:

- A statewide tier system that does not take climate into account does not make fair comparisons
 - Variables across the state include:
 - temperature, rainfall, evaporation rates, topography
- A statewide tier system that does not take population density into account does not make fair comparisons
 - Variables across the state include:
 - lower-density populations typically have larger, older homes and larger parcels
 - newer home populations are more efficient and often in dense areas
- A statewide tier system that does not take past conservation performance into account does not make fair comparisons
 - Variables across the state include:
 - One water district's conservation rate might be 10%, another 45%, with similar R-GPCD numbers, yet both are mandated to conserve 35%, simply because their R-GPCD numbers were nearly identical

❖ ***What enforcement response should be considered if water suppliers fail to achieve their required water use reductions?***

Enforcement should focus on improving an agency's mandated conservation actions, because compliance cannot be achieved without customer cooperation. Fines or other punitive actions against a water district will not create water, nor will they incentivize customers to improve their conservation. Many rural and disadvantaged water districts do not have the resources to fund new technology rebates or cost-of-service water rate studies to improve water conservation efforts. Fines and other punitive actions only make things worse. One means of creating a positive incentive would be to allocate state grant monies to assist water districts with conservation and other activities.

MCWRA appreciates this opportunity, however abbreviated, to comment upon the proposed regulatory framework. Unfortunately, in our view the framework is seriously flawed and not well-suited to achieve success. We hope the State Water Board will seriously consider our proposed remedies and others from our member agencies, which are straightforward and feasible, when crafting its draft and 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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