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December 2, 2015

Jeanine Townsend, Clerk to the Board  
 State Water Resources Control Board  
 1001 I Street, 24th floor  
 Sacramento, CA 95814

*Electronic Submission: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)*

Regarding: Comment Letter – Urban Water Conservation Workshop

Dear Ms. Townsend;

The Mountain Counties Water Resources Association (MCWRA) appreciates the opportunity to comment on the potential extension of the Emergency Regulation for Statewide Urban Water Conservation.

**What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?**

MCWRA's primary concern with the current regulation is inequity within its framework. The current regulation is a singular focus on per capita water use. Without more applied factors it is a poor means of determining each region's fair share of the conservation effort.

If the State Water Resources Control Board (SWRCB) extends the Emergency Regulation, it is encouraged to modify the framework by considering the factors as outlined in its own web portal:

**Drinking Water Information Clearinghouse** ("DRINC Portal," <https://drinc.ca.gov/dnn/Applications/UrbanWaterR-GPCD.aspx>).

Information on the SWRCB website says that a fair regulation would adjust R-GPCD figures to take climate, population density, and past conservation performance into account. By its own admission, the SWRCB states, "It is not appropriate to use R-GPCD water use data for comparisons across water suppliers unless all relevant factors are accounted for."

R-GPCD is a basis to establish baseline conservation data. In order to establish a fair statewide regulation, R-GPCD should 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:

- 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.
- 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.

At a minimum, these factors could be applied regionally by using the California's Hydrologic Regions and Overlay Areas from the California Water Plan, Update 2013 also shown on the SWRCB web portal.

**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 collected from the water purveyor other than data necessary to qualify for a specific credit for past conservation efforts, data on reduction of conveyance loss, improvement in treatment efficiency, or development of new source water (desal). Water suppliers are already burdened with high costs to satisfy extensive reporting requirements. The SWRCB should consider this as an opportunity to evaluate existing requirements and seek to reduce any unnecessary reporting.

**How should the State Water Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?**

Each month from January through the end of March could cause the drought pendulum to swing such that the SWRCB should exercise extreme caution extending the Emergency Regulation until the snow has stopped and the water content measured in the watershed. This past summer, families across California have gone to great lengths to conserve in the face of the drought. A Sierra full of snow and full reservoirs and an extended Emergency Regulation will send a mixed message to consumers. It is critical to make the right decision at the right time or we will jeopardize our credibility with the consumer and risk failure.

Further, the SWRCB is by authority and mandate focused on the reducing water demand side of the equation affecting people, agriculture, habitat, and the environment. The SWRCB is encouraged and supported to concurrently seek implementation of projects to increase water supply across the state and address the

multiple drivers that affect fish in the Delta to help mitigate the demand on California's stressed water delivery system for people, the Delta and its watershed.

In the August, 2015 Delta Independent Science Board review of flows and fishes in the Sacramento-San Joaquin Delta, the Board reported that flow is but one factor affecting fishes and its effects are confounded by other drivers of fish production in the ecosystem, including habitat alteration and loss, resource use and exploitation, invasive species, pollution, and climate. These drivers affect the statewide water system balance and we should concurrently implement projects to mitigate the drivers, thereby reducing water demand within the Delta.

The SWRCB has discretionary authority to balance supply and demand all of which must be integrated for people and the environment, not one or the other. If the key is achieving the state's co-equal goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta and its watershed ecosystem in times of drought and for the long-term, then we must consider a comprehensive integrated approach addressing not just conservation, but all the drivers that factor into overall water demand.

Thank you for the consideration. If you have any questions, I can be reached at 530.957.7879.

Sincerely,



John Kingsbury, Executive Director  
Mountain Counties Water Resources Association

c: Board of Directors, Mountain Counties Water Resources Association

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