



South Tahoe Public Utility District

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January 28, 2016

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

Dear Ms. Townsend:

The South Tahoe Public Utility District (District) appreciates the opportunity to comment on the January 2016 Proposed Changes and Extension of the Emergency Water Conservation Regulation.

The District is located within the Sierra Nevada Mountain Range. Significant portions of our service area have been designated by the State of California as Disadvantaged Communities (DAC). We are located inland and are within areas with much higher evapotranspiration rates (ET) than cooler, coastal regions. As a relatively small agency that does not enjoy the large service population, economy of scale, or the luxury and efficiency of water systems that were recently constructed, we work diligently to keep our rates at an affordable level for our community. Additionally, 100 percent of our water supply comes from a groundwater basin that is not in overdraft and the total groundwater extracted from the basin is well within the average annual recharge. During the recent drought we have seen minimal impact to the water level in our wells. In the winter months there is no outside landscape irrigation and our monthly Residential Gallons Per Capita Per Day (RGPCD) ranges from 60 to 45 RGPCD depending on the number of vacationers visiting our area.

The initial Emergency Water Conservation Regulations could have been dramatically improved if more time had been available to refine them. Unfortunately, the time was not available and we have done what we could to comply with them.

The proposed regulations make very difficult demands on small, less affluent, modestly staffed agencies like ours. The proposed regulations fail to recognize our significant prior investments in water use efficiency, fail to recognize the conditions of our ground water basin, and fail to recognize the value of snow making to our local economy.

We request that the Board consider these comments and make the necessary changes in the Emergency Regulations and move California's focus on water resources beyond end-user conservation and into system-wide water use efficiency. While the former has its utility as an abbreviated form of water management, the latter represents the future of California's water resources consistent with the Governor's California Water Action Plan, as well as the California Water Plan Update management. Only through implementation of those plans can we create a more sustainable, reliable future for California's people, environment and agriculture.

Specific Comments –

Section 863(a)(4) The phrase, *“if drought conditions persist through January 2016...”*. A modification is suggested to refine and improve the utility of the Governor's Executive Order, such that it is more applicable to SWRCB actions. Specifically, the term “drought” should be defined within the context of the California Resources Agency's existing terminology.

“Drought can best be thought of as a condition of water shortage for a particular user in a particular location. Hydrologic conditions constituting a drought for water users in one location may not constitute a drought for water users in a different part of California or for users with a different water supply. Individual water suppliers may use criteria such as rainfall/runoff, amount of water in storage, or expected supply from a water wholesaler to define their water supply conditions. Similarly, defining when drought ends is based on the moderation of drought impacts to water users.”¹

Utilization of this definition would predicate a more detailed and (at a minimum) accurate assessment of water supply conditions to determine local supply status. The necessary information regarding upstream watersheds is readily available from a combination of snow-pack assessments, monitoring stations, stream gauge recordings and reservoir storage conditions. The SWRCB should utilize that information, as it represents a more robust and useful description of what the drought conditions may or may not be in various regions of the state. This would move the Board away from a singular statewide standard and more towards a more specific and applicable suite of standards

¹ California Department of Water Resources, Drought Background, DWR web page, 2016

based on more detailed conditions in specific watersheds. Moreover, as the water year progresses, such information would enable the Board to make a more informed decision regarding the relative conditions within watersheds and whether continued regulatory actions as currently drafted need be applied.

Section 865 (c)(1)

These regulations are being promulgated to implement the Governor's Executive Order B-36-15. Therefore, there is no logical reason that the regulation should just be limited to potable water (as currently proposed in section 865 (c)(1)). The Governor's Executive Order specifically directs the Water Board to, "...consider modifying its existing restrictions to address uses of potable **and non-potable water**, as well as to incorporate insights gained from existing restrictions".² (emphasis added)

We urge the Board to consider the logic and utility of incorporation of raw water efficiencies as well as potable water efficiencies, should drought conditions persist and emergency regulations be necessary.

Section 865 (c)(2)

The proposed regulation does not incorporate the value and utility of existing supplies now in storage, within the same watersheds. Neither surface storage nor managed groundwater storage are given accommodation as to their value in mitigating the effects of a drought. Factually, storage conditions vary by location within the watersheds and the service area of the individual agency. For that reason, storage levels in SWP and CVP, or even downstream local agency "rim dam" storage does not adequately describe upstream storage facilities owned and operated by local water agencies that generally hold senior water rights.

The regulation would be functionally more applicable if it incorporated local water supplies in storage as well as likely increases in storage as the water year progresses. We recommend that Section 865 (c)(2) should be revised as follows.

"Each urban water supplier whose source of supply does not include water imported from outside the hydrologic region in which the water supplier is located, and has storage or other supplies as defined in this section, may submit to the Executive Director for approval a request that in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total water production for each month less any adjustments as provide in section 865 (a)(4)(b)(2) by the amounts set out in this section as compared to the same amount used in 2013."

² Governor's Executive Order B-36-15, page 2, item #3

“The presence of a surface storage supply secured by water rights held by the subject water supplier, or a groundwater supply in an adjudicated groundwater basin, or a groundwater basin in which average annual natural recharge is greater than the average annual use, or a managed groundwater basin not classified as being in a state of critical overdraft, or a combination of both surface and groundwater storage, or incorporating desalination supplies, shall modify any water use reduction requirements under paragraphs (3) through (10) as follows:

- 1). An existing supply (based on 2013 consumption figures) of 48 months or more will require 0% reduction in water use.
2. An existing supply of 30-47 months (based on 2013 consumption figures) will require a 2% reduction in water use.
3. An existing supply 18-29 months (based on 2013 consumption figures) will require an 4% reduction in water use.
4. An existing supply 12-17 months (based on 2013 consumption figures) will require a 6% reduction in water use.

The agency requesting such relief shall provide the necessary data to support the reduction provisions as provided for in this section. Failure to produce the data within 45 days of notice by the Board shall nullify the agency’s ability to utilize the relief provided within this section.”

Section 865 (e)

The Emergency Regulations subtract water for use under Government Code Section 51201 Subdivision (b). The revised regulations continue to allow for this exception if there is a certification that the customers whose water use is subtracted produce a minimum of \$1,000 per year in revenue. The recreational use of land is recognized as beneficial in this same Government Code Section 51201. Snowmaking for recreational use is an absolutely critical component to our winter-time economy and is beneficial to both the environment and the state’s water resources. Per studies conducted for the Truckee River Operating Agreement, 84 percent of the water used for snowmaking is returned to the watershed. Charging our agencies 100 percent for 16 percent use is unreasonable and arbitrary.

Section 865 (f)

We applaud the proposed recognition of differences in climate in various parts of the state, as well as the nod towards local drought-resilient sources of (potable) water supply; however, we are disappointed with the proposed narrow focus of this section.

All potable water supplies in California begin as raw water. This section fails to capture that fact in identifying drought resilient water supplies. This section should not be limited to "new" drought resilient sources. All sources of supply were at some point in time "new." The more salient point is, are the sources (raw and potable) drought-resilient, irrespective of when they were implemented? The regulations are too narrow, because they lack accommodation of those programs and projects in which water agencies have invested significant amounts of local funds in the past. We do not understand the logic or utility of "capping" reductions at 8 percent maximum. The SWRCB should not be placing caps, but rather rewarding agencies commitments to greater efficiencies and investments in drought-resilient supplies.

System Wide Efficiencies

We urge the SWRCB to allow for the consideration of total water system efficiencies and not simply end user R-GPCD metrics. For example, efficiencies in raw water distribution systems can be a very cost effective way to increase the efficient use of water resources. Total water saving is after all, the objective of the efficient use of water. Therefore, the Board should provide for inclusion of distribution system efficiencies, as defined by the local water agency consistent with SBX 7-7, as one more way to improve the efficient use of water. This could best be accommodated by revising the references in the regulations from (treated) water production, to allowing for water system efficiencies as provided in SBX 7-7.

Thank you for the opportunity to provide comments. We look forward to working with you on achieving an efficient use of water resources for California.

Sincerely,

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

Richard H. Solbrig
General Manager/Engineer

Cc: Dave Bolland, ACWA
John Kingsbury, Mountain Counties Water Resource Association
Travis Johnson, Senator Gaines' Office
Kirk Kimmelshue, Assemblyman Bigelow's Office