DRAFT MEETING SUMMARY

Executive Order B-37-16

Water Shortage Contingency Plan (WSCP) Public Workshop

October 3, 2016 | Sacramento, CA

CA Department of Water Resources, State Water Resources Control Board, Department of Food and Agriculture, California Public Utilities Commission, and California Energy Commission

Prepared by the Center for Collaborative Policy (CCP)

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Meeting Objectives

Present and receive comment on a framework and key concepts that would result in Water Shortage Contingency Plans (WSCPs) that water suppliers are able to implement quickly and effectively during statewide droughts as directed in Executive Order B-37-16.

Background

Executive Order B-37-16 (EO) builds on the conservation accomplished during the recent drought and implementation of the Governor's California Water Action Plan and temporary statewide emergency water restrictions to establish longer-term water conservation measures. The full text of the EO can be found online at http://www.water.ca.gov/wateruseefficiency/conservation/.

The EO designates several responsibilities to the Department of Water Resources (DWR), California State Water Resources Control Board (SWRCB), Department of Food and Agriculture (CDFA), California Public Utilities Commission (CPUC), and Energy Commission (CEC) (collectively, the EO State agencies) to satisfy the EO Directives. The EO State Agencies have been working in project teams (collectively, the EO Project Teams) to address the various components outlined in the EO Directives.

The EO specifically directs DWR and SWRCB to consult with urban suppliers, local governments, environmental groups, and other partners to update requirements for water shortage planning (Refer to EO Directives #8, #9, and #10). This public workshop was a continuation of the water shortage contingency planning discussions conducted at the recent September 19-20 Urban Advisory Group (UAG) meeting. The focus of this workshop was on the proposed Water Shortage Contingency Plans (WSCP) framework for urban suppliers, principally, the development of standards for: WSCPs, annual assessments, WSCP triggering criteria, staged responses, and reporting requirements.

Workshop Summary

(*Presentation slides were the same as those presented at the September 19-20 UAG meeting. Refer to Appendix A for the WSCP presentation slides extracted from the UAG meeting.)*

Unless noted otherwise, responses are from the WSCP Project Team, which includes DWR staff and independent consultants.

A. Welcome, Introductions, and Agenda Review

Meagan Wylie, Center for Collaborative Policy (CCP) facilitator, opened the webinar and reviewed the agenda. In-person attendees introduced themselves; over 100 individuals joined remotely through webinar (Refer to Section D for a list of attendees). Kent Frame and Diana Brooks, DWR, welcomed attendees, thanking them for their continued participation.

Mr. Frame invited attendee Paul Helliker, Humboldt Bay Metropolitan Water District (MWD), to summarize a recent document that several water agencies shared with DWR recently. Mr. Helliker explained the document presents a proposed framework for drought planning and response in California, and identifies the roles and responsibilities of urban water suppliers and State agencies. Mr. Helliker said the document can assist water shortage planning discussions and offered to share the document with any interested parties. UAG members also received a copy of this document.

B. WSCP Framework Review and Discussion

Kent Frame briefly reviewed the proposed WSCP framework as it was presented at the last UAG meeting, focusing on the proposed WSCP elements, the State's role, reporting, compliance, and enforcement protocols, possible variants for the annual assessment and drought risk analysis (or "stress test"), and the proposed triggers.

Attendees were first invited to ask clarifying questions about the proposed WSCP framework, followed by a facilitated discussion allowing attendees to provide their input on the framework (i.e., risk analysis and WSCP annual assessments, triggering criteria, stages and local responses, and reporting and compliance).

Clarifications

In response to questions following the presentation, EO State agency staff clarified the following:

Reporting, Compliance, and Enforcement

- The communication plan would likely include details such as lines of communication, entities involved in the communication, possible messaging, etc.
- If a supplier's WSCP is invoked, that supplier would report monthly to the State on how it is implementing its WSCP. If the supplier is meeting the goals set forth in its WSCP, it is not subject to State enforcement actions. DWR and SWRCB envisions the State's role is

to review plans for completeness and accuracy (although the process for determining completeness and accuracy is still yet to be determined).
    - If a supplier fell short of its goal, the State would first likely contact the supplier to determine why. They would then explore options to assist with meeting its goal, such as providing technical or financial assistance. The EO contains an enforcement component, but the State agencies prefer to reserve that as the last course of action.
- The percent reduction calculation will not include a singular baseline that crosses over multiple years (e.g., not comparing demand to 2013 demand). The State proposes that suppliers will calculate percent reduction based upon the difference between the expected unconstrained water use for that current year (calculated early in the current year) and the resulting water use after certain demand reduction action(s) have occurred (tracked and measured later that year).
- If suppliers forecast a water shortage in future years, the State does not expect suppliers to implement conservation actions in the current year.
- Monthly reporting requirements in a drought emergency would not include much more than the current monthly reporting to SWRCB. Additional required information could include how the supplier is responding to the emergency.

Local-Level Planning

- The proposed WSCP framework is meant to support local water shortage planning implementation, monitoring, and assessments to avoid water shortages. Ideally, this local-level planning and implementation under a more robust water shortage planning framework will prevent a statewide emergency declaration. However, that does not preclude the State from doing so if such an extreme emergency arises.
- The EO State agencies recognize that as they develop the WSCP triggers, they should also consider the context and implications for WSCP activation (e.g., aqueduct contamination).
- Local agencies (not the State) determine their risk tolerance for the stages and the responses for the various stages.
- The water shortage planning framework does not intend to grant SWRCB the authority to deploy conservation requirements on water suppliers without the Governor declaring a state of emergency.

County Water Shortage Planning

- DWR will hold a county-focused workshop on October 13 to address EO Directive #10.
- The new WSCP requirements will likely include a component at the supplier level to address communication with neighboring entities to support coordinated countywide and/or regional efforts.

Assessment Variants

- At the last UAG meeting, the State proposed an annual assessment of the current year's supplies as well as a drought risk analysis of the following five years under drought

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conditions (those specific conditions have yet to be determined); the five-year drought risk analysis would be submitted annually along with the annual assessment of the current year. Based on stakeholder feedback at the UAG meeting, the State decided to hold another workshop to further explore these assessment variants.

- The proposed annually-submitted five-year risk analysis serves a separate purpose from the annual assessment. The annual assessment reports on the current year conditions and guides whether actions from the WSCP are needed. The five-year risk analysis helps forecast conditions under certain scenarios; annual five-year risk analyses are meant to help ensure suppliers adapt as conditions change.
- The components of the five-year drought risk analyses have yet to be determined. The State agencies may suggest possible criteria in the EO Final Report and/or recommend a process to develop and finalize that criteria. The drought risk analysis will likely include a five-year worst case scenario component; other criteria could include incorporating paleo data, climate change data, and/or extreme drought conditions (e.g., 1976-77 conditions).

Other

- The EO State agencies hope to present the straw proposals that will be in the EO Draft Report (e.g., components of the drought risk analysis) at the upcoming October 20 UAG meeting.
- The EO requires a minimum five-year water shortage planning period.

Discussion

The recommendations and comments identified below were made by members of the public unless otherwise indicated as a UAG member question/comment.

Water Management Planning Requirements

UWMPs and WSCPs

- WSCP requirements should focus on short-term planning (i.e., responses to current and near-term droughts), and the Urban Water Management Plan (UWMP) should focus on long-term planning (i.e., resiliency to future droughts). It was requested of the State to maintain a clear distinction between the short-term planning and long-term planning efforts.
- The WSCP should be robust and effective enough to outline what actions to take in the event of a water shortage, replacing the need for annual five-year analyses. This will also minimize and ideally avoid statewide water use mandates.
- Consider the issue that local agencies may incorporate possible development (e.g., new commercial demand users) into their planning scenarios, but will not actually take actions on something that may not develop. The State should allow flexibility for suppliers to develop plans that describe how they will meet future demand, and deployment of specific and appropriate management actions to the forecasted risks at applicable times.

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- UWMPs and five-year drought risk analyses should consider both supply and demand.
- Consider that managing "surplus" supplies to achieve a higher starting water year supply imposes changes on reservoir operations and has other implications (e.g., flood control reservations).
- The new WSCP targets appear to address a small number of insufficient WSCPs, but many existing shortage plans are robust and achieved their demand reduction goals during the current drought. The State should focus on improving the insufficient WSCPs.
- Current UWMP and WSCPs may warrant crucial improvements (e.g., clarifying what information goes to the State), but strengthening response requirements should be local decisions.
- The EO Final Report should include language about how the State and suppliers plan to address climate change impacts and learn from one another to demonstrate to the Governor and the public that the agencies are fully aware of this larger planning challenge.
- Waste water management agencies may require additional water to push the water through their waste water systems, if the system lacks sufficient pressure resulting from imposed water use restrictions. The State should not penalize local agencies if they need to use freshwater to maintain this system for public health.

Risk Analyses and WSCP Annual Assessments

WSCP Annual Assessments

- Many water agencies would likely support submitting annual supply and demand assessments, as many of them already develop those.

Five-Year Drought Risk Analyses

- Five-year drought risk analyses developed and submitted annually present too many problems (e.g., litigation vulnerability).
    - DWR Response: Any information that specifically describes onerous impacts would help the State understand the potential burden on local agencies.
- Many attendees expressed their support to submit a five-year drought risk analysis as part of its UWMP (which would require modifying two sections in the Water Code to incorporate this type of five-year planning), rather than annual submissions.
- Rather than an annually-submitted five-year drought risk analysis, the State could require water agencies reevaluate their five-year risk analysis only if extreme water shortage conditions develop and fall outside the planning scope and assumptions of the original assessment.
- If the State plans to require annual five-year drought risk analyses, it needs to clearly describe how it will specifically use that information, how it will process that information from 400+ suppliers annually, and how suppliers would realistically use that information to inform their management actions in the current year.
- The five-year drought risk analysis seems to create unrealistic scenarios (e.g., five years of forecasted drought combined with a five-year drought already underway). Assessing

unrealistic scenarios diverts resources and is not cost-effective for suppliers or the State. Additionally, suppliers will likely not use this information to make management decisions.

- The State needs to ensure water retailers communicate and coordinate with wholesalers to help retailers predict their future supplies. DWR and federal water forecasts will also be essential to evaluate statewide conditions.
- Suppliers can conduct annual assessments of the current year conditions using in-house staff; however five-year drought risk analyses may require hiring technical consultants. Therefore, conducting annual five-year risk analyses may lead to a substantial cost burden to suppliers (especially smaller suppliers) and their customers.
- Future discussions between the State and stakeholders could include:
    - Are the current UWMP worst case scenarios severe enough, or do they require revisions?
    - How can suppliers incorporate climate change impacts into their planning?
    - How can suppliers demonstrate to the State they are planning responsibly and responding appropriately as water conditions change without inflicting unnecessary burden onto suppliers and their customers?
    - How can the UWMP and WSCP requirements address long-term and short-term planning needs (respectively), while keeping the long-term planning distinct and separate from short-term planning?

WSCP Triggering Criteria

- A statewide universal trigger seems too flawed and cannot appropriately address the State's diversity.
- Triggers should be defined at the local level by the local agencies.
- The triggers should be based upon shortages rather than surpluses (refer to Slide 31, Appendix A).

WSCP Stages and Local Responses

- Overall, local agencies need the flexibility to describe stages and develop their own toolbox of response measures that suit their local conditions.
- Incorporate flexibility into the communication plan requirements. Suppliers will need to customize components such as messaging depending on the drought conditions, varying hydrological conditions, diverse communities, resources available, etc.
- Local agencies must have the authority to set rates and not the State. The local agencies must have the flexibility to determine what financial strategies will best work for their particular customers.

Kent Frame suggested that DWR / SWRCB develop a guidebook of actions suppliers may undertake as an educational tool. Several attendees supported this idea and suggested what information to include in the guidebook:

- List agencies that have deployed a particular tool/action so other entities can contact that agency for additional details.

- Include how other agencies have incorporated climate change considerations into their planning.

WSCP Reporting and Compliance

- The five-year drought risk analyses that include worst case scenarios may result in skewed interpretations and messaging of that information. The State needs to consider these possible consequences if all reports are publicly available.
- DWR and SWRCB likely lack the capacity to conduct a robust review of the proposed 400+ five-year drought risk analyses on an annual basis. Requiring these annual drought risk analyses seems impractical for both the State and local water suppliers.

C. Closing Comments

Kent Frame thanked attendees for their participation and input. He said DWR and SWRCB staff will relay attendees' suggestions and concerns to the other agencies and develop straw proposals to share at the October 20 UAG meeting.

He reiterated the county-focused Workshop will occur on October 13 in Sacramento. Further details can be found on the DWR Water Calendar. Several attendees encouraged DWR to ensure both large and small water suppliers are involved in these county-specific discussions. Mr. Frame invited suggestions on who DWR should contact (e.g., counties' Office of Emergency Services).

D. Attendees

Full Name	Affiliation
Joe Berg* (webinar)	Municipal Water District of Orange County
Jennifer Burke* (webinar)	City of Santa Rosa
Toby Goddard* (webinar)	City of Santa Cruz
Frank Loge* (webinar)	University of California, Davis
Sue Mosburg* (webinar)	Sweetwater Authority
John Woodling* (webinar)	Regional Water Authority
Dave Bolland	ACWA
Chris Brown	
Shannon Cotulla	South Tahoe PUD
Dana Friehauf	San Diego County Water Authority
Brandon Goshi	Metropolitan WDSC

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Paul Helliker	Humboldt Bay MWD
Evan Jacobs	Cal-Am Water
Noelle Mattock	Substitute for David Pettijohn*, LADWP
Jennifer Nevills	Metropolitan WDSC
Cathy Pieroni	City of San Diego
Amy Talbot	Regional Water Authority

**UAG Member*

Agency and Consultants

Full Name	Agency/ Organization
Diana Brooks	Department of Water Resources
Kent Frame	Department of Water Resources
Greg Young	Tully & Young
Yung-Hsin Sun	MWH
Meagan Wylie (Facilitator)	Center for Collaborative Policy, CSUS
Stephanie Horii	Center for Collaborative Policy, CSUS

The following Agencies/Organizations attended via Webinar:

Alameda County Water District
Aleshire & Wynder
American Water
Bay Area Water Supply & Conservation Agency
Bella Vista Water District
Brown and Caldwell
CA Municipal Utilities Association
CA State Association of Counties
Cal Water
Camrosa Water District
Carollo Engineers
Casitas MWD
Central Basin MWD
City of Livermore
City of Anaheim
City of Burbank
City of Corona
City of Davis
City of Fullerton
City of Huntington Park
City of Lakewood
City of Lompoc
City of Oceanside
City of Paramount
City of Petaluma
City of Pittsburg
City of Poway
City of Reedley
City of Riverside
City of Roseville
City of San Diego
City of San Luis Obispo
City of Santa Cruz
City of Santa Maria
City of Santa Rosa
City of Turlock
City of Vallejo
City of Ventura
City of Whittier
Coachella Valley WD
Coastside County WD

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Community Water Center
Contra Costa WD
County of Sacramento
County of San Luis Obispo
Covello Group
Del Oro Water Company
Delta Stewardship Council
Dublin San Ramon Services District
DWR
East Bay MUD
Easter MWD
Elsinore Valley MWD
Foothill MWD
Geosyntec Consultants
Goleta WD
Great Oaks Water Company
Helix WD
Humboldt Bay MWD
Irvine Ranch WD
Las Virgines MWD
Long Beach Water
Los Angeles Dept of Water and Power
Marina Coast W.D
Mesa WD
Minasian Law Firm
Mojave Water Agency
Monte Vista WD
Moulton Niguel WD
MWD of Orange County
Nevada ID
Olivenhain MWD
Otay WD
Padre Dam MWD
Regional Water Authority
RMC Water and Environment
Robert D. Niehaus, Inc.
Sacramento Suburban WD
San Diego County Water Authority
San Dieguito WD
San Francisco PUC
Santa Fe ID
Santa Margarita WD
Severn Trent Services
Sonoma County Water Agency
Stetson Engineers
Sweetwater Authority
Trabuco Canyon WD
Tuolumne Utilities District
UC Davis
US EPA
Van Dyke Landscape Architects
Vista ID
Water Systems Consulting, Inc.
West Valley WD
Western MWD
Wholly H20
Yuima MWD
Zone 7 Water Agency

E. Appendices

A – WSCP Presentation Slides Extracted from the September 19-20 UAG Meeting

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