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From: John Woodling <jwoodling@rwah2o.org>
Sent: Friday, August 26, 2016 10:22 AM
To: DWR Water Use Efficiency
Cc: Amy Talbot
Subject: Comments on process for EO B-37-16

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Greetings,

Thank you for the opportunity to comment and to participate on the Urban Advisory Group. We appreciate the efforts of DWR and the SWRCB to have a robust stakeholder process under the short timeframe required for responding to the EO.

I am providing some high level comments and concerns below, followed by a number of specific comments, questions and concerns for consideration. These comments represent a work in progress to support a better outcome from the stakeholder process, and should be considered draft. We look forward to continuing to be engaged in the process and to commenting on a specific State agency proposal in the future.

Summary Comments

Executive Order B-37-16 is entitled "Making Water Conservation a California Way of Life. This is also the first element of the California Water Action Plan. To be successful in this endeavor, the state must recognize that this must be appropriately applied to all Californians and their activities. The process laid out for response to the EO relies too heavily on setting standards that water providers will be held accountable to meet. Other mechanisms to reduce water use must also be considered and implemented.

The state must present a clear and compelling vision of what they are trying to achieve. Standards for the sake of standards and conservation for the sake of conservation are not enough. The state must answer a number of specific questions, including:

- How much "more" conservation is needed beyond current requirements?
- What are the specific benefits that are expected from this increased conservation?
- How will the state ensure that water conserved remains available to those water providers that conserved?
- How will the State balance investment in resiliency of supplies with water efficiency efforts?

State staff has implied that quantified standards and targets for indoor and outdoor residential use will be developed, but have not laid out an adequate technical process to propose and validate such standards. In light of the short timeframe, we recommend that the state develop by the deadline only a framework and process for adding quantification to the standards and targets, and for considering the numerous factors required to "customize the targets to unique conditions as required in the EO.

Throughout the process, it will be important to consider whether specific actions represent "conservation" or "water efficiency," which will vary depending on each water providers specific water supply

conditions. Similarly, the cost effectiveness of specific actions must be one of the elements that is “customized” in the development of standards and targets

Specific comments

Conservation as a way of life

- Should apply to all Californians and their activities, and be appropriately implemented for each aspect of water conservation.
- All available mechanisms to change behavior of water users should be considered.
- Enforceable standards on water providers are not an effective or realistic approach to all facets of water demand reduction. Most agencies have neither the staffing, expertise, nor powers to address the myriad of actions that will truly contribute to “conservation as a way of life.”
- As an example, reducing leaks in water system facilities is clearly and directly a water provider function; however, reducing CII water use by a fixed percentage is not. The two actions cannot be treated similarly.

Understanding the role of water providers

- The fundamental purpose of a water utility is to provide water to the residents and businesses of the community it serves.
- Water providers have been very successful in implementing conservation measures when responding to either short or long term shortages or potential shortages.
- Reducing water use purely for the sake of reducing water use will be a more difficult endeavor.
- The State agencies need to more clearly identify and quantify the objectives of the current effort.
- Water providers are generally not land use agencies, which have authority for determining lot size, landscape requirements, etc. If changes in landscaping are to be a goal of the state, water providers cannot be the only accountable entities.

EO Directive – Eliminate Water Waste

- We support the approach of using the existing SB 555 working group to develop recommendations.
- The State should support research into technologies to improve water loss detection.
- The State should fund implementation of promising technologies by water providers.
- The State should financially support implementation of Automated Meter Infrastructure for urban retail water suppliers.
- The State should prioritize funding for water loss detection and repair for small systems in which water loss limits their ability to provide for critical needs.
- The fire industry uses significant volumes of water that are non-revenue and without being adequately characterized could be misinterpreted as water loss. A detailed consideration of this use must be considered in standard setting. While important public safety uses of water should not be arbitrarily reduced, reporting could be required.

EO Directive – Strengthen Local Drought Resilience

- We concur with the consideration of a five-year drought in water shortage contingency plans (WSCP) in future updates of UWMPs.

- The State should provide minimum standards for the elements of the WSCP, and review for completeness and adequacy
- State should provide some of the fundamental data needed, for example to characterize the hydrology of a five year drought.
- Details of the WSCP and the responses to various conditions should be the responsibility of the water provider.
- Enforcement should be evaluated only on whether a water provider is implementing its own plan under certain conditions.
- State mandates on either conservation targets or specific actions should not be applied to water providers that are complying with their WSCP.
- We oppose the State defining details of WSCPs such as number of watering days, watering times, enforcement mechanisms, and rate structures.

EO Directive – Use Water More Wisely

- While the EO calls for specific standards for four elements, we don't believe that it implies one method for compliance, as suggested by State staff.
- While the EO calls for targets based on the standards, all responsibility for achieving the targets cannot be placed on water providers, who do not have authority for many of the actions that may help to achieve the targets.
- The EO calls for "more statewide water conservation than existing requirements." The state agencies should clearly identify the baseline against which "more" is measured, as well as some indication of how much "more" needs to be achieved, and why.
- Any proposed actions need to clearly understand the difference between conservation and efficiency. Efficiency is using the appropriate amount of water for an intended purpose, while conservation implies reducing water use below that needed for the current uses.
- Whether a specific action is efficiency or conservation may depend on the unique water supply characteristics of a given water provider. This is one of the key justifications for the water use targets to be "customized to the unique conditions of each water agency."
- In addition to landscape area and local ET, other factors should be considered in the "customization," including the age of residential housing stock (relative to standards in place at the time of construction), the widespread use of swamp coolers, and other factors. Customization must also consider whether non-consumptively used water returns to the hydrologic system to provide for environmental or other uses. Not all "conservation" results in a reduction of net water use.
- The Cost-benefit of water efficiency actions must be a fundamental consideration in the "customization." It is not equitable to expect water providers with adequate supplies to undertake the same actions as those who implement conservation to serve urban growth or to mitigate the need for desalination or direct potable reuse as a future source of supply.
- The application of targets and standards should not become a mechanism to transfer water without just compensation. The State should improve the process so that conserved water can more readily become transferrable water.

- The setting of standards and targets should consider a number of potential unintended consequences, and err on the side of caution. For example, emergency conservation standards during the drought to not only unwatered lawns, but also permanent damage to urban forests. Similarly, indoor residential water use standards could have significant impacts on wastewater collection and treatment systems.

Standards – Indoor residential per capita water use

- The indoor standard must consider the age of housing stock and the potential growth in the service area. Water providers that don't have the same opportunity to reduce water use through past and future plumbing code changes can't be held to the same standard.
- The State should provide some clear evidence through technical studies that 55 gpcd represents a reasonable and attainable standard of efficiency.

Standards – Outdoor irrigation

- We appreciate the state's proposal to collect and analyze data to evaluate any proposed standard; however, we have some concerns with the approach.
- Reliance on data from agencies that currently have water budgets by parcel to support rate structures will tend to over-represent water use reductions implemented to respond to chronic potential shortages (conservation) rather than efficiency measures.
- Collection and analysis of data may give a snapshot of water use relative to the potential ET of turf grass; however, it will not provide a measure of whether such use is "efficient." How will that judgement be made from the data?
- The structure of the standard could be interpreted to have the objective of changing what individuals are allowed to do on their private property. While state and local governments can and often do put such restrictions in place, they are outside the scope of many water providers' authorities. The state should consider other mechanisms at its disposal to control individual landscaping decisions. As an example, a number of bills have been introduced in the California legislature to provide a tax incentive for landscape replacement.
- How will the data be updated to accommodate for growth? How helpful would a one-time snapshot of landscape area be? How would ongoing collection of data be funded and distributed to local agencies? Would this change and update their budgets each year?
- ET changes month by month and year to year. How will an "average" ET be used in a standard that must be flexible enough to address variability?

Standards – Commercial, Industrial, and institutional water use

- The initial proposal to place a percentage reduction on CII water use is unworkable, inequitable, and cannot be evaluated in terms of conservation vs. efficiency. Water conservation standards that impair economic viability and vitality should be avoided.
- We recommend the state focus primarily on CII landscape irrigation in the standard setting process in a manner analogous to residential landscape irrigation.
- For commercial and industrial process water, the CII Task Force provided a report with numerous recommendations. The state should evaluate these alternatives as well as the potential

mechanisms for implementation. In most cases implementation through enforcement of standards on local water providers will not be effective or successful.

- CII is not well represented on the UAG. If the direction continues, input from entities like Cal Chamber, California School Board Association and others should be considered.

EO Directive – Reporting, Compliance, and Enforcement

- Whatever targets and standards are developed, the State must provide adequate time for agencies to plan, finance, and implement compliance.
- The state’s role over the first several years should focus on technical and financial assistance, rather than enforcement.
- The state should consolidate and streamline the myriad reporting by water providers that currently exists.
- While monthly water use data is valuable, monthly reporting is not. Even during the drought, monthly reporting was something of a distraction at times. For the permanent framework, we would propose annual reporting of monthly water production data.
- Enforcement of standards and targets should not purposely or inadvertently become a mechanism by which to redistribute water rights or contract supplies. The application of mandatory conservation targets in 2015 and 2016 resulted in an unquantified and uncompensated redistribution of water.

Additional Comments and Questions

- Directive 4 of the EO calls for permanent prohibition of “practices that waste potable water, **such as...**” Where does this directive fit into the structure for development of the January report? Is this list exhaustive or will others actions be added? How will these restrictions be enforced? Will this be an unfunded mandate on water providers?

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***“In any moment of decision, the best thing you can do is the right thing. The worst thing you can do is nothing.”
– Theodore Roosevelt -***