

From: [Gary Arant](#)
To: [DWR Water Use Efficiency](#)
Cc: [mstapleton@sdewa.org](#); [Yamada, Robert](#); [dfrieauf@sdewa.org](#); [Kim Thorner](#); [Tom Kennedy](#); [Tom Scaglione](#); [Cari Dale](#); [Christopher W. McKinney \(cmckinney@ci.escondido.ca.us\)](#); [Mike Bardin](#); ["Mark Watton" \(mwatton@otaywater.gov\)](#); [Allen Carlisle](#); [Carlos Lugo](#); [Razak, Halla \(HRazak@sandiego.gov\)](#); [Lori Johnson](#); [James Smyth](#); [Brian Brady](#); ["Wendy Chambers"](#); [mlcotton@gmail.com](#); ["Paul Helliker" \(helliker@hbmwd.com\)](#); [cpieroni@SANDIEGO.GOV](#); [Dave Bolland](#); [GraceChan \(gchan@mwdh2o.com\)](#); [jwoodling@rwah2o.org](#); [ianp@camrosa.com](#); [bgoshi@mwdh2o.com](#); [DUpadhyay@mwdh2o.com](#); [jberg@mwdoc.com](#); [nschneider@MojaveWater.org](#); [justinf@mesawater.org](#)
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WUE Comments - WSCP Meeting of 8/31/2016 - Comments

While the format of the meeting afforded open and active oral input, I would like to offer the following written comments for your consideration:

Supply Assessment and Demand Response - I would caution that long-term supply assessment and short-term demand response are two distinct functions and should not be mixed into the same document. **Long-term Supply Assessment** is an ongoing planning process which is captured in water supply master plans and the Urban Water Management Plans. A **Short-Term Demand Response Plan** is something that is used when there is an emergency or noticed supply short-fall and outlines the progressive supply demand reduction stages, as well as implementation/enforcement methods. ***Combining these two distinct processes into one could hamper the effectiveness of both.***

Will DWR Have the Resources - What is being envisioned is for DWR to have a much broader and active role in the real-time planning and management of retail water agencies, far beyond DWR's current quantitative involvement. Does, or will DWR have the resources and expertise to carry out this level of involvement and qualitative analysis of the intended submittals from 440 retail water agencies in a timely and effective manner?

Regional Water Supply Assessments - In the last iteration of the Urban Water Conservation Emergency Regulations, the SWRCB allowed for retail supply certification based upon "stress tested" regional water supply data. ***Will DWR allow retail agencies to utilize regionally developed and supply data as the basis for the annual and long-term supply assessments?***

Drought Rate Structures of Fiscal Policy Guidelines - There are significant legal questions and uncertainties about the recommendations to adopt drought and drought penalty rate structures. If a retail agency adopts such a rate structure and suffers a legal challenge, will the State of California/DWR assist in the legal challenge in terms of providing expert witness services, amicus, or financial assistance in defense of the drought/penalty rate structure and the implementing retail agency? As was suggested during the meeting, ***it might be more effective for the state to suggest fiscal policy guidelines for agency drought fiscal-related resilience and sustainability (reserve levels, mix of fixed and commodity based revenues, etc.) rather than to proscribe adoption of certain types of rate structures which may not be legally defensible and thus sustainable.***

Executive Order Override of WSCP System and Process - Even with a "framework" in place which recognizes that water demand management measures/actions should be based upon actual

regional/local supply conditions, it was indicated that retail water agency WSCP documents should recognize that there could be a call for a statewide blanket response, say the 25% statewide water demand reduction which occurred in 2015. When asked under what circumstances this could occur, DWR staff replied that there could be some statewide emergency or calamity might require this to occur.

At this point there seemed to be some confusion as to what exactly it is that we are trying to establish in the WSCP process. Are we trying to establish an effective and responsive system to deal with actual water supply shortfalls at the regional or local level? If that is the case and we are successful, then after all that effort and investment of state, regional and local resources, why would the state ever need to come in and override this system with a statewide mandate? What statewide calamity or emergency could uniformly impact water supplies across this huge state with such diverse water sources, portfolios and investments in reliability to cause the call for a statewide mandatory reduction in water usage?

It was suggested by several participants that in any new regulations or legislation the conditions or circumstances leading to an Executive Order call for a statewide uniform response, or even a response as was seen in 2015, be clearly and specifically defined and supported by statewide hydrologic and water supply data.

General Issues and Concerns: My issues and concern with what is being proposed are as follows:

- What are we trying to accomplish?;
- What is the problem we are trying to solve?;
- Will it make sense and be accepted by the water consuming public?;
- Can it be effectively implemented at the regional and local level?;
- How will detailed, real-time command and control from Sacramento impact our ability to meet our serious responsibilities?; and
- Is roughly 90 days really enough time to thoroughly change the way water has been managed for roughly 100 years in our state:.

My concern, and I think I speak for many from the water community, is that at the end of this process we have recommendations for sound, practical, effective and sustainable water management policy for California's next 100 years, and not that that deliverable's greatest characteristic was that it met the 1/10/2017 deadline.

Thank you for the opportunity to submit written comments.

Gary Arant

General Manager
Valley Center Municipal Water District
(760) 735-4515 (Direct Office Line)
(760) 522-4024 (Cell)
garant@valleycenterwater.org