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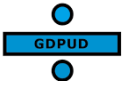
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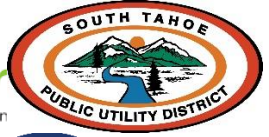
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March 30, 2023

Submitted via: orpp-waterconservation@waterboards.ca.gov

James Nachbaur
Director
Office of Research, Planning and Performance
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter – Board Workshop on Making Water Conservation a California Way of Life

Dear Mr. Nachbaur,

The Association of California Water Agencies and the undersigned organizations appreciate the opportunity to provide comments to the State Water Resources Control Board (State Water Board) on the Draft Staff Framework for Making Conservation a California Way of Life Regulation (Proposed Regulatory Framework). We have been actively engaged on the State’s implementation of SB 606 and AB 1668 (together, the 2018 conservation legislation) over the past several years, with a substantive record of comments to the Department of Water Resources (DWR). More importantly, water suppliers have been advancing water use efficiency for many years and decades. Water suppliers and Californians have a long-standing commitment to water use efficiency, as demonstrated with substantive decreases in gallons per capita per day despite a growing population.

With a commitment towards continuing to advance water use efficiency in California, we offer the following input for the State Water Board’s consideration. We urge the State Water Board to include this input as part of the rulemaking that will begin later this year.

1. OVERARCHING POLICY CONSIDERATIONS

A. Advancing Cost-Effective and Multi-Benefit Water Use Efficiency Requires Time

The State Water Board should provide adequate time for water suppliers and Californians to comply with the goals of Making Water Conservation a California Way of Life in a manner that is cost-effective and realizes multiple benefits.

As currently proposed, the highly complex Proposed Regulatory Framework would include significant new requirements with a very short timeline that, based on water suppliers’ history of working with their customers to help them use water efficiently, would not be feasible for many suppliers to meet. Notably, urban retail water suppliers would be required to:

- Achieve water loss performance standards by 2028;
- Meet a water use objective that includes a residential indoor standard of 42 gpcd by 2030, an outdoor landscape efficiency factor (LEF) of 0.55 by 2035, and collect the necessary data to apply for variances for unique water uses;

- Complete Commercial, Industrial and Institutional (CII) classification, best management practices (BMPs) and mixed-use meter (MUM) reporting within 5 years; and
- Comply with all new reporting requirements.

Water suppliers are on the front lines of managing water supply impacts with a changing climate, as experienced during California’s multiple drought emergencies over the past few decades. To implement programs that require long-term customer behavior change and significant investments, water suppliers require adequate time to analyze existing water use efficiency programs; plan for cost-effective compliance with the standards, objectives and performance measures; budget and staff programs; partner with customers and build partnerships, including targeted programs to disadvantaged communities; and allow for technology advancements. The currently proposed timeline does not allow water suppliers to cost-effectively achieve the multi-benefits of water use efficiency and we have significant concerns that it would instead result in unintended impacts.

Additionally, water use efficiency is one of many opportunities that the State has outlined to respond to climate change impacts and should not adversely impact other State and local priorities for long-term water resilience.

B. The Intent of the Regulation is Flexibility to Implement Locally Appropriate Solutions

Page 1 of the Proposed Regulatory Framework recognizes the goal to provide *flexibility to implement locally appropriate solutions* that better prepare California for more frequent and prolonged drought. Flexibility was intended as the ability for water suppliers to determine how to most cost-effectively focus resources to obtain the greatest savings among the standards to meet the overall objective.

Individually infeasible standards do not support the overall intent to provide flexibility. Each standard in and of itself should be attainable for water suppliers.

We have raised concerns about the feasibility of both the indoor standard (including saturation, impacts to wastewater and recycled water) and the outdoor standard (including available irrigation technology, limited authority of land use and customer behavior, the magnitude of transformation of landscapes that would be required). Despite these concerns, and other concerns discussed in this letter regarding data quality and the methodologies utilized, the Proposed Regulatory Framework continues to even further tighten the outdoor standards from DWR’s recommendations.

A response to this concern has been that the variances will increase water suppliers’ overall water use objective, providing more flexibility. However, as currently proposed, the variances are highly complex, if not infeasible, due to the proof of data burden and lack of technical assistance available. We are concerned the currently proposed variance pathway would be too onerous and expensive to an extent that would deter small to mid-sized agencies from seeking variances. Additionally, not all water suppliers are eligible for variances and the proposed five percent threshold would significantly restrict the ability of water suppliers that have unique water uses.

C. The Proposed Regulatory Framework is Too Complex and Burdensome

The intent of the 2018 conservation legislation and Proposed Regulatory Framework is to build on lessons learned from previous drought responses and avoid mandates that fail to reflect California’s

varied hydrologic conditions and historic efforts. However, the complexity and data burdens associated with the Proposed Regulatory Framework would be extremely costly and may not be feasible for many water suppliers, especially smaller systems and those serving disadvantaged communities. **The State Water Board focus should be on advancing water use efficiency and reducing administrative and data reporting burdens on water suppliers.**

While state technical assistance and partnerships will be essential, it should not be in-lieu of reducing data and reporting burden on suppliers, including the burden of variances, the Irrigable Not Irrigated (INI) credits, and commercial, industrial, and institutional (CII) reporting requirements. Additionally, we have significant concerns that infeasible standards and an inflexible water use objective will increase the reliance on alternative compliance pathways, caps, and variances, as well as the potential for enforcement action. This will further exacerbate administrative and reporting burdens that do not advance actual water savings.

2. RECOMMENDATIONS FOR OUTDOOR WATER USE EFFICIENCY STANDARDS

A. Technical Considerations:

- i. *DWR's Three Methodologies:* DWR utilized three methodologies to develop its recommendation of an ETF of 0.63 by 2030. We provided technical input to DWR on the methodologies and raised concerns that **embedded policy decisions resulted in the underestimation of current outdoor residential water use and overestimation of feasibility.** We support a methodology that is based on real-world performance, horticultural and irrigation science, supports health landscapes, and minimizes unintended impacts.
 - a. Horticultural Approach: Assumed 0.8 Irrigation Efficiency (IE) – DWR's horticultural and irrigation science approach assumed 0.8 IE. **We recommended that an outdoor residential water use efficiency standard be based on an IE that ranges from 0.55 to 0.65.** Our recommendation was based on accumulated data from water purveyors on actual irrigation system and performance through the various landscape programs implemented over ten plus years, recently completed field studies by UC Davis (Evapotranspiration Adjustment Factor Study (Agreement #4600008156)), and data by the Irrigation Association.
 - b. Statewide ETF Approach: Trimmed Data > 1.0 – In DWR's approach that calculated an average statewide ETF for urban retail water suppliers, DWR "trimmed" all existing landscape data outside of the range of 0.1 to 1.0 ETF because "it is not consistent with MWELo principles." Since 80 percent of homes in California pre-date Model Water Efficient Landscape Ordinance (MWELo), trimming data based on MWELo design standards excludes existing landscapes prevalent throughout California and is inconsistent with MWELo. **All landscape data should be included to provide a more accurate baseline.**

MWELo went into effect in 1993 and applies only to new residential development. With approximately 80 percent of California housing stock built prior to MWELo, MWELo applies to developer installed landscaping, which is typically only the front yard. Additionally, MWELo standards are design standards and not performance standards.

- c. Theoretical Average Approach: Consistency with MWELo – DWR analyzed a statewide ETAF by using the age distributions of housing stock and corresponding ETAF from MWLEO Guidelines: 0.8 assumed for pre-1992, 1993 – 2009 assumed 0.8 ETAF, 2010 – 2015 assumed 0.7 ETAF, 2015 to 2020 assumed 0.55 ETAF, and 2021- 2030 assumed 0.55 ETAF. As described above, MWELo only applies to 20 percent of California’s housing stock and developer installed landscapes. However, this methodology assumes all homes are compliant with MWELo, which is fundamentally flawed **and should be eliminated**.
- ii. *DWR’s Additional Technical Issues:* In addition to concerns with DWR’s three methodologies, the inclusion of Effective Precipitation and landscape area measurement (LAM) data quality concerns further exacerbate feasibility challenges of the proposed outdoor standard.
 - a. Effective Precipitation – The inclusion of Effective Precipitation in the outdoor standard is inconsistent with real-world irrigation practices (e.g. precipitation often falls during months when irrigation would not be utilized and can percolate below the root zone of the plant negating its beneficial effect to that plant’s watering needs). Furthermore, Effective Precipitation is not required by MWELo (Title 23, Division 2.7, Section 494): “A local agency **may** consider Effective Precipitation (25% of annual precipitation) in tracking water use.” **Effective Precipitation should be removed from the standard.**
 - b. Landscape Area Measurements – DWR undertook a statewide residential LAM project to estimate the areas of land cover and land use across urban residential spaces in California. We appreciate that DWR provided the best available data within the timeframe. Water suppliers with the ability to verify DWR’s data sets with superior data (including aerial imagery and similar algorithms to those DWR used, but with addition of field verification and correlation to utility billing) found substantive error with the LAM data DWR provided. The impacts are that residential LAMs are being overestimated and underestimated, which could have a significant impact on suppliers’ outdoor water use standard and overall objective, further exacerbating feasibility concerns.

It is our understanding that, while many water suppliers submitted corrected LAM data to DWR, few received corrected LAM. Errors included incorrect land use information, pools and other land features not identified, irrigated areas incorrectly calculated. We appreciate the State Water Board’s request to staff to provide a summary of changes made to suppliers’ LAM, to ensure that superior data is being included in water suppliers’ standards and objective. **Improved data quality must be a priority of this regulation**, as inaccurate data will further exacerbate feasibility challenges and sound decision making.

iii. *Proposed Regulatory Framework Compounding Issues:* The Proposed Regulatory Framework compounds the above-outlined technical issues with newly proposed policy decisions that would further exacerbate feasibility challenges with the proposed outdoor standard, as well as place a significant burden on water suppliers. These issues also must be addressed.

- a. Irrigable vs. Irrigated – As a result of a statistical analysis, DWR recommended the inclusion of 20 percent of irrigable area. **We strongly urge the State Water Board to revert to DWR’s recommendation with the inclusion of 20 percent INI, since the analysis correctly concluded this area is actually irrigated.** In accordance with Water Code §10609.6, DWR conducted a statistical analysis of outdoor water use, LAM and INI data. The data concluded that the INI area is being irrigated at one fifth or 20 percent of the irrigable area. As a result, DWR correctly concluded that the calculation of annual outdoor water use must include 20 percent INI. Additionally, the inclusion of INI is consistent with the 2018 conservation legislation. Water Code §10609.6(a)(2)(B) directed “the standards shall apply to irrigable lands.” Additionally, Water Code §10609.9 states that “for purposes of Sections 10609.6 and 10609.8, “principles of the model water efficient landscape ordinance” means those provisions of the model water efficient landscape ordinance applicable to the establishment or determination of the amount of water necessary to efficiently irrigate both new and existing landscapes.”

We have significant concerns with proposed changes in the Proposed Regulatory Framework that remove the 20 percent INI, and instead would require water suppliers to demonstrate INI areas that have come under irrigation. Implementing such a provision would essentially require water suppliers to conduct an annual aerial survey and analysis. **This would be prohibitively expensive and is inconsistent with the 2018 conservation legislation.**

- b. Special Landscape Areas – Non-Functional Turf – We have significant concern with the inclusion of proposed language that, for non-functional turf, would treat recycled water as potable water. This recommendation is inconsistent with the principles of MWELo and existing law, which makes no mention of a non-functional turf carve out. During the almost two years of discussions in the DWR stakeholder working group on the implementation of this statute, this concept was never discussed. This unvetted and radical policy change would circumvent ongoing legislative discussions this year and add inappropriate and unnecessary complexity. **This provision should be removed from the Proposed Regulatory Framework.** We align our comments and recommendations with WateReuse California.

B. Outdoor Standard

- i. *Proposed Residential Outdoor Standard* – Because of our concerns with DWR’s methodology and compounding problems with the Proposed Regulatory Framework discussed above, **we recommend the State Water Board revert to DWR’s recommendation of 0.63 with the INI buffer and provide for an additional 5 years for compliance.** This is consistent with our

recommendations to DWR in 2021¹. Until the State Water Board can transparently demonstrate that DWR's standard is feasible and will not result in significant unintended impacts, it is inappropriate to lower the standard any further from DWR's recommendations.

- ii. *Proposed Outdoor Standard for New Construction* – The proposed standard 0.45 LEF is unattainable in the real world. We have expressed concern to DWR on basing the outdoor standard on MWELO standards that are intended for use in the technical design of landscapes and are not performance standards. A number of factors affect actual landscape performance: the designs must be installed exactly according to plans and landscapes must be well maintained over time in order to achieve performance that is close to initial design over time. As water suppliers cannot control how their customers install or maintain their irrigation systems, they are then unable to correct for them.

C. Additional Policy Recommendations:

- i. *Feasibility* – Water Code § 10609.9 states that the purposes of Sections 10609.6 and 10609.8, “principles of the model water efficient landscape ordinance” means those provisions of the model water efficient landscape ordinance applicable to the establishment or determination of the amount of water necessary to efficiently irrigate both new and **existing** landscapes.” We have significant concern that the recommended outdoor water standards have deviated significantly from the legislative intent of the framework and would fail to support existing landscapes.
- ii. *Compliance* – If a water supplier has robust outdoor water use efficiency programs and is still not meeting its objective, the State Water Board should give deference to and partner with the water supplier to develop a reasonable standard and provide technical assistance prior to taking enforcement actions. Water suppliers do not have land use authority and cannot directly control land use at the parcel level. Water suppliers’ main tools are to offer financial incentives and customer education programs. We are concerned that the Proposed Regulatory Framework requires significant customer investment and behavior changes that water suppliers cannot control.

¹ ACWA, CMUA and CWA’s [comment letter to DWR](#). Nov. 24, 2021. Pg 2. “We do not believe achieving an ETF of 0.65 by 2030, as DWR is currently proposing, would be feasible. DWR’s recommendation is inconsistent with its own findings presented at the October 25, 2021 Standards, Methodologies and Performance Measures Working Group Meeting, that an “ETF of 0.7 is not supported,” based on real-world data for existing CII landscape water use efficiency for some efficient water suppliers, and preliminary study data from UC Davis. Absent significant advancements in cost-effective irrigation technology and costly upgrades to existing landscapes that would be necessary, it is unclear why the proposed ETF of 0.65 would be feasible by 2030. Further, we note that the 2018 legislation intended for DWR to propose a single standard for outdoor residential use and outdoor irrigation of landscape areas with dedicated irrigation meters in connection with CII water use for water suppliers to calculate their objective water use by January 1, 2024. The legislation did not envision a phased-in approach, as proposed by DWR. Should DWR continue with a proposed phased-in approach, we urge DWR to provide additional time for water suppliers to meet the significantly reduced standard of 0.65 ETF.

- iii. *Alternative Landscape Data* – If a water supplier has a more accurate landscape area data, subject to defined criteria and approved by DWR, the State Water Board could develop a revised, reasonable standard that maintains a commitment to ongoing water use efficiency.
- iv. *Unintended Impacts* – The State Water Board, in setting the outdoor standards and overall objective, should recognize and minimize potential unintended consequences. As proposed, we note the potential to adversely impact existing shade trees and disproportionately impact disadvantaged communities.
 - i. *Recycled Water* – We support the recycled water and potable reuse recommendations contained in the DWR memorandum, “Recommendations to the State Water Resources Control Board Pursuant to California Water Code Section 10609” and the full recommendation reports. We support DWR’s recycled water landscape irrigation recommendation of 1.0, which is consistent with the statutory authority and the requirement that the principles of the MWELO. We support the potable reuse bonus incentive and how it should be calculated, as it appears in Appendix B of the DWR report. Additionally, we support the recommendation for a variance for recycled water with high TDS used for landscape irrigation, which is also included in the statute and supported by a recent study.
 - ii. *Comment Letter Section 4. Variances* – See Section 4 of this letter related to variances.

3. COMMERCIAL, INDUSTRIAL, INSTITUTIONAL PERFORMANCE MEASURES

- A. Overarching Concerns: We have concerns, both policy and technical, with the CII Performance Measures that we would like to discuss with the State Water Board. **We request either a formal or informal technical workshop to discuss challenges and solutions to the proposed CII Performance Measures.**
 - i. *Provide Flexibility* – DWR’s recommendations prescribe implementation pathways and timelines for water suppliers to comply with the various CII Performance Measures. Additionally, it assumes that top water users are inefficient, which is not necessarily true. Top water users can be efficient despite using a larger volume of water and being a top water user is not necessarily indicative of water inefficiency. For example, a restaurant with a higher water use than another user could simply have a greater number of customers, despite having made investments in water use efficiency. The Proposed Regulatory Framework should allow water suppliers the flexibility to target CII customers with the greatest potential for improved water efficiency.

While prescriptive implementation for CII classification, MUM conversion and BMP implementation may be helpful for some water suppliers, for others it could minimize water savings and increase costs. For example, the Proposed Regulatory Framework would require agencies to implement give BMPs for the top water users in each of the 18 proposed classifications, resulting in the implementation of 90 BMPs total. This approach could require

water suppliers to spend resources to implement BMPs for classifications with very little water use for very little savings. The draft regulation should allow for alternative timelines and strategies to meeting the various Performance Measures, rather than setting a prescriptive, one-size fits all approach for implementation. Water supplies need the flexibility to run programs that are effective and target customers where savings can be achieved.

- ii. *Build on Past Progress* – Many water suppliers have a long and successful history of implementing water use efficiency programs for CII customers. CII Performance Measures should build on, rather than overhaul or create inconsistencies with, water suppliers’ ongoing efforts and strategies, as well as regional strategies.
- iii. *Recognize Water Suppliers’ Limited Authority* – It is essential that a draft regulation acknowledge water suppliers’ limitations in requiring and enforcing CII customers to participate in performance measures. Water agencies can only offer services and programs and cannot require customer participation. Water suppliers should not be required to meet regulatory requirements outside their control.
- iv. *Minimize Unnecessary Reporting* – The State Water Board should ensure that water suppliers’ limited resources are not being shifted to complying with burdensome reporting requirements, rather than focusing on working with CII customers to achieve water savings. The State Water Board should consider the goals of AB 1755, the Open and Transparent Water Data Act and AB 1668 requirements under Water Code Section 10609(c)(4) which directs the state to identify opportunities for streamlined reporting, eliminate redundant data submissions, and incentivize open access to data collected by urban and agricultural water suppliers, and the overall usefulness of data requested. Water suppliers are very concerned with the useful and general purpose of the proposed data requested, such as submitting metrics and performance standards. We recommend unnecessary and non-beneficial reporting requirements be deleted.
- v. *Provide Technical Assistance and Data* – DWR’s recommendations indicated that, after the State Water Board’s adoption, DWR will develop mapping guidance to assist urban retail water suppliers in implementation based on NAICS with necessary customization. Given the aggressive timelines of the CII performance measures and broader water use objective, we encourage the State to provide technical resources, data, and funding as soon as possible.

B. Technical Concerns

- i. *Threshold to Install DIMs or Employ In-Lieu Technologies* – Further clarification and discussion around the proposed threshold to install Dedicated Irrigation Meters (DIM) or employ in-lieu technologies is necessary. We appreciate that the Proposed Regulatory Framework has shifted from a landscape area threshold to a water use threshold. The Proposed Regulatory Framework proposed a threshold of 500,000,000 gallons of use annually by a CII customer. The State Water Board staff’s presentation on March 22 referenced a 500,000-gallon threshold. Staff indicated the recommendation is the 500,000-gallon threshold. **The burden and impacts of the revised**

threshold are unclear and we request that the State Water Board engage in meaningful dialogue with interested parties to develop an appropriate volumetric threshold.

- ii. *CII Classifications* – DWR’s recommended CII classifications were negotiated with water suppliers. In accordance with DWR’s recommendations, some water suppliers have begun CII classification. Further discussion around the proposed change to align with the ENERGYSTAR Portfolio Manager tool is necessary and the State Water Board should provide flexibility to suppliers that have already begun classifications based on DWR’s recommendations.

4. VARIANCES

- A. Simplify Variances and Data Reporting – As currently proposed, the data burden to obtain variances for unique water uses is substantial, if not infeasible. For example, just to utilize the evaporative cooler (EC) variance, DWR recommends that a water supplier establish a report form or a survey to obtain the required information from customers; customers must provide proof of EC use with a picture and unit specification; a water supplier must obtain the number of EC Operating Hours in each residential property in its service area and hourly weather data (dry-/wet-bulb air temperature, relative humidity, dew point temperature, vapor pressure). For the livestock variance, DWR’s recommendations reference California Code Title 23, Section 697 “reasonable” quantities of water for “Milch Cows (30gpd), Horses (15 gpd) and Goats and Hogs (2.5).” However, this is no existing guidance on how water suppliers would demonstrate the number those livestock that might exist in a service area. Like evaporative coolers, DWR’s proposal suggested that water supplies conduct an annual survey to demonstrate that the livestock were being maintained in compliance with overall zoning or land use regulation. Collection of this data to obtain this variance is well beyond water suppliers’ authorities and is infeasible. **The State Water Board must balance burden of proof with a methodology that actually allows for water supplies to utilize variances, as intended in the 2018 conservation legislation.**
- B. Modify 5% Threshold – The Proposed Regulatory Framework would require that each variance must account for at least 5 percent of an agencies budget allocation to be considered eligible. The individual threshold for variances could meaningfully impact water suppliers’ ability to comply with the overall objective due to unique water uses. There are foreseeable scenarios in which a water supplier could have unique water uses (for example three individually amounting to 4% and totaling 12% of the agencies basic allocation) and receive no allowance for the variances. The State Water Board should work with agencies to provide the appropriate credit to water suppliers for a variance where associated water use can be demonstrated.
- C. Add Recycled Water and Waste Water Variances – We strongly support Governor Newsom’s signing message for SB 1157 (2022, Hertzberg) regarding the indoor water use standard, which stated “...nothing in this bill prohibits the Board from creating variances, including a variance to reflect local investments in recycled water and infrastructure. I encourage the Board to do this.” Consistent with the Governor’s signing message, the State Water Board should include a separate variance for the indoor water use standard if agencies can demonstrate that lowered wastewater flows are: (1)

negatively impacting recycled water operations, or (2) negatively impacting infrastructure or compliance with regulatory permits as a result of the indoor water use standards. We align our comments with WateReuse California and CASA.

- A. Expand Variances for Existing Trees - We appreciate that the Proposed Regulatory Framework includes a provision for urban tree health. We are concerned that residents, in an effort to reduce outdoor water use, will under-water or fallow their landscape, which would adversely impact shade trees. If done over multiple months and years, this chronic stress would weaken trees and make them more susceptible to opportunistic diseases. Shade trees offer significant benefits to communities, including improved air quality, mitigating urban heat island effects, cooling benefits, and improved quality of housing and communities. Shade trees are one of our best resources to address climate change. A variance to protect tree mortality is essential. As drafted, the Proposed Regulatory Frameworks indicates the provisions are limited to new climate appropriate trees and ignores existing climate appropriate trees. We recommend the variance be broadened to include existing and new trees.

5. 2022 BASELINE & 500,000 ACRE-FEET SAVINGS

- A. Water Supply Strategy – The goals outlined in the Water Supply Strategy provide comprehensive and essential guidance for advancing the State’s water resilience in response to climate change and aridification. It is our understanding that the demand reduction goal of 500,000 acre-feet (af): (1) was developed based on DWR’s recommendations, (2) was not developed in partnership with interested parties, and (3) is not legislatively required. We further note that the Governor’s signing messaging for SB 1157 recognized that DWR’s recommendations amount to 450,000 af and was intended to be supplemented with additional savings associated with a budget allocation for water use efficiency. Finally, we note that while some water suppliers are expected to meet their water use objective and would not be required to achieve additional savings, it is reasonable to expect they will continue to achieve water use savings. That savings is not included in the State Water Board’s total estimated savings.

State Water Board staff’s presentation includes an analysis of water saving between 2000 and 2020. During that time, GPCD reduced about 3% on average per year. Even prior to the drought conditions in 2013, GPCD was decreasing at rate of 2.7% per year. Most of this conservation was due to voluntary conservation by urban water suppliers and their customers. When estimating the total projected water savings by 2030 to meet statewide water savings targets, the voluntary efforts of urban water suppliers meeting or exceeding regulatory targets should be considered. These water use efficiency efforts go beyond the passive savings included in the SWRCB estimates. Historically, voluntary efforts have saved almost double the 1.5% annual average GPCD reduction projected from the proposed regulations.

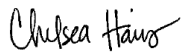
- B. Appropriate Baseline – We appreciate the State Water Board’s discussion and request for further data and transparency around the appropriate baseline to rely on to determine total savings of the regulatory framework. We have concerns with the 2022 baseline, as it was during the height of California’s drought emergency in which Californians were already called on to

reduce water use by voluntarily by 15%. When evaluating the impact of the proposed regulations, the Proposed Regulatory Framework compared projected water use using a 2022 baseline adjusted for passive conservation. The analysis assumes that if the water conservation regulation was not implemented there would be no rebound after 2022, despite the increase in demand seen after every drought as water consumers change their behaviors in the absence of emergency conditions. **We recommend that the State Water Board revert to using a baseline consistent with DWR’s analysis of the three-year average from 2017, 2018 and 2019.**

6. CLOSING REMARKS

We appreciate the opportunity provide informal comments to the State Water Board prior to its formal rulemaking, as well as State Water Board staff’s engagement with the water community. We look forward to the opportunity to work with the State Water Board this year to advance the State’s goals of Making Water Conservation a California Way of Life. Please do not hesitate to contact me at ChelseaH@acwa.com or (916) 441-4545 if you have any questions regarding our input.

Sincerely,



Chelsea Haines
Regulator Relations Manager
Association of California Water Agencies

Signatories to the Coalition Letter:

Association of California Water Agencies
California Municipal Utilities Association
California Water Association
League of California Cities
Regional Water Authority
Southern California Water Coalition
Alameda County Water District
Bella Vista Irrigation District
Calaveras County Water District
Camrosa Water District
Carmichael Water District
Citrus Height Water District
City of Davis
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City of Roseville
City of Sacramento Department of Utilities
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Coachella Valley Water District
Contra Costa Water District
Cucamonga Valley Water District

Desert Water Agency
Dublin San Ramon Services District
Eastern Municipal Water District
El Dorado Water Agency
El Dorado Water Agency
El Toro Water District
Elk Grove Water District
Foothill Municipal Water District
Georgetown Divide Public Utility District
Helix Water District
Indian Wells Valley Water District
Inland Empire Utilities Agency
Irvine Ranch Water District
Las Virgines Water District
Mesa Water District
Mission Springs Water District
Mojave Water Agency
Monte Vista Water District
Municipal Water District of Orange County
Ontario Municipal Utilities Company
Orange County Water District
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Padre Dam Municipal Water District
Rancho California Water District
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San Diego County Water Authority
San Francisco Public Utilities District
Santa Fe Irrigation District
Santa Margarita Water District
Santa Rosa Water
South Tahoe Public Utility District
Sweetwater Authority
Three Valleys Municipal Water District
Truckee Donner PUD
Tuolumne County Water Agency
Tuolumne Utilities District
Vallecitos Water District
Walnut Valley Water District
Western Municipal Water District

CC: The Honorable E. Joaquin Esquivel, Chair, State Water Resources Control Board
The Honorable Dorene D'Adamo, Vice Chair, State Water Resources Control Board
The Honorable Laurel Firestone, State Water Resources Control Board
The Honorable Sean Maguire, State Water Resources Control Board
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Mr. James Nachbaur, Director, Office of Research, Planning and Performance, State Water Resources Control Board

Ms. Charlotte Ely, Supervisor, Conservation and Efficiency, State Water Resources Control Board

Mr. Dave Eggerton, Executive Director, Association of California Water Agencies

Ms. Cindy Tuck, Deputy Director, Association of California Water Agencies