



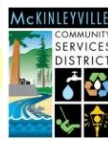
## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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January 6, 2016

Ms. Felicia Marcus  
Chairwoman  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Dear Chairwoman Marcus:

The Humboldt Bay Municipal Water District and its water supply partners in the Humboldt Bay area would like to offer the following comments on the Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation.

We appreciate the opportunities that we and other water agencies have had to provide input to staff and Board members on these regulations, including this current comment period, the December 7, 2015 workshop and the various direct meetings that have taken place. The framework is structured to address the specific proposals that water agencies have made to improve the existing regulatory structure, to make it more fair and equitable, and to reflect actual hydrologic conditions. We appreciate the work that the staff have undertaken to analyze and consider the recommendations from the water agencies and other stakeholders. The proposed framework does accept some of these improvements in part. However, for the reasons listed below, the framework is unnecessarily constrained and fails to allow for changing conditions and sources that are not affected by drought.

Governor Brown's Executive Order B-36-15 specified that if drought conditions persist through January, the State Water Resources Control Board shall continue a regulatory program to promote urban water conservation. The Order did not specify any level of conservation to be achieved, and it authorized the Board to modify its existing regulatory framework to address uses of potable and non-potable water, and to incorporate insights from the existing restrictions.

### **Timeframe for a Decision**

The Executive Order did not specify a timeframe for adopting any continuation of a regulatory program. Given the evolving hydrologic conditions in the state and the projections of significant El Nino-related precipitation in the January-March period, we recommend that the Board continue to refine any proposed regulatory program to

address any drought conditions that may continue to exist and adopt the program in mid-April, after the hydrologic conditions have been fully defined.

### **Applicability of Regulations**

The proposed framework identifies a number of criteria that the regulation is intended to meet. Perhaps one of the most important of these is the criterion that the regulation provide sufficient water savings statewide. Given that the hydrology of 2016 is not yet defined, it is unclear what level of savings is necessary. Indeed, that appears to be one of the reasons that the Governor's recent Executive Order did not specify any level of use reduction. The proposed framework does not define what level of savings is necessary, nor for which sources of water in California those savings might need to be achieved.

Coupled with the mid-April characterization of the hydrologic conditions in various parts of the state, the regulations should only apply to sources of water experiencing a drought emergency. Where water sources are not affected by drought – namely where an average or above-average multi-year supply of water is available, as defined by the applicable Urban Water Management Plan(s) – no conservation regulatory program is necessary.

This situation already exists in the service area of the Humboldt Bay Municipal Water District, where precipitation is currently 150% of seasonal average, the region's water supply reservoir is full, and supply is more than adequate to meet demand for many years into the future, even under significantly worse drought conditions than currently exist. Other areas of the state are approaching this status, as well, with reservoirs close to average levels for this time of year, and supply already exceeding projected normal demand. If these conditions continue and no drought emergency exists in these areas after mid-April, they should be exempted from any Water Board water conservation regulatory requirements (other water conservation requirements specified in statute and regulations will continue to apply.)

### **Drought-resilient Sources**

Consistent with the specification in Executive Order B-36-15 that the regulations address potable and non-potable uses, where those uses are supplied by sources not affected by the drought emergency - including indirect potable recycled water, direct non-potable recycled water, desalinated water and groundwater from basins that are not overdrafted - such uses should be exempted from control by these regulations. As many water agencies have noted in written comments and in testimony at the December 7, 2015 Water Board workshop, they have invested ratepayer funds in these sources precisely to diversify their water supply portfolios and provide water supplies when surface water diversions or groundwater basins have inadequate quantities to meet normal demands.

The draft framework only recommends providing partial credit for these sources, and also specifies a maximum overall reduction in the current agency-specific reduction requirements. However, there is no rationale provided for limiting either the amount of credit provided to these sources not affected by the drought emergency or for limiting the reduction of the total water conservation requirement. Given that the purpose of the

regulations is to address sources affected by a drought emergency, and given that the new Executive Order does not constrain the Board's ability to tailor the regulations to the hydrologic conditions in 2016, we recommend that these drought-resilient sources be exempted completely from the regulations.

*In summary, the Humboldt Bay Municipal Water District and its water supply partners listed below, respectfully request that the SWRCB:*

- *Adopt a 2016 regulatory program (if necessary) in mid-April rather than in January;*
- *Exempt areas not in drought conditions from regulations;*
- *Exempt drought resilient sources from regulations.*

Thank you again for the opportunity to provide these comments. We look forward to working with your staff, the rest of the Board and you to address any drought conditions in California in 2016.

Sincerely,



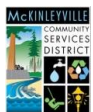
Paul Helliker, General Manager  
Humboldt Bay Municipal Water District



David Hull, Manager  
Humboldt Community Services District



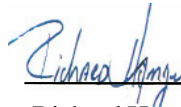
Greg Orsini, Manager  
McKinleyville Community Services District



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Richard Hanger, Manager  
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