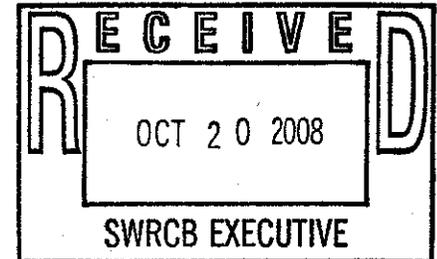


* BUTTE ENVIRONMENTAL COUNCIL * CALIFORNIA COASTKEEPER ALLIANCE
* CALIFORNIA SAVE OUR STREAMS COUNCIL * CLEAN WATER ACTION *
* ENVIRONMENTAL JUSTICE COALITION FOR WATER * FOOTHILL
CONSERVANCY * FRIENDS OF THE RIVER * GRAYSON NEIGHBORHOOD
COUNCIL * HEAL THE BAY * SAN LUIS OBISPO COASTKEEPER * NORTHERN
CALIF. COUNCIL, FEDERATION OF FLYFISHERS * RESIDENTS OF PICO RIVERA
FOR ENVIRONMENTAL JUSTICE * SIERRA NEVADA ALLIANCE *

October 20, 2008

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



**Re: Recommendations for Development of an Urban
Water Conservation Regulatory Program**

Dear Chair Doduc and Board members,

On behalf of the above listed groups, we would like to register our strong support for the Board's efforts to create an urban water conservation regulatory program. The Board has a clear responsibility under Section 275 of the Water Code to ensure that the waters of the State are used efficiently; moreover, the Board is the appropriate regulatory body to address the complicated relationship between water flows and water quality. A strong regulatory system that addresses the increasingly severe impacts of water diversions on the state's unique and imperiled ecosystems and returns some portion of water savings to communities currently lacking safe drinking water would reflect a more balanced and sustainable regulatory framework.

Our organizations support the use of performance targets as one piece of a regulatory program that also establishes minimum standards for all water agencies. We also want to stress that saved water should not be used solely for population growth, but must first address the unmet environmental and environmental justice needs of the state.

We recommend that the following elements be incorporated into the Board's regulatory program;

- **Rigorous monitoring and reporting.** The Board should require annual quality-controlled monitoring of all surface and groundwater use by urban agencies. Additionally, the reporting of water savings through application of Best Practices should be mandatory.
- **Mandatory application and reporting of California Urban Water Conservation Council's (CUWCC) Best Management Practices (BMPs).** The current voluntary application and reporting of BMPs is inadequate; while AB 1420 is a step in the right direction, a more sensible and cost-effective driver would be to require sign-on to the CUWCC memorandum of understanding. The Board's regulatory authority would

allow them to establish consequences for failure to comply with the BMPs. Technical assistance will be necessary for small (less than 20,000 connections), disadvantaged communities to ensure that this does not simply become another burden they cannot fulfill.

- **Volumetric or Tiered Water Rates.** The prospect of Prop 218 challenges has made many water agencies reluctant to apply tiered water rates; the State Board can overcome this reluctance by mandating their use. In addition, Water Board involvement in mandating tiered rates will provide an opportunity to address a growing challenge in tiered rate structures: the top tier consumers who do not respond to price points. The Water Board is the appropriate location to grapple with the question of whether someone has a right to as much water as they can afford. Regardless, the use of these rates, in combination with lifeline rates for disadvantaged communities, seniors and those on fixed incomes, can ensure access to affordable drinking water while at the same time ensuring that water system expenses are met.
- **Retrofit on Resale.** Water agencies are reluctant to implement this BMP because it involves other local agencies and elected bodies, such as the building department and the local City Council or Board of Supervisors. A state mandate would help spur this measure, which has the potential of accelerating water conservation efforts with little cost to local agencies.
- **Require new developments to incorporate state-of-the-art conservation and mitigate any remaining water use.** In order to decouple economic development and population growth from water use concerns, new development must meet its water needs without further impacting water supplies needed for the environment or serving existing communities. A requirement to mitigate water use in new development could be combined with current NPDES requirements.

Equitable distribution of conservation programs and benefits. Little information is available regarding past conservation investment in or the conservation potential of disadvantaged communities. The Board should develop this information to target future investments in water use efficiency.

We look forward to working with the Board and other stakeholders in developing a verifiable and enforceable regulatory program, and expanding the investigation into the development of similar standards for agricultural water conservation.

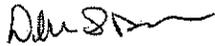
Please address any correspondence on this matter to Jennifer Clary at jclary@cleanwater.org or Debbie Davis at debbie@ejcw.org.

Sincerely,



Jennifer Clary
Clean Water Action

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California Coastkeeper Alliance

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California Save Our Streams Council

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Defenders of Wildlife

Pete Bell
Foothill Conservancy

Steve Evans
Friends of the River

John Mataka
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