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November 17, 2015

Commentletters@waterboards.ca.gov

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

Subject: Comment Letter – Urban Water Conservation Workshop

Dear Chair Marcus and Members of the State Board:

Thank you for the opportunity to provide input on the potential extension and modification of the current Emergency Regulations for Statewide Urban Water Conservation (Emergency Regulations) if drought conditions persist into 2016. North Marin Water District (NMWD) serves approximately 62,000 people in northern Marin County, principally in the vicinity of Novato California. To date, since June 2015, NMWD customers have reduced water consumption 475 million gallons, resulting in a 31% cumulative savings compared to the same period in 2013, and exceeding the State mandated Conservation Standard of 24%.

In response to questions included in the Notice of Public Workshop NMWD offers the following:

1. What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?
  - a. NMWD asks that the addition of a Regional Compliance Option to the current Emergency Regulation framework be included. NMWD is a member of the Sonoma Marin Saving Water Partnership (SMSWP) which advocated for a regional compliance approach in its' April 22, 2015 letter to the State Board staff. A more expanded Regional Compliance Option proposal has now been forwarded to the State Board staff from a broader coalition of water agencies who currently have formed alliances to comply with SBx7-7 requirements. This recent Regional Compliance Option proposal was presented to State Board staff on October 26, 2015 during an informal workgroup meeting. The Regional Compliance Option will achieve the same water savings as the participating individual water agencies. This

- option does not require any changes to individual water agency Conservation Standards, baselines or reported production figures and relies on voluntary participation from individual water agencies that choose to form a multiagency region to reach compliance with the State Water Resources Control Board's emergency regulation.
- b. NMWD also asks that water production savings exceeding the Conservation Standards for a region or individual agency during the June 2015 through February 2016 period be "rolled over" and credited to the region or individual agency during any extension period. We ask that any proposed extension period, prospectively beginning on March 1, 2016, not restart from a perspective of no conservation savings to-date when a region or individual agency has ended the original measurement period with cumulative savings exceeding its Conservation Standard.
2. What additional data, if any, should the State Water Board be collecting through the Emergency Regulation and how would it be used?
    - a. For future compliance evaluation purposes, NMWD requests State Board staff guidance to help standardize the methods used to account for bimonthly billing cycles and different number of days in each billing cycle. Water production information from water wholesalers are not always consistent between years because the wholesaler billing period does not always coincide with calendar month as now required for reporting. This request will provide more accurate data for comparison between current year and baseline year monthly reporting.
    - b. For future applicability of the Conservation Standard for a region or individual agency, NMWD suggests the State Board collect available water storage information for that region or agency monthly.
  3. How should the State Water Board account for precipitation after January 2016 in its implementation of any extension of the Emergency Regulation?
    - a. NMWD requests that any extension of Emergency Regulation beyond February 2016 include a trigger for regions or individual agencies based on a nexus between the mandated conservation standard and

Ms. Townsend  
SWRCB  
December 2, 2015  
Page 3

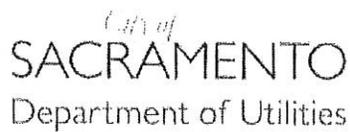
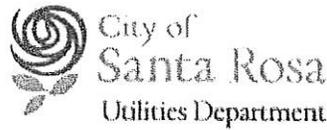
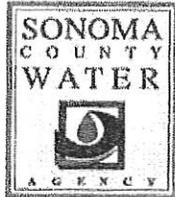
current local water supply conditions. One way to do so is by reviewing the available water supply information monthly as suggested in response 2.b. above. The State Board can consider scaling back the applicable Conservation Standard when sufficient water supply as determined by reported water storage levels are sufficient to meet the region or agency needs. We suggest the State Board consider a 4% Conservation Standard when a region or agency has available water storage at or above 90% of the water supply pool for surface water reservoirs, on April 1, 2016. The Conservation Standard for a region or agency could be proportionately higher if water storage levels on April 1 are below 90%.

Once again, thank you for the opportunity to comment.

Sincerely,



Chris DeGabriele  
NMWD General Manager



November 23, 2015

Mr. Max Gomberg  
Environmental Program Manager  
Office of Research, Planning and Performance  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Subject: Emergency Regulation Regional Compliance Option

Dear Mr. Gomberg:

We appreciate the opportunity to provide input on refinements to the current Emergency Regulation for possible inclusion in any future emergency regulations. We understand the current Emergency Regulation may be extended beyond February 2016 in response to the ongoing drought emergency. We are proposing the addition of a regional compliance option to the current Emergency Regulation framework. The regional compliance option will achieve the same water savings as the participating individual water agencies. This option does not require any changes to individual water agency conservation standards, baselines or reported production figures and relies on voluntary participation from individual water agencies that choose to form a multiagency region to reach compliance with the State Water Resources Control Board's emergency regulations.

The regional compliance option works by gathering a group of water agencies united by similar water sources, a wholesale agency or other local factors and calculating required water savings for each participating agency (based on 2013 baseline production and State Water Resources Control Board assigned individual water agency conservation standards). The calculated water savings from each water agency is combined into a regional figure. The baseline production data from each water agency is also combined into a regional figure. The resulting relationship between the regional baseline production and the regional water savings creates the regional conservation standard. The participating water agencies then work towards collectively meeting the regional conservation standard. If the region collectively meets the regional conservation standard, all the participating water agencies are deemed successful at complying with the Emergency Regulation. If the region does not meet the regional conservation standard, the region is deemed not successful and the participating water agencies are still held accountable to their individual State Water Resources Control Board assigned water conservation standard.

We believe the regional compliance option provides additional benefits that help alleviate the drought both now and in the future by promoting regional collaboration to achieve assigned conservation standards. For example, a regional conservation standard allows water agencies to leverage resources for joint conservation programs, strategically implement specific conservation actions for increased cost effectiveness, develop consistent regional public outreach messaging and collectively fund media ad buys to communicate to customers.

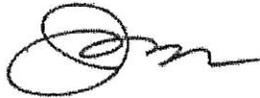
Regional collaboration to meet conservation standards is already being successfully implemented in many parts of the state through SBx7-7. Currently there are 9 regional alliances representing 87 urban water retailers that have formed per Water Code Section 10608.28(a) for this purpose. We are

requesting to extend this regional option to implementing the Emergency Regulation utilizing the same methodology for forming regions for SBx7-7. Existing regional alliances that formed for SBx7-7 compliance may choose to submit documentation of their existing regional alliance for the purpose of meeting the Emergency Regulation on a regional basis. Additionally new regions may be formed specifically for the purpose of meeting Emergency Regulation compliance by providing letters of support from individual water agencies to the State Water Resources Control Board and appointing a regional entity to provide monthly regional reporting to the State Water Resources Control Board.

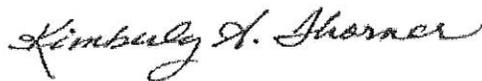
In summary, the regional compliance option delivers the same water savings that would be achieved by individual water agencies. No water savings will be lost. In fact, there is potential for additional savings with a regional approach. This option also improves flexibility for compliance with the Emergency Regulation and builds regional partnerships that will be beneficial to the state of California beyond the drought. Furthermore this proposal would support, not compromise any other potential revisions to the future emergency regulations as this refinement does not decrease water savings. Other potential revisions include "roll-over" savings from one regulatory period to another when an individual water agency exceeds their water conservation standard. These "roll-over" savings can and should be incorporated into the overall regional target.

Please review the full proposal below for more details and let us know if you have any questions or comments.

Sincerely,



John Woodling, Executive Director  
Regional Water Authority



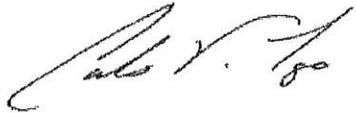
Kimberly Thorner, General Manager  
Olivenhain Municipal Water District



Dana Frieauf, Water Resources Manager  
San Diego County Water Authority



Allen Carlisle, CEO/General Manager  
Padre Dam Municipal Water District



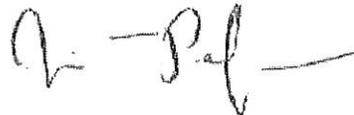
Carlos Lugo, General Manager  
Helix Water District



Tom Kennedy, General Manager  
Rainbow Municipal Water District



Greg Thomas, General Manager  
Rincon del Diablo Municipal Water District



Jim Peifer, Policy and Legislation Manager  
City of Sacramento Department of Utilities



Dennis Lamb, General Manager  
Vallecitos Water District



Wendy Chambers, General Manager  
Carlsbad Municipal Water District



Bill O'Donnell, General Manager  
San Dieguito Water District



Grant Arant, General Manager  
Valley Center Municipal Water District



David Guhin, Director of Santa Rosa Water & Vice  
Chair Technical Advisor Committee to Sonoma  
County Water Agency (on behalf of the Sonoma-  
Marin Saving Water Partnership)

C: Caren Trgovcich, Chief Deputy Director

Eric Oppenheimer, Director of the Office of Research, Planning and Performance

**Emergency Regulation  
Regional Compliance Proposal  
November 23, 2015**

**Purpose:**

To provide an option for regional compliance with Emergency Regulation conservation standards that will achieve the same amount of water savings as individual water agency conservation standards.

**Guiding Principles:**

- Provide an opportunity for regions to work together to achieve water savings and demonstrate compliance with the Emergency Regulation.
- Regional compliance is a voluntary approach. Water agencies would not be required to form a region nor participate in a regional alliance.
- Provide an additional compliance option. If the region is successful at meeting the Regional Conservation Standard, all water agencies in the region would be deemed successful. If the region is unsuccessful at meeting the Regional Conservation Standard, each water agency would need to meet its' individual conservation standard.
- To the extent possible, use existing water code and framework identified for regional alliance development for SBx7-7.
- The formation of a region would only be for the purposes of complying with the Emergency Regulation.

**Regional Compliance Benefits:**

- Maintains original conservation standards assigned to each individual water agency
- Allows for consistent messaging throughout the region
- Allows water agencies to leverage resources
- Provides for economies of scale for conservation implementation
- Allows for regional collaboration
- Improves flexibility for compliance with the Emergency Regulation
- Uses existing state law for regional formation

**Regional Formation Criteria and Geographic Scope:**

Allow regions to form based on the criteria for forming a SBx7-7 regional alliance, per Water Code Section 10608.28 as follows:

Section 10608.28.

*(a) An urban retail water supplier may meet its urban water use target within its retail service area, or through mutual agreement, by any of the following:*

*(1) Through an urban wholesale water supplier.*

*(2) Through a regional agency authorized to plan and implement water conservation, including, but not limited to, an agency established under the Bay Area Water Supply and Conservation Agency Act (Division 31 (commencing with Section 81300)).*

- (3) Through a regional water management group as defined in Section 10537.*
- (4) By an integrated regional water management funding area.*
- (5) By hydrologic region.*
- (6) Through other appropriate geographic scales for which computation methods have been developed by the department.*

*(b) A regional water management group, with the written consent of its member agencies, may undertake any or all planning, reporting, and implementation functions under this chapter for the member agencies that consent to those activities. Any data or reports shall provide information both for the regional water management group and separately for each consenting urban retail water supplier and urban wholesale water supplier.*

Regions can form in two ways as follows:

- Provide documentation to the State Water Resources Control Board of existing regional alliances formed per Water Code Section 10608.28(a). Currently there are 9 regional alliances representing 87 water agencies that have formed per Water Code Section 10608.28(a).
- Submit letters of support from each participating water agency to form a region for the purpose of regional compliance with the Emergency Regulation.

Region formation timeline and composition:

- Regions would need to submit documentation to the State Water Resources Control Board regarding their interest in regionally complying with the Emergency Regulation within two months of the date the Emergency Regulation goes into effect.
- Once a region is formed and accepted by the State Water Resources Control Board for purposes of regionally complying with the Emergency Regulation, the members of the region cannot change and the region must remain in place until the end date of the Emergency Regulation.

**Regional Calculation and Water Savings:**

- Each individual water agency would calculate their required water savings using their assigned individual conservation standard, weighted by June through February 2013 water production data. All individual water agency data would then be consolidated to calculate a Regional Conservation Standard. Please see the excel spreadsheet entitled "SWRCB Template" for more clarification on calculating the Regional Conservation Standard.
- The Regional Conservation Standard would provide the same amount of water savings as each individual water agency conservation standard.

**Group Leadership and Compliance Assessment:**

- Regions interested in regional compliance would designate a lead agency to submit the Regional Conservation Standard and monthly progress on that standard on behalf of the regional members to the State Water Resources Control Board for acceptance.
- Each individual water agency would continue to report their individual monthly water use data to the State Water Resources Control Board.

**Accountability and Enforcement:**

- If the region meets the Regional Conservation Standard, each individual water agency in a region would be deemed successful at complying with the Regional Conservation Standard.
- If the region does not meet the Regional Conservation Standard, each individual water agency in a region would need to meet its individual conservation standard.
- If the region does not meet the Regional Conservation Standard and the individual water agency in the region does not meet its individual conservation standard, the individual water agency would be subject to enforcement action by the State Water Resources Control Board as outlined in the Emergency Regulation.

**Additional proposed changes to the Emergency Regulation:**

- This proposal would support any other potential revisions to the Emergency Regulation. Additional potential revisions to the Emergency Regulation can and should be incorporated into the overall Regional Conservation Standard calculation.