



915 L Street., Suite 1210
Sacramento, CA 95814
(916) 326-5800
CMUA.org

January 30, 2019

Submitted via email to: commentletters@waterboards.ca.gov

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

Subject: Comment Letter – Proposed Urban Water Conservation Reporting Regulations

Dear Ms. Townsend,

The California Municipal Utilities Association (CMUA), representing 49 public water utilities, appreciates the opportunity to comment on the State Water Board’s Proposed Urban Water Conservation Reporting Regulations (proposed regulations). Prior to, and during the historic drought from 2011 to 2015, CMUA’s member agencies played an integral role in implementing successful water conservation programs in addition to raising public awareness of this critical resource.

We appreciate the time and effort staff have put into working with water suppliers in developing these draft regulations and offer the following constructive comments to ensure these regulations achieve their intended outcome.

State Water Board Already Has Authority to Require Monthly Reporting

CMUA disagrees with the proposed regulations use of the waste and unreasonable use doctrine for the basis of this regulation. Reporting regulations do not safeguard or extend urban water supplies, nor do they improve protection of the public’s health and welfare. CMUA recommends the State Water Board utilize the existing authority in California Water Code Section 10609.28 which allows the Board to develop a regulation regarding monthly reporting related to water production.

Monthly Reporting of Residential Gallons Per Capita Used Daily is Problematic Without Proper Contextualization

During the drought and throughout conversations with staff in 2019, water suppliers noted the flaws in monthly reporting of residential gallons per capita used daily (R-GPCD) including that there are many factors that impact R-GPCD, such as but not limited to agencies that use bimonthly billing, missed payments, AMI discrepancies, shutoffs, and inaccurate meters.

The State Water Board also recognized the inherent flaws in the accuracy of monthly reporting of R-GPCD by allowing urban water suppliers during the drought to revise previous monthly reports at any time¹. CMUA recommends State Water Board continue to allow urban water

¹ [State Water Board Website – Urban Water Supplier Monthly Monitoring Report Guidance](#)

suppliers to revise submitted monthly figures in the proposed regulations as they become more accurate over time. Additionally, the inclusion of a disclaimer on all data posted publicly as part of the proposed regulations stating that the figures presented may not be the most accurate representation of actual water production is recommended. Sample language can be found on the State Board's website regarding the inappropriateness of using R-GPCD for comparisons across water suppliers unless factors that can affect per capita water are taken into account.²

Clarifications Are Needed in Sections 990 and 991

In addition to the policy comments provided earlier in this letter, CMUA would like to request section 991 be amended to clarify the following subsections:

- §991(a)(3) – Reporting period is not defined in the proposed Definitions Section 990. CMUA recommends reporting period be defined as monthly for the purposes of these regulations. We also request the regulations or accompanying documents clarify that it is acceptable for urban retail suppliers to use *annual* population data when it becomes available.
- §991(a)(4) – Many suppliers use annual percent residential water use in their monthly reporting. CMUA requests the regulations or accompanying documents address whether this practice is acceptable.
- §991(a)(5) – Water Code Section 10632(a)(3)(A) requires suppliers to define six standard water shortage levels. CMUA requests the Definitions Section 990(h) include language in Water Code section 10632 subdivision (a)(3)(B) which allows an *“urban water supplier with existing water shortage contingency plans to use different water shortage levels that may comply with the requirements in subparagraph (A) by developing and including a cross-reference relating its exiting categories to the six standard water shortage levels³.”*

Regulations Should Allow for Flexibility in Reporting

CMUA requests the proposed regulations include language allowing a grace period or extension for reporting when urban water suppliers are impacted by unforeseen circumstances such as natural or manmade disasters.

CMUA thanks the State Water Board Members and staff for consideration of these comments. If you have any questions, I can be reached at (916) 326-5806.

Sincerely,



Jonathan Young
Senior Regulatory Advocate
California Municipal Utilities Association

² [State Water Board Website – Factors that can affect per capita water.](#)

³ [CWC §10632\(a\)\(3\)\(B\)](#)