From: Cole, Rischa on behalf of Coate, Alexander
To: DWR Water Use Efficiency
Cc: Sykes, Richard; Coate, Alexander
Subject: EBMUD Comments re: DWR Proposal for Statewode Regs on WSCP
Date: Monday, October 17, 2016 9:45:58 AM
Attachments: image001.png
101716 - EBMUD Comment letter to DWR WSCP.pdf

Good morning, attached please find EBMUD's comments to DWR's proposal for statewide regulations on water shortage contingency planning. If you have any questions, please contact Richard Sykes, Director of Water and Natural Resources at Richard.Sykes@ebmud.com.

Thank you,

Alexander. R. Coate
General Manager
Alexander.Coate@ebmud.com

Description: Description: full-values-gray

EAST BAY
MUNICIPAL UTILITY DISTRICT

ALEXANDER R. COATE
GENERAL MANAGER

October 17, 2016

VIA E-MAIL: *WUE@water.ca.gov*

Mr. Kent Frame
Program Manager II
Water Use & Efficiency Branch
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Subject: DWR Proposal for Statewide Regulations on Water Shortage Contingency Planning

Dear Mr. Frame:

East Bay Municipal Utility District (EBMUD) appreciated the opportunity to participate in the August 31, 2016 workshop on the development of statewide requirements for Water Shortage Contingency Plans (WSCPs) and in the September 19-20 meeting of the Urban Advisory Group (UAG). After listening to the discussion, and reviewing the materials that the Department of Water Resources (DWR) provided, EBMUD offers these comments on the current draft framework/approach for meeting Executive Order B-37-16.

EBMUD has a long history of planning for water shortage. In addition to the WSCP, first adopted by DWR in 1991 and most recently updated as part of the update of the 2015 Urban Water Management Plan (UWMP), EBMUD has its Water Supply Availability and Deficiency Policy (Policy 9.03). First established in 1985, the policy defines a process for assessing the adequacy of the District's water supply and reporting to the EBMUD Board of Directors on an annual basis.

It is on the basis of this experience that EBMUD provides the following comments.

WSCP Purpose and Scope

EBMUD proposes that DWR revisit the purpose of a WSCP and consider whether its proposed framework will effectively address the issues it is attempting to solve.

A WSCP helps urban water suppliers prepare for and respond to situations that impact an agency's water supply; this includes droughts, but it also includes other emergency situations like earthquakes and poor water quality that may abruptly interrupt the supply of water. Components of a WSCP are developed through an agency's local stakeholder input process and provide a framework to respond adaptively to a local water shortage condition. It includes measures to implement (i.e. conservation, rate structures, water use prohibitions, water purchase agreements, etc.) depending upon triggers that are forecasted to be reached. The WSCP is not intended to prevent a shortage condition from ever developing in the first place. Water shortages occur due to a combination of events, including hydrologic conditions, demands, availability of water supply in storage and through existing agreements and contracts. All scenarios cannot be anticipated and prevented. In spite of the severity of the recent drought, EBMUD was able to meet customer demands through advance planning and implementation of its WSCP.

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . (510) 287-0101

DWR already has the tools at its disposal to help agencies that do not have adequate WSCPs. The California Water Code, Section 10632, already sets out the requirements for elements that need to be included in a WSCP. DWR's "Guidebook for Urban Water Suppliers" provides detailed guidance on complying with the requirements in 2015 UWMPs. If, as DWR suggested at the September 19 UAG meeting, there is a small percentage of agencies whose WSCPs are not meeting requirements, then DWR should focus its resources on working with those specific group of agencies to bring them into compliance with existing requirements, instead of creating a new set of requirements for all agencies. Most agencies have created sound WSCPs tailored to their own unique local conditions. Trying to rush and force a "one size fits all" approach would be costly and duplicative of adopted programs with a proven record of success. Instead, DWR should focus its resources on working with those remaining agencies that do not yet have adequate WSCPs to develop a template that they can more easily utilize and implement. DWR or another organization can focus their outreach efforts on those agencies that are unable to meet the WSCP requirements by conducting WSCP training workshops, providing support and clarification for the agency's specific system as they develop their WSCP. This can be similar to the American Water Works Association's (AWWA) Water Loss Technical Assistance Program that assists agencies in complying with Senate Bill 555 – Water Loss Audit Reporting. AWWA offered free training workshops as a first step; and now is meeting with interested specific agencies to go through the agency's water loss audit and provide recommendations or suggestions.

Reporting Requirements

Urban water agencies are currently required to perform a long-term assessment of their water supply reliability every five years as part of their UWMP. DWR is proposing that agencies now also be required to prepare an annual "drought-risk" assessment. These assessments could then be included as part of the UWMP submittal. As described above, and as DWR is aware, many agencies like EBMUD assess its water supply each spring based on DWR's hydrologic forecasts. These annual reports can be included in future UWMP submittals. Given the wide variation in water supplies, uses, climate, and operational practices among California water agencies, each agency would need to develop its own policy for analyzing the sufficiency of its water supply on an annual basis. There are already numerous reporting requirements in place for water agencies; therefore, before developing new reporting requirements, DWR may want to take an inventory in collaboration with internal staff and other state agencies to avoid duplication of efforts or creation of conflicting requirements.

The five-year stress test that DWR has proposed seems to duplicate the multi-year drought supply-demand assessment that is already a UWMP requirement. The annual assessment increases agency workload without significant benefit to these agencies or to DWR/SWRCB. Each hydrologic region in the state may have differing baselines for a 'stress test'; therefore setting one range (i.e. 5 years) however it is defined will not capture the appropriate and relevant planning scenario or scenarios for each urban water supplier. Other assumptions about a supplemental supply (i.e. CVP/SWP allocations) also play a critical role in the stress test. EBMUD recommends that DWR focus on developing a framework for relevant and appropriate planning scenarios that reflect local conditions. This framework would help guide future WSCPs for agencies that have approved UWMPs, and it could also be used by DWR to assist those agencies that are currently deficient in development of their WSCPs.

Proposed Demand Reduction Levels

DWR proposed developing standardized WSCP stages with associated percentages of demand reduction. The current proposal includes six stages with demand reductions ranging from 5 percent to greater than 50 percent. EBMUD recommends that the current proposal be adjusted to align with existing practice. EBMUD and many other urban water agencies have drought management programs with stages that are triggered by increasingly severe water shortages related to the agency's unique supply conditions. Typically, each stage has a recommended level of demand reduction that the agency can enact, along with other measures such as implementing temporary supply augmentation. EBMUD suggests that DWR change its terminology for demand reduction tiers to "levels" and incorporate them into the existing framework outlined in the UWMP guidebook.

Temporary Supply Augmentation

Allowance should also be made for the fact that many agencies, including EBMUD, incorporate the temporary augmentation of their supply into their UWMP and drought management plans. For example, EBMUD has an agreement with the U.S. Bureau of Reclamation that enables delivery of water from the Central Valley Project water during dry years; and EBMUD also has existing agreements to purchase water through water transfers. These supply augmentation actions were important components of our drought response in 2014 and 2015. In addition, EBMUD has physical interties with local water agencies that would allow short-term water transfers during an emergency.

Emergency Clarification

Lastly, while EBMUD has plans and policies in place that could achieve the levels of demand reduction that DWR proposes, it is important to clarify that the highest levels of demand reduction are intended for emergency scenarios at EBMUD (e.g., earthquakes, failure of critical infrastructure, etc.) and not restricted to just droughts. DWR should distinguish between droughts and other types of emergencies in the development of its regulations. Clarification is important as the type of emergency will dictate substantially different response actions and response timelines.

Thank you for your consideration and continued collaboration. If you have any questions, please contact Richard Sykes, Director of Water and Natural Resources, at *richard.sykes@ebmud.com* or (510) 287-1629.

Sincerely,

Alexander R. Coate
General Manager

cc: Erik Ekdahl, SWRCB
Max Gomberg, SWRCB
Diana Brooks, DWR
Peter Brostrom, DWR
Vicki Lake, DWR