

Comments on Public Review Draft of *Making Water Conservation a California Way of Life:  
Primer of 2018 Legislation on Water Conservation and Drought Planning*

General Comment	
<p>Overall, the Primer is a very helpful document. It provides a great mechanism to ensure that the state agencies and stakeholders have a similar understanding of the laws, which is critical as we go through the implementation process. The flowcharts are very effective and useful in providing a summary of the steps and dates. The comments below focus primarily on making sure the Primer is consistent with the new laws and contains adequate guidance to stakeholders. As urban water suppliers, we are not providing comments on the section regarding agricultural water use efficiency and drought planning.</p>	

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1.	ii	Key Definitions - Where possible, cite the specific water code section that correlates to the definition (e.g. reference §10608.12(p) for process water).
2.	ii	Key Definitions - Revise the definition for “irrigable land” to read: “ <i>Irrigable area includes irrigated landscapes and areas that are <del>typically irrigated</del> suitable for irrigation but were not irrigated when the measurements were taken.</i> ” This allows a water supplier’s objective to include properties that may be irrigated at a later date and is consistent with the Merriam-Webster definition.
3.	ii	Key Definitions - Definition of "irrigated land" does not account for CII landscape areas. Revise definition to read, “ <i>The outdoor area that is landscaped and appears to be watered regularly.</i> ”
4.	ii	Key Definitions – The definition of water loss should be contextualized. We recommend revising the definition of “water loss” as follows: “ <i>In the context of water use efficiency standards, water loss is the total of apparent losses and real losses in an urban retail water supplier's <del>potable</del> system. Apparent losses means...</i> ”
5.	iii	Acronyms and Abbreviations - Add: <i>MWELO - Model Water Efficient Landscape Ordinance</i>
6.	4	Second Row of Table - Enforcement is not part of SB 555. Please revise the sentence to read: <i>Affirmation for continued implementation of existing requirements enacted by SB 555 of 2015 for setting urban retail water loss standard, methodology, <del>and reporting, and enforcement.</del></i>
7.	6	Second Paragraph - The CWC does not address industry standards and future volumetric approaches for CII sector. Therefore, please revise the following sentence from the end of the second paragraph: “ <i>The Legislature’s <del>approach of implementing performance measures</del> recognizes the substantial diversity of businesses and institutions throughout the state, <del>and data collection associated with CII performance measures may support industry standards and future volumetric approaches, if warranted.</del></i> ”

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8.	6	Second Paragraph - The text should be revised to clarify the specific standards and practices to be established: <i>The resulting CWC §10609 requires DWR and the State Water Board to establish standards <del>and practices</del> for (1) indoor residential use; (2) outdoor residential use; (3) <del>outdoor CII use with dedicated irrigation meters; and</del>(4) water losses.;<del>and (5) appropriate variances reflecting CWC §10609 also requires DWR and the State Water Board to establish performance measures for CII water use and appropriate variances for unique uses that can have a material effect on an urban retail water supplier’s urban water use objective.</del></i>
9.	6	Third Paragraph - The last part of the sentence implies anticipation of additional authority. Revise to read: <i>“For this reason, the Legislature required a thorough review of the progress, outcomes, and effects of near-term implementation, along with <del>recommendations, if any, for improving statewide urban water use efficiency before considering additional authority for the State Water Board to update and amend the adopted urban water use efficiency standards after 2022.</del>”</i>
10.	6	Fourth Paragraph - Recommend text be revised to include the adoption of variances and the streamlining of data reporting: <i>“(1) urban water use efficiency standards and urban water use objective; (2) CII performance measures; (3) <del>appropriate variances; (34) State-provided data; (45) reporting requirements; (56) compliance, enforcement, and legislative oversight; and (67) public access to streamlining water data reporting.</del>”</i>
11.	7	First Paragraph - The legislation does not state that the standards are minimum. Delete “minimum.”
12.	7	Third Paragraph - <i>All new authorities and requirements for urban water use objectives are enforceable after 2022.</i> Revise to reflect the start of enforcement on November 1, 2023, with information orders.
13.	7	Third Paragraph – §10608.16 requires that the state shall achieve a 20-percent reduction in urban per capita water use in California on or before December 31, 2020. Revise sentence to read: <i>“AB 1668 requires that implementation of the new authorities and requirements result in <del>supplier statewide</del> conservation exceeding current statewide targets.”</i>
14.	7	Bullet at the Bottom of the Page – Bullet reads: <i>“Requires DWR, in coordination with the State Water Board, to conduct necessary studies and investigations and develop recommendations to the Legislature on efficiency standards for indoor residential use...”</i> This sentence should be modified to be consistent with §10609.4 (b)(1), which states that DWR <u>shall</u> conduct necessary studies and <u>may</u> jointly recommend to the Legislature a standard.
15.	9	Urban Water Use Objective #3 references <i>“...dedicated irrigation meters or equivalent...”</i> Note that equivalent may not be technically feasible or cost-effective, so there is no accurate measurement of water use for mixed meters. Stakeholders/DWR need to develop a process to address identifying CII dedicated landscape meters separately from total CII landscape that may be included in DWR landscape area. AB 1668, 10609.2 (d) states ... <i>"other demands excluded from the long-term standards such as CII indoor water use and CII outdoor water use not connected to a dedicated irrigation meter...."</i> (AB 1668)

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16.	9	Third Paragraph - Recommend deleting the sentence: <i>“The urban retail water supplier will then be in a better position to help reduce water use in excess of that needed to accomplish its intended water use objective.”</i> The report is on the previous year and year-to-year compliance will vary based on weather conditions. Previous year info does not necessarily put a supplier in a better position to reduce water use.
17.	11	First Bullet Under Annual Water Use Report – Calculation for urban water use objective does not include potable reuse incentive. Needs to be included per §10609.20.
18.	12	Flow Chart - <i>UWMP Supplement Incorporating Other Water Use Efficiency Standard Implementation</i> . This flow chart is very helpful but the description of the document shown is misleading and should be changed: <i>By Jul. 1, 2021 - UWMP Update Incorporating Water Loss Standard Implementation. <del>and Demand Management to Meet 2027 Urban Water Use Objective</del> By Jan. 1, 2024 - UWMP Supplement Incorporating <del>Demand Management to Meet 2027 Urban Water Use Objective. Other Water Use Efficiency Standard Implementation</del></i>
19.	16	Current title of section <i>“PUBLIC ACCESS TO DATA”</i> does not match intent of the bill. Revise to: <i><del>PUBLIC ACCESS TO DATA</del> “STREAMLINING OF WATER DATA REPORTING. SB 606 and AB 1668 include additional requirements for <del>public access to data and their use streamlining the reporting of water data.</del>”</i>
20.	18	Milestone Schedule - <i>Oct 1, 2021 – DWR recommends standards for outdoor residential use, landscape irrigation, and unique urban water use variances. Oct 1 – DWR recommends standards for outdoor residential use, <del>CII dedicated</del> landscape irrigation, and unique urban water use variances.</i>
21.	18	Milestone Schedule - 2021 - DWR will also need to provide CII dedicated meter irrigable areas otherwise retailers won’t have the necessary info to calculate their target objectives.
22.	18	Milestone Schedule - <i>Jul 1, 2025 forward – State Water Board may issue conservation order to urban retail water supplier.</i> Date is wrong, correct as follows: <del>Jul 1</del> <i>Nov 1 forward – State Water Board may issue conservation order to urban retail water supplier.</i>
23.	18	Milestone Schedule - In the table under 2024, it should clarify that: <i>“Urban water suppliers adopt and submit to DWR the supplement to the adopted 2020 UWMPs on water demand management measures to be implemented <u>by 2027.</u>”</i> It should remain consistent throughout the Primer. Legislative Counsel issued an oral opinion on this specification due to how vague §10631(e)(1)(B) of SB 606 was concerning the 2027 date in statute. It is important to clarify how many years’ in the future urban water suppliers must submit information to DWR. In this case, the narrative and supplement to a supplier’s 2020 plan are due in 2024. Suppliers should know to prepare and provide the correct information up to 2027.
24.	18	Milestone Schedule – Clarify for 2024 that urban water suppliers only need to report on DMMs implemented to achieve the objective, not on all DMMs.

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25.	18 & 20	Under the section on Feasibility Study for Estimating Water Loss Reporting Requirements, please also include the language from §10608.35(c): <i>“In conducting necessary studies and investigations and developing its recommendation, the department shall solicit broad public participation from stakeholders and other interested parties.”</i>
26.	22	First paragraph - Consistent with the 2017 Framework report (page 3-11), please acknowledge that some urban water suppliers were prepared for the historic 2012 through 2016 drought and already had strong shortage response plans.
27.	23	Last Sub-Bullet - Requirements described in paragraph only apply to basins not adjudicated. Revise text to read: <i>“If groundwater is identified as an existing or planned source of water supply, include the current version of any groundwater sustainability plan or alternative adopted for SGMA compliance <b>or any other specific authorization for groundwater management, and, for basins that have not been adjudicated,</b> actions taken by the supplier in coordination with groundwater sustainability agencies or groundwater management agencies to maintain or achieve sustainable groundwater conditions.”</i>
28.	26	Milestone Schedule - Please include the completion date for DWR’s guidelines on preparation of the annual water shortage assessment. June 2019 will come very quickly, and agencies need to have adequate time to prepare the assessment, especially for regions that have to coordinate between wholesale and retail agencies.
29.	26	Milestone Schedule - Should include §10632.1 of SB 606 which clarifies the following for urban water suppliers using imported water from the State Water Project: <i>“An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by June 1 of each year, whichever is later.”</i> It is essential that suppliers understand the difference in requirements based on their water supply.
30.	32	Second Paragraph - The use of "consideration of" makes it sound like the State agencies may not consider having broad stakeholder engagement, suggest to revise to be consistent with §10609.18: <i>“This work and communication will include (1) <b>consideration of</b> broad stakeholder engagement,”</i>
31.	33	Schedule for 2021 includes <i>“Local Data for Calculating Urban Water Use Objectives.”</i> What is this referring to? Please explain/reword to clarify the specific requirement.
32.	36	Third Row - There should be a clarification that incorporates the following information: §10609.6(c) states, <i>“The department shall not recommend standards pursuant to this section until it has conducted pilot projects or studies, or some combination of the two, to ensure that the data provided to local agencies are reasonably accurate for the data’s intended uses, taking into consideration California’s diverse landscapes and community characteristics.”</i> Urban water suppliers should be informed of these pilot projects or studies to prepare to provide DWR information. This could prevent delay of implementation.

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33.	36	Entire Table - DWR should revisit this table to ensure that the Stakeholders/Public involvement (or "PP") is adequately represented. §10609.18 states that: <i>"The department and the board shall solicit broad public participation from stakeholders and other interested persons in the development of the standards and the adoption of regulations pursuant to this chapter."</i> The actions listed in the table related to both conducting the studies and adoption of the associated regulations must include public participation or "PP."
34.	42	Row Two – "§10608.34(i)" should be removed from the "CWC Section" column and into the "Related Existing Authorities and Requirements" column. This citation is existing law from SB 1171 in 2016. The "CWC Section" column guides readers to believe that these citations are from the newly enacted AB 1668 and SB 606. The "Related Existing Authorities and Requirements" column leads readers to believe that these citations are existing law. Including this change could help avoid confusion and will add to consistency throughout the Primer.
35.	48	Table B-1, Task 1 - The date of January 1, 2019, does not exist in §10609.28 of SB 606 it also does not require the adoption of regulation but allows adoption. We would appreciate clarification as to if the date is self-imposed or existing law. If it is existing law, we would appreciate the citation. We also request that consideration be given to streamlining reporting and evaluating the benefits of modifying the timing and frequency of reporting.
36.	48	Table B-1, Task 2 - We would appreciate a more solid deadline for preparation of the guidelines, forms and web portal for the annual assessments.
37.	48	Table B-1, Task 3 – CWC does not specify a deadline, but the start date shown is July 2019. Suggest this is completed as soon as possible (and much sooner than July 2019) since all monthly and annual reports will be impacted by the streamlining efforts.
38.	48	Table B-1, Task 4 – Revise deadline to read: <i>Annually on September <del>130</del>; starting 2019.</i>
39.	48	Table B-1, Task 6 - We are unsure of what the citation §10631(d)(3)(C) relates to in relation to the date and action listed in the Primer, as the following is the language referenced: <i>"In the plan due July 1, 2021, and in each update thereafter, data shall be included to show whether the urban retail water supplier met the distribution loss standards enacted by the board pursuant to Section 10608.34."</i> The deadline for Task #6 is also confusing as the citation for AB 1668, §10609.2, gives a date of June 30, 2022. If this is a self-imposed deadline, we would appreciate that distinction from statute.
40.	48	Table B-1, Task 7 – The deadline to <i>"Update UWMP Guidebook and Templates..."</i> is listed as <i>"Fall 2020 (sufficient time prior to July 2021 reporting deadline)."</i> This is not sufficient time as we will already have a draft UWMP report completed by Fall 2020. Suggest this be completed by Summer 2020.

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41.	50	Table B-1, Task 18 - We believe that the June 30, 2022 date is the deadline in which the State Water Board must adopt guidelines and methodologies for the water use objective calculation and variances because §10609.2 states, <i>“The board, in coordination with the department, shall adopt long-term standards for the efficient use of water pursuant to this chapter on or before June 30, 2022.”</i> We believe that the guidelines and methodologies are a part of the standards and that typically the date of a section applies to that entire section unless a separate date is specified.