

**SBX7-7 Public Listening Session  
2009 Water Conservation Act  
Meeting Summary  
Los Angeles, CA  
March 10, 2010**

**Welcome and Greetings**

Manucher Alemi, DWR Water Use and Efficiency Branch Chief, welcomed participants to the Senate Bill X7-7 Listening Session. He explained that the California Department of Water Resources (DWR) and the California Urban Water Conservation Council (CUWCC) are starting the process to establish technical methodologies and a water use target method to comply with SB X7-7. The Listening Session is for the public to provide input on possible approaches, and assistance to identify the most feasible technical methodologies (including identifying possible data sources for water use target methods). Session participants are encouraged to provide input to DWR staff.

Facilitator Dave Ceppos, Managing Senior Mediator with the CSU Sacramento, Center for Collaborative Policy introduced himself and Charlotte Chorneau, CCP, who will capture the comments through detailed note taking as well as Gwen Huff, DWR, who will be charting flip chart notes as back up.

**Presentation # 1: Overview of SBX7-7**

Mr. Alemi presented an outline of the requirements of SB X7-7, the timeline of the subsequent processes and projects and the plan for implementation and public participation. Presentation slides are available at: <http://www.water.ca.gov/calendar>

**Presentation #2: SB X7-7 Water Use Targets and Compliance Steps**

Tom Hawkins, DWR, presented on the legislatively outlined steps to document water use reduction. Presentation slides are available at: <http://www.water.ca.gov/calendar>

Ron Mervling, Caritas Municipal Water District, recommended the ten year baseline average take into consideration significant fluctuations in groundwater usage caused by dry years resulting in non-typical high usage of groundwater as this is a hydrological assumption that needs to be built into the calculation.

Joyce Dillard, no affiliation, commented that fracking (the use of water to increase oil well production) be accounted for in the calculation, as this process uses potable water in the Los Angeles region.

Monica Na, American California Water, explained that her agency is a retailer and their service area is fragmented and does not match census tracks. In terms of step two and calculating per capita use based on population, she asked if she can use Department of Finance data.

Another issue is how wholesalers account for non-retail water in the 2020 calculation when they prepare joint Urban Water Management Plans (UWMPs) with retailers. Retailers are looking at connections to estimate population and wholesalers cannot do that.

Matt Lyons, Long Beach Water District, mentioned that agencies have to report their GPCD to both the CUWCC and DWR; he reiterated how important it is to have easy or complimentary filing systems.

- Rick Soehren, DWR, explained that one provision of the law is to develop a reporting form that would suit the needs of all agencies that collect water data, so having an easier filing system is a long term goal.
- Mr. Lyons expressed concern in terms of the conservation goal. He stated that agencies will pick the method where they have to do the minimum and that at the interim when DWR reports on progress, they will require extra conservation beyond the targeted 20%, including from those agencies that were already on track to achieve target goals.
- Mr. Soehren responded that it is hard to know what is going to happen in 2015, and what recommendations DWR will need to make in 2016. He hopes that in 2016 the state will consider incentives and tools that help agencies meet the conservation goal.

Jennifer Cusack, Hi-Desert Water District, while appreciating the point of agencies not wanting to conserve over 20%, many agencies such as hers will find it extremely difficult to conserve even 5%; therefore some agencies will need to conserve more than 20% to help those out that cannot.

Mr. Mervling explained that in his jurisdiction recycled water has to be reintroduced for endangered species; he recommended that agencies get credit for existing recycled water in the system.

Alex Keuper, California Water District, is concerned with equity and low income issues. In his district there are agriculture-related residences that are low income and use 80-70 gallons per day. A 20% reduction across the board with the income issue is not realistic. The targets should be more flexible and should not expect places that have conserved much in the past, such as Santa Barbara County, to meet the same kind of conditions as other parts of the state. Low income residents are not going to buy high efficiency and gray water recycling infrastructure. He believes agencies will be lucky to get even a 5% reduction from that customer class.

### **Presentation #3: Technical Methodologies and Compliance Year Adjustments**

Peter Brostrom, DWR, presented on the six technical methodologies for calculating baseline and the three compliance year adjustments.

Presentation slides are available at: <http://www.water.ca.gov/calendar>

Toby Roy, San Diego Water Authority, suggested that local planning office numbers be acceptable for population calculations; and that methods developed by CUWCC be used for ET adjustments.

Mary Lou Cotton, Kennedy/Jenks, mentioned that the Urban Water Management Planning (UWMP) Act has flexibility and has allowed the use of local resources and sources to come up with population calculations. She recommended that this calculation allow for the same flexibility because there is a lot of variation from place to place on reliable sources and there is no way to standardize that.

Ms. Na remarked that her agency reports to the California Public Utilities Commission (CPUC) on service area population. That calculation considers connections and census data.

Tiffany Tran, San Gabriel Valley Water Company, mentioned that for their CPUC reporting, her agency takes the number of all connections and multiplies it by 3.5 for population. She recommended that this be acceptable for the SBX7-7 calculation rather than reinventing the wheel.

Joe Gibson, Impact Science, uses the Tucson, Arizona model for residential per capita, which is 57 gallons per day. He asked if the target of 55 GPCD is demonstrated to be achievable.

- Mr. Brostrom responded that the 55 target is in the statute.
- Chris Brown, California Urban Water Conservation Council, mentioned that the Tucson target was generated a while ago.

George Wattland, Sierra Club, suggested that DWR, or another agency, provide guidelines for evaluation for the second or third adjustment.

Mr. Brostrom stated that DWR is setting the criteria for how water suppliers justify these adjustments i.e. increased tourism. He mentioned that staff heard in Sacramento that there is a 2-3 year lag in business indicator data which will be a problem as the compliance reports are due at the end of the year.

Mr. Gobler explained that Mojave Water Agency has tried to estimate their service area and have found that there are many different data sources. The data sources that seem to work are census, California Department of Finance (DOF), American Communities Survey for Cities, Associated Governments Data, and building permit data. DWR should be flexible as it depends on the agency and the service area.

Justin Scott Loe, Monte Vista Water District, recommended estimating outdoor water use based on county parcel data and subtracting out hardscape. He stated this should be including as one of the “best available methods” for estimating outdoor water use such as the CUWCC BMPs for landscape, which are also in the Model Ordinance.

Ms. Cotton mentioned that the UWMPs checklist require a description of the source estimations. She asked how DWR is going to determine if the plan is complete for the 2010 cycle if there are adjustments that need to be made in a plan. She is concerned because there is a lot of extra work going into all this and some agencies are subject to litigation over their UWMPs and DWR staff may not be able to review the plans and approve them with these extra requirements.

- Mr. Alemi mentioned that DWR is producing a guidebook that will update the calculation outlines. For urban suppliers, who will utilize those methods, plans should be submitted in July of 2011.
- Mr. Soehren responded that DWR spends a lot of staff time reviewing the UWMPs which could be spent helping agencies complete their plans and making sure agencies are implementing. One way DWR is addressing this is by giving agencies the option to submit, at least their summary information, electronically.

Mr. Mervling asked when wholesaler plans are due.

- Mr. Alemi responded that right now, wholesalers plans are due December 2010 and retailer plans are due July 2011.
- Mr. Soehren explained that when the bill was being drafted, the legislature recognized the very long “to-do” list of water suppliers. There is no way the water suppliers can get all this done and that is why they were given an extension until July 2011. However, they only made the deadline apply for retailers. Therefore clean up legislation has been introduced this year (Assembly Bill 2776 and Senate Bill 1478 [nearly identical bills]) to make the same extension for wholesalers.

#### **Presentation #4**

Mr. Brostrom presented on the Urban Water Use Method 4 which must be developed by DWR and consider the following:

- Climate differences
- Population density differences
- Provide flexibility
- Differing levels of per capita water use based on plant water needs
- Differing levels of CII
- Avoid placing an undue hardship on communities that have implemented conservation measures

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#### **ACWA Proposal**

David Bolland, Association of California Water Agencies (ACWA), presented as a member of the public on the ACWA White Paper Method 4 Conceptual Draft. Mr. Bolland has a draft version of this proposal that he distributed to help jump-start DWR’s stakeholder process with substantive input. (The draft White Paper is online at Presentation slides are available at: <http://www.water.ca.gov/calendar>.) Please note: DWR posted the materials on their Web site as a vehicle to share the information and not as an endorsement of the draft proposal.

Mr. Bolland pointed out several elements of this proposal:

- It has been drafted by a geographically diverse workgroup
- The draft is based on, and tied to, the provisions of SBX7-7
- It is intended to assure that those urban retail water agencies that select Option 4 contribute their “fair share” towards the 20% statewide per capita goal

- It is based on identification of a “Reference Area” that is an aggregate of attributes of those agencies that implement Option #3 and that represents a strong level of conservation widely recognized. Option #4 agencies would then adjust for their individual ETo and density differences, include 10% CII reduction from Option#2 to establish their target GPCD.
- The proposal provides the flexibility for local water agencies to meet that goal as prescribed in the legislation
- It encourages regional cooperation in the implementation of the conservation programs
- It provides a list of suggested proven implementation tools that those opting to select Option 4 may consider

Tim Barr, Western Municipal Water District and ACWA member explained that the underlying impact of Methods 1, 2 and 3 is a fair share approach; the ACWA draft blends different portions of those calculations to come up with their proposed Method 4 such as the exemplary standard from Method 3 and the adjustment aspect of Method 2 and the model ordinance. ACWA took those aspects and blended them to in order to compare a place like Los Angeles or San Francisco to an inland warmer climate and lower population/density service area such as Riverside. There is separation of CII and that is allowed in the proposal and the landscape calculation considers local ET. DWR needs to develop a reference target for the exemplary standard (or the community for other agencies to compare them to).

Mr. Alemi asked if ACWA has thought about whether from a statewide perspective this would accomplish a 20% reduction assuming every supplier uses this method.

- Mr. Barr explained that it has been discussed how to test it, but it would be equal to the other methods.
- Mr. Bolland mentioned that since DWR is reporting on the progress by 2015, ACWA suggests that DWR take the Method 4 agencies and sum those up and report those out separately, as they will not be able to calculate the cumulative savings until it is official what methods agencies will choose.
- Mr. Alemi commented that may require extensive calculations especially since DWR has to calculate the standard for the exemplary area.
- Mr. Bolland suggested look at it as incentivizing, and find some funding to help agencies conserve more than their 20% target. There are agencies that have hardships while others around them can conserve more. Agencies should work together and DWR can provide incentives to those with low hanging fruit.
- Mr. Soehren mentioned he is intrigued by the idea of providing incentives and being able to steer more resources toward water use efficiency in addition to the existing bonds available.

Mr. Brown asked where the term “exemplary agencies” came from.

- Mr. Bolland explained that ACWA is using that word as that was their interpretation of the idea from Method 3 of the legislation.
- Mr. Brown explained that the idea of exemplary agencies came from an attempt to recognize those that have invested a lot of money in water conservation. Method 3 is a weighted average. He expressed concern that the math for ACWA Method 4 may not get the state to the 20% reduction.

Toby Roy, San Diego Water Agency, mentioned that the agencies on the drafting team were very careful to put forth a proposal that meets the intent of the legislation. The Method 4 proposal incorporates the aspects of the other options. ACWA would like to see everyone in California step up and do their part for conservation; if everyone meets their targets it is a significant increase in conservation for the state.

Mr. Mervling asked what the size of the reference area will be, as his service area varies by 20 degrees and rainfall by 2 times.

- Mr. Bolland explained that ACWA has proposed that DWR sets this standard using DWR ET maps; hydrologic regions are quite large while ET zones are small and scattered around the state. He explained this allows population calculations at the UWMP level, and he would suggest some investment on GIS tools, and looking at every possible lot to figure out the service area ET.
- Mr. Mervling remarked that will require a lot of staff.
- Mr. Soehren mentioned that DWR has to figure out how to adjust for CIMIS data and ET as there is a lot of ET information available. In terms of low hanging fruit, that is a situation that the drafters of the legislation anticipated and that is why agencies can comply as a retailer or as some larger compilation of agencies.
- Mr. Hawkins mentioned that the CIMIS ET maps DWR developed with the UC system have an average not tied to any one year.
- Mr. Mervling explained that his agency does not have a CIMIS station in their service area.

Todd Eising, City of Folsom, asked how agencies will be ensured that if they select one of the established methods from the legislation and make investment to start their programs now, that the state will not make them switch to another target if the statewide savings is not on par to 20% by 2020.

- Mr. Soehren responded that he does not want to speculate what is going to happen the interim year. He hopes that the legislature does not take a blunt stick approach. All agencies will have to comply, unless they are not interested in receiving grant money from the state and feel they have a reliable supply.
- Mr. Eising suggested giving more incentives.

Mr. Wettland asked if in the ACWA proposal there will be adjustments for drought impacts on water use.

- Mr. Bolland responded that is one of the adjustments for emergencies.
- Mr. Alemi agreed but there should be further development on the terminology to make it clearer.

Dave Koller, Coachella Valley Water District, mentioned that his service area includes 130 golf courses; each one supplies their own water from wells. He asked if his agency will have to consider this as part of their calculation.

- Mr. Brostrom responded that agencies must only consider water they are providing.
- Mr. Soehren explained the definition of gross water use is the water that enters the distribution system.

## Attendance

Jennifer	Ares	Yucaipa Valley WD
Tom	Ash	Western Municipal WD
Steve	Ashton	VWD
Donna	Aston	VWD
Anil	Bamezai	Western Pol. Res.
Tim	Barr	Western Municipal Water District
David	Beard	Kern County Water Agency
Tim	Blair	Metropolitan Water District (MWD)
David	Bolland	Association of CA Water Agencies
J.D.	Bramlet	West Kern Water District
Chris	Brown	California Urban Water Conservation Council
Jessica	Bunker	LA County DWP
Antonia	Castro	City of Pomona
Rosa	Castro	MWD
Meredith	Clement	Kennedy/Jenks
Tim	Connor	SBMWD
Dakota	Corey	City of Oxnard
Mary Lou	Cotton	Kennedy/Jenks
Jennifer	Cusack	Hi-Desert Water District
Cindy	Dechaine	Three Valleys MWD
Joyce	Dillard	
C.	Dixon	City of Huntington Park
Lance	Eckhart	Mojave Water
Todd	Eising	City of Folsom
Penny	Falcon	LADWP
Paul	Fonseua	City of Chino Hills
Larry	Fregin	South Coast Water District
Greg	Gage	City of San Bernardino Municipal Water District
Karly	Gaynor	Western Municipal WD
Joe	Gibson	Impact Sciences
Jeff	Glenn	City of Monrovia
Tim	Gobler	Mojave Water Agency
Warren	Greco	Municipal Water District of Orange County
Joe	Guzzetta	Joshua Basin Water District
Gary	Hackney	Consultant
Gary	Hamilton	West Kern Water District
Mike	Hayward	Hi-Desert Water District
Shaun	Igoe	City of Monrovia
Raymond	Jay	MWD
Kira	Johnson	Best, Best & Krieger
Cy	Johnson	CMWH
Alex	Keuper	Carpinteria Valley Water District
Leighanne	Kirk	West Basin MWD
Dave	Koller	CVWD
Brian	Lennon	Irrrometer Co
	Lippman	Las Virgenes Municipal Water District
Elizabeth	Lovsted	EMWD

Mickey	Luckman	Joshua Basin Water District
Matt	Lyons	LBUD
Dirk	Marks	CLWA
Elisa	Marrone	City of Escondido
Jose	Martinez	Walnut Valley Water District
Robert	McLaughlin	NCWD
Michelle	Mehta	
Ron	Merckling	Casitas MWD
Gus	Meza	WBMWD
Clay	Monroe	Municipal Utility
Katie	Morris	Corona Department of Water and Power
Tammie	Myers	Park Water co
Monica	Na	American CA Water
Kim	O'Cain	City of Santa Monica
Natalie	Pavlovski	IRWD
Lisa	Perales	Inland Empire
Tracy	Quinn	Kennedy/Jenks
Carlos	Reyes	LVMWD
Jarred	Ross	Anaheim
Toby	Roy	San Diego County Water Authority
Timothy	Schaadte	Metropolitan
Justin	Scott-Coe	Monte Vista Water District
Tom	Smith	City of Camarillo
Patrick	Soto	Fontana W.C.
Sarina	Sribbolue	Malcolm Pirnie
Mike	Swan	Psomas (Consultant)
Felice	Tacktil	San Dieguito Water District
Mike	Ti	MWD
Bob	Tincher	SBVMWD
Tiffany	Tran	JGVW
Fong	Trinh	LA Co DWP
Ed	Waas	Spears Mfg
George	Watland	Sierra Club
Rob	Whipple	Water District
Den	Whitney	USBR

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