



October 17, 2023

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Subject: Comment Letter—Proposed Making Conservation a California Way of Life Regulation

Dear Honorable State Water Resources Control Board,

The Coachella Valley Regional Water Management Group (CVRWMG) is comprised of the Coachella Water Authority (CWA), Coachella Valley Water District (CVWD), Desert Water Agency (DWA), Indio Water Authority (IWA), Mission Springs Water District (MSWD), and Valley Sanitary District (VSD). The group represents a collaborative effort to implement the Coachella Valley Integrated Regional Water Management (CVIRWM) Plan to address the water resources planning needs of the Coachella Valley. The CVRWMG's Region is located in central Riverside County, within the Colorado River Funding Area.

The CVRWMG would like to express our appreciation for the opportunity to comment on Proposed Making Conservation a California Way of Life Regulation (Regulation). We would also like to express our appreciation for the scaled-back reporting requirements for 2024 as we continue to collaborate on the best ways to implement these new regulations.

Please note that our agencies have also signed the letter from the Association of California Water Agencies (ACWA).

Our fundamental comment is that implementation of these regulations will be a significant burden on agencies, and we are seeking additional time and resources to implement the requirements. Specific recommendations below.

### **Timing**

We are concerned that the proposed timelines in the draft Regulation are not reasonable. To be successful in achieving the goals of this regulation, we must make significant changes to physical spaces, agency systems, and customer behavior. All will require significant resources. We concur with the comment by ACWA to modify the proposed timelines for the outdoor standards to provide an additional five years for all suppliers to achieve compliance.

### **Data Error Adjustment**

Implementing a regulation of this magnitude requires a significant amount of data, much of which is being used in this manner for the first time. We recognize that there is a lot of work to be done statewide in this regard and we are all committed to providing the most accurate data possible in all State reporting. However, there are bound to be errors in the data being used to calculate these regulations. Therefore, we concur with the comment by ACWA to allow for a Data Error Adjustment.

### **Variance Reporting**

While we are grateful for the opportunity to apply for variances, the process is labor intensive and will require more time than is available before the standards go into effect. We request that you realign the submission process to ensure agencies have time to thoroughly analyze data and submit information to the State before compliance is required. To do so, we reiterate our request to allow an additional five years to achieve compliance.

Additionally, variance reporting is burdensome specifically because it is required annually. The circumstances that justify variances will not change significantly enough on an annual basis to merit this frequency in calculation. We request that variance reporting be completed every five years instead of annually.

### **Outdoor Water Use Standard**

As an arid region, we have particular interest in the outdoor water use standards. We would like to better understand the source of evapotranspiration for areas that do not have California Irrigation Management Information System (CIMIS) stations within their services areas. Within the current information, there is a significant range of evapotranspiration data that seems inaccurate, especially for the western Coachella Valley. It appears to be pulling data from CIMIS stations west of the mountain ranges that bound the Coachella Valley. We are requesting that the State allow for substantial flexibility in providing local ET data.

Further, we are very concerned that the landscape efficiency factor (LEF) values are too low to efficiently irrigate both new and existing landscapes. The draft Regulation sets LEF for residential use at 0.55 and for non-residential use at 0.45. These factors are design standards included in the Model Water Use Landscape Ordinance, but are not reflective of real-world landscape efficiency.

### **Irrigable Not Irrigated (INI) Lands**

The inclusion of INI areas in the outdoor water use calculation is important and we can see no reason why the areas inclusion should expire in 2027. INI lands are an important factor in reaching our outdoor targets since they could reflect areas that may not have been irrigated at the time LAM data was captured. Given that LAM data will not be real-time, a deadline for INI inclusion is inappropriate. Further, AB1668 provides that the standards shall apply to irrigable lands and this proposed regulation is inconsistent with the statute.

### **Required Best Management Practices**

As included in the ACWA letter, the draft Regulation requires suppliers to "employ" actions and technologies for large landscapes. This is problematic in that the use of programs, projects, and technologies falls to the customer, not the agencies. Agencies may or may not be able to get participation from customers for any number of best management practices. Therefore, we support the change from "employ" to "offer" in the regulations to align with agencies' authority.

**Pools and Spas**

The residential factor for all swimming pools should be 1.0 because water evaporates at about 1.0. Therefore, this is the appropriate factor to be used in calculations for all pools. Our region experiences exceptionally high temperatures and pools are extremely prevalent and often considered a quality-of-life component. Data from existing pool cover incentive programs shows that the programs are ineffective in reducing water use. Additionally, pools must be drained and refilled every few years to maintain healthy chemical balance. Residential pools should not be a temporary provision and should have a 1.0 factor.

**Affordability**

The Coachella Valley is home to a number of disadvantaged communities (DACs) populations as well as retirees on fixed incomes. Strict standards will result in agencies spending more to comply and will impact water rates. DAC homes tend to be older and less efficient indoors. Further, DACs cannot withstand the financial burden of updating landscaping. Communities like the Coachella Valley with significant DAC populations may struggle to get the community investment necessary to comply. We request that the State provide funding to support DACs through this transition.

**Alternative Compliance**

We appreciate that the draft Regulation includes an alternative compliance pathway. Many agencies are facing unreasonable or unattainable objectives that will be extremely resource intensive so this pathway will be essential. However, we are extremely concerned that it is not available until 2035 and that it is too burdensome. The alternative compliance option should be streamlined and made available as soon as the regulations go into effect.

Thank you again for providing an opportunity to comment. We look forward to continuing to work with you on this topic.

Sincerely,



Zoe Rodriguez del Rey  
On behalf of the Coachella Valley Regional Water Management Group  
Water Resources Manager  
Coachella Valley Water District

**CVRWMG agency representatives:**

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