



March 27, 2024

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000
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) includes 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 the second draft of the Making Conservation a California Way of Life Regulation (Regulation). We would also like to express our gratitude to the State Water Resources Control Board for attentively considering our comments on the first draft of the Regulation and for subsequently revising the draft Regulation in response to our input. We value your responsiveness.

CVRWMG generally concurs with the proposed modifications in the second draft of the Regulation but still has lingering concerns. We also are in alignment with the Association of California Water Agencies' (ACWA's) comments. We request the State Water Resources Control Board's continued collaboration in addressing inconsistent and unclear language in the Regulation. Specific comments and recommendations are provided below.

Timing

We appreciate the proposed timelines for outdoor standards to provide an additional five years for the standard to drop in Landscape Efficiency Factor (LEF) from 0.8 to 0.63. Our initial concern was that the original proposed timeline was not feasible to meet compliance as suppliers must make significant changes to physical spaces, agency systems, and customer behavior. This modified timeline for outdoor standards will provide adequate time for all suppliers to work on programs that support compliance.

Feasibility

The CVRWMG is made up of agencies in an arid region with many disadvantaged communities (DACs) and water agencies in the region have concerns about the feasibility of a 0.55 LEF standard. Achieving 0.55 LEF for 2040 will be a tremendous lift for many suppliers, and could still impose significant affordability challenges, particularly absent dedicated funding or technical assistance.

The 0.55 LEF is based on design standards and many factors in the real world make striving for this level of efficiency impractical, especially for communities in the highest evapotranspiration zones in the state.

Similarly, the Regulation's expansion of a 20% irrigable, but not currently irrigated (INI) buffer was welcome but still does not meet the intent of the legislation or conform with real-world conditions. This 20% should not be viewed as additional, but as area that is actually being irrigated. The Department of Water Resources conducted a statistical analysis of outdoor water use, Landscape Area Measurement (LAM) and INI data. The data concluded that the INI area is being irrigated at one-fifth or 20% of the irrigable area.

We continue to request that Effective Precipitation be removed from the final Regulation and outdoor standard. Landscapes are generally not designed to consider effective precipitation since it is highly variable in our region. Precipitation can percolate below the root zone of the plant negating its beneficial effect to that plant's watering needs. Additionally, precipitation is often not distributed evenly throughout suppliers' service areas. Some areas may receive precipitation and other areas none, making it difficult to apply one effective precipitation rate at the water supplier level.

We continue to request changes that recognize inherent data limitations and gaps. If the 20% INI buffer is not a permanent facet of all suppliers' budgets, the State should consider a Data Error Adjustment as ACWA details in its comment letter.

For commercial, industrial and institutional best management practices, the draft Regulation should replace "implement" with "offer" to recognize suppliers' appropriate authorities. Water agencies cannot feasibly implement programs against the will of, or without express consent from, their customers.

Alternative Compliance

We appreciate that the second draft Regulation modified alternative compliance pathways to be more accessible for suppliers facing large reductions. This path to compliance is an essential improvement for agencies facing the challenge of operating at the limits of their resources, while striving to meet the required objectives. The modified alternative compliance pathways will be based on the median household income (MHI) of the population served by suppliers, which will greatly benefit the many DACs in the Coachella Valley and in California. However, the second draft Regulation does not reference a specific period or year for the MHI. The absence of a referenced period or year may potentially lead to ambiguity and confusion. We request that the State Water Resources Control Board clarify what period or year the MHI should be based on for the alternative compliance pathways.

Collaboration

We value the State Water Resources Control Board's commitment to working with all suppliers, non-governmental organizations, and other entities in drafting the Regulation. Collaboration plays a vital role in drafting the Regulation as it ensures diverse perspectives are considered, leading to more comprehensive and effective policies. We request the State Water Resources Control Board continue to work with all

suppliers, non-governmental organizations, and other entities on addressing unclear or inconsistent language before the Regulation goes to Board.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Rdr". The signature is written in a cursive, flowing style.

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

CVRWVG agency representatives:
Steve Johnson, Desert Water Agency
Ron Buchwald, Valley Sanitary District
Castulo Estrada, Coachella Water Authority
Reymundo Trejo, Indio Water Authority
Marion Champion, Mission Springs Water District