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February 15, 2008

Chair Tam Doduc and Members of the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Re: *SWRCB Climate Change Measures for Discussion at February 19 Board Meeting*

Dear Chairwoman Doduc and Members of the Board:

The Planning and Conservation League appreciates this opportunity to comment on the four strategies being considered by the State Water Resources Control Board (Board) as part of the Climate Action Team's Water-Energy sub-team (WET-CAT) and the emission reduction measures under consideration for incorporation into the Board's Strategic Plan.

Reducing the greenhouse gas emissions associated with the movement, treatment, and use of water in California is both a critical challenge and an exceptional opportunity. We are encouraged to see the Board's movement on this issue and are supportive of the direction of the measures proposed by Board staff as well as the hard work of both Board members and Board staff to invigorate the WET-CAT process. We remain deeply concerned, however, about the general lack of specificity in many of the proposed measures, particularly in light of the statutory deadlines of AB 32 and the limited opportunities for public comment before these measures are submitted to the California Air Resources Board (CARB) for inclusion in the AB 32 Scoping Plan.

To remain effective with limited time and severe budgetary constraints, it will be essential to prioritize staff time on certain measures. We encourage the Board to pursue those measures that simultaneously promise to most effectively reduce greenhouse gas emissions, meet the other statutory obligations of AB 32, (particularly the requirements of Health and Safety Code Section 38570 regarding impacts on criteria and toxic air pollutants), and accomplish the traditional public health, public trust, and environmental goals of the Board. The Board will be best prepared to accomplish these multiple priorities by offering opportunities for all stakeholders to provide input, particularly the AB 32 Environmental Justice Advisory Committee and the AB 32 Economic and Technology Advancement Advisory Committee, and by integrating the Board's greenhouse gas emission reduction activities with those of other public agencies and private utilities.

By supporting the staff's most ambitious proposed measures and strengthening the remaining measures, the Board has the opportunity to take a leadership role in the fight against global warming and help California achieve its greenhouse gas emission reduction mandate in a cost-effective manner with multiple economic, environmental, and social equity benefits.

The following comments address those strategies we believe should receive the highest priority of the Board and its staff:



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**Require implementation of revised Best Management Practices (BMPs).  
Construct a valuation and protocol methodology for the measurement and  
verification of efficiency and conservation activities/programs.**

The Board should review and update the BMPs of the California Urban Water Conservation Council, including the construction of valuation protocol and a verification process to ensure aggressive implementation of water conservation. Without both a valuation protocol and a rigorous verification process, California will remain unable to accurately track its progress towards achieving its water use efficiency goals and will therefore be unable to determine its contribution to the fulfillment of AB 32's greenhouse gas emission reduction mandate.

Verification of BMP implementation should be a minimum criterion to receive grant funds from Proposition 84 and other funding sources. The Board should prioritize funding for those projects that will demonstrably decrease water and energy demand, increase water and energy efficiency, and reduce GHG emissions.

As a fundamental component of this BMP revision process, the Board should partner with other state agencies to create a statewide water use database and a system for reporting water deliveries and diversions and implement the administrative actions identified by the CALFED staff proposal on water measurement and by the AB 2717 Landscape Task Force. In addition, the Board should require all water management and groundwater replenishment agencies and water, wastewater, and recycled water treatment agencies to assess their system water and energy balance and submit these assessments to DWR/SWRCB as a component of BMP compliance.

The Board should complement these enforcement efforts with a public "flex your water" campaign.

**Exercise existing water rights authority to ensure protection of beneficial uses  
during periods of water shortage. Mandate water conservation measures  
through water rights. Review water rights allocations to account for climate  
change implications.**

Through its administration of water rights, the Board has the ability to help California both reduce emissions and cope with our state's changing hydrology. We encourage the Board to further refine this proposal to explicitly include consideration of the impacts of climate change on the Board's ability to protect public trust values, including water quality implications and the potential need for increased flows for salmon and other wildlife as air and water temperatures increase. In addition to mandating water conservation measures, the Board should use the water rights evaluation process to examine other methods to more efficiently manage California's water, including policy guidance and prioritization of allocations, increased implementation of storm water capture, recycled water and conjunctive use. Also, while the public perception of climate impacts may be most acute during periods of water shortage, the Board should ensure protection of beneficial use during all periods of California's shifting hydrologic cycle.

### **Require Water Recycling at Wastewater Treatment Plants**

The Board should establish a date certain for full implementation of this policy and develop a plan to ensure that all existing and future recycled water developed in California is put to beneficial use and meets all current water quality standards. In addition, the Board should provide grant funding for water agencies to apply the latest research regarding potential contaminants in order to ensure a safe water supply.

### **Promote LID approaches that can reduce wasteful discharge and contribute to local groundwater supplies.**

To capture the multiple benefits of Low Impact Development (LID), the Board should promote LID practices through its funding allocations and grant criteria, revision of its regulations such as discharge permits, and by partnering with other agencies to improve their policies and standards, including the state building codes.

### **Address climate change in Basin Plans and the State Water Plan in order to reduce energy use and enhance local water supply.**

The next update of the Board's Basin Plans and DWR's State Water Plan should incorporate the potential impacts of climate change, methods to sustainably manage natural resources under these changing conditions, and a well-defined strategy to reduce the total water-related greenhouse gas emissions in each basin. For example, the Board should work with DWR to ensure that the 2009 State Water Plan articulates the steps necessary to achieve the 3.1 million acre-feet (AF) from urban water use efficiency described in the 2005 State Water Plan. To accomplish this, the Board and DWR will need to collect detailed information from all California water agencies about their past, present, and future water-related energy demands, not simply those of a particular base year. We urge the Board to work with DWR to ensure that these changes occur in the 2009 State Water Plan and are not delayed until the 2013 Plan, as currently proposed.

In addition, the Board should ensure that climate change is incorporated into all major water planning documents in California, including the State Water Project Delivery Reliability Report, Urban Water Management Plans, and Integrated Regional Water Management Plans, as well as all FERC re-licensing, flood plans, surface and groundwater storage studies, and CEQA/NEPA documents. Although the Board does not have direct control of all of these documents, it should use its powers as a Responsible Agency under CEQA and NEPA to review and comment on Environmental Impact Reports (EIRs) and Environmental Impact Statements (EISs) regarding the adequacy of the lead agency's climate change analysis. For example, when reviewing and commenting on an EIR/EIS for a new water treatment facility, the Board and the appropriate Regional Water Quality Control Board (RWQCB) should ensure that the environmental review includes an alternatives analysis of various pollution prevention measures and compares the greenhouse gas emissions associated with each alternative. Likewise, for major development projects, the Board and the appropriate RWQCB should ensure that the EIR/EIS adequately analyzes how the project's exacerbation of climate change could deteriorate California's water quality resources.

The Board should also analyze any potential increase in energy demand associated with future plans to protect water quality. However, achieving California's mandate to reduce greenhouse gas emissions should not weaken California's water quality protections or limit water treatment upgrades. AB 32 specifically states, "Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment." Where water management actions may increase energy demand, the Board should ensure implementation of additional water management strategies, such as increased water conservation and procurement of renewable energy sources, to fully offset the additional energy demand. This policy is in accordance with CEQA's mandate to avoid or mitigate a cumulatively significant environmental impact where feasible. (See recent CEQA comment letters, settlement agreements, and mitigation measures from the California Attorney General at <http://ag.ca.gov/globalwarming/ceqa.php>.)

We encourage the Board to extend such an "energy demand neutrality" policy to include water demand neutrality and partner with other state agencies to develop a policy that requires full mitigation of a new residential or commercial unit's water demand through investment in sustainable water management activities such as a water conservation project in existing communities and investment in water recycling facilities.

### **Three Issues of Concern**

- 1) The proposal to "review and revise regulations to facilitate increased use of groundwater for municipal drinking water storage and supply, including injection of potable water into groundwater for storage and subsequent withdrawal" needs to be revised to avoid potential misinterpretation. We suggest that the Board include language stating its goal to "facilitate increased sustainable use of groundwater" to avoid any potential increase in groundwater overdraft or decreased water quality.
- 2) We are concerned about the lack of Environmental Justice considerations in the staff proposals and encourage the Board to modify its proposed policy reforms to help California address both its environmental and social equity goals. AB 32 states "The (California Air Resources) Board shall ensure that the greenhouse gas emission reduction rules, regulations, programs, mechanisms, and incentives under its jurisdiction, where applicable and to the extent feasible, direct public and private investment toward the most disadvantaged communities in California and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions." Fortunately, because of its role in regulating water quality and water rights, the Board has many opportunities to apply these considerations when implementing its own climate policies.
- 3) We are concerned that DWR intends to hold its first public meeting to receive comment on its proposed measures after it has submitted its proposal to CARB in early March. This creates an unnecessary administrative burden for CARB staff who may receive multiple rounds of revisions from DWR as DWR staff incorporates public input from their first public meeting in late March. We encourage the Board to work with DWR to rectify this situation by providing a public workshop to comment on DWR's proposed measures before the early March deadline.

Thank you for this opportunity to comment on the proposed measures to reduce water-related greenhouse gas emissions in California. We greatly appreciate the Board's attention to our growing climate crisis and look forward to assisting in this historic undertaking to reduce water-related greenhouse gas emissions.

Sincerely,



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Global Warming Program Manager  
Planning and Conservation League

Cc: Linda Adams, California Environmental Protection Agency  
Chuck Shulock, California Air Resources Board  
Lester Snow, California Department of Water Resources  
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Lorraine White, California Energy Commission