



March 30, 2023

Submitted electronically to <mailto:orpp-waterconservation@waterboards.ca.gov>

Mr. James Nachbaur Director
Office of Research, Planning and Performance
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Board Workshop on Making Water Conservation a California Way of Life

Dear Mr. Nachbaur,

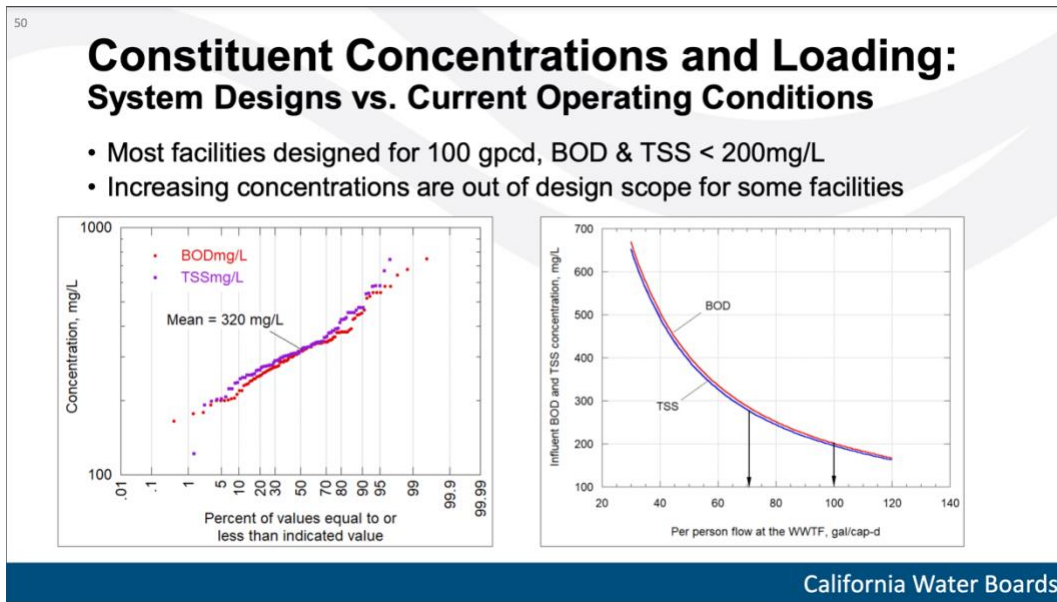
On behalf of the California Association of Sanitation Agencies (CASA), the Central Valley Clean Water Association (CVCWA), and Clean Water SoCal, thank you for the opportunity to provide comments on the [Draft Staff Framework to Make Water Conservation a California Way of Life](#). CASA represents more than 130 public agencies and municipalities that engage in wastewater collection, treatment, recycling, and resource recovery. Our mission is to provide trusted information and advocacy on behalf of California clean water agencies, and to be a leader in sustainability and utilization of renewable resources. CVCWA is a non-profit association of public agencies located within the Central Valley region that provides wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. Clean Water SoCal represents over 80 public water and wastewater agencies in southern California who provide essential water supply and wastewater treatment for approximately 20 million people in the counties of Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino, and Ventura.

We are very concerned about the potential impacts to our members' operations, as well as the large-scale forecasted costs of over \$6.5 billion dollars that may be incurred by our members, that will result from adoption of the framework. We recognize that water conservation is, and must be, a way of life with our growing population and the impacts of climate change, and we are generally supportive of efforts to conserve water where feasible. We also appreciate the State's leadership through the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) in addressing the impacts of aridification, and commend the State's local and regional drinking water agencies for their investments in conservation and achievements in substantially reducing water usage in their respective service areas. However, we remain concerned that reducing indoor water conservation targets to the levels discussed in the draft framework will have detrimental impacts on wastewater systems and significant cost implications for local public wastewater agencies.

1. Treatment Facilities and Collection Systems Were Designed for 200% More Flow than the Volume Set by the Indoor Residential Standard

To date, SWRCB staff have hosted two public workshops on their assessment of impacts to wastewater agencies as a result of framework implementation. In light of the information presented, we are supportive of the SWRCB pursuing DWR's recommendations at this time, but would not support the SWRCB staff recommendation of even lower levels for conservation. This is in large part due to the wastewater system impacts SWRCB staff identified as a direct result of these regulations, impacts that are distinct and more significant than those from declining flows due to water efficient fixtures.

Specifically, during the [SWRCB'S December 2021 presentation](#), SWRCB staff recognized that our members' treatment facilities were designed for over 200% more flow and water than the Indoor Residential Water Use Standards (IRWUS) that are set in statute. (See Image 1). Accordingly, we have observed and expect serious impacts to agencies' operations and infrastructure around the state as a direct result of these regulations.



https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/reg/docs/wastewater_12221_draft_ecp_rev.pdf#page=50

2. DWR Did Not Empirically Assess or Quantify Impacts in their Report Recommending to Lower the Indoor Standard

When DWR provided their 2022 report and recommendations to the Legislature for lowering the IRWUS, it did not contain any empirical quantification of impacts to wastewater agencies. Section 7 of the Draft Report observed that adoption of the proposed standards will have an “unknown effect on affordability, unknown effect on the human right to water” and that there has been, “no quantitative analysis of benefits and impacts, [and] no analysis on feasibility of best practices.” Our comments on the DWR report from 2021 on this subject are attached for reference.

3. Updated SWRCB Estimates Show the 15-year Impact of Lower IRWUS Could Surpass \$6.5 Billion for Wastewater Agencies

Despite DWR omitting an assessment of the impact of their recommendations on wastewater systems, during the [SWRCB’s May 2022 presentation](#), SWRCB staff shared their work quantifying impacts for sanitation agencies and determined it would total \$368 million per year, with additional operations and maintenance (O&M) and capital costs of \$328 million annually for wastewater treatment facilities, and O&M and Capital costs of \$45 million annually for wastewater collection systems. When the SWRCB team finished their analysis months after the workshop, those estimates were revised in the [SWRCB’s Task 5 report](#) to \$389 million for treatment facilities annually, which over 15 years and in combination with collection system costs, would amount to a \$6.51 billion cost impact. That estimate is 275% more than the estimate shown during the 3/22 Board workshop, for which the estimated projected costs between 2025-2040 associated with wastewater O&M and wastewater infrastructure improvements were estimated to exceed \$2.4 billion dollars, or 18% of \$13.5 billion.

Regardless of which number is referenced, a range of estimated impacts between \$2.4 and \$6.5 billion is substantial and cannot be ignored. Even if some portion of increased agency costs are inevitable due to structural changes with the installation of more efficient fixtures and appliances, the figures noted above are a function of the proposed policy framework and are distinguished from the impacts due to declining flows forecasted over the coming years because of passive conservation.

Modeling how much adapting to lower or more concentrated influent flows might cost

Statewide average annual wastewater costs may increase by 4%*

Wastewater sector	Annual O&M Costs*	Annual Capital Costs*
Statewide average annual treatment costs	\$2.5 billion	\$4.5 billion
Additional statewide costs due to Scenario 2	\$61 million	\$267 million
Statewide Average Annual Collection costs	\$1.1 billion	\$1.7 billion
Additional statewide costs due to Scenario 2	\$5 million	\$40 million

* These are nominal costs, based on “Class 5” estimates, that do not take inflation into consideration

https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/docs/wastewater_impacts_final.pdf#page=56

Moreover, sanitation agencies that will bear the brunt of these cost impacts have no control or means to influence residential consumer water use practices. Rather, our members are thrust into the position of accepting the flow volume and quality of influent that they receive based on how local urban water suppliers pursue compliance to achieve their Water Use Objective. The proposed Framework notes that, “*the residential indoor standard, along with unique service area data, would be used to calculate an efficient residential indoor use budget. Specifically, the efficient residential indoor use budget would be calculated by multiplying the standard by the supplier’s service area population, and by the number of days in the year.*” As a result, this policy will result in an urban water supplier’s Indoor Residential Water Budget being decreased by 23% over the coming years, when the standard shifts from 55 GPCD down to 42 GPCD by 2030. This approach, in effect, lowers an urban water retailer’s overall water budget without any assurance they will achieve compliance through a means which does not adversely impact sanitation agencies in the water retailer’s service area.

4. Variances are Needed to Ensure Decreased Flows Do Not Result in Less Recycled Water nor Impacts to Infrastructure

In addition to impacts to our collection and treatment systems, decreasing flows also will lower the amount of water that is available for recycling. Increased production and utilization of recycled water is a significant component of the state’s water supply approach and has been supported in various ways by the Legislature, the Governor, and the SWRCB. In addition to existing recycled water projects already in operation, numerous projects are in the planning and design phase. If these projects are based on assumptions of greater influent volumes, lowering the volume (and quality of influent) entering a treatment facility will result in less water that could otherwise be recycled.

Our members strongly supported [the Governor’s signing message in SB 1157](#) encouraging the Board to create variances to reflect local investments in recycled water and infrastructure. Toward this end, we are supportive of WateReuse California’s comments and request for a variance on account of the forecasted impacts. We also urge the Board to include a *separate* variance for indoor residential water use if urban water retailers can demonstrate either (1) that their compliance will negatively impact recycled water operations or (2) their compliance will negatively impact wastewater collection and treatment infrastructure or compliance with regulatory permits.

Conclusion

The 2018 water conservation legislation set a bold usage target of 50 gallons per day per capita (GPCD) statewide by 2030. Remarkably and commendably, with decades of investments, nearly half of urban water suppliers are estimated to have already achieved this target. Decreasing those levels even further under the 2022 water conservation legislation to reduce indoor residential water use another 10% below the original 2025 target, or 16% below the original 2030 target, becomes exponentially more challenging and reaches a point of diminishing returns due to the heightened effects on wastewater collection systems, treatment plants, and water recycling.

Accordingly, we strongly support and encourage the development of variances for wastewater infrastructure and recycled water, in light of the SWRCB’s estimates of the actual impacts and costs to sanitation agencies as urban water suppliers achieve compliance to meet the Water Use Objective. Implementing the frameworks as proposed presents the possibility of an emerging wastewater affordability crisis without wastewater agencies receiving financial assistance and support to address the impacts of these regulations.

In closing, we want to recognize the great work of the SWRCB’s multiple teams working on this proceeding, and we want to convey our appreciation to Charlotte Ely, her teams, and the numerous researchers for their accessibility over the last several years and holding in-depth dialogues with clean water representatives. If there any questions about our comments, please do not hesitate to contact me to coordinate meeting at (916) 694-9269 or jvoskuhl@casaweb.org.

Thank you,



Jared Voskuhl
CASA Manager of Regulatory Affairs



Debbie Mackey
CVCWA Executive Officer



Steve Jepsen
Clean Water SoCal Executive Director

cc: SWRCB Members
Charlotte Ely

Attached: 6-4-21 Clean Water Coalition Comments to DWR on Indoor Residential Water Use Standard Report