

**BDAC Water Use Efficiency Work Group
Meeting Summary
January 10, 1997**

The eighth meeting of the BDAC Water Use Efficiency Work Group was held on Monday January 10, 1997 at the Resources Building from 1:00 to 4:15 p.m.

(Some attendees who arrived late and/or who did not sign in are not listed below)

BDAC Members present were:

Judith Redmond, Chair	Roberta Borgonovo	Stu Pyle
Alex Hildebrand	Richard Izmirian	Mary Selkirk

Invited Participants of the Work Group present were:

Byron Buck	Steve Kasower	Ed Craddock
Mary Ann Dickinson (via phone)	Joel Miller	Marsha Prillwitz
Nancy Yoshikawa		

CALFED Staff/Consultant Team present were:

Rick Soehren	Baryohay Davidoff	David Fullerton
Sharon Gross	Mike Heaton	Lester Snow (part of meeting)
Greg Young		

Other Participants included:

Frank Cotton	Mary Lou Cotton	Bill DuBois
Nathan French	Lloyd Fryer	Wilton Fryer
Brent Graham	Steve Hirsch	Lyle Hoag
Ray Hoagland	William Johnston	Karen Kianpour
Bill Maddaus	William Miller	Betsy Reifsnider
Steve Ritchie	Larry Rohlfes	Arnold Rummelsburg
Craig Scott	Lora Steere	Jeanette Thomas

Judith opened the meeting with introductions and a quick review of the progress of the Work Group to date. Rick Soehren reviewed some calendar information with respect to the Water Use Efficiency common component. On January 30, 1997, a presentation of the approaches will be given to the full BDAC for further reaction to agricultural and urban water use efficiency approaches. A public workshop to discuss water supply reliability issues related to the overall CALFED Bay-Delta Program is tentatively scheduled for the a day during the week of March 17-21, 1997. The Water Use Efficiency component will be presented and discussed as part of this workshop.

Rick Soehren gave an overview of the draft urban approach. The draft approach was mailed to all the Work Group participants prior to the meeting. This draft is the latest in a series of iterations of a draft urban approach.

In response to questions, Rick stated that the intention of this approach is to ensure that more agencies are consistently implementing BMPs or justifying why they should not implement particular BMPs. The envisioned role of responsibilities under this approach assumes that the CUWCC would go a step beyond current roles and act to certify the implementation activities of agencies. Agencies signatory to the urban MOU already provide annual reports to the CUWCC on implementation activities. Certification, it was suggested, is the logical next step. Some members of the group expressed concern that the CALFED Program was unnecessarily placing this role on CUWCC, and the decision must rest with the CUWCC.

Rick summarized the compliance mechanisms listed under Tool 1. Compliance mechanisms were designed using a graduated approach of warnings, non-compliance fees, and referral to the SWRCB for investigation of waste and unreasonable use violations. Work Group members had several comments and questions related to the proposed compliance mechanisms. Some questioned who would be levying the fines, the CUWCC or someone else? Rick responded that details such as this still need to be discussed and worked out. For instance, if the CUWCC levied fines, would they need legal authority? Would agencies refuse to pay as a challenge to such authority? A question was raised as to whether the fines paid would go into an account to be used by the SWRCB for investigations. If an agency did not pay, what could occur? It was cautioned by several members that the SWRCB should not rely on funding from the assessment of non-compliance fees. This could create a conflict of interest for the SWRCB. It was suggested to keep funding of the SWRCB separate from non-compliance fees.

Concern about the general concept of encouraging (through use of compliance mechanisms) agencies to investigate their potential to conserve was raised by one member. This was based upon the notion that possibly some agencies who have not signed the urban MOU have not done so because they see little potential for savings given the expenditure for the investigation and reporting. This is the concern, it was further stated, of many agricultural districts considering signing the agricultural MOU. Is it worth spending money to prepare a report that justifies doing nothing different from current conditions? Some responded that, in addition to possible water savings, the benefit is also in disclosure to the public of an agencies existing level of efficiency.

Concern was raised about the goal of using improvement in efficiency to improve water supply reliability. From a local basis (within distinct boundaries, e.g., a district) reliability could be improved, it was stated. But from a statewide basis, it was argued, that improved reliability is gained by reducing the reliability of another user (e.g., urban reliability increased by reallocating water away from agriculture). To improve reliability on a larger scale requires a look at opportunities from a watershed basis, it was suggested.

Byron Buck gave the group an update of the efforts of the CUWA/EWC water conservation group. This group has been working on a framework for new BMPs. Their recent October draft discussion paper included four elements: 1) revisions and updates to the current BMPs, 2) development of better BMP evaluation criteria, 3) agency certification based on BMP implementation, and 4) enforcement mechanisms to ensure compliance. These elements have not been adopted but are being used for discussion purposes between the water user and environmental representatives in the group. Discussions are continuing on the first two elements with encouraging progress being made. In addition, the CUWCC is also working on these first two elements as a result of their strategic plan. All of these efforts are moving forward because of the CALFED Program's proposals and efforts - spurring stakeholder work for a solution. It was stated that CUWA wants to see honest conservation get implemented. A comment was added that the environmental portion of the CUWA/EWC conservation group wants to see certification and enforcement elements and continues to discuss these in an open forum with their urban counterparts.

Concern was raised regarding the inclusion of regulation as part of the Water Use Efficiency approaches. The argument was made that CALFED's positions seem to emphasize incentives and voluntary efforts, but inclusion of regulation runs counter to this. Rick stated that the regulatory part of the approach is simply intended to find ways to increase agency compliance with existing state regulation and current standards of management. In many instances, even with incentives, there is limited compliance with laws that have been in existence for a period of time (e.g., the Urban Water Management Planning Act). Thus, regulation can foster greater voluntary compliance. As further support for regulation playing a role in the urban approach, it was stated that urban BMPs were never viewed as "best" management practices (when originally developed), but rather "minimum" levels of management. It would be unfortunate, it was felt, if incentives were provided for agencies that do not even complete minimal planning efforts.

Concern regarding the overall urban approach was expressed. It was felt that the approach had legal, equity, and practical faults. There is danger in letting the group that develops the incentives also develop the compliance mechanisms, it was stated. The SWRCB should be the compliance mechanism and CALFED should just ensure funding for their role. It is too much to ask the CUWCC to do both cooperation and regulation, it was felt.

Support was offered for Tool 2 which provides greater focus on completion of urban water management plans by all required urban agencies. This year, DWR received management plans from over 70% of the required agencies. This is good in comparison to past efforts, but can still be improved upon. Most agencies submitting plans put forth good-faith efforts but, it was suggested, could use feedback and assistance from DWR to make the plans more complete and more useful to the agency itself.

Judith concluded comments on the draft urban approach and introduced Joel Miller of the Fish and Wildlife Service to discuss effective use of water diverted for environmental uses. Joel has

been involved with efforts to implement CVPIA activities with regard to federal refuges. As stated by Joel, efforts to develop BMPs for federal refuges as part of the CVPIA presented the opportunity to coordinate similar efforts occurring at state and private refuges. An Interagency Coordinated Program has been developed to combine the three independent efforts into one program for all managed wildlife refuges and wetlands. The program may require managers to identify and implement BMPs which include water conservation practices (other management practices being identified are not necessarily related to water use). Local control of refuges will be a key element of the program. This is necessary since refuges may have different wildlife objectives which dictate their water management activities. The intention is for managers to develop plans that would be consistent (in format and analysis) whether for a federal, state, or private refuge. Joel is anticipating the integration process to result in a guidebook as well as many other tools for use by refuge managers. Development of the program should be completed in 6 to 9 months. A strategy document is currently being drafted and efforts will be made to distribute this document to Work Group members as soon as it is available. It was felt that such a document might help members understand issues involved with refuge management.

Rick Soehren re-emphasized that this Work Group will only discuss efficiency as it relates to water diverted for environmental purposes. Concern about this limitation was expressed by some stakeholders. It was agreed that this may be an issue for assurances or for the ecosystem work groups. It was expressed that agricultural stakeholders need assurance that federal and state agencies will not underestimate the amount of needed environmental water supplies then come back to urban and agricultural users requesting more. In response, it was stated that the CALFED Program is designed to improve ecosystem health, but also improve water supply reliability for all sectors. It was stated by some members that the Program is not looking to impose extreme hardship on diverters, but rather to determine how to better manage existing water for the most benefit. It was stated by Lester that the Program is operating on the principle that it is actually possible to improve ecosystem health at the same time more water supplies are developed.

Concern was expressed that the CALFED process is looking at small, distinct pieces and that this eliminates the ability to look for ecosystem-wide (i.e., watershed) opportunities. An example was suggested with regard to Grasslands Water District (a private managed refuge). Grasslands could implement some management measures that would be beneficial to downstream water users but not necessarily beneficial for Grasslands. In local planning and analysis, such opportunities would be overlooked by Grasslands. If a larger-scale view was used, such opportunities could be realized. Where, it was asked, is watershed management being incorporated into the CALFED Program? This question, it was stated, raises the bigger issue of how all of the CALFED Program pieces will be integrated. There is a need to define the pieces of the Program first, commented Lester, then we can integrate and take a look at things from a bigger perspective and make adjustments. But we cannot make that step until we finalize the initial refinement of the pieces.

Lester expressed concern that some stakeholders in the Work Group are arguing points that are already being addressed by stakeholders and CALFED staff as part of other Work Group efforts.

There seems to be a need for improved communication among some stakeholders, it was felt. Lester suggested that we may want to hold a special meeting for stakeholders in this Work Group that were concerned with ecosystem efficiency to help improve communications regarding what is occurring elsewhere in the Program, or invite members and participants in the Water Use Efficiency Work Group to attend meetings of the Ecosystem Restoration Work Group.

With limited time available, Judith asked the group if they wanted to extend the meeting to briefly discuss water recycling. Some members had to leave, but it was felt that the Work Group needed to begin discussing urban water recycling. Judith introduced Steve Kasower from DWR.

Steve gave a brief overview of DWR efforts related to urban water recycling. DWR is working closely with the WateReuse Association, a group consisting of water industry representatives. Steve stated that as a result of CVPIA, two regional water reuse studies are underway. One is concentrated in the south coast area, the other in the Bay Area region. The first phase of the Bay Area study, called the Central California Regional Water Recycling Program, identified the potential for 400,000 to 600,000 acre-feet of reuse. Phase 2 of this study which is just under way will look at possible uses of this water such as placement in San Luis Reservoir or use for Delta outflow. Steve stated that DWR's primary role can be in assisting agencies determine potential projects and soliciting Washington for federal assistance.

Judith asked what policy advice this group can provide that can facilitate DWR's efforts. Steve stated that policy advice is needed on ways to reduce regulatory burdens to reuse and to improve public acceptance of such projects. There is also a need to improve communication between sanitary and water supply agencies over such issues as rights to effluent for recycling purposes.

Byron Buck provided the group with an update on CUWA efforts to develop a water recycling guidebook. This guidebook would assist agencies in performing a cursory look into the cost-effectiveness and feasibility of reuse projects in their area. This effort addresses the urban water sector's need for a good planning tool. It was noted that DWR is assisting CUWA in the development of this guidebook. Byron was hopeful that a draft could be available by this summer. CUWA would probably be supportive, it was stated, of including a planning approach for recycling as an urban BMP. Other members felt this would be a beneficial link between recycling and the urban efficiency approach.