



To: State Water Resources Control Board  
Department of Water Resources  
California Public Utility Commission

Re: Draft report on implementing executive order B-37-16 regarding drought planning for small water suppliers and rural communities

We applaud the efforts taken by the implementing agencies to address Executive Order B-37-16's item 10 which reads: "For areas not covered by a Water Shortage Contingency Plan, the Department shall work with counties to facilitate improved drought planning for small water suppliers and rural communities." We look forward to collaborating with the Department on the finalization of the report and development of permanent regulations to this effect as well as the implementation of this important new effort. We would like to offer the following comments on the draft report.

Many small and rural communities lack the technical and financial capacity to develop drought or water shortage contingency plans. This problem is particularly severe for the state's smallest water systems as well as self-supplied domestic water users. As the thousands of well outages throughout the state demonstrate, these communities are the most vulnerable to drought and urgently need to plan for water shortages.

Although drought contingency planning is essential for small and rural communities, "improved drought planning" as required by the executive order for these communities requires more than an emergency plan for responding to drought conditions after they appear. Small community water systems (CWS) and domestic self-suppliers have few, if any, warning systems to indicate a problem prior to a supply failure and even when they have notice, they have very little capacity to mitigate drought impacts on their own. That is why the recommended framework (which includes monitoring, assessment, and planning for both preventative and corrective actions) is so important.

A key shortcoming of the draft report is that it fails to provide a timeline for determining the roles and responsibilities of local and state agencies as well as enforcement mechanisms. These key components are to be determined as “development progresses.” We urge the state to develop and adhere to a timeline to ensure that small and rural communities are not left behind in the implementation of this important Executive Order. Additionally, most counties rely on their Environmental Health Departments to oversee water supply well permits, and monitor PWS compliance with SDWA, especially LPA Counties. Further engagement in development of guidelines on EO implementation should be sure to solicit input from California Conference of Directors of Environmental Health to better understand perceived and actual limitations to small system drought preparedness. Finally, there is a need to evaluate what funding opportunities may exist. Identifying areas where the state could take the lead, such as in data collection, may prove to be the most effective funding plan for implementation of this work.

Further, we provide the following recommendations for each of the five areas identified in the draft report:

**1. Reporting and data collection: Improved data collection, management, sharing and transparency at all levels is foundational to the ability to plan. Additionally, data analysis will allow for better coordination among stakeholders and improve on both long-term actions, as well as immediate responses to drought risks, especially in rural communities.**

Data collection, management and sharing are critical to improved drought planning for small and rural communities. In order to conduct drought vulnerability assessments for groundwater reliant systems, DWR should provide statewide information on well logs for domestic wells and partner with the State Board to do something similar for public-supply wells not already subject to Urban Water Shortage Contingency Plans. In addition to the data collected above, an inventory needs to be created which documents State Smalls for all counties in California. Not all counties have this, especially for the unregulated systems, however, this information is critical to improving drought planning. LPA counties may have some existing monitoring systems that could be modeled after or replicated in others. The information included in this database should be able to be easily shared and include the basic information needed for drought vulnerability assessments. Such an inventory is important for ensuring accountability at the local level.

With this information it would then be possible to stress test the impact of varying levels of drought on small systems and domestic well owners. Given the limited staff time and capacity of smaller systems, and to ensure consistent reporting, EO agencies should create a tool that enables local agencies (systems and counties) to undertake analyses to identify vulnerabilities to water shortage and appropriate response strategies and policies. For example, the [mydrywatersupply.water.ca.gov](http://mydrywatersupply.water.ca.gov) system, which currently tracks household water shortages [and counties have access to their data], could be linked to existing state databases and real-time surface water monitoring, e.g., GAMA, DWR’s PIE/database, [OPR’s General Plan](#) tool, etc. and

include important layers, such as public water system service areas, DACs and DUCs, so that counties have a geo-spatial tool to analyze physical and social drought risks. Such a tool would also be incredibly useful for GSAs in the development of their GSPs, for which they must take into consideration drinking water users as beneficial users of groundwater.

Another tool to be released by the State Water Board in December 2016 is the Human Right to Water indicator. This indicator will map all state public water systems and assess whether their community is providing the human right to water, i.e. “safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes.” Other tools already in place that could prove to be useful to integrate are [CalEnviroScreen](#) and the [CalAdapt Tool](#).

## **2. Communications Planning: Improved monitoring and communications among stakeholders, from the State, through the counties, and to the water suppliers and citizens.**

Communication can be improved by enhanced data collection, management, analysis, sharing, and transparency at all levels. SWRCB District Engineers, staff from the Small Water Systems unit, and the Office of Sustainable Water Solutions are valuable resources for counties and may not traditionally have a path for county engagement. These entities are critical to leveraging state support for proactive actions, e.g., increasing technical, managerial and financial capacity (TMF); physical or managerial consolidation; and annual inspections that can flag infrastructural or water quality issues as relevant to drought risk.

Communications are key to successful drought planning and response. Plans must have clear communications protocols, including local government contacts for each community and state-level contacts, for periods leading up to and during an emergency drought declaration. Lack of such protocols was a major barrier to effective response during the current drought and is needed to ensure efficient and effective drought response in the future. Communication can also be improved by enhanced data collection, management, analysis, sharing, and transparency at all levels.

## **3. County Demonstration of Drought Planning: While some portion of a county’s citizenry may be covered by an urban supplier’s WSCP or a small suppliers’ drought plan (not required), there is nothing currently available to demonstrate that drought risk is being addressed for all county residents.**

As urban suppliers are required to update their UWMP every 5 years, counties should also be required to reevaluate and update their drought response plan.

County drought plans could be embedded in existing policy vehicles (see examples below), as suggested in the draft report, to allow flexibility at the local level. However, this new component

should not solely rely on these vehicles' current requirements. Rather, uniform requirements and standards are needed to ensure the effectiveness of the planning process across vehicles.

- OPR's draft updated **General Plan** guidelines encourage "*Mitigating Hazards through Drought Resiliency Plans*" in the safety element, framing the general plan as a tool to outline and encourage drought strategies. With SB 379, general plans need to account for climate adaptation and resiliency in their safety element. Counties are already responsible for coordinating with local water suppliers in the conservation element. With the passing of SB 244 and SB 1000, counties are also now required to address unincorporated and environmental justice communities (often one and the same). Combined, this suggests that county demonstration of Drought Planning is a logical extension of efforts already underway for general plans.
- County **hazard mitigation plans** (HMP) rarely consider drought as a hazard, but aligning county-wide drought plans with existing HMP vulnerability analyses could ensure cross-agency coordination while also identifying communities vulnerable to multiple hazards, e.g., drought, fire, and/or flood. It is important to note that including this type of planning in a county's hazard mitigation plan would encourage reactive responses to future droughts (such as short-term fixes like tanks and bottled water) rather than proactive actions (such as long-term sustainable water solutions before a community loses their water supply).
- **Groundwater Sustainability Plans** (see comments under recommendation 5 below), which require sustainable management and the consideration of beneficial uses and users of groundwater including domestic, state small and public water systems, offer an excellent opportunity to align groundwater planning with drought planning for groundwater dependent counties. Because GSAs rarely include an entire county's jurisdiction, if this is the chosen vehicle, counties will need to ensure coordination among GSAs to adequately cover their entire jurisdiction. Also, because GSAs will often not be fully (or even at all) controlled by a county, the county will still need to be accountable for ensuring the relevant requirements are met.

#### **4. Roles and Responsibilities: Defined State Agency and county roles, responsibilities, and funding mechanisms.**

The county should have the opportunity to act as the lead agency in developing their WSCP, but if they prefer not to or are unable to take on the responsibility in a timely fashion, the State or Regional Water Board should take the lead.

During drought emergencies the state and county can work together to identify and respond to systems at-risk of losing their capacity to deliver safe drinking water due to the drought conditions within 30-60-100 days.

**5. Coordination: Coordination with SGMA efforts to assure drought planning and responses are reflected in Groundwater Sustainability Plans (where applicable).**

Regional collaboration and coordination (in several areas including, but not limited to the Sustainable Groundwater Management Act) are key avenues through which small system operators and board members can share information, experiences, and effective drought response strategies. Where possible, drought technical assistance extended to individual systems should be done in coordination with nearby systems, both small and large, to ensure coordinated responses, especially in places where water sources are shared.

Many small, rural communities are dependent on groundwater and are, as a result, disproportionately vulnerable to regional conditions and management and often have limited TMF capacity to adapt. Therefore, these communities typically are disproportionately impacted by drought conditions. Drought planning for small and rural populations should leverage the opportunity presented by the Sustainable Groundwater Management Act (SGMA). Groundwater sustainability plans (GSPs) must be developed for medium to high priority groundwater basins by 2020. There will likely be significant overlap in data required to develop GSPs and data to be used by small water systems to assess drought vulnerabilities. For example, GSPs could be used to provide thorough drought vulnerability assessments and conduct stress test drought impacts of small systems and domestic well owners.

In conclusion, we support the recommendations provided in the draft report on drought planning for small water suppliers and rural communities. These comments are intended to expand upon these recommendations. We look forward to future collaboration on vulnerability assessments and drought planning for small and rural communities in 2017.

Sincerely,

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