

EXHIBIT 8-A



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

December 3, 2020

The Honorable Michael Simpson
Ranking Member
Subcommittee on Energy and Water Development
Committee on Appropriations
House of Representatives
Washington, DC 20515

Dear Representative Simpson:

Please find enclosed the Secretary of the Interior's funding recommendations for three categories of projects pursuant to the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016 (Public Law 114-322). The three categories are WIIN Section 4007 for Water Storage, WIIN Section 4009(c) for Title XVI Water Recycling, and WIIN Section 4009(a) for Desalination projects.

On June 22, 2020 a letter was provided to the Subcommittee on Energy and Water Development detailing recommendations for \$108,795,000 for Section 4007 Water Storage projects, thereby requesting designation of projects in FY 2021 appropriations legislation. This transmittal provides additional recommended funding allocations for Section 4007 Water Storage projects to be included in FY 2021 appropriations language.

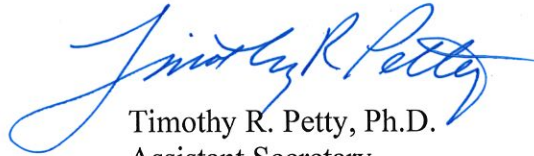
For storage projects, Reclamation will only proceed with expenditure of construction funding once a project has been found feasible and a cost sharing agreement has been signed with a non-federal partner. This recommendation is consistent with the language of the Appropriation Committees' Explanatory Statement and Section 4007 of Public Law 114-322, the Water Infrastructure Improvements for the Nation Act (WIIN Act).

The Secretary's recommendations for funding WIIN Section 4009(c) Title XVI projects includes descriptions of specific projects and individual funding amounts totaling \$40,000,000, using both FY 2019 and FY 2020 appropriations.

The Secretary's funding recommendations for Desalination Construction Projects eligible under Section 4009(a) of the WIIN Act include descriptions of specific projects and individual funding amounts totaling \$24,000,000, using both FY 2019 and FY 2020 appropriations.

If you have any questions or need additional information, please contact Mr. Bob Wolf, Director, Program & Budget, Bureau of Reclamation at 202-253-3861.

Sincerely,

A handwritten signature in blue ink that reads "Timothy R. Petty". The signature is fluid and cursive, with the first name being the most prominent.

Timothy R. Petty, Ph.D.
Assistant Secretary
for Water and Science

Enclosures

Identical Letter Sent To:

The Honorable Dianne Feinstein
Ranking Member
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Marcy Kaptur
Chairwoman
Subcommittee on Energy and Water Development
Committee on Appropriations
House of Representatives
Washington, DC 20515

The Honorable Lamar Alexander
Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

Bureau of Reclamation FY 2018, FY 2019 and FY 2020 Funding for WIIN Act Section 4007 Storage Projects

State	Category	Project (Study) Title	Project Description	FY 18/19/20 WIIN Recommended Funding for FY 2021
CA	Pre-Construction / Construction	Shasta Dam and Reservoir Enlargement Project	This project will enlarge Shasta Dam and Reservoir, creating an additional 634,000 acre-feet of storage to benefit anadromous fish cold water supply (191,000 acre-feet) and water supply reliability, improve Upper Sacramento River habitat, increase power generation, and increase/improve recreation opportunities. Funds will be used for pre-construction activities related to Shasta Dam Raise, recreation facilities planning/coordination, and reservoir infrastructure. Funds will also be used to initiate construction once WIIN requirements are met.	\$ 100,000,000
CA	Construction	Friant-Kern Canal Capacity Correction Resulting from Subsidence	Address the issue of Friant-Kern Canal (FKC) subsidence; 3,000 acre-feet/day conveyance restored, which would allow significant increase in storage capacity in Millerton Reservoir during key times. Restoring FKC capacity would increase annual average surface water deliveries by 8,000 acre-feet. Funding will be used for construction activities including: mobilization, earth movement, relocation of utilities, grading, land acquisition, and other construction related activities. This funding will ensure sufficient Federal funding to begin the initial phase of the project and provide Reclamation's cost share partner manageable targets in achieving the non-Federal share.	\$ 135,000,000
ID	Construction	Boise River Basin - Anderson Ranch Dam Raise	The Anderson Ranch Dam Raise would provide 29,000 acre-feet of new storage, increasing water storage in the Boise River watershed. Funding will be used for construction activities, including securing upfront funding agreements, executing water contracts, performing final design, environmental permitting and mitigation, contract solicitation, construction implementation, and general project administration.	\$ 10,000,000
CA	Pre-Construction / Construction	North-of-the-Delta Off Stream Storage (Sites Reservoir Project)	The proposed project includes up to an additional 1.8 million acre-feet of off-stream surface storage to restore flexibility and adaptability to the Central Valley Project (CVP) and State Water Project (SWP) operations. Funds will be used for pre-construction and construction activities including finalization of the water rights petition, operational and modeling plan, and environmental impact statement, as well as work with the Authority to further refine final engineering designs. (Note that \$2,500,000 is being reprogrammed from the Upper Yakima System Storage Feasibility project to this project)	\$ 9,700,000
CA	Construction	Los Vaqueros Reservoir Phase 2 Expansion Project	Phase 2 of the Los Vaqueros Expansion would increase storage up to 115,000 acre-feet in Contra Costa Water District (CCWD), and would add a pipeline to the California Aqueduct. Federal benefits include delivering Incremental Level 4 water to federally recognized wildlife refuge areas south of the Sacramento- San Joaquin Delta. Funds will be used for construction to award on the first construction contract (Pumping Plant #1).	\$ 4,100,000
WA	Construction	Cle Elum Pool Raise (Yakima)	Modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Cle Elum Reservoir; provide for shoreline protection of Cle Elum Lake. The additional storage is intended primarily for instream passage for fish while maintaining existing commitments for irrigation deliveries. Funds will be used for construction to support land acquisition, project management, and shoreline protection, fulfilling the Federal cost share for this project.	\$ 2,000,000
			Total of WIIN Funding Requests	\$ 260,800,000

Bureau of Reclamation FY 2019 and FY 2020 WIIN Act Title XVI Projects

State	Name of Applicant	Project Title	Detailed Project Description	FY19 WIIN Act Funding Recommended	FY20 WIIN Act Funding Recommended
TX	El Paso Water Utilities Public Service Board	El Paso Aquifer Storage and Recovery Using Reclaimed Water Project	This aquifer storage and recovery project will use treated water to recharge groundwater supplies through infiltration. This project involves the construction of a pump station, and expansion and construction of a new pipeline to convey treated water to infiltration basins. The project will provide a projected 15,000 acre-feet per year of additional water supply to address declining groundwater levels and growing water demand in the area.	\$400,000	\$0
CA	Monterey One Water	Pure Water Monterey: A Groundwater Replenishment Project	The Pure Water Monterey project will produce up to 8,200 acre-feet of water supply for communities in Monterey County. The project includes collection and conveyance facilities and construction of an advanced water treatment plant. The project will treat secondary effluent from a local wastewater treatment plant, municipal urban runoff, stormwater, and agricultural wash water that will be used to recharge the Seaside Groundwater Basin and for agricultural irrigation.	\$6,498,985	\$9,000,000
CA	Soquel Creek Water District	Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project	The groundwater replenishment project will treat and recharge 1,500 acre feet of water annually through the construction of an advanced water purification facility to treat waste water, conveyance facilities, and recharge wells. The project will replenish an overdrafted basin and protect it against the immediate threat of seawater intrusion.	\$3,000,000	\$3,075,000
UT	Magna Water District	Magna Water District Water Reclamation and Reuse Project	This water reclamation and reuse project will create a new reliable source of recycled water for outdoor irrigation and utility demands for the Provo, Utah area. The project will recover wastewater currently discharged to the Great Salt Lake and treat it to reuse standards, making 4.144 acre-feet per year available for use in the District's secondary water system.	\$3,000,000	\$1,925,000
CA	City of Oceanside	Pure Water Oceanside: Mission Basin Groundwater Purification Facility Project	Pure Water Oceanside is a potable reuse project that will augment the Mission Groundwater Basin with advanced treated recycled water. The project will include the construction of an advanced water treatment facility, conveyance pipelines, injection wells, backwash piping, and monitoring wells. The project is expected to create 3,306 acre-feet of additional water supply for the City annually.	\$3,000,000	\$3,000,000

Bureau of Reclamation FY 2019 and FY 2020 WIIN Act Title XVI Projects

State	Name of Applicant	Project Title	Detailed Project Description	FY19 WIIN Act Funding Recommended	FY20 WIIN Act Funding Recommended
CA	Water Replenishment District of Southern California	Groundwater Reliability Improvement Program Recycled Water Project	The Groundwater Reliability Improvement Program Recycled Water Project will produce high-quality recycled water for replenishment of the Central Coast Groundwater Basin. The project includes a flow equalization and pumping facility, an advanced water treatment facility, supplemental recharge wells, and groundwater monitoring wells.	\$3,000,000	\$3,000,000
CA	Palmdale Water District	Palmdale Regional Groundwater Recharge and Recovery Project	The project will use recycled water to recharge an overdrafted groundwater basin and provide an additional 10,800 acre-feet per year of water supply. The project includes conveyance pipelines to two recharge basins, four groundwater recovery wells and a well collection pipeline to the District's potable water distribution system.	\$1,101,015	\$0
Total				\$ 20,000,000	\$20,000,000

Bureau of Reclamation FY 2019 and FY 2020 WIIN Act Desalination Construction Projects

State	Name of Applicant	Project Title	Detailed Project Description	FY19 WIIN Act Funding Recommended	FY20 WIIN Act Funding Recommended
CA	South Coast Water District	Doheny Ocean Desalination Project	This ocean water desalination facility includes a seawater intake, conveyance and distribution system, desalination plant, brine disposal through an existing ocean outfall and solids handling facilities. The project will improve water supply reliability by producing up to 5,321 acre-feet per year of new, local, potable supply for the District.	\$6,000,000	\$5,673,500
CA	City of Camarillo	North Pleasant Valley Desalter Facility	The desalter facility will produce 3,877 acre-feet per year of potable, drought-resistant water. The facility is a key component of the regional solution to address impaired groundwater in the Calleguas Creek Watershed. This project will help address declining production due to poor quality groundwater, the potential reoccurrence of drought conditions, and water restrictions imposed on imported water supplies.	\$3,000,000	\$3,443,367
TX	North Alamo Water Supply Company	Energy-Efficient Brackish Groundwater Desalination Project	This brackish groundwater desalination project includes the expansion of brackish groundwater well fields and leveraging existing facilities to increase drinking water production through brackish groundwater desalination. The project is expected to decrease the projected water deficits in the area and improve drought resiliency. It is expected to produce 4,055 acre-feet of additional water annually.	\$3,000,000	\$2,883,133
Total				\$12,000,000	\$12,000,000



November 23, 2020

The Honorable Marcy Kaptur
Chairwoman
House Appropriations Subcommittee on Energy and Water Development
2362-B Rayburn House Office Building
Washington, DC 20515

The Honorable Mike Simpson
Ranking Member
House Appropriations Subcommittee on Energy and Water Development
1036 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Kaptur and Ranking Member Simpson:

As the House Committee on Appropriations Subcommittee on Energy and Water Development continues its work to conference the Fiscal Year (FY) 2021 Energy and Water Development Appropriations Bill with its Senate counterpart, I respectfully request that the House recede to the Senate report language that states authorized U.S. Army Corps of Engineers (USACE) Environmental Infrastructure (EI) projects “shall not require a new start designation.” The full paragraph I ask you to accept is as follows:

Environmental Infrastructure. – Authorized Environmental Infrastructure projects shall not require a new start designation. This includes projects in regional authorities that have not received funding and projects authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580), as amended. The Committee reminds the Corps that Environmental Infrastructure authorities include caps on Federal participation, but do not provide a guarantee that the project authorization level will be met. Environmental Infrastructure projects shall only receive funding if there is a separable element that can be funded to completion in a fiscal year without the requirement for continued funding in future years. The Corps is reminded that it was directed to develop metrics for the selection of Environmental Infrastructure projects that receive funds and provide a report on such metrics to the Congress within 180 days of enactment of this act. Within 45 days of enactment of this act, the Corps shall brief the Committee on the status of these efforts.

As you know, USACE provides assistance to non-federal interests through EI authorities to carry out important water-related environmental infrastructure and resource protection and development projects. However, in recent years, only authorized entities that have been able to compete for the EI funds appropriated. USACE has no continuing obligation to fund projects under EI authorities that have previously been provided funding. Projects that are provided funding should be projects or separable elements of projects that can be completed with the funding provided in a single fiscal year in the event that future federal funding is not forthcoming. As a result, there is no justification for classifying any EI project as a new start.

It is important that Congress allow greater access to EI funding so more entities can compete for this critically needed assistance. In our region, EI funding could be used to advance the Pure Water Monterey project, expand the use of aquifer storage and recovery, and increase the use of recycled water


MPWMD
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for irrigation - both for urban irrigation and agricultural purposes.

I would also like to express my appreciation that the Subcommittee included \$100 million to support EI projects in FY 2021. This is \$20 million more than the Senate's proposed funding level, and I encourage you to insist on the House proposed funding level for EI.

Thank you for your time and consideration of my request. Please do not hesitate to contact me or my staff if you have any questions or need additional information.

Sincerely,


David Stoldt
General Manager
Monterey Peninsula Water Management District



October 27, 2020

Honorable John Barrasso
Chairman
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington D.C. 20510

Honorable Thomas Carper
Ranking Member
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Monterey Peninsula Water Management District, I write to express our support for S 4206, a bill that would amend the *Water Infrastructure Finance and Innovation Act of 2014* (WIFIA) to authorize the interest rate for a WIFIA loan to be the interest rate for U.S. Treasury securities of a similar maturity on the date of first disbursement of the loan.

Currently, WIFIA interest rates are established at the date of loan closing. This legislation would allow for interest rates to be determined on the date of first disbursement of the loan and be calculated by the loan maturity date. This change allows for applicants to receive fairer interest rate terms beginning on the day they receive the first round of financing, potentially resulting in significant savings for WIFIA borrowers.

The WIFIA program continues to be an essential tool for water agencies seeking to advance important water projects across the country. S 4206 would further strengthen the program by creating yet another way to provide significant cost savings to communities and ratepayers. We urge the Committee to consider and advance this important bill. Thank you for your consideration and continued leadership on issues that are critical to fixing and maintaining our nation's water infrastructure.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is written in a cursive style.

David Stoldt
General Manager
Monterey Peninsula Water Management District



October 27, 2020

Honorable Peter DeFazio
Chairman
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Honorable Sam Graves
Ranking Member
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Honorable Frank Pallone
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington D.C. 20515

Honorable Greg Walden
Ranking Member
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman DeFazio, Chairman Pallone, Ranking Member Graves, and Ranking Member Walden:

On behalf of the Monterey Peninsula Water Management District (MPWMD), I write to urge the House Transportation and Infrastructure Committee to hold a hearing and advance the *WIFIA Improvement Act* (H.R. 8217), a bill that would amend the *Water Infrastructure Finance and Innovation Act of 2014* (WIFIA) to provide a new 55-year loan term for WIFIA financing.

As you know, federally backed financing programs like WIFIA can generate annual debt service savings of 20 percent or more for most water agencies. The legislation's establishment of an additional, longer-term loan that can be repaid over 55 years rather than the current maximum period of 35 years will increase these savings even more for projects that have an operational life of 55 years or more. For MPWMD, which has been invited with another agency to apply for a WIFIA loan to construct a major regional wastewater recycling project, the additional annual debt service savings would make the project more affordable for ratepayers, thereby putting less financial pressure on the community and its residents and businesses. Accordingly, we also support that the bill allows current WIFIA applicants that have not yet submitted their full applications to be eligible for the new 55-year loan term.

This legislation will accelerate work on critically needed infrastructure projects and allow for more local agencies to access the benefits of low-cost, long-term federal financing. We strongly urge the Committee to hold a hearing on this legislation to receive testimony and additional information on the many benefits of this bill.

Thank you for your consideration and continued leadership on issues that are critical to fixing and maintaining our nation's water infrastructure.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is stylized and cursive.

David Stoldt
General Manager
Monterey Peninsula Water Management District



October 13, 2020

The Honorable Daniel R. Simmons
 Assistant Secretary
 Office of Energy Efficiency & Renewable Energy
 U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585-0121

Appliance and Equipment Standards Program
 U.S. Department of Energy
 Building Technologies Office
 950 L'Enfant Plaza, SW., Suite 600
 Washington, DC, 20024.

RE: COMMENTS ON DOCKET ID NO. EERE-2020-BT-STD-0001 ENERGY CONSERVATION STANDARDS FOR CLOTHES WASHERS AND CLOTHES DRYERS

Dear Assistant Secretary Simmons:

The Alliance for Water Efficiency (AWE) and the undersigned 58 organizations write to express our opposition to the proposed creation of two new product categories for clothes washers with

normal run times of 30 and 45 minutes. We view this proposed rulemaking as both unnecessary and harmful for the reasons outlined below.

1. The proposed rulemaking is not needed. The creation of two new clothes washer categories, simply for the purpose of having shorter normal cycle run times, implies that there is an actual need for market differentiation in the area of run times -- and that the consumer wants a product that isn't already available. But the proposed rulemaking does not present any documentation of this need. Instead, the data presented in EERE-2020-BT-STD-0001 actually show that there already are a number of clothes washers on the market today that meet the normal cycle run time requirements AND that meet current water and energy standards. These products already exist, and if they are in high demand, market forces will develop more machines to meet these normal cycle criteria.
2. The product categories should not be created without accompanying water and energy efficiency standards. The DOE data show that there are clothes washers available today that meet the normal runtime requirements proposed for the new categories; these clothes washers already meet current water and energy standards, standards which have helped Americans save billions of dollars on their water and energy bills over the past 25 years. DOE has not produced any analysis to document the harmful impact on the nation's water and energy resources that these new product categories would have if adopted without accompanying water and energy efficiency standards.
3. The proposed rulemaking will adversely affect water use in particular, and this was not analyzed. 40 of the 50 US states are already confronting serious drinking water shortages, as documented in a US Government Accountability Office Report.¹ A number of southwestern states are also confronting a climate-change induced mega-drought² which is further reducing available water supplies. The 2016 Residential End Uses of Water study found that adoption of higher efficiency residential clothes washers was the most in effective indoor water efficiency measure for reducing per capita use over the past 15 years.³ Losing these critical water savings that have been achieved would negatively impact American water supply providers, and the proposed rulemaking did not contain any analysis of this harmful impact.
4. Without accompanying water and energy efficiency standards, the proposed rulemaking represents illegal backsliding. Introducing new categories of clothes washers without any accompanying energy or water efficiency standards would be an illegal step backward on water and energy efficiency, violating DOE's own anti-backsliding provisions contained in statute.⁴ These provisions were put in place to ensure that water and energy efficiency gains

¹ Freshwater Supply Concerns Continue, and Uncertainties Complicate Planning." US Government Accountability Office Report, May, 2014 - www.gao.gov/assets/670/663343.pdf

² https://weather.com/news/climate/news/2020-04-16-climate-change-stoking-long-term-megadrought-western-us?cm_ven=PS_GGL_DSA_09162019_1&par=MK_GGL&gclid=CjwKCAjw4rf6BRAvEiwAn2Q76jLyNknHWDhkP5XABdHvCMqIVjpJPVlyMfjxSwTQiUOcr2WmyrfRYhoCYPoQAvD_BwE

³ DeOreo, W., P.Mayer, et. al. 2016. Residential End Uses of Water, Version 2. Water Research Foundation. Denver, CO.

⁴ 42 U.S.C. 6295(o)(1) (commonly referred to as the "anti-backsliding provision") prohibits DOE from prescribing a standard that increases the maximum allowable energy use of a covered product.

remain and are not degraded once adopted. The proposal to create these two new clothes washer categories without any water and energy efficiency standards would clearly represent backsliding in the area of residential clothes washers.

The water and energy efficiency of modern clothes washers has been a tremendous success story. Efficient clothes washers have helped reduce water use by an average of 5.4 gallons per person per day⁵, which across 328 million Americans can total annual savings of more than 640 billion gallons. Clothes washers frequently use hot water as part of the cycle, and reductions in hot water use results in corresponding energy reductions. Water and energy providers are now planning on these reductions into the future to extend supplies and serve new customers. The consequences of illegal backsliding on clothes washer efficiency could negatively impact American utilities and consumers for years.

5. Energy and Water Efficiency Standards Are Essential for All Clothes Washer Categories. All clothes washers today are subject to efficiency standards. Energy and water efficiency standards for appliances have provided tremendous benefits for American consumers, most notably a significant reduction in water and energy use achieved as market transformation to more efficient machines has occurred over the past 25 years.⁶ These standards benefit both American consumers and manufacturers by creating a level, well-understood playing field. American companies have invested heavily in creating products that meet today's water and energy efficiency standards. We firmly believe that DOE should not introduce new product categories without the necessary efficiency standards in place.

AWE and the undersigned organizations strongly urge DOE to reject this rulemaking proposal to create new categories of clothes washers without energy or water efficiency standards. This would be an illegal and completely unnecessary step backwards that will have numerous negative consequences for water providers and consumers alike.

Sincerely,

Alliance for Water Efficiency
Chicago, Illinois

Amy Vickers and Associates
Amherst, MA

Arizona Municipal Water Users Association
Phoenix, AZ

Association of California Water Agencies
Sacramento, CA

Association of Metropolitan Water Agencies
Washington, DC

Bay Area Water Supply & Conservation Agency
San Mateo, CA

California Water Efficiency Partnership
Sacramento, CA

California Water Service Company
Torrance, CA

⁵ DeOreo, IBID

⁶ DeOreo, IBID

Cascade Water Alliance
Bellevue, WA

Center for Water-Energy
Efficiency, University of
California, Davis
Davis, CA

Citizens Water Advocacy
Group
Prescott, AZ

City of Big Bear Lake
Big Bear Lake, CA

City of Charlottesville
Charlottesville, VA

City of Durham
Durham, NC

City of Flagstaff
Flagstaff, AZ

City of Hays
Hays, KS

City of Mesa
Mesa, AZ

City of Round Rock
Round Rock, TX

City of Sacramento
Sacramento, CA

City of Santa Barbara
Santa Barbara, CA

City of Surprise
Surprise, AZ

City of Westminster
Westminster, CO

Connecticut Water
Company
Clinton, CT

Denver Water
Denver, CO

East Bay Municipal Utility
District
Oakland, CA

Eastern Municipal Water
District
Perris, CA

EcoSystems, LLC
Miami, FL

Electric & Gas Industries
Association
Sacramento, CA

Foothill MWD
La Canada Flintridge, CA

Green Builder Coalition
Glen Carbon, IL

Jurupa Community
Services District
Jurupa Valley, CA

Las Vegas Valley Water
District
Las Vegas, NV

Los Angeles Department of
Water and Power
Los Angeles, CA

Miami-Dade Water and
Sewer Department
Miami, FL

Maureen Erbeznik &
Associates
Los Angeles, CA

Medford Water
Commission
Medford, OR

Metropolitan North
Georgia Water Planning
District
Atlanta, GA

Metropolitan Water
District of Southern
California
Los Angeles, CA

Monterey Peninsula WMD
Monterey, CA

Municipal Water District of
Orange County
Fountain Valley, CA

National Wildlife
Federation
Merrifield, VA

Orange Water and Sewer
Authority
Carrboro, NC

Plumbing-Heating-Cooling
Contractors – National
Association
Falls Church, VA

Regional Water Authority
Sacramento, CA

Sacramento Suburban
Water District
Sacramento, CA

San Antonio Water System
San Antonio, TX

Southern Nevada Water
Authority
Las Vegas, NV

Sonoma Water
Santa Rosa, CA

Texas Water Foundation
Austin, TX

Tucson Water
Tucson, AZ

Turfgrass Water
Conservation Alliance
Albany, OR

Upper San Gabriel Valley
MWD
Monrovia, CA

Valley Water
San Jose, CA

Walnut Valley Water
District
Walnut, CA

Water Demand
Management
Boulder, CO

Water Supply Citizens
Advisory Committee
Belchertown, MA

Water Use it Wisely
Phoenix, AZ

WaterNow Alliance
San Francisco, CA

Whirlpool Corporation
Benton Harbor, MI



October 14, 2020

The Honorable Daniel R. Simmons
 Assistant Secretary
 Office of Energy Efficiency & Renewable Energy
 U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585-0121

Appliance and Equipment Standards Program
 U.S. Department of Energy
 Building Technologies Office
 950 L'Enfant Plaza, SW., Suite 600
 Washington, DC, 20024

RE: Comments on Docket ID No. EERE-2020-BT-TP-0002 Energy Conservation Program: Test Procedure for Showerheads

Dear Assistant Secretary Simmons:

The Alliance for Water Efficiency (AWE) and the undersigned 60 organizations write to express our firm opposition to the redefinition of a showerhead proposed by the US Department of Energy (DOE), which will allow multiple shower flows in a single stall. The current federal

definition of a maximum flow of 2.5 gallons per minute (gpm) from a single shower has helped Americans save billions of dollars on their water and energy bills. DOE has not provided any technical analysis to document the cumulative water and energy impact that this proposed change would have, and which we believe would be financially harmful to the American public. We are specifically opposed to the redefinitions of “body spray” and “safety shower showerhead” that would remove both of these products from the legal definition of a showerhead. These proposed changes would be the most significant step backward on water and energy efficiency in 30 years.

The undersigned organizations believe this rulemaking is ill-advised for the following eight reasons:

1. **The current definition of showerhead should be updated to align with the definitions in the current ASME A112.18.1/CSA B125.1 and ISEA Z358.1-2014 standards.** DOE states that the current definition of showerhead is “ambiguous and does not mandate DOE’s prior interpretation” as justification for the redefinition. The proposed rulemaking states that greater alignment with the ASME showerhead definition is needed. To fulfill the intent of greater alignment, DOE should also incorporate the definitions for accessory, body spray, showerhead, and safety shower showerhead in the current ASME A112.18.1/CSA B125.1 and ISEA Z358.1-2014 standards. Manufacturers utilize this standard, including the definitions, so showerheads can comply with the requirements in the U.S. model plumbing codes.
2. **The proposed rulemaking would allow wasteful showers in a wide variety of configurations.** The changes to the definitions and test procedures will legalize the sale of multiple showerhead systems, legitimizing the profligate use of water and energy, and contradicts with current industry design. This end result from the DOE’s action is unacceptable from the perspective of water efficiency. For nearly a decade, industry has been manufacturing and consumers have been purchasing showerheads designed to meet DOE’s 2011 Guidance. The proposed rulemaking would allow multiple shower head systems to increase flows from the current federally legal 2.5 gallons per minute (gpm) to 5.0 gpm or more, depending upon the number of shower heads. This could increase national water use by 161 billion gallons in just 1 year.¹
3. **Specifically exempting body sprays from the definition of a showerhead is illegal backsliding.** The DOE also proposes to define the term “body spray” to clarify that these products are not subject to the current energy conservation standards and thus can flow at any flow rate. We are concerned that the proposed rulemaking will result in wasteful and unnecessary “deluge” showers, which will also consume much more hot water. We also believe that this proposed rulemaking would be illegal and subject to anti-backsliding provisions under the federal statute². Additionally, the U.S. plumbing codes require body sprays to comply with the current ASME A112.18.1/CSA B125.1

¹ Mitchell D. (June 2020) Showerhead Water & Energy Savings. M.Cubed. Oakland, CA. Available from AWE.

² 42 U.S.C. 6295(o)(1) (commonly referred to as the “anti-backsliding provision”) prohibits DOE from prescribing a standard that increases the maximum allowable energy use of a covered product.

standard. The standard requires body sprays flow no more than 2.5 gpm. If DOE exempts body sprays instead of aligning the definition with that in the industry standard, consumers will be able to purchase higher flow body sprays, but they will not be able to legally install them.

4. **This illegal backsliding will only spur states to adopt their own showerhead standards and requirements.** The unnecessary redefinition will also create confusion and uncertainty in the market because at least eight states – which contain 40% of the nation’s population and housing – already have laws in place that effectively restrict shower flows to lower than the 2.5 gpm federal standard. It was exactly this type of state-by-state patchwork regulation that led to the passage of the Energy Policy Act in 1992 (EPAAct 1992).
5. **The process for this rulemaking has not followed past DOE protocols, and does not qualify for a categorical exclusion under the National Environmental Policy Act of 1992 (NEPA).** DOE Notices of Proposed Rulemakings have always had at least 60 days for public review, even in cases where there was clear pre-release information. This proposed rulemaking is on a very fast track with far less than the usual 60 days’ notice and no pre-release communication. Given the magnitude of the potential impact, the proposed rulemaking should allow at least 90 days or more for public comment and review, and should also not qualify for a categorical exclusion under NEPA since there are clear water resource and energy impacts to the environment that have not yet been analyzed.
6. **The proposed rulemaking will increase consumption of drinking water that will have a severe impact on water supplies across the country.** 40 of the 50 states are already confronting serious water shortages, as documented in a US Government Accountability Office Report³. Increasing the consumption of treated drinking water through this proposed rulemaking will increase water utility costs for providing new supplies – and therefore increase customer bills, as those costs for procuring needed new supplies are then passed on to the consumers.
7. **Every 1 gpm of increased flow in a shower would cost Americans \$1.14 Billion.** Even a small change in average shower flow rates would have a huge impact on national water and energy demands, and the proposed redefinition will clearly result in increased water and energy bills across the US. For each 1 gpm increase in shower flow rate, national annual domestic water use would increase by 55 billion gallons and national annual energy use for that added hot water would increase by 25,000 billion Btu⁴. This would, in turn, increase annual water and energy bills for American consumers by an estimated \$1.14 billion⁵. While these are our best estimates, this is the kind of

³“Freshwater Supply Concerns Continue, and Uncertainties Complicate Planning.” US Government Accountability Office Report, May, 2014 - www.gao.gov/assets/670/663343.pdf

⁴ Mitchell, IBID

⁵ Mayer, Peter. Memo to AWE on the Costs of 1 gpm Increase in Shower Flow. Available from AWE

technical analysis that DOE needs to undertake itself as part of this rulemaking proceeding.

8. **The water supply and energy savings from the current regulation are critical for the nation.** To provide some perspective on the importance of the water and energy savings, AWE has analyzed the future impact that might result if showerhead flow rates were raised or lowered, using data describing the installed base of showerheads in 2011-2012 from the Residential End Uses of Water Study that documented actual flow rates in the field⁶. Based on projections for new development and for existing home showerhead replacements, AWE estimates that 2.5 gpm showerheads provide 11 billion gallons per year in water savings and 5 trillion Btu per year in energy savings. Ultra-efficient showerheads (<1.6 gpm) provide 19 billion gallons per year in water savings and 9 trillion Btu per year in energy savings. These are significant savings; in ten years the savings for 2.5 gpm showerheads at the federal standard alone accumulate to the equivalent of supplying 1 million homes with water and 670,000 homes with energy.

The country needs more water and energy efficiency – not less – and thus the undersigned organizations firmly recommend that these proposed rulemaking changes be rejected.

Sincerely,

Alliance for Water Efficiency
Chicago, IL

Amy Vickers and Associates
Amherst, MA

Arizona Municipal Water Users Association
Phoenix, AZ

Association of California Water Agencies
Sacramento, CA

Association of Metropolitan Water Agencies
Washington, DC

Bay Area Water Supply & Conservation Agency
San Mateo, CA

California Water Efficiency Partnership
Sacramento, CA

California Water Service Company
Torrance, CA

Cascade Water Alliance
Bellevue, WA

Center for Water-Energy Efficiency,
University of California, Davis
Davis, CA

Citizens Water Advocacy Group
Prescott, AZ

City of Big Bear Lake
Big Bear Lake, CA

City of Charlottesville
Charlottesville, VA

City of Durham
Durham, NC

⁶ DeOreo, W., P. Mayer, et. al. 2016. Residential End Uses of Water, Version 2. Water Research Foundation. Denver, CO.

City of Flagstaff Flagstaff, AZ	Electric & Gas Industries Association Sacramento, CA	Monterey Peninsula WMD Monterey, CA
City of Hays Hays, KS	Foothill Municipal Water District La Canada Flintridge, CA	Municipal Water District of Orange County Fountain Valley, CA
City of Mesa Mesa, AZ	Green Builder Coalition Glen Carbon, IL	National Wildlife Federation Merrifield, VA
City of Round Rock Round Rock, TX	Jurupa Community Services District Jurupa Valley, CA	Orange Water and Sewer Authority Carrboro, NC
City of Sacramento Sacramento, CA	Las Vegas Valley Water District Las Vegas, NV	Plumbing-Heating-Cooling Contractors Association Falls Church, VA
City of Santa Barbara Santa Barbara, CA	Los Angeles Department of Water and Power Los Angeles, CA	Regional Water Authority Sacramento, CA
City of Santa Monica Santa Monica, CA	Maureen Erbeznik & Associates Los Angeles, CA	Regional Water Providers Consortium Portland, OR
City of Surprise Surprise, AZ	Medford Water Commission Medford, OR	Sacramento Suburban Water District Sacramento, CA
City of Westminster Westminster, CO	Metropolitan North Georgia Water Planning District Atlanta, GA	San Antonio Water System San Antonio, TX
Connecticut Water Company Clinton, CT	Metropolitan Water District of Southern California Los Angeles, CA	Santa Rosa Water Santa Rosa, CA
Denver Water Denver, CO	Miami-Dade Water and Sewer Department Miami, FL	Southern Nevada Water Authority Las Vegas, NV
East Bay Municipal Utility District Oakland, CA		Sonoma Water Santa Rosa, CA
Eastern Municipal Water District Perris, CA		
Ecosystems, LLC Miami, FL		

Texas Water Foundation
Austin, TX

Valley Water
San Jose, CA

Water Use it Wisely
Phoenix, AZ

Tucson Water
Tucson, AZ

Water Demand Management
Boulder, CO

Water Supply Citizens
Advisory Committee
Belchertown, MA

Turfgrass Water Conservation
Alliance
Albany, OR

Walnut Valley Water District
Walnut, CA

WaterNow Alliance
San Francisco, CA

Upper San Gabriel Valley
MWD
Monrovia, CA



June 5, 2020

The Honorable Toni Atkins
President pro Tempore, California State Senate
California State Capitol, room 205
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker, California State Assembly
California State Capitol, room 219
Sacramento, CA 95814

RE: Special District COVID-19 Fiscal Impacts and Request for Access to Fiscal Assistance

Dear Senator Atkins and Assembly Member Rendon,

On behalf of the Monterey Peninsula Water Management District (MPWMD), I thank you for your leadership and consideration of the budgetary impacts on local governments resulting from COVID-19.

I respectfully request your support of special districts, like ours, being included in any economic relief determinations for local government. Special districts, like our partners at cities and counties, are delivering essential services to our communities. It is important that special districts have access to financial tools to weather the pandemic.

Across California, independent special districts like MPWMD are on the front lines of COVID-19 response ensuring the continued delivery of critical local services that impact the quality of life in their community including vital utility, transportation, park, health, and cultural services.

The California Special Districts Association estimates that statewide by June 2021 76% of special districts throughout the state – which represents 1,500 local governments – will experience significant budget challenges or cashflow issues. Within the next six months, 42% of special districts statewide will draw down reserves to mitigate budget impacts and/or cut or decrease staff. The estimated overall fiscal impact of COVID-19 to special districts as of May 2020 is approximately \$250 million.

MPWMD is still trying to assess the impacts to our revenues, but we remain concerned about reduced revenue due to reduced water consumption, as well as reductions in revenues due to delinquencies.

It is imperative State leaders consider the essential role of special districts and the impacts of COVID-19. If you have questions or would like to further discuss any of the above, we welcome the opportunity to assist your efforts in any way possible. Please do not hesitate to contact me at dstoldt@mpwmd.net.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is written in a cursive, flowing style.

David Stoldt
General Manager
Monterey Peninsula Water Management District



September 14, 2020

Governor Gavin Newsom
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 2560 (Quirk): SUPPORT - ENROLLED

Dear Governor Newsom,

On behalf of the Monterey Peninsula Water Management District (MPWMD), we are writing to express our support for AB 2560, which requires the State Water Resources Control Board (State Water Board) to post on its internet website and distribute through email information when it initiates the development of a Notification Level (NL) or Response Level (RL) for a contaminant.

Currently, the State Water Board adopts MCLs for contaminants, which are health protective drinking water standards to be implemented by public water systems. MCLs take into account not only a contaminant's health risks but also factors such as its detectability and treatability, as well as costs of treatment. Under current law there is a very clear process for the establishment of an MCL. In addition to MCLs, the State Water Board utilizes notification levels (NLs), which are health-based advisory levels for contaminants in drinking water that do not have an MCL. Generally, NLs are established as precautionary measures for contaminants that may be considered candidates for establishment of MCLs, but have not yet undergone or completed the regulatory process prescribed for the development of MCLs and are not drinking water standards. However, there is not a clear and consistent process for the establishment of NLs and RLs, which are not set by the State Water Board, but administratively set by the Division of Drinking Water. AB 2560 will provide greater transparency to the NL and RL process to provide all water agencies clear and consistent information as they can continue to provide safe, clean and affordable drinking water to their constituents."

MPWMD applauds Assemblymember Quirk for leading this effort and we respectfully urge your signature on AB 2560.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is written in a cursive style with a large, stylized "D" and "S".

David Stoldt
General Manager
Monterey Peninsula Water Management District



September 14, 2020

Governor Gavin Newsom
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 3005 (R.Rivas): SUPPORT – ENROLLED

On behalf of the Monterey Peninsula Water Management District (MPWMD), I am writing to express our support for your legislation AB 3005, which will expedite the expert removal and replacement of the Leroy Anderson Dam and Reservoir. Located in the hills above Silicon Valley, the dam has been determined by dam safety officials to be vulnerable to damage during a 6.6 magnitude earthquake and failure with a 7.25 quake. The failure of Anderson Dam at full capacity would result in catastrophic losses of life and property, inundating an area that includes many of the cities comprising the San Jose metropolitan area and southward to Monterey Bay. The human and economic costs would be felt across California and the nation.

On February 20, the Federal Energy Regulatory Commission (FERC) issued an order to implement interim risk reduction measures prior to construction of the full seismic retrofit project. These measures include reducing the operating capacity significantly and directing Valley Water, by October 1 of this year, to begin draining the reservoir completely. In order to comply with the FERC order, Valley Water, the State of California, and stakeholders will need to expedite regulatory processes in order to keep this dam functioning so people can continue to have a supply of water.

The Expedited Dam Safety for Silicon Valley Act will facilitate the speedy and expert construction of the Anderson Dam Seismic Retrofit Project that will protect lives and property, reduce flood risk for downstream communities, and restore Anderson Reservoir's supply of clean, safe drinking water for the region. The project is estimated to cost \$576 million and will remove and replace most of the existing earthen dam. The new dam will be constructed to current seismic and dam safety standards, increasing dam safety and flood protection.

Another critical component of delivering the Anderson Project's public safety, water supply, and flood protection benefits is the timely issuance of state permits. AB 3005 sets reasonable deadlines for state permit issuance, helping to ensure construction starts promptly after design and CEQA review are completed. Not only will the Anderson Dam Project protect homes and businesses, it will also create 5,400 good paying jobs with an economic impact multiplied across the California economy

We thank you for your leadership on this vital safety measure and respectfully urge your signature on AB 3005.

Sincerely,


David Stoldt
General Manager
Monterey Peninsula Water Management District



August 24, 2020

The Honorable Robert Rivas
California State Assembly
State Capitol, Room 5158
Sacramento, CA 95814

RE: AB 3005 (R.Rivas): SUPPORT – ASSEMBLY FLOOR

Dear Assemblymember Rivas,

On behalf of the Monterey Peninsula Water Management District (MPWMD), I am writing to express our support for your legislation AB 3005, which will expedite the expert removal and replacement of the Leroy Anderson Dam and Reservoir. Located in the hills above Silicon Valley, the dam has been determined by dam safety officials to be vulnerable to damage during a 6.6 magnitude earthquake and failure with a 7.25 quake. The failure of Anderson Dam at full capacity would result in catastrophic losses of life and property, inundating an area that includes many of the cities comprising the San Jose metropolitan area and southward to Monterey Bay. The human and economic costs would be felt across California and the nation.


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We thank you for your leadership on this vital safety measure and respectfully urge passage of AB 3005.

Sincerely,


David Stoldt
General Manager
Monterey Peninsula Water Management District



June 8, 2020

The Honorable Jimmy Panetta
United States House of Representatives
212 Cannon Office Building
Washington, D.C, 20515

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Kamala Harris
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

RE: H.R. 7073

Dear Congressman Panetta, Senator Feinstein, and Senator Harris,

On behalf of the Monterey Peninsula Water Management District (MPWMD), I thank you for your leadership and consideration of the budgetary impacts on local governments resulting from COVID-19. MPWMD respectfully requests your support of H.R. 7073.

Across California, independent special districts like MPWMD are on the front lines of COVID-19 response ensuring the continued delivery of critical local services that impact the quality of life in their community including vital utility, transportation, park, health, and cultural services. It is important that special districts have access to financial tools to weather the pandemic.

The California Special Districts Association estimates that statewide by June 2021 76% of special districts throughout the state – which represents 1,500 local governments – will experience significant budget challenges or cashflow issues. H.R. 7073 would help MPWMD and other special districts by:

- Allowing special districts access to the Coronavirus Relief Fund
- Treat districts as “eligible issuers” of the Federal Reserve Board’s Municipal Liquidity Facility
- Creating a federal definition of “special district”

MPWMD is still trying to assess the impacts to our revenues, but we remain concerned about reduced revenue due to reduced water consumption, as well as reductions in revenues due to delinquencies.

As Congress continues to negotiate next steps for COVID-19 relief for state and local governments, MPWMD not only asks for your support on this bill in the U.S. House, but also its provisions’ inclusion in the Senate’s version of a state and local relief bill.

If you have questions or would like to further discuss any of the above, we welcome the opportunity to assist your efforts in any way possible. Please do not hesitate to contact me at dstoldt@mpwmd.net.

Sincerely,


David Stoldt
General Manager, MPWMD



June 8, 2020

The Honorable Jimmy Panetta
United States House of Representatives
212 Cannon Office Building
Washington, D.C, 20515

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

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Washington, D.C. 20510

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Sincerely,


David Stoldt
General Manager, MPWMD



June 5, 2020

The Honorable Toni Atkins
President pro Tempore, California State Senate
California State Capitol, room 205
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker, California State Assembly
California State Capitol, room 219
Sacramento, CA 95814

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David Stoldt
General Manager
Monterey Peninsula Water Management District