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Opinion: Water District lawsuit jeopardizes future projects

Court case will alienate Santa Clara County residents who care about the environment



The northern end of Yosemite National Park contains such wilderness treasures as Tuolumne Meadows and River. Photo Courtesy of Dino Vournas)

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The Santa Clara Valley Water District made a grave miscalculation in [suing the State Water Board](#) over the Bay Delta Water Quality Control Plan. By alienating the remnants of the environmental community who have supported them in recent years, they are jeopardizing future projects and funding measures that will require voter approval.

Santa Clara County residents care deeply about the environment. A public opinion poll conducted by San Jose State University found that environmental protection was the top motivator for people to conserve water.

Similarly, a poll commissioned by the Water District found that 84 percent of those surveyed believed the following argument was convincing: “Using recycled water is good for our environment. The more recycled water we use, the less we have to take out of rivers and streams and our scarce groundwater supplies. That’s good for rivers, streams, and the fish, plants and wildlife that rely on them.”

In the same poll, statements about the importance of protecting water supply and being prepared for droughts each received 73 percent – 11 points lower than the environmental argument. The survey also found that environmentalists and medical professionals are the best messengers for delivering the benefits of potable reuse (purifying wastewater to augment drinking water supply).

The Water District had little to gain and a lot to lose by suing the State Water Board. To recap the lawsuit, on Dec. 12 the Water Board adopted new instream flow standards for the lower San Joaquin River and its three main tributaries, including the Tuolumne River. This was the first of several revisions to the Bay Delta Water Quality Control Plan, which hasn’t been updated since 1995. Meanwhile the Sacramento-San Joaquin Delta ecosystem – starved of freshwater inflow – has spiraled into collapse.

The San Francisco Public Utilities Commission (SFPUC) relies on the Tuolumne (which fills the Hetch Hetchy Reservoir) for most of its water. The Water District's supply, on the other hand, was not directly affected by the Water Board's decision. However, with the SFPUC providing 15 percent of the water used in Santa Clara County, the district apparently felt the need to intervene.

Rather than conduct its own analysis, the district simply accepted the SFPUC's narrative, which is based on false and misleading information. In reality, the SFPUC has little to worry about. At current water demand, the SFPUC could manage any drought on record, even with the new flow standards in place. Yet the SFPUC claims the Bay Delta Plan could lead to 40 to 50 percent rationing. How could this be possible?

The answer is that the SFPUC has manufactured a "design drought" that arbitrarily couples two of the worst droughts from the last century. They also assume water demand will increase by 26 percent to support all of the development projected for the region. Under their policy, every year is either the beginning or middle of the "design drought," so severe rationing would have to begin immediately. Even if all of their reservoirs were full – enough water to last six years – people would be forced to ration.

The Water District, on the other hand, currently plans for a three-year drought, yet they appear to accept the SFPUC's 8.5-year "design drought" scenario as prudent. It would be virtually impossible for the Water District to manage such a drought, so they better hope their customers don't demand similar planning.

When people learn that the water they conserve, or the recycled water they're asked to drink, does not benefit the environment, but instead just enables more development, they will think twice about who and what they vote for. The Water District must do more than feign concern for the environment. If they want support from the environmental community, they would be wise to drop their lawsuit immediately.

Peter Drekmeier is the Policy Director for the Tuolumne River Trust. He formerly served on the Palo Alto City Council and Santa Clara Valley Water Commission.

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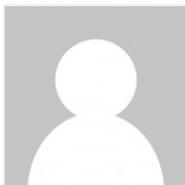
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