

May 8, 2026

Comment letter submitted via electronic commenting system

Clerk's Office
California Air Resources Board
1001 I Street, Sacramento, California 95814

RE: Deny Petition that seeks to add dams and reservoirs as MRR Reporting Entities and repeal hydropower exemption

Dear California Air Resources Board,

The Association of California Water Agencies respectfully requests that the California Air Resources Board (CARB) deny the petition filed by Tell the Dam Truth, Patagonia, and co-petitioners on March 25, 2026 (Petition) seeking to designate dams and reservoirs as reporting entities under the Mandatory Greenhouse Gas Reporting Regulation (MRR) and repeal the existing hydropower exemption. ACWA represents approximately 470 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses. Dams and reservoirs are an essential component of maintaining water resources for broad use across the state, and hydropower serves as one of California's most reliable low carbon power sources. This Petition seeks to challenge core water infrastructure without fully considering the value it provides to the state. We have numerous concerns with the Petition, will lay out these concerns to walk through our reasoning to deny this Petition, and will offer potential next steps for CARB's consideration.

At a high level:

- The Petition failed to comply with the Comment Deadlines for the Proposed MRR Rulemaking and should not be considered.
- The Petition risks overlap and confusion with existing regulation of dams, reservoirs, and hydropower facilities.
- The Petition proposes a sweeping new reporting obligation without providing clear direction, feasible methods, or a demonstrated value commensurate with the burden.
- The Petition ignores the essential benefits that dams, reservoirs, and hydropower provide to California's water and electric systems.
- If CARB wishes to consider future work on dam, reservoir and hydropower emissions, it should pursue a phased approach grounded in targeted research and voluntary tools before imposing mandatory reporting.

Comment 1- The Petition failed to comply with the Comment Deadlines for the Proposed MRR Rulemaking and should not be considered.

The petitioners failed to submit the Petition on time to the comment docket for either public comment period¹, and therefore their comments should not be considered in the Proposed MRR Rulemaking. Comments submitted outside that comment period should be considered untimely.

Comment 2- The Petition risks overlap and confusion with existing regulation of dams, reservoirs, and hydropower facilities.

California already regulates dams, reservoirs, and hydropower through an extensive statutory and regulatory framework administered by agencies with direct subject-matter jurisdiction, including the Department of Water Resources (DWR), the State Water Resources Control Board (State Water Board), and, where applicable, federal agencies such as the U.S. Army Corps of Engineers (USACE) and the Federal Energy Regulatory Commission (FERC). The Petition does not explain how adding these facilities as reporting entities under the MRR would avoid duplicating, conflicting with, or confusing existing oversight that already governs how these projects are designed, operated, monitored, and reported.

Introducing a separate CARB facility-level reporting requirement for dams, reservoirs, and hydropower, without clear alignment on definitions, system boundaries, monitoring expectations, and data-sharing, risks creating inconsistent requirements and duplicative reporting demands across state and federal agencies. DWR's dam safety and related programs focus on public safety, structural integrity, inundation risk, and operational requirements for dams and appurtenant works. The State Water Board and Regional Water Boards² oversee water rights, water quality requirements, and conditions that affect reservoir operations and downstream flows. Many reservoirs and dam-related activities may also involve USACE authorities (including federal permitting and other requirements for certain structures and activities in waters of the United States). Hydropower projects commonly intersect with federal processes, including FERC licensing, as well as Clean Water Act section 401 certification administered by the State Water Board.

Before CARB considers expanding the MRR to cover dams, reservoirs, or hydropower, CARB staff should first work collaboratively with state and federal agencies to evaluate

¹ CARB set comment deadlines for the Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions on March 9, 2026 and May 4, 2026.

² The State Water Board's [2017 comprehensive response](#) to climate change resolution builds on previous work and directs a proactive approach to climate change in all board actions to embed climate change considerations into all programs and activities.

whether existing programs can provide the needed information, whether a unified approach to definitions and methods is feasible, and how to prevent conflicting or redundant obligations for public agencies. Absent that coordination, the Petition's proposal would likely increase administrative burden and compliance uncertainty while producing data that is difficult to reconcile across state and federal programs.

Comment 3 – The Petition proposes a sweeping new reporting obligation without providing clear direction, feasible methods, or a demonstrated value commensurate with the burden.

The Petition requests for CARB to add “dams and reservoir systems” as reporting entities under the MRR and repeal the existing hydropower exemption, but it does not provide the level of specificity necessary to understand what would be required to comply. The Petition does not propose enforceable, standardized calculation methods for each emissions pathway it cites (e.g., reservoir surface flux, ebullition, turbine/spillway degassing, downstream emissions), does not establish how facility boundaries would be defined for multi-purpose water projects, and does not identify appropriate reporting thresholds that would reasonably distinguish between facilities of materially different size, design, and operation. Without that specificity, the Petition effectively shifts the core design work and the associated cost and uncertainty onto public water agencies and CARB staff, without clearly showing that the resulting data would be accurate, comparable, and useful for decision-making.

MRR reporting is not a simple annual form submission. It is an intensive process that typically requires developing monitoring plans, collecting and managing large datasets, performing quality assurance/quality control, documenting assumptions, preparing emissions calculations, responding to verifier questions, and maintaining records suitable for audit. For dam, reservoir, and hydropower operators, many of whom are public water agencies with small staffs, these requirements would be highly time-consuming and would compete directly with core responsibilities such as public safety, dam safety compliance, water quality management, emergency response, wildfire mitigation, and infrastructure maintenance. The Petition does not acknowledge these opportunity costs or explain why imposing them would add value when the underlying measurement approaches and reduction pathways remain uncertain.

The Petition also assumes the existence of practical, facility-scale monitoring tools capable of producing reliable, repeatable emissions estimates for large and dynamic water bodies. In practice, reservoir emissions can vary substantially across seasons, depths, inflows, operations, nutrient conditions, and meteorology, and different emissions pathways (diffusive flux versus ebullition versus degassing) may require different measurement techniques. Existing monitoring approaches that rely on limited sampling points, short sampling windows, or generalized emission factors may not meaningfully represent large reservoirs or allow consistent comparisons across facilities. The Petition does not identify validated monitoring protocols suitable for California's

range of reservoir types, does not address how representativeness would be ensured for large water bodies, and does not explain how CARB would avoid creating a reporting program that produces high-cost data with large uncertainty bands and limited regulatory utility.

Finally, the costs associated with developing new monitoring programs, retaining specialized consultants, purchasing equipment, conducting field campaigns, and undergoing third-party verification would ultimately be borne by the public. Public water agencies and public power entities operate on a cost-of-service basis; new compliance obligations translate into increased rates for households and businesses, higher costs for farmers, and reduced funds available for urgent priorities like drinking water improvements, drought resilience, and dam safety upgrades. We align these comments with those submitted by the State Water Contractors.

CARB should defer any consideration of adding dams and reservoirs as reporting entities until there is a clear statutory and programmatic roadmap, validated and scalable monitoring and calculation methods for large reservoirs, defined applicability thresholds, and a phased approach (such as a limited pilot program) that demonstrates the reporting can be implemented cost-effectively and yields information useful for decision-making.

Comment 4 – The Petition ignores the essential benefits dams, reservoirs, and hydropower provide to California.

The Petition frames dams and reservoirs primarily as potential emissions sources, but it does not meaningfully account for the critical role played in California's water reliability and flood management. We align these comments with those submitted by the Northwest Public Power Authority. Dams and reservoirs are foundational infrastructure that help capture runoff when it is available and make water accessible when it is not, supporting domestic supply, agriculture, environmental needs, emergency response, and flood control. Reservoir operations are a core climate adaptation tool that California uses to offset hydrologic variability that increasingly results in extreme drought and a need for flood control. The Petition also overlooks the value that hydropower and water-agency operations provide to grid reliability. Hydropower is one of the state's most flexible resources, capable of responding quickly to changes in demand and helping integrate intermittent renewable generation. Public water agencies are key grid partners beyond generation because they can shift large pumping and treatment loads to support grid conditions when appropriate, and help with load management and overall system balancing. A reporting framework that increases administrative and cost burdens on these facilities, without clear standards or demonstrated climate value, risks undermining resources that support reliability and may increase reliance on higher-emitting generation during tight grid conditions. Finally, the Petition's approach could unnecessarily complicate or challenge development of future, essential water resources, such as the Sites Reservoir, by adding a new layer of reporting and potential

reputational risk without clear, feasible, and standardized methods. California needs a diverse portfolio of water management tools to address drought, wildfire, ecosystem needs, and flood risk, and that portfolio may include thoughtfully designed surface storage projects alongside groundwater storage and conservation.

CARB should be cautious about adopting a program that could have the practical effect of discouraging critical water-supply investments before the state has established clear measurement protocols, applicability thresholds, and a demonstrated pathway from reporting to cost-effective emissions reductions.

Comment 5 – If CARB wishes to consider future work on dam, reservoir, and hydropower emissions, it should pursue a phased approach grounded in targeted research, and voluntary tools before imposing mandatory reporting.

ACWA suggests that CARB staff should first evaluate which program is best suited to develop consistent methods and avoid duplicative requirements across state and federal agencies with existing jurisdiction over dams, reservoirs, water quality, and hydropower operations before moving forward. CARB could support targeted research and limited pilot studies to better characterize reservoir emissions pathways in California and develop standardized, scalable calculation methods. Developing these foundational tools could help ensure that any future inventory or reporting effort produces data that is comparable, useful for decision-making, and cost-effective. Also, CARB can continue to work with the Climate Registry to promote voluntary reporting through a platform that public water agencies already use to help identify data gaps, refine methods, and understand implementation costs. CARB should prioritize collaboration with public water agencies, as well as state and federal agencies, to develop a practical roadmap before considering any expansion of the MRR.

Conclusion

For the reasons described above, ACWA respectfully urges CARB to deny the Petition. At the same time, ACWA strongly supports science-based policy that recognizes dams, reservoirs, and hydropower as essential public-benefit infrastructure that helps California manage hydrologic volatility, improve drought and flood resilience, protect public health and safety, and maintain electric reliability through flexible generation and operational load shifting. Water infrastructure, paired with conservation, groundwater management, recycling, stormwater capture, and watershed stewardship, is part of California's climate solution, not a barrier to it. If CARB wishes to explore improved accounting of reservoir-related emissions in the future, ACWA stands ready to engage in constructive discussions on an appropriate, phased path forward. If you have any questions or would like to discuss the comments, please contact Nick Blair at nickb@acwa.com or (916) 669-2377.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Blair".

Nick Blair
Senior Policy Advocate
Association of California Water Agencies

cc:

The Honorable Lauren Sanchez, Chair, CARB
Mr. Matthew Botill, Division Chief, CARB
Mr. Syd Partridge, Manager, CARB
Mr. Marwan Khalifa, Interim Executive Director, ACWA
Ms. Chelsea Haines, Director of State Regulatory Relations, ACWA