



CITY OF BRISBANE

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July 14, 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

Original/only copy delivered via email to comentletters@waterboards.ca.gov

Subject: Comment Letter – July 15, 2014 Board Meeting-Item 10:
Emergency Water Conservation Regulations

Dear Board Members,

This letter offers comments on the Notice of Proposed Emergency Rulemaking, Emergency Regulations Digest, and Fact Sheet for Proposed Emergency Water Regulations. Our comments on the Proposed Text of Emergency Regulations are provided under separate correspondence.

I am the responsible party for the City of Brisbane (Brisbane) and the Guadalupe Valley Municipal Improvement District (GVMID) community water systems. The following comments on the provided materials are respectfully submitted:

Notice of Proposed Emergency Rulemaking

Page N-3, first bulleted item. This item opines that one of the benefits of the proposed regulations will be reduced water bills based on lower quantities of water purchased. I can only speak directly for Brisbane and GVMID, but in general this assumption is inaccurate for water agencies with tiered water rates. Many agencies have used tiered water rates for decades to encourage conservation. Unfortunately, the development of tiered rates has resulted in the fixed component of these rates for many agencies not capturing all of an agency's fixed costs. A significant portion of many agencies fixed costs is captured in the variable (quantity based) component of tiered rates. A more reasonable expectation if the proposed regulation is passed is that as consumers use less water, water agencies with tiered rates will be required to adjust the balance between fixed and variable components, attempting to capture all of their fixed costs in the fixed component. A likely end result of this shift will be that low end water users may actually see their bills increase as the fixed component portion of their bill increases.

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Page N-3, second bulleted item. This comment assumes that the receiving waters of the state are presently being impaired by runoff from irrigation overwatering and the use of potable water to clean hardscape. I am unaware of the scientific data that supports this opinion.

Emergency Regulations Digest

Page 7, 1st and 2nd bulleted items. Same comments as above under “Notice”.

Page 14, Note on calculation methodology. I strongly disagree with the assumption that the fiscal impact is likely overstated. As noted above, many systems with tiered rates do not capture their full fixed costs in the fixed component of their rate structure. The immediate response to any significant decrease in water consumption will be a significant decrease in revenue necessary to support the inelastic costs that are expended daily to ensure the safe operation of a water system regardless of the quantity of water delivered.

Fact Sheet

Second paragraph. There is an underlying impression that any water saved will be available for use in regions where water is most scarce. The state’s water systems are not connected or constructed in such a fashion to permit this. Statewide regulations that enhance local agencies authority to impose conservation is appreciated, but the imposition of “one size fits all” statewide mandatory measures can be counterproductive. Local agencies are in the best position to know which measures will be most effective; state regulations that enhance local authority are preferred to the prescriptive language in the proposed rule.

Please call me at (415) 508-2131 if there are any questions regarding this matter.

Very truly yours,



Randy L. Breault, P.E.
Director of Public Works/City Engineer

Cc: Clay Holstine, David Kahn