



April 13, 2015

Jessica Bean  
 State Water Resources Control Board  
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Sent via Email to: [Jessica.Bean@waterboards.ca.gov](mailto:Jessica.Bean@waterboards.ca.gov)

**Subject: Concerns and Feedback on Proposed Regulatory Framework for Emergency 25% Conservation (as released April 7, 2015)**

Dear Ms. Bean:

We, the undersigned water agencies of the Inland Empire, thank you for the opportunity to comment on the Draft Regulatory Framework for Mandatory Conservation as released on April 7, 2015. Our agencies support the Governor's pragmatic and no-nonsense leadership and thank him for his continued commitment to addressing the current water challenges in the state.

We understand the water challenges that face our state and also appreciate the various constraints under which the State Board is laboring to promulgate regulations for implementation of the April 1, 2015 Governor's Executive Order B-29-15. However, the draft implementation framework creates serious equity and feasibility issues that will result in unintended and unnecessary legal, economic, environmental and operational consequences.

We are writing to offer reasonable solutions to these issues that would satisfy the intent of the Governor's Order and maintain equitable implementation among water purveyors. Local water professionals have formed a task force and are working on a suggested new framework that will result in significant and achievable savings without unduly economically stressing fragile local economies in our region and others. To help address the challenges that our region will face in implementation if the regulations are developed from the current framework as proposed, we respectfully and strongly suggest that the State Board consider the following principles or tools moving forward:

- **A no-more-than 25-percent reduction from all California water suppliers, as noted in the Governor's Executive Order**  
 Any requirement above 25% mandated reductions is fundamentally unfair and creates disparate, negative

impacts, in particular to disadvantaged communities through the inland valleys of California and other non-coastal communities.

- **Use of a baseline threshold that accounts for regional variability (for example: heat index) and respects water planning best management practices.**  
Ideally, our agencies support using the existing 5-year base period thresholds established, adopted, and submitted to the State by water agencies in compliance with existing state law (SBx7-7), to account for climatological variations in water needs and pre-2013 conservation activities. Use of gallons per capita per day for a single snapshot in time is bad science and not a best management practice. A single snapshot metric results in inequitable treatment and punishment of responsible stewards implementing pre-2013 conservation measures and in punishing customers whose water needs might be greater due to living in a hotter, drier climate. In addition, the 5-year base period threshold data is readily available and would alleviate some of the administrative burden on SWRCB staff. If that is not feasible, then a baseline calculated using a period of time that reflects climate and weather variability, at minimum for the equivalent period in 2013 (June 2013 – Feb 2014). The data for 2013 is also readily available to the SWRCB through previous reporting from water suppliers.
- **Consider the long game, not just short-term impacts.**  
Overly severe reductions create an economic chilling effect and an irresponsible stranding of precious ratepayer dollars/assets for two proven and effective long term initiatives – local water supply project development and local water use efficiency measures.
  1. *Local Water Supply Project Development*  
An agency invests \$100 million dollars in developing local water supply sources by desalting brackish groundwater or in capturing and storing water for use during a drought. Then because of drastic demands for reduction that do not consider local supply composition, reliability or availability, this agency is not allowed to utilize this locally reliable water because of a 35% required demand reduction. This kind of short-sighted action removes compelling reasons for local agencies to move forward with future projects that, in the longer term, will reduce demand on the fragile Bay-Delta and will increase the reliability and resiliency of the water supply chain.
  2. *Water Use Efficiency Incentives*  
A homeowner invests money and receives incentives from public agencies for replacing her higher water use lawn with climate-appropriate, lower water use landscaping. Then, because of draconian demands for reduction that do not consider local supply composition, reliability or availability, this homeowner is forced to let the recently installed plantings wither because the allowed water is insufficient to allow the plants to mature. Our community's collective conservation investments will be lost. Once agencies rescind stages that reflect 35% reductions, it is unlikely that homeowners will have learned of the beauty of climate-appropriate materials and reinvest in low water-use plantings or be willing to reinvest in appropriate landscape materials. Drought-tolerant and climate-appropriate gardens provide not only long term water savings, but also increase home values and contribute to community cohesiveness adding to Californians' quality of life.
- **Protection from civil penalties for agencies who can show aggressive action, yet still do not meet their conservation target.**  
Both the Governor's goal and the goal of the regulation is compliance, not penalties. To that point, if an agency is able to show actions and programs which have produced some, but not all, of the targeted savings, they should be allowed some variance or protection from the civil penalties. Otherwise, the disadvantaged communities served by our agencies are doubly punished

- **A more thoughtful approach to the promulgation of the emergency drought regulations**

We understand the urgency we face; with just a little more investment in time and consultation for the process, the State Board could avoid many (if not all) of the multitude of unintended legal, economic, environmental and operational consequences that will cascade from the current proposed framework. We would ask that the State Board allow reasonable time for consultation with water managers and other stakeholders, who can help foresee full implications of various implementation pathways and head off unintended consequences.

No one is more committed to water reliability, safety and affordability than water agencies and water professionals. Our region has been extremely proactive in implementing demand management programs to exceed the SBx7-7 requirements. The SWRCB must recognize the great work that has been done to reduce demands prior to the Governor's declaration. As such, we respectfully urge strong consideration of our suggestions as we work together to address the challenges we face as a state.

Thank you for your time and work.

Sincerely,

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