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State Water Resources Control Board
commentletters@waterboards.ca.gov

**Re: Comments on Agenda Item 5 (drought related emergency regulations) for
July 1, 2014, meeting**

Dear Sir or Madam:

I am the City Attorney for the City of Ukiah located in Mendocino County. With only 16,000 residents, the City still qualifies as an urban water supplier under the proposed emergency regulations. I have questions and comments on the regulation imposing mandatory actions on urban water suppliers.

The emergency regulations adopt a one-size-fits-all approach, when conditions vary greatly throughout the state. Ukiah would much prefer a performance based mandate to cut water use by an appropriate percentage from the water used last year at the same time. This would allow the local jurisdiction to decide on the best means to achieve that reduction while minimizing as much as possible the adverse consequences from reduced water usage.

In Ukiah, for example, the City is already using almost 40% less water in May and June this year than it used last year. If it were required to declare a Stage II level emergency under its Water Shortage Emergency ordinance (the lower of two mandatory conservation regimens) all outdoor irrigation would be prohibited. This compares to the requirement in the proposed emergency regulation that water systems without a Water Shortage Emergency ordinance or with fewer than 3000 connections limit irrigation to two days per week. Ukiah should not be required to prohibit all irrigation and force itself, local businesses, residents, the county, the Ukiah Unified School District and others to incur the resulting damage and expense, when the City can achieve the required reduction in other ways.

The proposed regulation should provide this performance based requirement as an alternative that urban water suppliers can elect to use, if the one-size-fits-all requirements are not suited to local

circumstances.

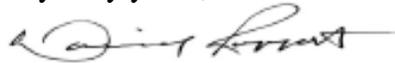
Lumping all irrigation together is another example that one-size-fits-all deprives local jurisdictions of the flexibility to achieve reductions in water use without causing unnecessary hardships. Overhead sprinklers represent a much different use of water than drip irrigation or hand watering plants in pots or planters. Local jurisdictions may prefer to distinguish among irrigation techniques rather than restrict all irrigation to a fixed number of days per week.

Offering the alternative of reducing water use by a designated percentage should be easier to enforce than the proposed infraction on individual water users, given the usage reporting requirements for urban water suppliers in the proposed regulation.

Ukiah doesn't object to monthly reports of its water usage or to reporting usage on a per capita basis. However, the regulations should be clarified to explain how that per capita usage is determined. In Ukiah, for example, there are commercial and government accounts in addition to residential service. In calculating per capita usage should it include water used by its commercial and government customers or only the water used by city residents?

Thank you for the opportunity to comment on the proposed regulations.

Very truly yours,



David J. Rapport,
Ukiah City Attorney