



**City Manager**  
311 Vernon Street  
Roseville, California 95678

July 14, 2014

Ms. Felicia Marcus, Chair  
and Members of the State Water Resources Control Board  
c/o Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



Delivered by e-mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Subject: July 15, 2014 Board Meeting (Emergency Regulations for Water Conservation)

Dear Chairwoman Marcus and Members of the Board:

The City of Roseville ("City") appreciates the efforts made by the State Water Resources Control Board to ensure the State of California is using water in the most efficient manner. The City declared a drought stage 2 on March 24, 2014, mandating a 20% reduction in water use and has shown significant reduction in water use as a result.

We appreciate the opportunity to respond to the proposed rulemaking and recommend amendment on three matters:

1. Use of the word "infraction" as a method of enforcement

Section X.1(b) which states that, "taking of any action prohibited in subdivision (a) of this section is an infraction...". The City of Roseville's legal opinion is that an infraction is a criminal offense and requires enforcement by a sworn peace officer. The City has had a long-standing and successful water waste patrol program whereby non-sworn water efficiency staff issues warning notices which are then followed up by a citation notice if the problem is not remedied. The actual citation is processed and collected from the City Attorney's Office. To ensure the City can continue to use its current non-sworn staff and implement its successful program we recommend the following language be added to Section X.1(b):

*"The taking of any action prohibited in subdivision (a) of this section is an infraction, punishable by a fine of up to \$500 for each day in which the violation occurs. Alternatively, violations of subdivision A may be punishable by an administrative fine or penalty as authorized by section 53069.4 of the California Government Code."*

2. Confirmation of ability to perform

The City is concerned that interpretation of Section X.1 may preempt or limit local agencies' ability to separately enforce their own restrictions by whatever means are authorized under the local agencies' own regulations or municipal code. The City doubts this is the intent, but additional clarification would remove any speculation. The City recommends adding subdivision (c) to Section X.1. to read as follows:

*(c) Nothing in this section shall affect or limit an urban water supplier's authority, pursuant to any ordinance, resolution, or other regulation adopted by the urban water supplier, to enforce*

any water use restrictions or water conservation requirements adopted by the urban water supplier.

3. Calculating monthly Gallons Per Capita per Day (“GPCD”)

The City of Roseville supports monthly reporting of total water production as the most equitable, consistent and accurate way to monitor the water waste and outdoor irrigation actions. The method to calculate monthly GPCD in this Emergency Regulation is different from the existing GPCD calculation required in Urban Water Management Plans and the use of this different GPCD for this purpose may lead to several unintended outcomes associated with inconsistent or inaccurate population data resulting from seasonal populations and non-municipal water district boundaries, the potential use of estimated (GPCD) versus actual (production) data to evaluate current and future drought actions and the use of an inclusive figure (industrial, institutional, residential and commercial use) to evaluate response to actions that target residential water use. The City suggests the elimination of the requirement for monthly GPCD reporting and instead relying on aggregate monthly production data on a year to year basis as the key indicator of compliance with the proposed Emergency Regulations.

The City of Roseville has a great interest in reducing water use, both locally and statewide, during this unprecedented drought and would like to support the State Water Resources Control Board in their efforts. We ask that you strongly consider our recommendations and amend the proposed emergency water conservation regulations to incorporate changes that would assist with their success.

Please call Lisa Brown, City of Roseville, at (916) 746-1710 if you have any questions or if we could provide additional information that would be helpful.

Sincerely,



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Ray Kerridge,  
City Manager