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Beaumont-Cherry Valley Water District

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January 26, 2016

Clerk to the State Water Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

SUBJECT – 2/2/2016 BOARD MEETING (Conservation Extended Emergency Regulation).

The Beaumont-Cherry Valley Water District appreciates the opportunity to provide input for SWRB consideration related to the proposed extension of the Emergency Water Conservation Regulations adopted May 5, 2015 and the proposed amendments to those regulations.

Once again these regulations are being promulgated by an appointed board that has no direct accountability to the citizens of the State of California. Simply stated, this is legislation without representation. There has been no action on the part of the State for last several decades with respect to improving State Water Project reliability, thus, the citizens of the state are forced to make up for that failure to perform. During this same period, several agencies have spent tens of millions dollars in infrastructure to develop additional local water supplies, storage, and conjunctive use programs that enhance system reliability for their customers. Those same agencies and customers are then penalized through the implementation of arbitrary conservation mandates that lack any foundation.

We oppose the concept that these regulations which were created to respond to an "emergency" be utilized as the framework to draft permanent regulations. That is the function of the legislature.

Considering an extension of the existing regulations and the proposed amendments beyond February 2016 should be based on a demonstrated need to mandate the activities of local water agencies to meet local customer needs. Deliveries of State Project Water (SPW) are already allocated by DWR annually. The SPW allocation should be the means to manage water supply and SPW storage during times of drought. This management, coupled with programs and plans to restore and enhance SPW system storage and reliability, should be the focus of DWR rather than implementing a one-size-fits-all approach to managing water supply in California. Regulations that



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attempted to mandate rate structures that have been found to be unconstitutional in the State of California and subsequently attempting to depublish the court opinion that upheld that finding is an example of how DWR has overstepped its bounds with respect to allowing the citizens of the state the due course of law in running their local utility.

Local water suppliers are already mandated to plan for, and demonstrate, how local water demands will be met during multiple dry years in their respective Urban Water Management Plans. The plan must also include a Water Shortage Contingency Plan to be implemented in stages based on the severity of a catastrophic system failure or drought condition. Circumventing these plans that are already in place, and reflect the specific conditions of the local water agency, ignores the legislative intent of having the plan in the first place.

The minuscule credits for climate differences in the draft regulations lack foundation and data to support the credit offered. Is there truly only a 4-percent difference in GPCPD for a single family residence in San Francisco versus a resident of Palm Springs in August? The draft regulations show a lack of understanding of the microclimates in California. San Bernardino is grouped with the high desert area, yet our district is potentially tied to Moreno Valley which can be blanketed with fog while our service area is experiencing 30 mile per hour winds and single digit humidity's. Our district is located in the Banning Pass area only a few short miles from where five firefighters lost their lives in the Esparanza Fire during those type of weather conditions. Yet the draft regulations point towards using CIMIS stations that may be unrepresentative of local climates.

Contrary to the analysis in the initial statement of reasons and cost/benefit analysis developed by the Board, these arbitrary conservation mandates have created higher costs for consumers, severe economic impacts for water agencies, conditions that have caused unnecessary long term impacts to urban forests and increased wildland fire risks from the lack of maintaining greenbelts in urban/wildland interface areas.

The mechanism to account for local growth also falls short. Our agency averages about 350-400 new connections per year, yet there is only a limited allowance for that additional demand. No thought is given to short term high demands caused by ongoing development activities such as grading operations. It is difficult, at best, to mandate conservation for existing customers while concurrently adding new ones. If the desire is truly to reduce additional demand, then the State should assume the legal exposure for implementing building moratoriums during the "Emergency" that the Governor



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has declared or alternatively provide the appropriate credits and media support for these important economic activities.

The explicit exclusion of groundwater storage in the draft regulation fails to recognize conjunctive use programs that utilize local groundwater basins for storage. The practice of actively recharging a groundwater storage unit is just as, if not more reliable, than above ground storage reservoir. Our District has invested millions of ratepayer dollars in groundwater recharge facilities to provide for system reliability and drought mitigation. Several years of groundwater storage are maintained in an adjudicated basin for use in future years, yet no acknowledgement of this conjunctive use strategy is recognized in the existing or proposed revisions to the emergency regulations.

We look forward to the State Water Board developing a strategy that focuses on improving the capacity and reliability of the State Water Project and allows local agencies to evaluate their own local water supplies and implement water use restrictions as local conditions require.

Sincerely,

Eric Fraser,
General Manager
Beaumont Cherry Valley Water District

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