



Paradise Irrigation District

6332 Clark Rd, Paradise CA 95969

Phone: 530-877-4971 Fax: 530-876-0483

www.paradiseirrigation.com

(2/2/16) Board Meeting- Item 7
Conservation Extended Emergency Reg
Deadline: 1/28/16 by 12:00 noon

January 27, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



Re: 2/2/16 Board Meeting – Item 7 (Conservation Extended Emergency Regulation)

Dear State Water Resources Control Board:

Paradise Irrigation District (PID) appreciates this opportunity to comment on the proposed extension and modification of the mandatory urban conservation emergency regulations. PID previously commented on these and previous iterations of the mandatory urban conservation emergency regulations on December 7, May 4, April 22, and April 13, 2015. The comments previously submitted remain relevant, and are incorporated herein by this reference.

First, PID appreciates the inclusion of the climate and growth adjustments in the draft regulations (though they remain flawed as proposed). The State Water Board had acknowledged the need for these and other adjustments when initially developing the regulations in spring 2015, but did not include them then because the regulations were only supposed to remain in effect for 270 days. Now that the regulations are being extended, it is necessary that adjustments for climate differences and growth, among others, be incorporated.

While these minor adjustments help to relieve some of the gross inequity in the regulatory structure, the fact remains that PID and many other similarly situated urban water suppliers are simply not experiencing drought conditions within their own supply watersheds. And if PID were to reduce deliveries of potable water, that would not make any additional water available to any other water user. Reductions in PID's constituents' consumption has no effect other than to keep that conserved water in PID's storage.

It is likely that if precipitation continues to arrive as it has so far this winter, PID's reservoirs will reach 100% of capacity this spring and excess water will spill and waste into the ocean. Paradise Lake is already at 91% of capacity. Had it been left to PID's discretion and expert opinion, PID would have requested only a 20% reduction from its customers. Instead, PID customers were assigned the highest 36% conservation target, which they far exceeded. As of November, PID's customers had achieved cumulative savings of 38.1%—among the greatest savings in the state. Requiring PID's constituents to again reduce consumption by one-third, when PID's storage reservoirs are full to capacity, is completely indefensible. The amazing effort of PID's customers to conserve water must be recognized; they cannot be subjected to another year of mandatory cuts while their reservoirs are full.

Clearly, where PID's stored water supplies are at or approaching 100%, there is no drought "emergency" affecting PID and necessitating these disproportionate conservation targets. If PID's constituents know that their reservoirs are full to capacity and spilling over, how can the District or the state claim that a drought emergency requires applying these emergency regulations to PID? Imposing obviously unnecessary "emergency" restrictions when the District is not experiencing drought conditions is arbitrary and capricious and will do nothing but confuse and anger ratepayers, leaving the District and the state with little credibility.

Although the proposed extended emergency regulations include a 4% conservation tier for suppliers not experiencing drought conditions, the minimum threshold to qualify of four years' reserved supply is ridiculous—especially given that this assumes the impossible circumstance that the supplier would not receive any rainfall at all in those four years. Requiring four years' supply and mandating the impossible assumption of zero precipitation for four consecutive years makes the 4% conservation tier totally unachievable except for a few suppliers in a unique situation.

Aside from the imposition of draconian measures on suppliers not facing drought conditions, there are many other issues that must be remedied before this proposed modification and extension can take effect.

Evaluate necessity for emergency regulations toward end of wet season.

As many have already said, the State Board is set to adopt these regulations at its February 2 meeting, which is far too early to determine whether drought conditions will persist into 2016. The State Water Board must commit to reevaluating the necessity for and provisions of the emergency regulations when sufficient objective hydrological data are available. Even if statewide water supplies have not reached a level where conservation measures should be uniformly rolled back, many individual suppliers, including PID, will have reached that point. In order to retain credibility and to focus "emergency" measures only on areas where emergencies actually exist, the State Water Board must commit to reevaluating and rolling back, if necessary, the proposed emergency regulatory requirements to assure that they are not imposed where they are not needed, or where they will not provide any benefit to other water users.

Recognize investments in water rights and storage.

Allowances for "new, local, drought-resilient supplies" should apply to investments suppliers have historically made in water storage and water rights. The proposed modifications of the emergency regulations reward some suppliers who have recently made investments in certain water conservation projects, but ignore long-term, systematic improvements in water supply that other suppliers have been making for decades. Like the drought resiliency improvements recognized in the proposed regulations, utilization of PID's long-term investments in water rights and storage "would not reduce the water available to another legal user of water or the environment." (Proposed 23 C.C.R. § 865(f)(3).) Water suppliers' investments in independent, drought resilient water rights and water storage must be recognized in the same manner as investments in new technologies, such as desalination, and should not be subject to the 4-year, no-precipitation threshold currently proposed..

Conservation tiers based on only three months' usage are flawed and inequitable

The conservation tiers were assigned based on potable water production from July-September 2013. According to the Notice of Proposed Emergency Rulemaking, these months were chosen because they "reflect the amount of water used for summer irrigation, which provides the greatest opportunity for conservation savings." (Notice, at p. N-5.) In some areas, summer ornamental irrigation "can account for as

much as 80 percent of the water use.” (Emergency Regulations Digest at p. 8.) While establishing tiers in this manner may encourage reductions in outdoor watering during summer months, it results in gross inequity in winter months, when most water is used indoors. For most, it will be impossible to reduce indoor water usage by 33%, when those in cooler climates would only be required to reduce winter indoor water usage by as little as 8%. Conservation tiers should be established using more than just three months’ data; otherwise, these inequitable and impossible-to-achieve winter conservation requirements will inevitably burden less affluent, hotter areas while benefitting the coastal cities. These tiers were not designed for and are not appropriate to use outside of the three months upon which they were based.

Exclude health and safety uses of water.

Water that must be used for health and safety purposes should not be included in R-GPCD calculations. PID’s service area is subject to extreme fire dangers; water used for firefighting and fire prevention purposes should not count against the District’s conservation goal. Similarly, reduced water deliveries can result in lower flow rates in PID’s conveyances, which can ultimately require increased flushing of the system to preserve the health and safety of the water. Ratepayers should not be assigned unattainable conservation goals to make up for water used to protect human lives, human health, and property.

Strike references to waste and unreasonable use.

As was exhaustively explained in PID’s (and other entities’) past comments, there is absolutely no justification for the many unnecessary references to the doctrine of waste and unreasonable use in the regulations. Inclusion of those references neither justifies nor explains the regulations, and has no effect other than to alarm holders of water rights. For the reasons detailed in dozens of comment letters already submitted, the extraneous references to waste and unreasonable use must be stricken from any extension of the emergency regulations.

Sincerely,
Paradise Irrigation District



George Barber
General Manager