



CITY HALL

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West Sacramento, CA 95691

City Council

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Recreation Center

2801 Jefferson Boulevard

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(916) 617-4770

Community Center

1075 West Capitol Avenue

West Sacramento, CA 95691

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FIRE

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West Sacramento, CA 95691

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West Sacramento, CA 95605

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1951 South River Road

West Sacramento, CA 95691

(916) 617-4850

April 22, 2015

Ms. Jessica Bean

State Water Resources Control Board

1001 I Street

Sacramento, CA 95814

Dear Ms. Bean,

The City of West Sacramento (City) appreciates the second opportunity to comment on the State Water Resources Control Board's (SWRCB's) Proposed Regulatory Framework for Mandatory Conservation Measures (Proposed Framework).

The City of West Sacramento is home to a significant number of disadvantaged families who will be unduly impacted by further water usage reduction requirements. According to the State Office of Environmental Health Hazard Assessment CalEnviroScreen system, 18,021 West Sacramento residents (37% of the City) live in census tracts designated as "disadvantaged communities" based on income, unemployment, poverty, health and pollution factors. West Sacramento traditionally suffers from a higher than average unemployment rate. The State Employment Development Department reports that the March 2015 unemployment rate for the City was 8.1% compared to the statewide rate of 6.5%. Water reductions for commercial ventures have a disproportionately negative effect on the food production industry which likely will result in job loss and an even higher unemployment rate in the City.

The City requests the Board to address the following three concerns before releasing the Notice of Proposed Emergency Rulemaking on April 28, 2015:

1. Request to extend the adjustment factor allowed for "commercial agriculture" to "Commercial, Industrial and Institution."

The City appreciates the flexibility in applying the conservation standard to the overall consumption and not applying the standard to each type of users such as residential, commercial, industrial or institutional. However, setting the conservation standard based only on residential use and applying it to the overall consumption is unfair to communities that have a higher percentage of food based Industrial users. Many of the City's largest employers are food manufacturing companies including: beverage companies, sauce manufacturers, produce companies and breweries. Food production is a significant source of jobs for lower-income, unskilled workers and job losses in this sector would be borne by our most vulnerable residents. California law has long recognized that

state regulatory agencies must consider principals of environmental justice in their regulatory actions (see, e.g. Government Code Section 65012.12.) While the Proposed Framework allows for a modification factor to the conservation standard for those water suppliers delivering more than 20% of their total water production to “commercial agriculture”, the City believes that this flexibility must be extended to other segments of the economy that employ substantial numbers of lower income workers. Failure to do so may make both the Board's regulations and local implementing actions vulnerable to challenge on the grounds that they impose a disparate impact on protected classes of individuals. The City requests that the Board extend a similar modification factor for water suppliers delivering significant percentage of water to Industrial users.

2. Request to re-designate tiers for each quarter based on R-GPCD of the same quarter in the prior year or use 9 month average R-GPCD:

The Board is proposing to take the average R-GPCD from July through September of 2014 to determine the conservation standard, but is then applying the conservation standard to June 2015 through February 2016. As you know, most of the opportunity for conservation comes from reducing outdoor watering. In our region, outdoor watering is at its peak during summer months and almost zero during winter months. Therefore establishing a conservation standard based on summer month usage and using the same standard for winter months is not only unreasonable but also not attainable. The City requests that the Board use average R-GPCD for the same quarter in the prior year to establish the tiers. For example, use data from October through December 2014 to establish the tier for the same period in 2015. Another option would be to use the 9 month average R-GPCD from June 2014 through February 2015 to establish the tiers for June 2015 through February 2016.

3. Request to use updated R-GPCD to determine the Tier:

The City is very appreciative of the Board giving us an opportunity to update the R-GPCD previously reported, which was based on estimate. The City is requesting that the Board use the more accurate numbers, which has been recently reported in the Board's database, to place the City in the appropriate tier.

Once again, we appreciate the opportunity to comment on the SWRCB's Proposed Framework. The City is hopeful that SWRCB staff, management and Board Members will accommodate the requests in this letter. If you have any questions about the issues described in this letter, please contact Denix Anbiah, Public Works Director, at (916) 617-4850.

Sincerely,



Christopher L. Cabaldon
Mayor

cc: State Water Resources Control Board Members
John Woodling, Regional Water Authority