



**PUBLIC WORKS DEPARTMENT
WATER DIVISION**
1340 Clay Street
Mailing Address:
P.O. Box 660
Napa, California 94559-0660

April 22, 2015

Delivered via email to: Jessica.Bean@waterboards.ca.gov

Jessica Bean
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: **Comments on Draft Emergency Regulation Released April 18, 2015**

Dear Ms. Bean:

The City of Napa welcomes this opportunity to comment on the State Water Resources Control Board (Water Board) staff's updated approach to the Draft Emergency Regulation for Urban Water Conservation released on April 18, 2015. The City is committed to help maximize urban water savings over the coming months, and we greatly appreciate the intense effort by Water Board staff to quickly implement the Governor's April 1 Executive Order addressing statewide drought conditions. The City offers comments below on three specific aspects of the draft regulation.

R-GPCD

The proposed tiers for urban water suppliers to meet the collective statewide 25% reduction are now based on July-August-September 2014 residential gallons per capita per day (R-GPCD). The City is concerned with the use of any R-GPCD-related data from June, July, or August 2014 because the Water Board did not require suppliers to estimate and report that brand new statistic, or even provide guidelines for it, until the September 2014 Monitoring Report. In those first three months of reporting last year, for the 'Residential Use Percentage' field the City simply entered a rounded estimate from its 2010 Urban Water Management Plan and for 'Population' used a simple rounded total. It was not clear at the time that these data would be used in any formal way until September 2014, at which point the City began providing more precise data for the now-required R-GPCD estimate.

More significantly, the 6.0 magnitude South Napa Earthquake hit the City of Napa directly on August 24, 2014, causing hundreds of main breaks and private side leaks that took weeks and in some cases months to fully repair. Hundreds of acre-feet of water included in the City's 'Total Potable Water Production' for August, September, and October 2014 were actually leak losses caused by this one-time natural disaster. While the City did include some words to this effect in the 'Qualification' field of those Monitoring Reports, we did not adjust 'Residential Use Percentage' to net out the impact of the earthquake-related losses included in consumption to provide a truer reflection of R-GPCD for those months.

For the reasons described above, and after conferring with one of your Water Board colleagues, the City has used the online reporting tool to revise its Monitoring Reports for June, July, August, September, and October 2014 and provided explanations for the changes in their 'Qualification' fields.

While the City understands the reasons for basing the proposed tiers on just three months of summer R-GPCD to reflect the effects of outdoor irrigation, we would also be in support of an alternative tiering system that is based on the average R-GPCD for the entire period of June 2014 through February 2015. This would match the nine-month period for which the emergency regulation applies (June 2015 through February 2016), and treat all suppliers based on their overall per capita demand including summer, fall, and winter periods, each of which have different demand characteristics and conservation opportunities. Whichever method is chosen, the City requests that its revised Monitoring Report data for June through October 2014 be used in place of the original submissions.

Executive Order Provision 7

The Water Board is directed to prohibit spray irrigation with potable water for landscaping at new construction sites. Sec. 864(a)(8) of the Proposed Text of Emergency Regulation prohibits:
The irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

While the Fact Sheet on the Draft Regulations notes that guidance on the implementation of this prohibition will be developed, it would be helpful to provide clarity within the regulation itself. The key question is the definition of “newly constructed.” Some permitted projects about to begin construction may have already been approved for some limited spray irrigation under existing Building Codes and Water Efficient Landscape Ordinances. It needs to be clarified that this prohibition applies only to projects that have not yet been permitted.

Commercial, Industrial, Institutional Reporting

Sec. 865(b)(2) of the Proposed Text of Emergency Regulation adds monthly commercial sector, industrial sector, and institutional sector usages to the Monitoring Reports submitted to the Water Board. With one account type representing all three sectors in our utility billing system and staggered bimonthly meter read cycles, the City is not able to disaggregate these data on a monthly basis and requests that these data be reported over a longer time scale and aggregated, or that qualifications on the data may be included so that the data limitations are understood.

We thank you for your consideration of our comments and look forward to the final rulemaking next week. Please contact me at (707) 257-9319 or jeldredge@cityofnapa.org if you have any questions or concerns.

Sincerely,



Joy Eldredge, P.E.
Water Division General Manager