



## CITY OF SOUTH PASADENA

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April 22, 2015

VIA EMAIL [Jessica.Bean@waterboards.ca.gov](mailto:Jessica.Bean@waterboards.ca.gov)

Ms. Jessica Bean  
State Water Resources Control Board  
1001 I Street  
Sacramento CA 95812-0100

Dear Ms. Bean:

The City of South Pasadena (“City”) submits the following comments on the State Water Resources Control Board’s (“SWRCB”) Proposed Emergency Regulation to implement the Governor’s April 1, 2015 Executive Order, No. B-29-15, directing the SWRCB to impose regulations to achieve a statewide 25% reduction in potable urban water use. The City remains committed to continuing its existing conservation efforts as part of its response to the historic drought facing California. The City supports the increase from four to eight tiers of conservation (as compared to the proposed regulatory framework previously released for comment); however, the SWRCB should revise the conservation tiers to include additional higher conservation tiers above 36% for the highest water consumers, rather than spreading the additional conservation burden on those using less water.

Additionally, the proposed regulations should be revised to explicitly credit previous conservation efforts (between February 2013 and February 2015) and to impose heightened conservation requirements on suppliers who failed to conserve. The City also notes that some mechanism for correction of incorrectly reported data needs to be built into the regulations. Specifically, South Pasadena's average residential gallons per capita day figure for July to September 2014 is 130.1, not the cited 171.1 which was erroneously reported by the City's water consultant. Although the City's water consultant has reported the corrected data, it has yet to be recorded on the SWRCB website and input into the conservation tier structure. Once the corrected data is accepted by SWRCB, South Pasadena moves from the 32% to the 28% conservation tier; accordingly, there must be a mechanism for data correction.

### **I. Cities Should Be Credited With Water Use Reductions Already Achieved.**

The proposed regulatory framework still fails to account for reductions already achieved by urban water providers, even though this data exists. Imposing a cumulative conservation standard on urban water providers is consistent with the Governor’s goal, which is a cumulative reduction of 25% statewide since February 2013, not a reduction of 25% on top of reductions already achieved since February 2013.

Not accounting for conservation efforts or failures to date penalizes those who have conserved the most and rewards those who have done the least. This is irrational because suppliers with essentially the same average usage for the measurement period face drastically different conservation requirements. For example, compare two agencies with similar average water usage for July to September 2014 and within the same proposed "tier," the 32% tier:

- the City of Brawley, with an average July to September 2014 usage of 179.6 R-GPCD, has already reduced its total water consumption by 41% since 2013, but has a further conservation target of 32%, for a net total conservation burden of 73%;
- Phelan Pinon Hills Community Service District, with an average July to September 2014 usage of 181.6 R-GPCD, has actually increased its water consumption by 6% since 2013, and with the same conservation target of 32%, has a net total conservation burden is 26%, roughly a third of Brawley's.

These two cities, and countless other similarly situated in every tier, are nominally required to conserve the same amount, yet because the proposed regulations do not factor in either the conservation efforts or increased consumption to date, have significantly greater or lesser net conservation requirements which are inversely proportional to the goal of conservation. Not only is this irrational, but the effect is to reward those who used profligately while penalizing those who heeded the call for conservation.

Sadly, this is exactly the strategy many users have vocally advanced—one should use more water in order to set their "base" as high as possible in anticipation of mandatory conservation efforts. Rewarding this irresponsible strategy is poor public policy. Absent providing credit for reductions to date and additional conservation requirements for increases, South Pasadena, and other cities like it, will have a much more challenging time convincing residents and businesses of the need for additional conservation restrictions when many in the state have done nothing to conserve or have even increased consumption with no consequence.

As a further example, compare the Cities of Susanville and South Pasadena. South Pasadena has a corrected average R-GPCD for July to September of 130.1, and does not get any credit for the 11% reduction it has already accomplished, thus it has a conservation requirement of 28%, for a net conservation requirement of 39%. By contrast, Susanville (which has a conservation requirement of 36%) has an average R-GPCD for July to September of 2014 of 383, and increased its usage since 2013 by 7%. Susanville thus has a net conservation requirement of only 29%. Yet, while Susanville's average water usage for the measurement period is **290% higher than South Pasadena, South Pasadena has a 33% higher net conservation standard**. This is irrational and could not have been intended by the SWRCB. Giving credit for conservation successes, and increasing standards by the amount of additional usage would repair this error.

To resolve these concerns, the City proposes the addition of the following sentence to the end of section 865, subdivision (c)(1):

Each urban water supplier's conservation standard in subdivision (c)(3-10) will be modified by subtracting the total percentage of water usage conserved from the period of February 2013 through February 2015, or adding the total percentage of water usage increased from the period of February 2013 through February 2015.

These proposed revisions will impose a net or cumulative conservation standard on urban water providers, taking into account both water already conserved as well as any additional water usage, as reported by the SWRCB in its spreadsheet detailing each urban water supplier's proposed tier. For example, South Pasadena has already achieved a reduction of 11% relative to 2013, thus its new target under the proposed tiers, using the correct data for the City as discussed below, would be an additional reduction of 17% relative to February 2013, for a total 28% reduction by 2016.

## **II. Regulation Should Be Revised to Include Additional Tiers, at the Higher End.**

Governor Brown's order requires the SWRCB to impose restrictions intended to achieve a 25% reduction statewide in domestic water use since 2013. The proposed regulations impose a graduated tier of required reduction levels on urban water suppliers, ranging from 8% to 36%, depending on per capita water usage from July to September 2014. The City supports the addition of four more tiers of proposed reductions, compared with the draft regulatory framework. However, this does not go nearly far enough in adequately apportioning conservation requirements across the state's urban water providers.

As compared with the draft regulatory framework, the proposed regulations expand the number of tiers, thereby narrowing the range of usage levels within each tier for the lower usage levels, and adding one additional tier above the originally proposed 35%. Not only is this inadequate, but it again rewards those who use the most water with the least conservation requirements. Instead, the SWRCB should revise the proposed regulations to include several additional tiers above 36%, up to 50% or higher for the highest levels of use. The revised tiers should also be adjusted across the board as needed to secure a 25% total reduction while providing credit for reductions already accomplished or increased conservation requirements for cities that did not save any water to date. Increasing the number of tiers, narrowing the usage range in each tier, and providing credit or increases as appropriate would better match the lower tiers, which have increments of 15 R-GPCD, and would ensure that the highest water users bear progressively greater conservation burdens. This would also achieve the Governor's mandate of 25% overall urban water conservation.

It cannot be stressed enough that even if this 25% conservation target is actually achieved for urban water users, the net effect on state-wide conservation will not exceed 5%. In order to achieve meaningful water conservation, the SWRCB must impose water use restrictions, such as irrigation controls, on agricultural users, which consume 80% of all of the state's potable water. Bringing agricultural users into the mandatory conservation arena to share the burden now placed 100% on only 25% of the potable water users, while simultaneously achieving real water conservation.

## **III. SWRCB Must Revise Regulations to Allow Administrative Corrections to Monitoring Reports and Must Update its Records to Reflect Accurate Data for South Pasadena.**

The proposed regulations divide providers into eight reduction tiers based on residential per capita daily usage for July through September 2014. At present, there is no clear path for a city to submit revised and corrected monitoring data to the SWRCB. As shown on the attached

revised monitoring report, previously provided to the SWRCB, the correct R-GPCD for July to September 2014 for South Pasadena is 130.1. Thus, using the proposed reduction tiers, South Pasadena should be subject to a 28% reduction.

**IV. Conservation Tiers Should Encourage Providers on the Cusp of a Lower Tier to Quickly Conserve Significantly In Return For Being Reclassified to that Lower Tier.**

As with its previous comments, the City proposes that the regulations be revised to enable a City which makes significant progress, quickly, to conserve at a lower tier. A City that is on the cusp of a lower tier should be offered the chance to move to a lower tier of required reductions, in return for rapid progress on increased conservation. If a provider is within 5 gallons per day of a lower tier of required reductions, then it should be allowed to move to that lower tier if it accomplishes 25% of its required additional reduction within a three month period. For example, South Pasadena's correct R-GPCD of 130.1 is only 0.1 gallons per day higher than the next lower tier. Having already conserved 11% relative to 2013, it only needs an additional 17% to reach its goal of 28%. Under this proposal, if South Pasadena achieves 25% of the additional 17% required, i.e. a 4.25% reduction, within the first three months after the regulations are adopted in early May, then it would be placed in the next lowest tier and required to achieve a cumulative reduction of 24% by February 2016. This approach provides a powerful incentive for any agency similarly situated on the cusp to move quickly to implement conservation measures during the coming summer, when demand will be high and supplies stressed.

**V. City Supports Clarification that Prohibition on Watering Turf in Medians Does Not Prohibit Watering Trees.**

The Governor's order prohibits the use of potable water for watering turf in public medians. The City supports the provisions in the proposed regulations that clarifies that this prohibition applies to ornamental turf and thus does not extend to watering trees in public medians. The City would support further clarification as to whether this provision applies to ornamental turf adjacent to roads, but not within a median.

**VI. Conclusion.**

For the foregoing reasons, the City requests the Board revise its proposed regulations to:

- Adjust net water conservation requirements by conservation reductions or increased consumption from February 2013 to February 2015 for each water supplier or city;
- Include additional, higher conservation standard tiers above 36% for communities with a high R-GPCD and revise all tiers to achieve a total reduction statewide of 25% while still providing adjusting conservation requirements to reflect reductions or increases to date;
- Revise the regulations to allow administrative corrections of monitoring reports;
- Allow a water producer or city within 5 gallons per day of a lower tier to move to the lower tier if it accomplishes 25% of its required reduction within the first three months after the regulations take effect.
- Clarify that trees planted in medians may still be irrigated with potable water.

The City seeks these amendments to ensure that the proposed regulations are reasonable,

feasible, and will accomplish the Governor's stated goal of a 25% statewide water use reduction. The City recognizes that this historic drought requires an aggressive response. It has already conserved 11% of water since 2013 and will work together with its residents and businesses to achieve its **net conservation requirement** of 28% by 2016. The City urges a **net conservation requirement** as the vehicle for rational, consistent and achievable conservation which will implement the Governor's expected 25% conservation target by February 2016—now only 10 months away.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert S. Joe".

Robert S. Joe  
Mayor

Attachment

cc: Honorable Carol Liu, Senator, 25<sup>th</sup> District  
Honorable Chris Holden, Assembly Member, 41<sup>st</sup> District  
South Pasadena City Council  
Sergio Gonzalez, City Manager  
Teresa L. Highsmith, City Attorney



## Applications > Public Water Systems > [Monitoring Report](#)

You have successfully navigated to the **Urban Water Supplier Reporting Tool**. Registration and login are required before having access to the reporting tool. If you have not registered, please click on [Register](#). If you have registered on the DRINC Portal but do not see the tool below, please click [Login](#) and log into the portal.

The Reporting Tool is designed to accept your **Monitoring Report** on the amount of potable water you have produced, including water provided by a wholesaler, in the preceding calendar month, and beginning in October, your estimate of the gallons of water per person per day used by your residential customers. Your report is required under emergency regulations adopted by the State Water Resources Control Board July 15<sup>th</sup>, 2014. For the complete text of these emergency regulations and the Resolution, please click [HERE](#).

Reporting is simple. Help is available to explain each question by clicking on the  icon.

- Select the water supplier from the list. If the supplier is not listed, please send a message to the [DRINC Administrator](#). An urban water supplier is defined as a water provider that produces 3000 acre-feet of water per year for urban consumption, or which has greater than 3000 services connections.
- Let us know the stage of water use restrictions imposed upon residential usage
- Select the month for which you are reporting
- Enter the total amount of potable water produced and/or purchased from a wholesaler for that month. This includes water used for all uses (industrial, residential, commercial, agricultural, and institutional). Next, enter your 2013 production figure for the same month. 2013 is the baseline figure being used to calculate your percent reduction.
- Select the reporting units of the total amount of water (G = gallons, CCF = 100 cubic feet, AF = acre-feet, MG = million gallons).
- Enter your percentage estimate on how much went for **residential use** including water used in landscape irrigation and any "qualifier" explanation that may impact on your total monthly production figure. You may also enter a non-revenue water estimate such as the amount that is lost due to system leakage.
- If a population value is blank or in error, enter the total number of residents to which you supply potable water for the reporting month. For guidance, please click [HERE](#).
- Beginning in October, please enter your calculated residential gallons-per-capita-day (R-GPCD) value for the month reported. For guidance, please click [HERE](#).
- We have optional questions that are not required but would provide useful information to the Board

If after submitting your report you realize there has been an error, just re-submit the report with the correct information; we take the most recently submitted report for our calculations. Upon submission, you will receive an email acknowledging receipt of your Monitoring Report. And you're done! Thank you and we'll see you next month...

The following are Monitoring Reports that you have submitted over the course of these emergency regulations. You may view the report by clicking the  icon to the left. We estimated your **GPCD** numbers based upon what you submitted for production, percentage residential, non-revenue water, etc., not the **R-GPCD** figure that you entered in the report. The **Delta** is the percentage change from last year. A  beside

your **R-GPCD** figure signifies that there is an apparent greater than 5% difference between what you submitted and the R-GPCD that we estimated in our calculations for that month. You may want to re-check your figures. Only you can view this table.

Please click [HERE](#) to view our Urban Water R-GPCD page.

Report Date	Supplier Name	Reporting Month	Population	Submitted R-GPCD	Calculated 2013 R-GPCD	Reporting Month R-GPCD	Delta (Reduction)
 Dec 15 2014 12:46PM	South Pasadena City of	11/2014	25899	115	102	93	9%
 Nov 13 2014 2:41PM	South Pasadena City of	10/2014	25899	130	134	122	9%
 Apr 10 2015 9:26AM	South Pasadena City of	09/2014	25899	111.3	129	111	14%
 Apr 10 2015 9:24AM	South Pasadena City of	08/2014	25899	135	148	135	9%
 Apr 10 2015 9:21AM	South Pasadena City of	07/2014	25899	144	155	145	6%
 Apr 10 2015 9:17AM	South Pasadena City of	06/2014	25899	129.7	132	129	2%
 Mar 18 2015 8:24AM	South Pasadena City of	02/2015	25899	<b>81</b> 	97	88	9%
 Feb 12 2015 10:53AM	South Pasadena City of	01/2015	25899	71	99	70	29%