



CITY OF SOUTH PASADENA

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(5/5-6/15) Board Meeting- Item 6
Emergency Conservation Regulation
Deadline: 5/4/15 by 10:00 am



May 4, 2015

VIA EMAIL commentletters@waterboards.ca.gov

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

Dear Ms. Townsend:

The City of South Pasadena (“City”) submits the following comments on the State Water Resources Control Board’s (“SWRCB”) Notice of Proposed Emergency Rulemaking 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 thanks the SWRCB for providing multiple opportunities for the public comment on these proposed regulations and for revising the regulations, in part, to respond to concerns raised by it and other California cities. The City further reiterates its commitment to continuing its existing conservation efforts as part of its response to the historic drought facing California.

The City recognizes that the proposed regulations build in credit for previous conservation efforts and thanks the SWRCB for ensuring that previous conservation efforts, since 2013, are counted. The City also continues to support the increase from four to eight tiers of conservation (as compared to the proposed regulatory framework previously released for comment); however, the SWRCB still has failed to 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. There should also be a path to a lower total conservation requirement as an incentive for communities that immediately conserve a substantial amount of water.

The proposed regulations should also account for the significant variation in climate across the state, as hotter, inland areas have higher evapotranspiration rates than cooler, coastal areas. To accomplish this, the City supports the proposal by the Association of California Water Agencies, which adjusts the proposed conservation tiers to explicitly take local variation in evapotranspiration rates into account.

Lastly, while the City is happy to see that the final proposed regulatory tiers include the correct information for the City's usage, the proposed regulations should be revised to include an administrative mechanism for data correction.

I. Regulations Still Need to 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. However, this does not go nearly far enough in adequately apportioning conservation requirements across the state's urban water providers. The state has been in a serious drought for several years now, yet has seen only some progress in conservation efforts. Imposing several higher tiers now, rather than with the likely next round of emergency regulations, will ensure that suppliers with the highest levels of per capita water usage from July to September 2014 will bear their full share of conservation requirements in this historic drought. To that end, the City urges the SWRCB to add four more conservation tiers, up to a 50% conservation tier.

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%, requiring 36% conservation relative to 2013. This remains inadequate, given the scale of this drought and the fact that suppliers at the highest water use levels have the same conservation requirement as communities with several hundred R-GPCD lower usage levels. 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. Increasing the number of tiers and imposing higher conservation requirements for the higher tiers would create a more rational conservation approach, while ensuring that the highest water users bear progressively greater conservation burdens. This would also help ensure that the Governor's mandate of 25% overall urban water conservation is met.

II. SWRCB Must Revise Regulations to Allow Administrative Corrections to Monitoring Reports.

The City recognizes that the SWRCB has updated its conservation tiers to reflect the correct usage R-GPCD usage for July through September 2014. The City continues to advocate that the regulations should be revised to include a mechanism for a city to submit revised and corrected monitoring data to the SWRCB.

III. 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 continues to propose 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 R-GPCD of 131 is only 1 gallon 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 on May 5 or 6, i.e. by August 6, 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.

IV. Regulations Should be Revised to Take Local Climatic Conditions Into Account.

The Governor's order prohibits the use of potable water for watering turf in public medians. The City supports the provisions in the digest and frequently asked questions provided with the proposed regulations that clarify that this prohibition applies to ornamental turf and thus does not prohibit watering urban trees.

The SWRCB should further revise this provision, and the regulations generally, to reflect local climatic variations. As proposed, conservation tiers are uniform statewide. This uniformity fails to account for the significant regional variation in climate across the state. Hotter, inland areas have higher evapotranspiration rates and thus require additional water to keep critical flora, including urban trees, healthy relative to cooler, coastal areas. Even with reductions in unnecessary landscape irrigation and limiting outdoor irrigation to critical flora, areas with higher evapotranspiration rates will still need more water for the same amount and type of landscaping as cooler, coastal areas. To reflect this reality while still accomplishing the needed reduction in statewide potable water use, the City supports the proposal by the Association of California Water Agencies, which adjusts the existing conservation tiers to account for areas with higher evapotranspiration rates.

V. Conclusion

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

- Include additional, higher conservation standard tiers above 36% for communities with a high R-GPCD, up to a 50% conservation requirement;
- 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;
- Revise the regulations to account for local climate variation, reflecting the variation in evapotranspiration rates across the state.

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 severe 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 conservation requirement of 28% by 2016.

Sincerely,



Robert S. Joe
Mayor

cc: Honorable Carol Liu, Senator, 25th District
Honorable Chris Holden, Majority Floor Leader, Assemblymember, 41st District
South Pasadena City Council
Sergio Gonzalez, City Manager
Teresa L. Highsmith, City Attorney