



February 27, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814-0100
commentletters@waterboards.ca.gov

Subject: City of Hayward Comments on the Recirculated Draft Substitute
Environmental Document for the Bay-Delta Water Quality Control Plan
Amendment

Dear Ms. Townsend:

The City of Hayward appreciates the opportunity to review and provide comments on the *Recirculated Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality (SED)*. The City is supportive of the State Water Resources Control Board's (SWRCB) efforts to update the Bay-Delta Plan for the protection of fish and wildlife and recognizes the difficult challenge of trying to balance the beneficial uses of water in the Bay-Delta. However, the City has serious concerns with the SWRCB's current proposal to substantially change the flow objectives for the Tuolumne River and the adequacy of the Draft SED to fully consider and analyze the potentially significant and unavoidable impacts the SWRCB's proposal would have on San Francisco Public Utility Commission's (SFPUC) wholesale water customers.

The City of Hayward is currently the second largest purchaser of wholesale water from SFPUC. The City provides drinking water to approximately 150,000 residents and over 8,700 businesses and other non-residential customers in Alameda County. California State University – East Bay, Chabot Community College, and Life Chiropractic College West are among the higher education institutions served by City water. The City purchases potable water supply from SFPUC under the terms of a 1962 individual water sales contract with SFPUC. Similar to all SFPUC wholesale water customers, the quantity of water available to the City is subject to reduction in dry years or other periods of water supply shortage.

Under the Draft SED, the SWRCB is proposing substantial changes to flow objectives for the Tuolumne River. These changes are anticipated to significantly reduce the quantity of surface water available for diversion by SFPUC. Based on SFPUC's water supply impact analysis of the SWRCB's proposed instream flow schedule for the Tuolumne River,



rationing levels for the SFPUC Regional Water System could exceed 50% under drought conditions at normal or contract level demands and the number of dry year shortages could double or triple. Of equal concern to the City of Hayward, is the severity of the rationing that SFPUC is projecting would be required in the first year of a drought to be able to manage through multi-year droughts. Even at current levels of demand, SFPUC is projecting an increase in the severity of rationing that would be required if the SWRCB implements the Draft SED proposal.

The City of Hayward is currently one of the lowest water users per capita in the State of California. The City's residential per capita water use has decreased over the last eight years from 68 gallons per capita per day (gpcd) in 2008 to 46 gpcd in 2016. During the recent drought, the SWRCB recognized the City's low water use by placing the City in the lowest assigned tier for urban water supplier conservation standards, with an 8% reduction requirement. In response, the City of Hayward achieved a water use reduction of 23% in 2016 as compared to 2013, with substantial water use reductions occurring in every customer classification. Hayward customers have historically been excellent stewards of water resources and they continued to do their part during the recent drought.

Since Hayward purchases 100% of its potable water supply from SFPUC, the City does not have the needed flexibility to achieve further substantial reductions in water use without causing severe and unavoidable impacts to the residents and businesses located in Hayward. Therefore, the City requests that the SWRCB consider the following information for the City of Hayward in its analysis of the Draft SED's potential impacts:

- The City's residential per capita use in 2016 was 46 gpcd, which was below the minimum quantity of 50 gpcd used by the State to calculate minimum health and safety needs (*Cal. Code Regs., tit. 23, § 878.1, subs. (a)-(b) [operative March 30, 2015 and repealed Dec. 29, 2015]*). Given that SFPUC's water supply impact analysis of the Draft SED proposal shows required water supply cutbacks to its wholesale customers could approach 50% or greater, which would far exceed the water supply reductions that were achieved during the recent drought, the City would be forced to limit all noncritical uses of water so that water is available for human consumption, sanitation, and fire protection. Even with implementing all the water supply shortage actions identified in the City's 2015 Urban Water Management Plan, the City of Hayward is likely to experience severe and unavoidable impacts due to extreme water supply shortages. In addition, the City's ongoing commitment to demand management and efforts to lock-in a portion of the water conservation savings realized by its customers during the recent drought will make it even more difficult to achieve greater water supply reductions in the future. The Draft SED should fully consider and adequately analyze impacts to the City of Hayward's ability to provide sufficient water supply for the public health and safety needs of its residents.
- The City of Hayward supplies over 25% of the water it purchases from SFPUC to commercial, institutional, and industrial businesses. Hayward is also home to two

regional post-secondary educational institutions, California State University - East Bay and Chabot Community College, and Life Chiropractic College West. The potential consequences of the SED proposal on businesses include major job losses, slower economic growth and delayed community development in the City of Hayward's service area. The environmental and economic impacts of shortages on the SFPUC Regional Water System, and the associated lost jobs and delayed development, should be fully and adequately analyzed as part of the SWRCB's proposed flow alternatives.

- The proposed severity and frequency of water supply shortages that SFPUC anticipates would occur under the SWRCB's proposal would force the City of Hayward to develop supplemental water supply sources to address the risk of severe impacts to the residents and businesses within the City of Hayward. If the SWRCB's proposed instream requirements for the Tuolumne River were to be adopted, the City would need to look at development and long-term use of other reliable, high quality water supply options to provide additional water in drought years. The Draft SED must fully consider and adequately analyze the potential environmental impacts of the City of Hayward, SFPUC, and other SFPUC wholesale customers developing and implementing supplemental water supply projects to mitigate the potential for severe water supply shortages due to the SWRCB's proposal.

Lastly, the Draft SED encourages stakeholders to work together to reach voluntary agreements that could implement the Bay-Delta objectives for fish and wildlife beneficial uses. The City of Hayward supports the continued efforts of SFPUC and the Bay Area Water Supply and Conservation Agency (BAWSCA) to work closely with the diverse interests and stakeholders to develop a shared solution for the Tuolumne River and Bay-Delta. The City of Hayward requests that the SWRCB provide adequate time for voluntary agreements to be reached amongst the stakeholders and for other elements of the Bay-Delta Plan to be developed, prior to any action on the SED.

If you have any questions, please contact me at (510) 583-4720 or via email at Alex.Ameri@hayward-ca.gov.

Sincerely,



Alex Ameri
Director of Utilities & Environmental Services

cc: Al Mendall, Hayward City Council Member and BAWSCA Chair
Kelly McAdoo, Hayward City Manager
Nicole Sandkulla, BAWSCA
Ellen Levin, SFPUC