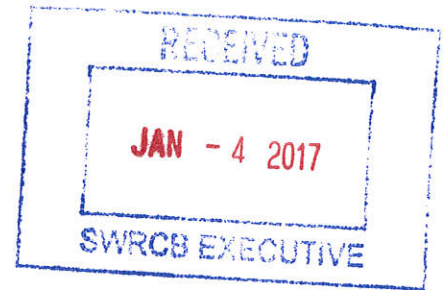




City of East Palo Alto

Office of the City Manager

Public Comment
2016 Bay-Delta Plan Amendment & SED
Deadline: 3/17/17 12:00 noon



December 28, 2016

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



Re: Comment Letter – 2016 Bay-Delta Plan Amendment & SED

Dear Ms. Townsend:

The purpose of this letter is to submit to the State Water Resources Control Board (SWRCB) the City of East Palo Alto comments regarding 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). In addition, the City of East Palo Alto would like to incorporate by reference separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Public Utilities Commission (SFPUC) that provide more detail of the SED proposal's impact on the City of East Palo Alto service area and the region.

Under the SED, the SWRCB proposes substantial changes to flow objectives for the Tuolumne River, that will result in significantly reduced surface water available for diversions, thereby causing significant, potentially unavoidable impacts to water supply and the environment. Below we provide relevant information that the SWRCB must consider in conducting its analysis of the SED's impacts:

- As a wholesale customer of SFPUC that purchases 100% of its potable water supply from the San Francisco Regional Water System, water supply available to the City of East Palo Alto under the SED proposal could be reduced more than 50% under drought conditions for multiple consecutive years. Being a low income, minority community, this level of water reduction would disproportionately affect East Palo Alto, which already has one of the lowest per capita water consumption rates in the State, and would devastate the economic development efforts of the City to attract commercial development to finance the basic municipal services that are essential for our residents and our survival as a low income community in the middle of wealthy Silicon Valley.
- The City of East Palo Alto has maintained its significant water conservation efforts for the past 10 years. Residential per capita water use during the mandatory drought period was a very low 43 gallons per capita per day (gpcd), lower than the average per capita water use of 60 gpcd across all BAWSCA agencies, and significantly lower than the statewide average of 80 gpcd during the same period.

- Based on the City of East Palo Alto's 2015 Urban Water Management Plan, this significant cut to water supply would force the City of East Palo Alto to take a number of significant actions including, but not limited to, continuing the implementation of our already adopted moratorium for new or increased water connections, accelerating the development of our groundwater resources, including fines or penalties to our low income residents for non-compliance, increasing water waste patrols, implementing a drought rate structure, or rate surcharge, limiting water use for public health and safety and fire protection, prohibiting all recreational water uses, and to minimize nonessential uses of water so that water is available for very basic human consumption, sanitation, and fire protection.
- The City of East Palo Alto serves water to 3,400 residential accounts and over 180 businesses and other 100 non-residential accounts. Potential consequences of the SED proposal include health and safety concerns due to lack of potable supplies, major job losses, potential loss of affordable housing, slower economic growth and continued community development stagnation in the City of East Palo Alto service area.
- Since outdoor use represents a relatively small proportion of The City of East Palo Alto's commercial, industrial, and institutional account water demand, commercial, industrial, and institutional customers generally have fewer opportunities to reduce water use without changing their operations or incurring significant economic impacts.

In the light of these aforementioned impacts as well as those articulated in the BAWSCA and SFPUC comment letters incorporated here by reference, the City of East Palo Alto requests that environmental, economic impacts, and social justice impacts of any shortage on the San Francisco Regional Water System, and the associated loss of jobs and delayed development, be fully and adequately analyzed as part of the SWRCB's proposed flow alternatives. Such full and adequate analysis should be given at least equal attention, consideration and weight with all other elements of the SWRCB's subsequent deliberations and decision making.

Last, the Governor has indicated his strong support for negotiated voluntary agreements to resolve these issues. The City of East Palo Alto requests that the SWRCB provide adequate time for a voluntary agreements to be reached amongst the stakeholders prior to any action on the SED. Please give this settlement process a chance for success instead of expediting implementation of the current proposal. The City of East Palo Alto shares BAWSCA's commitment to continue working closely with the diverse interests and stakeholders to develop that shared solution.

Sincerely,



Carlos Martínez
City Manager